


Decision

Letter of censure

Disciplinary action against Tabcorp Wagering (Vic) Pty Ltd under section 4.3A.27 of the *Gambling Regulation Act 2003 (Vic)* (**the Act**) on the ground set out in section 4.3A.26(d)(i).

Commission	Fran Thorn, Chair Andrew Scott, Deputy Chair Dr Ron Ben-David, Deputy Chair Claire Miller, Commissioner Chris O'Neill APM, Commissioner
Date of decision	6 August 2024
Decision	The Victorian Gambling and Casino Control Commission has determined: <ul style="list-style-type: none">a. to take disciplinary action against Tabcorp Wagering (Vic) Pty Ltd under section 4.3A.27 of the Act for 4169 SMS text messages that did not include an opt-out link in contravention of clause 5.4 of the Wagering and Betting Licence and clause 5.3 of Ministerial Direction S 349; andb. that the appropriate disciplinary action is a letter of censure.
Signed	
	Fran Thorn
	Chair

Outcome of disciplinary action (**Opt-out**)

Letter of censure

BACKGROUND

On 22 February 2024, the Victorian Gambling and Casino Control Commission (the **Commission**) issued a notice to show cause to Tabcorp Wagering (Vic) Pty Ltd (the **Licensee**) as to why disciplinary action should not be taken regarding promotional materials that were sent via SMS text message on 28 July 2023 to 4169 Victorian customers.

The promotional materials did not contain the mandatory option to have information on how to opt-out of receipt of promotional materials. The Licensee provided a submission to the Commission on 21 March 2024 setting out the circumstances of the alleged breach.

The Commission has determined that the ground for disciplinary action as set out in the notice to show cause has been established. Each of the 4169 SMS text messages was sent without information on how to opt-out being made available.

OUTCOME

Each instance was a repeated breach of clause 5.4 of the Wagering and Betting Licence, specifically for failing to adhere to a lawful direction issued by the Minister (Ministerial Direction S 349, 6 July 2022).

As a result of these findings, the Commission has decided to issue this letter of censure. This censure serves as a formal record of the disciplinary action taken against the Licensee.