


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(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	14 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 153 occasions that direct marketing was sent to customers that had elected to 'take-a-break' in contravention of the current Responsible Gambling Code of Conduct; andb. that the appropriate disciplinary action is a letter of censure.
Signed	
	Fran Thorn
	Chair

Outcome of disciplinary action (**Take a Break**)

Letter of censure

BACKGROUND

On 12 July 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 direct marketing or promotional materials that were sent to 153 Victorian customers within 24 hours after those customers had requested to 'Take a Break'.

The Licensee provided a submission to the Commission on 9 August 2024 setting out the circumstances of the alleged breach and mitigating factors to be considered. The Licensee subsequently advised the Commission that their submission contained erroneous facts.

The Commission has determined that the grounds for disciplinary action as set out in the notice to show cause have been established. Each of the 153 instances where direct marketing or promotional materials were sent to customers who requested to 'Take a Break' was a breach of the Licensee's Responsible Gambling Code of Conduct (the **Code**).

OUTCOME

The Commission finds that every time a Victorian customer received direct marketing or promotional materials after requesting to 'Take a Break' contravened the Code. Therefore, the 153 instances of direct marketing or promotional materials sent to customers who requested to 'Take a Break' amounts to the Licensee repeatedly breaching the Code, which is a ground for disciplinary action under s 4.3A.26(i) of the *Gambling Regulation Act 2003* (Vic) (the **Act**).

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