

NORTHERN TERRITORY RACING AND WAGERING COMMISSION

DECISION NOTICE AND REASONS FOR DECISION

MATTER: Gambling Dispute for determination by the Northern Territory Racing and Wagering Commission (pursuant to section 310(4) of the *Racing and Wagering Act 2024* and section 85(2) of the *Racing and Betting Act 1983*)

COMPLAINANT: Mr N

LICENSEE: IRPSX Pty Ltd (trading as Bet Right)

**HEARD BEFORE:
(on papers)** Mr Alastair Shields (Presiding Member)
Ms Cindy Bravos
Ms Susan Kirkman

DATE OF DECISION: 9 September 2025

DECISION

1. For the reasons set out below, the Northern Territory Racing and Wagering Commission (**the Commission**) is satisfied that IRPSX Pty Ltd, trading as Bet Right has:
 - i. contravened Condition 16 of its licence by not complying with clause 3.2 of the Northern Territory Code for the Responsible Service of Online Gambling 2019 (**the Code**) through not taking appropriate customer interactions to assist or protect the Complainant which reasonably corresponded to the circumstance; and
 - ii. otherwise, in relation to its dealings with the Complainant, acted in compliance with the regulatory environment imposed on it by the *Racing and Betting Act 1983* (**the RBA**), its licence conditions and the relevant Codes of Practice that were in effect at the time of the events which are the subject of this gambling dispute.
2. The Commission has determined to impose a fine of 85 penalty units being 50% of the maximum penalty available, equating to \$13,430 (2020/2021 financial year penalty unit value was \$158).
3. The Commission has further determined that the bets placed by the Complainant with Bet Right were lawful and as a result, has formed the view that Bet Right is not required to return any monies to the Complainant.

REASONS

Background

The Licensee

3. IRPSX Pty Ltd is currently licensed by the Commission to conduct the business of a sports bookmaker and in doing so, to operate an online wagering platform under the branding of Bet Right.
4. IRPSX Pty Ltd's sports bookmaker licence was conditionally approved by the former Northern Territory Racing Commission (**former Commission**) on 21 December 2020, under the licensing regime contained within the now repealed RBA, with the licence becoming operational on 12 May 2021 and the Bet Right online wagering platform subsequently going live on 1 June 2021. In accordance with the transitional arrangements contained within the *Racing and Wagering Act 2024 (RWA)* which commenced operation on 1 July 2024, any licence issued under the repealed RBA that was valid immediately before the commencement of the RWA continues in effect on the commencement of the RWA as a licence under the RWA.
5. For ease of reference and given that the events complained of occurred while the Complainant interacted with the IRPSX Pty Ltd while using the Bet Right branded online wagering platform, the Commission has determined to refer to the licensee as Bet Right throughout the remainder of this Decision Notice.

The Complaint

3. On 20 June 2022, the Complainant lodged a complaint with the former Commission about his dealings with Bet Right. The Complainant alleged that Bet Right raised concerns about his wagering activity with him via an email dated 19 June 2021 and advised that it would follow the email up with a phone call, but Bet Right did not do so.
4. The Complainant alleged that as a result, he wagered beyond his means and is seeking for Bet Right to return the losses he made through his continued wagering activity after the sending of the 19 June 2021 email.

Delay in Lodgement of Complaint

5. The Complainant submitted that he did not notice the 19 June 2021 email from Bet Right until 19 July 2021 as the email had been filtered to his 'junk folder'. Upon noticing the email, the Complainant has submitted that he lodged a complaint directly with Bet Right in July 2021 and thought that he had also lodged a complaint with the former Commission at about the same time. However, upon checking his records some 12 months later, he realised that he had not lodged a complaint at that time to the former Commission regarding his dealings with Bet Right.

Commission Hearing

6. In accordance with the transitional arrangements contained at subsection 310(4) of the RWA, any matters under consideration of the former Commission that were not determined under the now repealed RBA before the commencement of the RWA are to be determined by the Commission in accordance with the repealed RBA as if it was not repealed.
7. The complaint subject of this Decision Notice was lodged with the former Commission on 20 June 2022 and had unfortunately, not yet been determined by the former Commission prior to the commencement of the RWA. Given this and in accordance with the transitional

arrangements under the RWA, the Commission has determined to now hear the dispute and make its determinations pursuant to subsection 85(4) of the RBA.

8. The hearing of the dispute has been conducted in the absence of the parties, based on the evidence before the Commission. That evidence includes submissions to the former Commission by both the Complainant and Bet Right, as well as additional evidence obtained on behalf of the former Commission by the former Commission's betting inspectors.
9. As a matter of procedural fairness to both Bet Right and the Complainant, a draft of the Commission's preliminary findings was supplied to both parties for comment. In response, the Complainant made a number of comments which have also been taken into consideration by the Commission in finalising the Decision Notice. The Complainant also raised a new issue relating to the Licensee's handling of his BetStop registration which had not been raised in the original complaint; as this matter falls outside the scope of this present complaint, it will be addressed separately by the Commission. The Commission did not receive a response from Bet Right.
10. In reviewing the conduct in question, it must be noted that the events complained of occurred some four years ago. Since this time, both regulatory and community expectations in relation to online wagering have evolved considerably however, the Commission notes that any findings that it makes should be grounded in the expectations and standards that were in place at the time the conduct occurred.

Consideration of the Issues

Bet Right Email to Complainant

11. On 19 June 2021, Bet Right sent an email to the Complainant, the body of which is extracted below:

At Bet Right we care about our clients and we're a bit concerned that punting might be losing its fun for you and we want to make sure you're okay.

Your deposit and withdrawal patterns made us think that you might be over extending yourself.

We want to make sure your (sic) okay and we have temporarily suspended your access to cancelling withdrawal requests from your Bet Right account, until we can have a chat with you. We find it best to do this over the phone and we will attempt to call you later today to discuss but if there is a particular time that you would prefer please let us know. You can reply to this email or call us on 1300 238 670.

In the meantime here are some links and information about responsible gambling on our website that you might find very helpful. We hope you understand why we suspended your account and would like to talk to you

12. During the course of the former Commission's investigation of the complaint, Bet Right submitted that:
 - i. the 19 June 2021 email sent to the Complainant was part of an automated system trial aimed at supporting customers who repeatedly cancelled withdrawal requests. At the

time, the system was being tested to determine a suitable threshold that would trigger the email and disable the cancellation function. The process used with the Complainant is no longer in place, as it was later found to be unsuitable. The current approach as it submitted at that time, involves directly contacting customers to ask if they wish to disable the function;

- ii. it does not consider the cancelling of withdrawals as a red flag behaviour as it is not listed in the Code, but rather as a normal way for customers to manage their funds, similar to using a wallet;
- iii. no follow-up call was made as:
 - Bet Right assessed the situation as low risk due to the absence of red flag behaviours;
 - the difference between the original cancelled withdrawal requests and the amount ultimately banked was not significant (being \$200);
 - the cancel withdrawal function had been cancelled;
 - the email outlined available responsible gambling tools, and;
 - Bet Right assumed the Complainant would reach out if he wished to reactivate the cancel withdrawal function;
- iv. as at the date of the 19 June 2021 email, the Complainant had an overall net win since opening the account - therefore suggesting that Bet Right should intervene based on an assumption that the Complainant was gambling beyond his means, despite being in a winning position, is unreasonable; and
- v. the Complainant cannot reasonably object to an email referencing a call attempt, that he didn't read until a month later, given he continued betting between the date of the email and the date that he read it without displaying any red flag behaviours.

13. The Complainant submitted to the former Commission that:

- i. prior to the email of 19 June 2021 being sent to him by Bet Right, that he "*...fell back into old habits and was depositing and betting way beyond my usual amounts*";
- ii. the 19 June 2021 email sent By Bet Right demonstrated that Bet Right had become concerned about his wagering behaviour, which the Complainant stated included an increase in the amount of money deposited and the size of bets placed, more time spent gambling and cancelling multiple withdrawal requests;
- iii. rather than reaching out to him to discuss his wagering behaviours as Bet Right had stated it would do in the 19 June 2021 email - some three weeks later on 9 July 2021, Bet Right left a voicemail with him in which he was offered bonus bets in recognition of his continued support;
- iv. he did not read the 19 June 2021 email from Bet Right until 19 July 2021 as the email had been filtered to his 'junk folder'; and

- v. after reading the email, he lodged a complaint directly with Bet Right.

Complainant's History with Regulator

14. The Commission notes that the Complainant is known to the Commission as the result of an earlier complaint made to the former Commission relating to the failure by another Northern Territory licensed sports bookmaker to take appropriate customer interaction after it had become concerned that the Complainant was displaying red flag behaviours (NT Racing Commission, P v Sportsbet, 25 May 2021).
15. That complaint, lodged on 16 July 2019, concerned the Complainant's dealings with the sports bookmaker between February and June 2019. The Commission notes that during that complaint process, it was recommended that the Complainant consider self-exclusion across all Northern Territory licensed operators, however, the Complainant elected not to pursue that course of action at that time.
16. It is important to note that while the Complainant opened a betting account with Bet Right after the former Commission handed down its decision in the earlier matter, there is no evidence to suggest that the Complainant was known to Bet Right on similar grounds at the time of events giving rise to the current complaint. Accordingly, the Commission must assess and address this matter as a standalone complaint, based solely on the information and circumstances specific to the present case.

Codes of Practice

17. Licence conditions attached to all sports bookmaker licences granted by the Commission (and by the former Commission), require licensees to adhere to any Codes of Practice that have been issued. The Code which came into effect on 26 May 2019, was approved by the former Commission to provide guidance on responsible gambling practices that were to be implemented by sports bookmakers to minimise the impact of any harms that may be caused by online gambling.
18. Clause 3.2 of the Code requires wagering providers to identify red flag behaviours and to take appropriate action to address problem gambling. Specifically:

Clause 3.2 - Recognising potential problem gamblers

Where appropriate a customer who displays some, or a number, or a repetition of red flag behaviours should be monitored by an online gambling provider and appropriate customer interaction should take place to assist or protect that customer which reasonably corresponds to the circumstances. Online gambling providers should ensure responsible gambling policies and procedures are in place to allow staff to detect and assist customers who may be experiencing problems with gambling.

19. In relation to red flags, the Code sets out within clause 3.1 that problem gambling red flag behaviours may include, but are not limited to: extended gambling sessions, changes in gambling patterns, increased deposit frequency or amounts, beliefs in myths or control over outcomes, accusations of rigged systems, signs of distress or intoxication, expressions of guilt, verbal abuse or threats, overspending concerns, repeated comments about family problems, repeated self-exclusion, and/or disclosing gambling issues.

20. The indicators of problem gambling are inherently varied, as are the types and severity of harms that may be experienced by individual gambling customers experiencing difficulties relating to their gambling behaviours. In recognition of this variability, the Code requires all licensees to implement appropriate training programs to ensure that staff attain a sufficient understanding of problem gambling and can identify behavioural indicators that may suggest a customer is experiencing harm. To support this, the Code includes a non-exhaustive list of potential red flags that may assist licensees in recognising concerning behaviour. However, licensees and their staff are expected to exercise judgement beyond the listed examples, given the diverse and often nuanced nature of gambling-related harm.

Cancelled Withdrawal Requests and Licensee Evaluation

21. Bet Right submitted to the former Commission that:

- i. the email it sent to the Complainant on 19 June 2021 was triggered by the Complainant having cancelled 10 requests to withdraw funds from his betting account; and
- ii. it did not consider the cancellation of withdrawals to be a red flag behaviour.

22. Bet Right's submission that it did not regard the cancellation of withdraw requests as a red flag behaviour is clearly contradicted by its own internal records. Specifically, client notes for the relevant period (extracted below), include a reference to "RG check in email - Prompted by multiple withdrawal Cancellations", which demonstrates that Bet Right did, in fact, recognise such behaviour as potentially indicative of responsible gambling concerns. Furthermore, the recorded 'RG action' states that the cancellation of withdrawal function was disabled pending a responsible gambling (RG) discussion and completion of a responsible gambling questionnaire (RGQ).

Updated Date	Comment Type	Comments
19/06/2021 01:12:56 PM	Customer Service	CONTACT - EMAIL 389 - RG check in email - Prompted by multiple withdrawal Cancellations
19/06/2021 01:14:50 PM	Customer Service	RG ACTION - Cancellation of withdrawal function disabled - Need to have RG discussion and RGQ before re-enable

23. Bet Right's submissions are also contradicted by an internal policy that it had in place at that time, titled 'Multiple Withdrawal Cancellations Procedure', which stated that:

At Bet Right we want to have our Clients ask themselves 'Am I gambling responsibly' as early as possible and as often as necessary. With this in mind a repost is generated which shows all clients who have had multiple 'cancelled withdrawal request' in a single day. While this function exists in order to help our clients rectify keying errors or indeed a change of mind, it can be an indicator that the Client is suffering from a lack of control or an unhealthy compulsion to gamble.

...

Attempt to call Client to check in with them and make sure gambling within their means...

24. The existence and use of this internal policy clearly undermines Bet Right's submission that it does not consider cancelled withdrawal requests to be a red flag for problem gambling. The generation of a specific report tracking this behaviour, coupled with follow-up actions such as customer outreach and responsible gambling discussions, demonstrates that Bet Right had, at that time, explicitly identified withdrawal cancellations as a potential indicator of harm. This proactive approach – monitoring, assessing, and contacting customers based on this behaviour – confirms that it was treated as a relevant risk indicator within Bet Right's then responsible gambling framework. Accordingly, the submission asserting otherwise is inconsistent with Bet Right's documented internal practices and risk mitigation procedures.

Wagering Activity between 8 and 19 June 2021

25. Bet Right also submitted to the former Commission that:
- i. the Complainant had not exhibited any behaviours which it considered to be red flag behaviours.
26. This is despite the 19 June 2021 Bet Right email stating, “[y]our deposit and withdrawal patterns made us think that you might be over extending yourself.”
27. With this in mind, the Commission has reviewed Bet Right's dealings with the Complainant between 8 June 2021 (account opening) and 19 June 2021 (Bet Right email), focusing on responsible gambling practices, customer interactions and the appropriateness of actions taken by Bet Right. Over this 12-day period, the Complainant deposited nearly \$30,000 into the account, received multiple bonus incentives, cancelled 17 withdrawal requests and contacted Bet Right's customer service multiple times.
28. Despite a significant win, a large withdrawal and an overall positive position of just over \$1,000 in profit, the Commission considers that the Complainant's deposit activity and repeated withdrawal cancellations did raise concerns about potential harm, as was also identified by Bet Right in its email to the Complainant on 19 June 2021. Key points during this period include:
- i. 138 deposits totalling \$29,839, with notable spikes on 8 June 2021 (\$7,019), 15 June 2021 (\$7,400) and 16 June 2021 (\$4,200);
 - ii. after winning nearly \$30,000 on 13 June 2021, the Complainant processed a withdrawal for the same amount however, resumed depositing into the account suggesting the winning funds were reinvested;
 - iii. cancelled a total of 17 withdrawal requests on 15 June 2021 and 18 June 2021; and
 - iv. contacted customer support multiple times regarding bonuses, bet outcomes and delays.
29. On 19 June 2021, Bet Right took a step that was appropriate and aligned with the Commission's expectations by disabling the Complainant's ability to cancel withdrawal requests and expressing an intention to discuss the Complainant's wagering activity. The email clearly communicated this intent, offering a phone call and flexible scheduling options. However, Bet Right did not follow through with this promised call.

30. This disconnect between intention and action undermined the potential effectiveness of the intervention. While the Complainant's behaviour may have been indicative of emerging concerns, it did not necessarily mean that the Complainant was at risk. Nonetheless, Bet Right had identified a pattern of activity it considered noteworthy and, in doing so, assumed a responsibility to provide timely follow-up and support.
31. In this context, whether the Complainant read the email immediately or at a later date is of limited relevance. Once Bet Right recognised and raised the issue, the obligation to address the identified behaviour as required by the Code, remained with Bet Right.

Wagering Activity between 20 June 2021 and 19 July 2021

32. The Complainant alleged that because of Bet Right not making phone contact following the email of 19 June 2021, he wagered beyond his means; and is seeking for Bet Right to return the losses he made through his continued wagering activity from this time.
33. Upon review of the Complainant's wagering activity from 20 June 2021 through to 19 July 2021, the Commission notes that, in contrast to the preceding 12-day period during which the Complainant was in profit by \$1,081, the subsequent 25 days of wagering resulted in an overall lifetime loss of \$15,100.65 on the account. While the Complainant did experience losses of just over \$14,000 during this second period, these losses appear to have resulted primarily from unsuccessful wagers rather than any marked change in wagering behaviour.
34. In fact, the overall pattern of wagering remained broadly consistent with the previous 12-day period during which the Complainant had recorded a net profit. Although the number of deposits increased, the average deposit amount decreased from \$229 to \$98, indicating a shift towards smaller, potentially more controlled transactions. This change suggests a possible adjustment in betting strategy, rather than an escalation in gambling risk.
35. Throughout the 25-day period, the Complainant maintained steady wagering activity without any unusual spikes in stakes, deposit frequency, or other patterns typically associated with problematic behaviour. The losses occurred gradually and were not accompanied by erratic or aggressive wagering conduct. Overall, the wagering activity stayed within similar parameters as to the previous period, and there were no specific behavioural triggers that in the Commission's view, would reasonably have required Bet Right to intervene.
36. The Complainant disputes the Commission's reliance on 'broadly consistent' wagering behaviour after 19 June 2021, arguing that consistency does not rule out harm once the wagering operator has identified it. The Complainant contends that sustained patterns following Bet Right's own acknowledgement of risk should heighten the need for timely intervention. The Complainant argues that the core issue is not whether his behaviour changed, but that Bet Right recognised a risk and failed to act on it.
37. The Commission acknowledges the Complainant's position that sustained wagering patterns can still present harm once a risk has been identified. However, the evidence indicates that in the days following the 19 June 2021 email, the Complainant's wagering activity remained substantially similar with the preceding period, during which the Complainant recorded a net profit. Given this stability in the Complainant's betting patterns and the absence of further concerning behavioural indicators, the losses sustained appear to reflect the inherent risk of gambling. On this basis, the Commission is not satisfied that Bet Right's failure to make the

welfare call is shown to have materially contributed to the losses claimed, or that the losses would likely have been avoided had the call taken place. In the Commission's view, the complaint seems to be driven more by the outcome of the Complainant's wagers rather than by any identifiable shortcoming in how the account was managed.

Commission's Assessment

38. The Complainant contends that Bet Right's failure to follow through with the phone call, as indicated in its email of 19 June 2021, led to continued wagering beyond his means, and seeks a refund of the losses occurred thereafter.
39. The Commission has found that Bet Right did not act on its stated intention to initiate contact with the Complainant, despite clearly offering a phone discussion and flexible scheduling in its communication. This failure constitutes a breach of clause 3.2 of the Code, which requires online gambling providers to monitor customers who exhibit red flag behaviours and engage with them appropriately, ensuring that any interaction is proportionate to the level and nature of concern.
40. However, while Bet Right's failure to conduct the follow-up call is a matter of concern and represents non-compliance with the Code, the Commission does not consider that this breach, in the specific context of the Complainant's activity, renders the bets struck as not lawful. At the time of the 19 June 2021 email, the Complainant was in a net positive position on the account, having recorded a profit of over \$1,000 over the previous 12 days. The restriction placed on withdrawal cancellations and the offer of a phone call reflected an early-stage, preventative approach rather than a response to imminent harm.
41. A detailed review of the Complainant's wagering behaviour over the subsequent 25-day period (20 June to 19 July 2021) indicates that, despite losses totalling over \$14,000, there were no significant changes in behaviour that would typically trigger further responsible gambling intervention. The Complainant's betting patterns remained relatively stable, with smaller average deposit amounts and no notable escalation in stake levels or frequency. The losses appear to have arisen from the inherent risks of gambling, rather than from conduct that would render the bets struck as not lawful.
42. The Complainant has challenged the Commission's findings by highlighting that Bet Right clearly identified gambling harm and promised a welfare call but failed to follow through. Instead of checking his wellbeing, Bet Right's staff later contacted him to offer bonus bets, shifting from concern to actively promoting wagering. The Complainant argues that this conduct is not a minor procedural error but a deliberate failure that calls into question the lawfulness of the bets as a result. The Complainant insists that the missed welfare call was a critical opportunity to prevent foreseeable harm.
43. The Commission has found that Bet Right identified red flags and committed to a welfare call but did not follow through, which constitutes a lapse in its obligations under the Code. However, the subsequent call offering bonus bets while concerning, does not in itself demonstrate an intent to promote harmful wagering or a breach of the Code. The losses arose from lawful wagering activity, and there is insufficient evidence to conclude that the intended welfare call would have prevented those losses. Therefore, while Bet Right's failure to make the welfare call was a missed opportunity to potentially mitigate harm, this procedural lapse alone does not establish grounds for financial redress. The Commission's view is that the

evidence does not support a finding that the losses were likely avoidable had the call taken place as promised.

FINDINGS

44. On the weight of the evidence before it, the Commission is satisfied that pursuant to section 80(1)(d) of the RBA, Bet Right has:
- i. contravened Condition 16 of its licence by not complying with clause 3.2 of the Code through not taking appropriate customer interactions to assist or protect the Complainant which reasonably corresponded to the circumstance.

DISCIPLINARY ACTION

45. Disciplinary action available to be taken by the Commission in these circumstances ranges from the issuing of a reprimand, imposing a fine not exceeding 170 penalty units or suspending or cancelling the sports bookmaker's licence.
46. The Commission has determined that it is appropriate to take disciplinary action against the Bet Right Licensee pursuant to section 80(1)(d) of the RBA as follows:
- i. for its contravention of Condition 16 of its licence, a fine of 85 penalty units being 50% of the maximum penalty available, equating to \$13,430 (2020/2021 financial year penalty unit value was \$158).

NOTICE OF RIGHTS

47. In accordance with the transitional arrangements contained at section 310(4) of the RWA, any matters under consideration of the former Commission that were not determined under the now repealed RBA before the commencement of the RWA are to be determined by the Commission in accordance with the repealed RBA as if it was not repealed.
48. Section 85(6) of the RBA provides that a determination by the Commission of a dispute referred to it pursuant to section 85 of the RBA shall be final and conclusive as to the matter in dispute.



Alastair Shields
Chairperson
Northern Territory Racing and Wagering Commission

On behalf of Commissioners Shields, Bravos and Kirkman