

NORTHERN TERRITORY RACING AND WAGERING COMMISSION

DECISION NOTICE AND REASONS FOR DECISION

MATTER: Gambling Dispute for determination by the Northern Territory Racing 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 L

LICENSEE: Entain Group Pty Ltd trading as Bookmaker.com

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

DATE OF DECISION: 9 February 2026

DECISION

1. For the reasons set out below, the Northern Territory Racing and Wagering Commission (**the Commission**) is satisfied that Entain Group Pty Ltd, trading as Bookmaker.com (**Entain**) has acted in compliance with the regulatory environment imposed on it by the *Racing and Betting Act 1983 (RBA)*, its licence conditions, and the Northern Territory Code of Practice for Responsible Service of Online Gambling 2019 (**2019 Code**) during its dealings with the Complainant.
2. The Commission has therefore determined that all of the Complainant's bets that were struck during the lifetime of the account were lawful and that no monies should be returned by the Licensee to the Complainant.

REASONS

Background

The Licensee

3. Entain was granted a sports bookmaker licence by the former Northern Territory Racing Commission (**former Commission**) under the licensing regime contained within the now repealed RBA. Under the transitional arrangements contained within the *Racing and Wagering Act 2024 (RWA)*, which commenced on 1 July 2024, any licence issued under the repealed RBA that was valid immediately before the commencement of the RWA continues in effect on the commencement of the RWA as a licence under the RWA. Entain's current licence is due to expire on 30 August 2026.
4. Under that licence, Entain is currently authorised to operate an online wagering platform under the branding of **Bookmaker.com**. For ease of reference, the Commission has determined to refer to Entain as **Bookmaker** throughout this Decision Notice.

The Complaint

5. On 11 August 2022, the Complainant through his lawyer lodged a complaint with the former Commission via the Northern Territory Government's Licensing NT online portal in relation to his dealings with Bookmaker.
6. The Complainant submitted to the former Commission that he:
 - i. was offered an inducement by Bookmaker to open a betting account;
 - ii. exhibited numerous red flag behaviours and Bookmaker made no attempt to protect him in a manner that reasonably corresponded to the magnitude of harm he was experiencing; and
 - iii. was diagnosed as having a gambling disorder by his psychotherapist in 2014, and Bookmaker did not make any enquiries to ascertain whether he had been formally diagnosed as having a gambling disorder, nor did Bookmaker undertake any enquiries to ascertain whether the Complainant was gambling within his means, including by failing to make enquiries concerning his source of income.
7. The Complainant is seeking for the Commission to declare that each of the bets that he placed with Bookmaker from 5 July 2020 to be 'not lawful'.

Commission Hearing

8. 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.
9. The complaint the subject of this Decision Notice was lodged on 11 August 2022 and had unfortunately not 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 hear the dispute and make its determinations pursuant to subsection 85(4) of the RBA.
10. 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 Bookmaker, as well as additional evidence obtained on behalf of the former Commission by the former Commission's betting inspectors.
11. As a matter of procedural fairness to the Complainant and Bookmaker, a draft of the Commission's determinations was provided to the parties for comment. Bookmaker responded to the effect that Bookmaker had no further submissions to make, and the Complainant raised a number of queries about the factual statements, the decision and the conclusions reached. These issues have been addressed by the Commission in finalising this Decision Notice.

Consideration of the Issues

Codes of Practice

12. Licence conditions attached to all sports bookmaker licences granted by the Commission and the former Commission require licensees to adhere to any Codes of Practice. The 2019 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.

13. Clause 5.5(a) of the 2019 Code provides as follows:

Clause 5.5 Inducements

(a) Online gambling providers must not offer any credit, voucher or reward to a person to open a betting account or to an account holder as an inducement to refer another person to open a betting account.

14. Clause 3.2 of the 2019 Code requires wagering providers licensed by the Commission 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.

Inducement to open a betting account

15. The Complainant has submitted to the Commission that Bookmaker offered an inducement for him to open a betting account on 15 April 2020. The inducement was in the form of a bonus bet to be provided after the Complainant's first deposit, as a reward for opening the account. There is no evidence of any offer of an inducement having been made prior to the account opening.
16. The evidence provided to the Commission by both the Complainant and Bookmaker confirms that the Complainant was given a bonus bet offer immediately **after** he opened his account on 15 April 2020. The Complainant has correctly identified that the offer was made before his first deposit, however it was made **after** the account was opened.
17. The offer therefore cannot have been an inducement to open an account, because (as noted above) it was not made until after the account had been opened.
18. Accordingly, the Commission finds that Bookmaker was not in breach of clause 5.5(a) of the 2019 Code when it made the offer of the bonus bet to the Complainant which resulted in him being given a bonus bet in the sum of \$260.00.

Red Flag Behaviors

19. The Complainant has submitted to the Commission that Bookmaker failed to identify that he was a problem gambler despite the fact he displayed red flag behaviours between the period 22 April 2020 and 27 July 2020, including that he was gambling for extended periods without taking a break, changed his gambling patterns, increased deposit frequency and value of deposits, cancelled multiple bets and withdrawals; and disclosed a gambling problem.
20. The evidence before the Commission is that the Complainant opened his account with Bookmaker on 15 April 2020, and that it was closed by Bookmaker on 25 August 2021, after he disclosed to Bookmaker that he had a gambling problem.

21. This is an uncommon matter to come before the Commission, though not without precedent. Its rarity lies in the fact that the Commission's determinative role includes an assessment as to whether Bookmaker has acted in compliance with the regulatory framework applicable at the relevant time. A finding of compliance would render the bets lawful, with outcomes to stand. Conversely, a finding of non-compliance may lead to a determination that the bets were not lawful, potentially warranting their voiding and the return of funds to the relevant parties.
22. What distinguishes this matter is that, despite having achieved substantial gambling gains over the lifetime of the betting account – specifically, a net profit of \$282,260.32, from total deposits of \$503,839.68 and withdrawals of \$786,100.00 – the Complainant now seeks a refund of losses incurred during only three specific periods during which the account was operated, being:
- i. 5 July 2020 (loss of \$21,329.87);
 - ii. 17 July 2020 to 29 July 2020 (loss of \$44,125.88); and
 - iii. 23 August 2021 to 24 August 2021 (loss of \$29,999.00).
23. Notably, the Complainant has not drawn the Commission's attention to the periods during which the Complainant was in profit. To ensure a comprehensive and balanced assessment, the Commission has elected to review the account in its entirety, rather than confining its inquiry to the identified periods in which only losses occurred.
24. The table below details the monthly deposit and withdrawal activity for the Complainant's betting account:

Month	Withdrawals	Deposits	Profit/Losses
Apr 2020	\$0.00	\$4,509.05	-\$4,509.05
May 2020	\$0.00	\$1,663.00	-\$1,663.00
Jun 2020	\$0.00	\$1,249.93	-\$1,249.93
Jul 2020	\$781,500.00	\$459,489.05	\$322,010.95
Aug 2020	\$0.00	\$168.88	-\$168.88
Sep 2020	\$0.00	\$574.00	-\$574.00
Oct 2020	\$0.00	\$190.00	-\$190.00
Nov 2020	\$0.00	\$0.00	\$0.00
Dec 2020	\$0.00	\$0.00	\$0.00
Jan 2021	\$0.00	\$0.00	\$0.00
Feb 2021	\$0.00	\$0.00	\$0.00
Mar 2021	\$0.00	\$325.00	-\$325.00
Apr 2021	\$0.00	\$982.45	-\$982.45
May 2021	\$3,200.00	\$4,317.08	-\$1,117.08
Jun 2021	\$1,400.00	\$355.00	\$1,045.00
Jul 2021	\$0.00	\$18.00	-\$18.00
Aug 2021	\$0.00	\$29,998.24	-\$29,998.24
Total	\$786,100.00	\$503,839.68	\$282,260.32

25. The first deposit was made by the Complainant on 22 April 2020 and the Complainant gambled sporadically until 2 July 2020.

26. The Complainant's first deposit of \$350.00 was made at 10.22pm on 22 April 2020. Following this deposit, the Complainant wagered the whole amount on a multi bet at 10.54pm. This wager was a losing bet, and the Complainant continued making deposits and wagering until 1.27am the following morning (a period of slightly less than three hours), with bet sizes ranging from \$52.00 to \$4,462.40, and deposits ranging from \$350.00 to \$650.00.
27. On 5 July 2020, the Complainant received \$395,336.64 from a successful multi bet he placed on 2 July 2020 with a stake of \$888.88. The Complainant immediately withdrew \$374,000.00 leaving his betting account with a balance at \$21,336.64. At this point in time, the Complainant's withdrawals exceeded deposits made into his account by \$360,890.18, and his largest deposit was \$2,000.00, and his largest wager was \$4,462.40.
28. About half an hour after the withdrawal, the Complainant placed 20 bets over the course of approximately an hour and a half, giving rise to returns of \$37,960.00 from stakes of \$59,289.87. The Complainant's account balance at the end of this activity was \$6.77. Following a payout of \$5,890.90 approximately 14 hours later, the Complainant placed two losing bets resulting in an account balance of \$0.67 at the end of the day.
29. The table below details the July 2020 daily transactions for the Complainant's betting account (excluding any cancelled or refunded wagers):

Date	Deposits		Wagers		Payouts	Withdrawal/ Refund
2/07/2020	4	\$1,598.84	5	\$1,598.84		
5/07/2020					\$395,336.64	-\$374,000.00
5/07/2020			22	\$65,186.87	\$43,850.90	
7/07/2020	1	\$2,000.00	3	\$2,000.00	\$0.00	
9/07/2020	1	\$4,000.00	1	\$4,000.00	\$0.00	
10/07/2020	1	\$49.33	1	\$50.00	\$0.00	
13/07/2020	2	\$75.00	2	\$75.00	\$0.00	
16/07/2020	2	\$140.00	2	\$140.00	\$0.00	
17/07/2020	2	\$10,500.00	3	\$10,500.00	\$0.00	
19/07/2020	1	\$7,500.88	2	\$7,500.88	\$0.00	
20/07/2020	4	\$67,000.00	5	\$66,999.99	\$0.00	
21/07/2020	2	\$40,000.00	7	\$42,030.01	\$147,030.00	-\$145,000.00
22/07/2020			1	\$1,000.00	\$66,000.00	-\$60,000.00
23/07/2020	2	\$45,000.00	2	\$50,000.00	\$82,500.00	-\$75,000.00
24/07/2020	3	\$154,000.00	5	\$101,500.00	\$0.00	
25/07/2020	2	\$63,500.00	2	\$63,500.00	\$0.00	
26/07/2020	3	\$8,800.00	3	\$8,800.00	\$0.00	
27/07/2020	4	\$55,325.00	5	\$54,597.00	\$0.00	
28/07/2020			1	\$228.00	\$67,500.00	
29/07/2020			1	\$500.00	\$0.00	-\$67,500.00
Total	34	\$459,489.05	73	\$480,206.59	\$802,217.54	-\$781,500.00

30. Following the significant activity on 5 July 2020, the Complainant made deposits of \$457,890.21 and withdrawals of \$407,500.00 throughout the remainder of the month.

31. In total, withdrawals for the month of July 2020 exceeded deposits by \$322,010.95, with the Complainant betting \$480,206.59 and winning \$802,217.54, giving rise to a net win for the month of \$322,010.95.

Gambling for Extended Periods

32. The Complainant has submitted to the Commission that on three instances he gambled for extended periods of time. These occasions were:
- i. 20-22 April 2020 - following the opening of his account on 20 April 2020, the Complainant placed 17 bets between 10.45pm to 1.27am (2 hours, 42 minutes). The following afternoon on 23 April 2020 he placed four bets between 1.03pm to 2.04pm (1 hour, 1 minute) and then on 24 April 2020 place two bets, one at 12.58pm and another at 10.19pm.
 - ii. 12 June 2020 – the Complainant placed 23 bets between 11.35am to 1.34pm (1 hour, 55 minutes).
 - iii. 5 July 2020 – the Complainant placed 21 bets between 5.53am to 7.30am (1 hour, 37 minutes). After approximately 14 hours break the Complainant placed a further two bets at 9.49pm and 10.37pm respectively.
33. The Commission acknowledges that gambling behaviour differs between individuals and given this, considers the identified activity not to be unusual, particularly given the longest period of gambling during these three occasions was no more than 2.5 hours. As such the Commission does not consider the betting frequency of the Complainant as excessive or warranting intervention.

Change in Gambling Patterns

34. The Complainant has submitted to the Commission that his gambling behaviour changed as a result of realising winning bets. He stated that increases in both deposit frequency and value, as well as an increase in the value of bets placed following successful wagers warranted Bookmaker's attention and appropriate intervention.
35. Bookmaker does not dispute that the Complainant increased spend was directly attributed to successful betting outcomes and has advised the Commission that the Complainant appeared on nine responsible gambling reports over the lifetime of the account, with eight of these between the period 18 to 28 July 2020.
36. The Commission has reviewed Bookmaker's Client Notes where it is evident that active monitoring of the Complainant's account did occur from July 2020 at which time Bookmaker determined that the betting activity could be directly attributed to the significant win and subsequent withdrawal. The Commission has also sighted email correspondence sent to the Complainant from Bookmaker on 20 July 2020, 24 July 2020, 25 July 2020, and 29 September 2020 reminding him of the availability of responsible gambling tools.
37. The Commission considers that a change in betting behaviour such as shown by the Complainant following a large winning bet is not out of the ordinary in the circumstances – that is not to say that it is not possible for a customer to demonstrate red flag behaviours when their account balance is in credit, or immediately following a large win, but rather that in this case, the Complainant's change in betting behaviour did not amount to a red flag, taking into consideration his large winning bet.

38. The Commission also considers that the betting history of the Complainant immediately prior to his large win is not the appropriate baseline to compare future wagering activity, and that Bookmaker was entitled to consider the quantum of the winning wager as part of Bookmaker's assessment of the Complainant's wagering activity.
39. It therefore follows that the Commission's view is that the responsible service of gambling monitoring and actions undertaken by Bookmaker to apprise the Complainant of tools available to him to be appropriate and that the monitoring and actions undertaken by Bookmaker reasonably corresponded to the Complainant's circumstances.

Feeding back in winnings

40. The Complainant has referred the Commission to an email he sent to Bookmaker on 6 July 2020 following confirmation of the \$374,000.00 withdrawal the previous day where he writes:

"Thank you for confirming. Im [sic] looking forward to seeing it hit my account. I'll probably look at it for while then start feeding it back in haha, Regards [Complainant's name]"

41. The Complainant has submitted to the Commission that this email indicates a risk of serious future overspending.
42. Bookmaker asserts that the comment does not in any way suggest the Complainant was not in control of his wagering, or that he had an issue with his gambling, and that the one sentence reply should be viewed in context – it was made in a light-hearted and conversational tone from someone who had just won \$395,336.64. Furthermore, Bookmaker submitted that there were no additional statements indicating the Complainant was concerned at that point about losing any of the winnings, and that he could have easily expressed this and asked for assistance or taken steps himself to ensure that did not occur.
43. Bookmaker asserts that the Complainant's action to make a significant withdrawal and not bet through winnings to \$0, demonstrated a direct ability to control his wagering. This is further demonstrated through the Complainant's utilisation of a number of Responsible Service of Gambling (RSG) tools:
- i. 5 July 2020 – disabled the ability to cancel pending withdrawals
 - ii. 22 July 2020 – disabled the ability to use credit cards as a depositing method (before re-enabling it)
 - iii. 11 October 2020 until 5 March 2021 – utilised the 'take a break' option.
44. Bookmaker purport that the Complainant's email of 6 July 2020 supports their assessment that increased activity could be directly attributed to the significant withdrawal. Furthermore, as the source of funding for the Complaint's gambling activity was directly attributed to the successful wager with the bookmaker, and not a deposit made into the Complainant's account from a credit card, savings account or mortgage, it was reasonable to conclude the Complainant was gambling within his means.
45. The Commission is of the view that the Complainant clearly indicated his intention to use some of his winnings on further wagering activity. The Commission considers that such a statement is not inconsistent with a customer who views his wagering activity as a form of entertainment, and who considers that a significant win provides an opportunity to increase the volume and quantity of his wagering. When assessed in context, the Complainant's email was expressed in a light-hearted and conversational manner following confirmation of a

substantial withdrawal and of itself, does not indicate a loss of control, distress or concern about the management of the winnings. The Commission further notes that the Complainant also demonstrated an understanding of RSG tools available through utilisation of a number of these tools, and that his conduct at the relevant time is consistent with controlled wagering behaviour. Accordingly, the Commission considers that the email alone is not an indication that the Complainant was not in control of his gambling, or gambling beyond his means.

Multiple withdrawal cancellations

46. The Commission notes that the ability to cancel a withdrawal request is currently a general feature of most online sports bookmakers wagering platforms and allows for customers to change their mind about withdrawing funds from their betting account before the transfer to their bank account is processed.
47. The Complainant has submitted to the Commission that on 12 June 2020 he was able to cancel withdrawals on five occasions. The account statement provided by Bookmaker shows cancellations occurred over approximately a one-hour period as follows:

Requested	Cancelled	Value
11.44am	12.03pm	\$3,600.00
12.05pm	12.06pm	\$2,800.00
12.07pm	12.09pm	\$2,000.00
12.21pm	12.24pm	\$4,400.00
12.50pm	12.51pm	\$6,000.00
		\$18,800.00

48. The Complainant requested no other withdrawal cancellations over the life of the account, and on eight occasions between July 2020 and June 2021 made withdrawals totalling \$726,100.00.
49. Having considered the Complainant's account withdrawal history, the Commission is of the view that the cancelled withdrawals made were not excessive or indicative of the Complainant having a gambling problem.

Multiple bet cancellation requests

50. The Complainant has submitted to the Commission that he was able to cancel bets on five occasions. The Complainant's account statement provided by Bookmaker details the cancelled bets as follows:

Date	Value	Reason for Cancellation
27/4/2020	\$1,000.00	Complainant not satisfied with processing time to accept live bet request
12/6/2020	\$175.00	Cash out request – manually processed as a cancellation
20/7/2020	\$743.06	Complainant waiting for a pending deposit to be cleared and cancelled bet rather than making a further deposit
20/7/2020	\$8,000.00	Partially accepted live bet. Offer made to Complainant to cancel entire bet. Offer accepted
27/7/2020	\$30,000.00	Complainant change of mind. Bet cancelled by bookmaker as act of goodwill

51. The account statement also shows that over the life of the account the Complainant made a total of 224 bets. Cancelled bets account for 2.2% of betting activity.
52. The Commission recognises that individual preferences and decisions behind why a bet may be cancelled will vary, and that the right to cancel a bet within the terms and conditions of a bookmaker allows a customer a degree of flexibility and control over betting decisions. The Commission considers the rationale behind why the bets in question were cancelled is reasonable and does not consider that the number of cancelled bets over the life of the Complainant's betting account to be excessive or warranting intervention.

Disclosure of Problem Gambling

53. The Complainant has submitted to the Commission that he was diagnosed with a gambling disorder in May 2014 and no effort was made by Bookmaker to identify his previous history in relation to this diagnosis. He claims that Bookmaker overlooked and mismanaged this red flag.
54. Bookmaker asserts that on 25 August 2021 the Complainant disclosed he had a gambling problem, after his account was suspended by Bookmaker. His account was immediately closed following the disclosure, and he was self-excluded from all of the Licensee's brands. Bookmaker asserts that had the Complainant advised at any earlier time that he had a gambling disorder, or was seeking counselling for a gambling addiction, his account would have been closed immediately.
55. The Commission has listened to the recordings of approximately 40 telephone calls between the Complainant and Bookmaker, and is satisfied that the Complainant did not provide any indication that he was having difficulty with his gambling until the two recorded calls that took place on 25 August 2021. On the contrary, the Complainant appeared to be polite and calm in the telephone calls prior to 25 August 2021, and demonstrated a good understanding of complex betting products and indicated to the operator on more than one occasion that he had accounts with other wagering operators. Many of his calls were to place 'in-play' bets on games already underway, and he occasionally expressed frustration at the speed at which the odds can change for in-play betting and that the traders employed by Bookmaker would not always accept the full value of the wagers that he sought to place.
56. The Commission considers the action taken by Bookmaker to keep his account suspended and to ultimately close it upon the Complainant's disclosure of a gambling problem on 25 August 2021 to be appropriate. Given at no time prior to this did the Complainant give any indication that he had been diagnosed with a gambling disorder or that he was experiencing or potentially experiencing harms related to his wagering activity, the Commission considers the expectation that Bookmaker could have intervened earlier to be unreasonable.

Combination of red flag behaviours

57. The Commission has considered the Complainant's submission that gambling-related harm should be assessed by reference to behavioural indicators and impact rather than financial outcomes alone and accepts that net profit is not determinative of whether harm may occur. However, the Commission does not accept that net profit was relied upon as the sole or primary benchmark in its assessment of this complaint. Rather it was considered as one contextual factor alongside the Complainant's wagering behaviour, contact history and demonstrated use of RSG tools.
58. The Commission has also considered whether each of the factors listed above when taken together, constituted a combination of red flag behaviours sufficient to warrant intervention

by Bookmaker. Having regard to the evidence available to Bookmaker, including the absence of objective indicators of loss of control or expressed distress, the withdrawal of significant winnings and the Complainant's proactive engagement with available safeguards, the Commission is not satisfied that the threshold for staged intervention was met.

59. Accordingly, while the Commission acknowledges that gambling harm is not limited to financial loss, it concludes that even when assessed cumulatively and without treating net profit as determinative, there was insufficient red flag behaviour to suggest that Bookmaker should have staged an intervention in order to comply with the 2019 Code.

LAWFULNESS OF BETS

60. The Complainant is seeking for the Commission to declare that each of the bets that he placed with Bookmaker after the increased betting and depositing activity of 5 July 2020 are to be declared not lawful and for Bookmaker to return the monies to him that he had deposited into his betting account.
61. On the weight of evidence provided, the Commission is satisfied that Bookmaker has complied with the 2019 Code in respect of its interactions with the Complainant.
62. The Commission is therefore of the view that the bets struck by the Complainant over the life of his account were lawful and there are no indicators that Bookmaker breached the RBA, its licence conditions or the 2019 Code.

NOTICE OF RIGHTS

63. 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.
64. 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
Presiding Member
Northern Territory Racing and Wagering Commission

On behalf of Commissioners Shields, Kirkman, and Bravos