

NORTHERN TERRITORY WAGERING COMMISSION

DECISION NOTICE AND REASONS FOR DECISION

MATTER: Gambling Dispute for determination by the Northern Territory 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 O (**Complainant**)

LICENSEE: Amused Australia Pty Ltd, trading as Bet Nation

HEARD BEFORE: Mr Alastair Shields
(on papers) Ms Susan Kirkman
Mr Scott Perrin

DATE OF DECISION: 29 June 2026

DECISION

1. This decision is issued by the Northern Territory Wagering Commission (Commission), which was formerly known as the Northern Territory Racing and Wagering Commission prior to the commencement of the *Racing and Wagering Amendment Act 2026* on 22 June 2026. Any preliminary findings, correspondence or other documents previously issued in relation to this matter under the name Northern Territory Racing and Wagering Commission continue to have effect and should be read as references to the Northern Territory Wagering Commission.
2. For the reasons set out below, the Commission is satisfied that Amused Australia Pty Ltd has:
 - i. contravened Condition 15 of its licence by not complying with clause 3.2 of the Northern Territory Code of Practice for Responsible Service of Online Gambling 2019 (**the Code**) from 27 September 2022 to 6 October 2022 by failing to:
 - detect that the Complainant was displaying a number of red flag behaviours; and
 - monitor the Complainant and take appropriate customer interactions to assist or protect the Complainant which reasonably corresponded to the circumstances; and
 - ii. contravened Condition 15 of its licence by not complying with clause 8.9 of the Code to cease sending marketing material to the Complainant after he had requested to be unsubscribed.
3. The Commission has determined that it is appropriate to take disciplinary action against Bet Nation pursuant to section 80(1)(d) of the now repealed *Racing and Betting Act 1983* (**RBA**) as follows:
 - i. For the contravention of Condition 15 of its licence relating to the breach of clause 3.2 of the Code, a fine of 170 penalty units being 100% of the maximum penalty available, equating to \$27,540 (based on the 2022/2023 penalty unit value of \$162); and

- ii. For its contravention of Condition 15 of its licence relating to the breach of clause 8.9 of the Code, a fine of 68 penalty units being 40% of the maximum penalty available, equating to \$11,016 (based on the 2022/2023 penalty unit value of \$162).
- 4. The Commission declares pursuant to section 85(1A) of the RBA that all bets placed by the Complainant from 28 September 2022 onwards, to be not lawful.

JURISDICTION AND PROCEDURE

- 5. Amused Australia Pty Ltd (**Bet Nation**) is authorised by the Commission to conduct the business of a sports bookmaker and to operate a digital wagering platform using the name Bet Nation.
- 6. In accordance with the transitional arrangements contained at subsection 310(4) of the *Racing and Wagering Act 2024 (RWA)*, any matters under consideration by the former Commission that were not determined under the RBA before the commencement of the RWA are to be determined by the Commission in accordance with the repealed RBA as if it were not repealed.
- 7. The complaint has been determined on the papers, having regard to submissions from the Complainant and the wagering operator and evidence obtained by the Commission.
- 8. In the interest of procedural fairness to both Bet Nation and the Complainant, a draft of the Commission's preliminary findings into the complaint was provided to both parties for comment. The Complainant responded to state that he supported the preliminary findings and the proposed decision. Bet Nation provided a detailed submission which has been taken into consideration when finalising this Decision Notice.

REASONS FOR DECISION

Scope of Complaint

- 9. The Complainant lodged a complaint alleging that he spent more than \$20,000 with Bet Nation over a period of 1 -2 months, and that he couldn't recollect any responsible gambling contact from Bet Nation. He also stated that he had requested to be removed from Bet Nation's mailing lists, and that he wagered further funds as a result of Bet Nation continuing to send marketing material to him.
- 10. The complaint was lodged around eight months after the relevant betting activity took place, which is well outside the 14 day period prescribed in the *Racing and Betting Regulations 1984*. The Commission has nevertheless exercised its discretion to accept the complaint outside the required timeframe.

Background

- 11. The Complainant opened his account with Bet Nation on 24 September 2022 and commenced wagering on that day.
- 12. The following table sets out the Complainant's wagering activity for the period commencing on the date the account was opened until 6 October 2022:

Date	# of bets	Average stake	Turnover	# of deposits	Σ deposits	Σ withdrawals	Daily total	Running total
24-Sep-22	9	\$211	\$1,900	1	\$500	\$2,000	\$1,500	\$1,500
25-Sep-22	2	\$150	\$300	2	\$300	\$0	-\$300	\$1,200
26-Sep-22	9	\$328	\$2,950	7	\$2,950	\$0	-\$2,950	-\$1,750
27-Sep-22	52	\$1,111	\$57,763	13	\$16,001	\$0	-\$16,001	-\$17,751
28-Sep-22	0	\$0	\$0	0	\$0	\$0	\$0	-\$17,751
29-Sep-22	0	\$0	\$0	0	\$0	\$0	\$0	-\$17,751
30-Sep-22	19	\$1,613	\$30,640	11	\$20,777	\$0	-\$20,777	-\$38,528
01-Oct-22	8	\$1,517	\$12,135	2	\$3,500	\$0	-\$3,500	-\$42,028
02-Oct-22	22	\$1,310	\$28,825	4	\$5,000	\$0	-\$5,000	-\$47,028
03-Oct-22	0	\$0	\$0	0	\$0	\$0	\$0	-\$47,028
04-Oct-22	1	\$100	\$100	1	\$100	\$0	-\$100	-\$47,128
05-Oct-22	1	\$100	\$100	1	\$100	\$0	-\$100	-\$47,228
06-Oct-22	13	\$182	\$2,368	3	\$500	\$6,500	\$6,000	-\$41,228

13. As can be seen from the table, there were two days in which there were significant increases in deposits into the Complainant's account during this period, on 27 September 2022 (when a total of \$16,001 was deposited in 13 separate transactions) and 30 September 2022 (when a total of \$20,777 was deposited in 11 separate transactions). At the end of each of these dates, the Complainant's cumulative losses for the account were \$17,751 and \$38,528 respectively.

Bet Nation's Submissions

14. Bet Nation submitted that after the Complainant had opened his account, he made deposits of \$49,728 and withdrawals of \$7,500 in the period up to 6 October 2022 (Note: the Complainant's wagering statement viewed by the Commission shows that there were withdrawals totalling \$8,500 in the period to 6 October 2022).
15. Bet Nation further submitted that in consideration of the level of activity on the account, a Bet Nation representative made a responsible gambling call to the Complainant on 6 October 2022 and in the course of that call he was advised of the responsible gambling tools available on the Bet Nation website, and he confirmed that he did not have a gambling problem.
16. According to Bet Nation, the Complainant continued wagering with Bet Nation albeit at a reduced level, and that his total deposits from 7 October 2022 until the last activity on the account on 6 March 2023 were \$18,594, with withdrawals of \$12,910.
17. Bet Nation advised that the Complainant's Bet Nation account was closed on 9 March 2023 when the Complainant raised gambling concerns in a telephone call.

Commission Considerations

Codes of Practice

18. 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 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 must be implemented by sports bookmakers to minimise the impact of any harms that may be caused by online gambling.

19. Clause 3.2 of the Code requires online gambling 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.”

20. Clause 3.1 of the Code lists a non-exhaustive list of examples of red flag behaviours that may be indicative of problem gambling. This list includes:

- i. Changing gambling patterns;
- ii. Increase in deposit frequency; and
- iii. Escalating sums of money deposited.

21. Clause 8.9 of the Code deals with the provision of marketing materials, and it provides as follows:

8.9. Direct marketing

a. Online gambling providers must not send any direct marketing material to a person without their express consent to receive such material.

b. Online gambling offers must offer the ability for a customer to unsubscribe from receiving direct marketing materials. Where marketing is electronic, the link to unsubscribe must be functional and easily accessible.

c. Where a person either unsubscribes from receiving direct marketing material, self-excludes or closes their account, the online gambling provider must not send marketing material to that person at any time after 24 hours from the receipt of that request.

Wagering Activity

22. Upon reviewing the Complainant's wagering activity from when the account was opened until the telephone call from Bet Nation to the Complainant on 6 October 2022, the Commission has identified two dates which, in the Commission's view, should have triggered consideration of an appropriate customer interaction to assist or protect the customer as required by clause 3.2 of the Code.
23. The first of those dates is 27 September 2022, a day in which the Complainant's average stake increased to \$1,111, which was more than triple the previous highest average daily stake, the number of deposits into the account more than doubled from previous days, and the total deposit amount of \$16,001 was considerably higher than the previous daily high of \$2,950. The number of bets per day for each of the previous three days of betting activity was less than 10, however on 27 September 2022 the Complainant placed 52 bets with a turnover of \$57,763 (compared with a previous high of \$2,950).

24. The second date identified by the Commission as warranting an intervention is 30 September 2022, when the Complainant deposited \$20,777 in 11 deposits, made 19 bets for an average stake of \$1,613 and a turnover of \$30,640.
25. In the Commission's view, the Complainant exhibited the following markers of possible gambling harm on both of these dates:
 - i. Increased deposit frequency;
 - ii. Increased deposit amounts; and
 - iii. Changed gambling patterns, namely higher stakes and more frequent wagers.
26. The Commission has taken into account that there had only been three days of previous betting activity by the Complainant on his account before 27 September 2022, and that it may have been difficult for Bet Nation to have enough data to establish the Complainant's betting patterns. However, the Commission is of the view that the changes in the Complainant's betting behaviour were significant enough to have triggered an appropriate customer interaction by Bet Nation after 27 September 2022, and the Commission is not persuaded by Bet Nation's submissions to the contrary. Bet Nation has advised that the responsible gambling call to the Complainant on 6 October 2022 occurred after the Complainant was flagged based on his activity in the week starting 27 September 2022 and ending on 3 October 2022.
27. The Commission has listened to the recording of the telephone call from Bet Nation to the Complainant on 6 October 2022, and which was 1 minute and 28 seconds in duration. In the Commission's view, the call is not sufficient to have discharged Bet Nation's obligation to have an appropriate customer interaction with the Complainant to assist or protect the Complainant which was reasonably proportionate to the circumstances. In this regard, the Commission notes that there was no inquiry as to whether the Complainant was comfortable with his wagering activity, nor whether there was an explanation for his increased deposits and number of wagers.
28. In addition, the Commission considers that Bet Nation's intervention with the Complainant should have occurred no later than the day after the first day that potential markers of harm were exhibited.
29. In the submission provided in response to the Commission's preliminary findings, Bet Nation advised that Bet Nation's responsible gambling policies, procedures, systems and controls have undergone considerable revision and enhancement in the several years that have passed since the conduct at issue occurred. This is acknowledged by the Commission.
30. The Commission has formed the view that the failure by Bet Nation to comply with clause 3.2 of the Code is sufficiently serious so as to undermine the integrity of each bet placed by the Complainant after 27 September 2022, and to warrant a determination by the Commission pursuant to section 85(1A) of the RBA that each bet placed by the Complainant from 28 September 2022 until the account was closed is not lawful.

Marketing Material

31. Bet Nation has provided to the Commission copies of live chat messages with the Complainant. These live chat messages, which were generally initiated by the Complainant in the course of his requests for bonus bets, revealed that on 6 January 2023 the Complainant requested that he be unsubscribed from text and email mailing lists, and that Bet Nation did not acknowledge this request.

32. The Complainant's live chat message stated "As we couldn't come to an agreement on our last time of talking I'd like to unsubscribe to the mailing lists... (text and email)."
33. On 22 January 2023, the Complainant complained in a further live chat message that he continued to receive messages "about promos and stuff".
34. Bet Nation has acknowledged that ten marketing text messages were sent to the Complainant after 6 January 2023 and prior to 18 February 2023 (when the Complainant was successful in unsubscribing from marketing materials). In the Commission's view, Bet Nation should have either accepted the live chat request for the Complainant to be unsubscribed from marketing material, or (at an absolute minimum), have acknowledged the request and directed the Complainant to an electronic link for him to unsubscribe.
35. The Commission acknowledges the submission by Bet Nation that the context of the Complainant's request to be unsubscribed from marketing material suggests that the request may have been at least partly motivated by dissatisfaction with customer support and the provision of bonuses. This has been taken into consideration by the Commission is assessing the seriousness of Bet Nation's breach of the Code.

Findings

36. The Commission therefore makes the following findings:
37. The Commission is satisfied that Bet Nation has:
 - i. contravened Condition 15 of its licence by not complying with clause 3.2 of the Code from 27 September 2022 to 6 October 2022 by failing to:
 - detect that the Complainant was displaying a number of red flag behaviours; and
 - monitor the Complainant and take appropriate customer interactions to assist or protect the Complainant which reasonably corresponded to the circumstances; and
 - ii. contravened Condition 15 of its licence by not complying with clause 8.9 of the Code to cease sending marketing material to the Complainant after he had requested to be unsubscribed.
38. The Commission has determined that it is appropriate to take disciplinary action against Bet Nation pursuant to section 80(1)(d) of the RBA as follows:
 - i. For the contravention of Condition 15 of its licence relating to the breach of clause 3.2 of the Code, a fine of 170 penalty units being 100% of the maximum penalty available, equating to \$27,540 (based on the 2022/2023 penalty unit value of \$162); and
 - ii. For its contravention of Condition 15 of its licence relating to the breach of clause 8.9 of the Code, a fine of 68 penalty units being 40% of the maximum penalty available, equating to \$11,016 (based on the 2022/2023 penalty unit value of \$162).
39. The Commission declares pursuant to section 85(1A) of the RBA that all bets placed by the Complainant from 28 September 2022 onwards, to be not lawful.
40. The Commission acknowledges Bet Nation's arguments that there is no basis under the RBA to declare the Complainant's bets not lawful due to a breach of the Code. However, these arguments are not accepted by the Commission. Section 85(1A) of the RBA clearly

provides that a bet is not lawful “...if it is declared by the Commission, after an investigation in accordance with this section to be not lawful.” This provision vests the Commission with the discretion to make such a declaration where, following investigation, it is satisfied that a contravention – whether of the RBA, a Code of Practice, a licence condition, or another circumstance – is sufficiently serious to undermine the integrity of the betting transaction itself.

41. Noting that section 135(1) of the RBA sets out that all betting contracts in relation to unlawful betting are null and void, the Commission has therefore formed the view that Bet Nation should return the value of all wagers made by the Complainant from 28 September 2022 until the closure of the account, duly adjusted to take into account any withdrawals, which according to the data before the Commission equates to \$30,161.
42. The Commission has determined that the Complainant's complaint to the Commission is upheld.

NOTICE OF RIGHTS

43. Section 85(6) of the RBA provides that a determination by the Commission of a dispute referred to it under section 85 of the RBA shall be final and conclusive as to the matter in dispute.



Alastair Shields
Chair,
Northern Territory Wagering Commission

On behalf of Commissioners Shields, Kirkman and Perrin