

Northern Territory Racing Commission

Reason for Decision

Applicant:	Ms S
Respondent:	Luxbet
Proceedings:	Dispute Relating to Betting – Section 85 of the <i>Racing and Betting Act</i>
Heard Before:	Mr Richard O’Sullivan (Chairman) Mr Philip Timney (Legal Member) Mr Walter Grimshaw
Date of hearing	28 January 2011
Appearances:	Mr Malcolm Richardson, Manager Racing Mr Eddie Berry, Racing Inspector

Background

1. Ms S is an account holder with Luxbet, account number as2544. On 18 January 2011 Ms S attempted to place a wager of \$400.00 on race 7 at Warrnambool for horse number 9, Cult Hero, to run a place at fixed odds of 2.79. Ms S’s wager was rejected by Luxbet. Horse 9 won the race and, had the bet been accepted, Ms S would have won \$716.00.
2. Ms S then contacted the customer service desk at Luxbet and queried why the wager was rejected. She has provided the Commission with a transcript of her discussion with “Lindsay” of the Luxbet customer service desk. Lindsay advised Ms S that the wager had been rejected as it was placed ‘a fraction too late’ and it is within the bookie’s discretion to reject wagers after the official start time for a race.

Consideration of the issues

3. The Luxbet rule in respect of wagering after the official start time for a thoroughbred race is as follows:

1.15.7 Generally, wagers are accepted up to the advertised start time of the event. If Luxbet changes the time up to which wagers can be accepted for any event, Luxbet will notify Clients via the Luxbet website. It is the Client’s responsibility to inform themselves of the time periods up to which wagers can be accepted.

4. In response to Ms S’s complaint regarding the rejection of her wager Luxbet, via Mr Andrew Vouris, advised Inspector Te Whata as follows:

‘As per the live chat record, our system has Ms S’s bet being submitted at 14.30.50, the official start time was 14.30.00, and the actual race jumped at 14.30.56, we consider Ms S’s bet a late bet and therefore subject to being at bookmaker discretion’

5. Race 7 at Warrnambool on 18 January 2011 was scheduled to jump at 2.30 pm. The actual start time for the race was 2.30.56 pm, a delay of less than a minute

beyond the actual start time. Clearly, from the response provided to Ms S's complaint by Mr Vouris it is not in dispute that she attempted place her wager after the official start time for the race but prior to the actual jump.

6. It is also clear from the relevant Luxbet Rule that the bookmaker is not obliged to accept wagers after the nominated start time for a race. Whether a bet is accepted after the nominated start time is at the discretion of the bookmaker. However, the Commission is well aware from its own knowledge of industry practices that bookmakers, including rails and corporate bookmakers, will regularly accept wagers up to the actual jump in relation to a race where the start time is delayed.
7. The Commission has obtained and considered a print out of bets accepted by Luxbet for Race 7 at Warrnambool on 18 January 2010 from account clients who backed horse 9. The spreadsheet indicates that ten wagers were placed and accepted by Luxbet on that race. The first wager was accepted at 12.29 pm, a further two wagers were accepted at 2.29 pm. Those wagers were placed and accepted before the official start time for the race.
8. The spreadsheet also identifies that a further seven wagers on Cult Hero were accepted by Luxbet after the official race start time. The first of those bets was accepted at 2.30.19 pm, the last was accepted at 2.30.55 pm. According to Luxbet's response to the complaint, Ms S attempted to place her wager at 2.30.50 pm and that wager was rejected at the discretion of the bookmaker in accordance with Luxbet Rule 1.15.7.
9. The spreadsheet provided by Luxbet shows however that a wager on Cult Hero was accepted by Luxbet at 2.30.55 pm, 5 seconds after Ms S's bet was declined at the discretion of the bookmaker.
10. In the Commission's view it is anomalous that Luxbet would invoke its discretion under Rule 1.15.7 in respect of Ms S's attempted wager and yet accept a subsequent wager from another client on the same race and the same horse some five seconds later. Luxbet have stated that the later bet, accepted at 2.30.55 pm, was automatically accepted as it was below Luxbet's intercept limit and 'slipped through'.
11. The Commission does not give any significant weight to that explanation. The measures taken and the security systems installed by Luxbet to monitor wagers placed after the official start time for a race are matters for Luxbet. Those matters are of little, if any, concern to punters. They do not constitute a valid excuse for differentiating whether or not otherwise legitimate wagers will be accepted or not.
12. The Commission acknowledges that acceptance of wagers after the official start time is at the discretion of the bookmaker, Rule 1.15.7 is clear in that regard. However, the Commission is of the view that in exercising that discretion bookmakers must do so in an equitable and even handed manner that does not discriminate against individual clients. Luxbet has provided no explanation as to why Ms S's bet was rejected and yet a later wager by another client on the same race and horse was accepted.
13. For those reasons the Commission is of the view that it was not open to Luxbet to arbitrarily exercise the discretion available to it under Rule 1.15.7 to reject Ms S's wager and yet accept a later wager from another client without any rational or logical reason or explanation for doing so.

Decision

14. The Commission has determined to resolve this gambling dispute in favour of the client, Ms S. The Commission is of the view that Luxbet should have accepted Ms S's wager for the reasons set out above.
15. The winning payout to Ms S, had the wager been accepted, would have been \$716.00, plus the return of her \$400.00 stake. As Ms S's bet was rejected by Luxbet the wager was not deducted from her account at the time she attempted to place the wager. The Commission, in accordance with Section 85(4) of the *Racing and Betting Act*, determines that Luxbet shall pay to Ms S the amount of \$716.00, being the amount she would have won had the wager been accepted.

Richard O'Sullivan
Chairman

4 February 2010