

NORTHERN TERRITORY RACING COMMISSION

Reasons for Decision

Complainant/Applicant: Mr U

Licensee: William Hill Australia

Proceedings: Pursuant to Section 85(4) of the *Racing and Betting Act* – Referral of Dispute to Racing Commission for Determination

**Heard Before:
(on papers)** John Boneham (Presiding Member)
Jim McNally
Andrew Maloney

Date of Decision: 22 June 2018

Background

1. On 4 September 2017, the client lodged a gambling dispute against the bookmaker advising that he had emailed the bookmaker requesting they refund him \$10,000.00 for losses incurred on 'betting day 23 August 2017'.
2. The client also provided letters from a clinical psychologist (Mr M) and forensic psychologist (Ms A) which confirmed he had been suffering from post-traumatic stress disorder, anxiety, panic attacks and dysthymia (depression). First evident in 2010.
3. The client's account had been operating for a period of approximately one year prior to the lodgement of his complaint. Previous betting statements have been provided by the bookmaker following a request from the Commission.
4. These statements show a consistent betting pattern, with the client experiencing some success and periodically withdrawing amounts relating to winnings.
5. The amount in dispute is basically those wagers undertaken late Tuesday, 22 August 2017 and progressively on Wednesday, 23 August 2017.

Facts of the Matter

6. The clients account was opened on 7 September 2016 and operated unremarkably until the date of closure (23 August 2017).
7. The client advised William Hill on 23 August 2017, that he was suffering mental health issues that manifested in problem gambling patterns.

8. At no time prior to the 23 August 2017, was the bookmaker made aware of these health conditions or any problem gambling issues.
9. Immediately upon being advised of the said conditions the bookmaker closed the client's account, provided information around appropriate counselling services and issued self-exclusion forms which they encouraged the client to complete and send to other Northern Territory wagering operators.
10. The disputed wagers followed the lodgement of an amount of \$10,500.00 on 22 August 2017.

Consideration of the Issues

11. The Commission is aware of Mr U's traumatic history in Bangladesh and recent sad circumstances regarding the death of his mother and we extend our sympathies.
12. Notwithstanding these issues the Commission must rule on the following factors.
13. Firstly, the legality of any bets made, specifically those in dispute from the period 22 August to 23 August 2017 inclusive.
14. Secondly, did the bookmaker act in accordance with its responsibilities under the Northern Territory Code of Conduct for Responsible Online Gambling 2016 (the Code).
15. The Commission must also determine if the bookmaker had any knowledge of the client's mental health or problem gambling issues prior to the 23 August 2017, at which date it claims to have been advised of these.

Decision

16. Legality of bets - the Commission has examined betting statements provided by the bookmaker from the date of account opening until closure on 23 August 2017.
17. From this information it is evident that all account opening protocols, account deposits and wagers were made in accordance with the agreed terms and conditions, with all winning wagers having been settled in a timely and appropriate manner.
18. It is important to note that it is only within the Commission's remit to determine the legality of such wagers, matters of compensation being the responsibility of the Courts.

19. We now turn our attention to the matter of whether the bookmaker, by its actions, violated any requirements of the NT Code of Conduct for Responsible Online Gambling 2016.
20. The Code seeks to ensure that bookmakers act fairly and responsibly toward their clients in all dealings, with particular reference but not limited to:
- 'The recognition of any red flag betting behaviours, such as gambling for extended periods in one sitting, increasing frequency of deposits and increasingly larger wagers, indicating that a client may be chasing losses'*.
21. It is also incumbent upon the client (as highlighted at Clause 4.1 of the Code) to ensure they act responsibly in their wagering activities.
22. Clause 4.1 states as follows:
- 'The operator's client will be encouraged to take responsibility for their gambling activity through the ongoing gambling operators provision of clearly defined terms and conditions, rules, odds and player returns'*.
23. On the weight of evidence provided, the Commission is satisfied that the bookmaker observed its obligations under the Code.
24. Finally, the Commission acknowledges that this is a very unfortunate case, given the clients' mental health issues. However, from the evidence provided by both parties it is quite clear that prior to being advised on 23 August 2017, the bookmaker had no knowledge of any of these problems.
25. As such and in accordance with accepted legal precedents the bookmaker cannot be held responsible for the outcome in this matter.
26. Additionally, in accordance with Section 85(4) of the Act, on the basis of the information provided and in respect of the dispute and for the reasons set out above the Commission has determined the wagers lawful.



John Boneham
Presiding Member
Racing Commission

22 June 2018