

# NORTHERN TERRITORY RACING COMMISSION

## DECISION NOTICE AND REASONS FOR DECISION

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

**COMPLAINANT:** Mr S

**LICENSEE:** Hillside (Australia New Media) Pty Ltd t/a bet365

**HEARD BEFORE:  
(on the papers)** Ms Cindy Bravos (Presiding Member)  
Ms Amy Corcoran  
Ms Susan Kirkman

**DATE OF DECISION:** 28 August 2023

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### DECISION

1. For the reasons set out below, the Northern Territory Racing Commission (**the Commission**) is satisfied that Hillside (Australia New Media) Pty Ltd (**the Licensee**) has:
  - correctly settled a bet placed by the Complainant on 16 April 2022 involving the outcome of two Munster Senior Hurling Championship Round 1 games that were played in Ireland on 17 April 2022.

### REASONS

#### **Background**

2. The Commission granted a licence to Hillside (Australia New Media) Pty Ltd to conduct the business of a sports bookmaker pursuant to section 90 of the *Racing and Betting Act 1984* (**the Act**). The sportsbook business is operated under the trading name of bet365 and for ease of reference, the Commission has determined to refer to the Licensee as bet365 throughout this Decision Notice. The current sports bookmaker licence for bet365 is due to expire on 30 June 2025.
3. On 2 May 2022, the Complainant lodged a complaint with the Commission alleging that moneys payable on a winning lawful bet that was accepted by bet365 have not been paid to him.
4. Pursuant to section 85(4) of the Act, the Commission determined to hear the dispute and make its determinations in absence of the parties, based on the written material before it.

#### **The Bet**

5. On 16 April 2022, the Complainant placed a double bet with a stake of \$5,000 on the outcome of two Munster Senior Hurling Championship Round 1 games that were to be played in Ireland on 17 April 2022.
6. The two legs of the double bet selected by the Complainant were:
  - Waterford to beat Tipperary with a handicap of minus 4; and

- Limerick to beat Cork with a handicap of minus 3.
7. The price given for Waterford was \$1.90 and the price given for Limerick was \$2.15.
  8. The potential return to the Complainant for the double bet if successful, was \$20,5622.72.

### **Settlement of the Bet**

9. The results for round 1 of the 2022 Munster Senior Hurling Championship were:
  - Waterford defeating Tipperary 2-24 to 2-20; and
  - Limerick defeating Cork 2-25 to 1-17.
10. While the leg of the double bet involving the Limerick and Cork game was resulted by bet365 as a winning leg, the leg of the double bet involving the Waterford and Tipperary game has been settled by bet365 as a losing leg and as a result, given both legs in a double bet must be successful to win, the double bet in its entirety has been settled by bet365 as a losing bet, with no monies being payable to the Complainant.

### **The Dispute**

11. The Complainant does not agree with bet365's settlement of the double bet, specifically the resulting of the leg involving the Waterford and Tipperary game.
12. The Complainant is of the view that the electronically issued betting ticket for his double bet with bet365 shows that if the outcome of the hurling game between Waterford and Tipperary results in Waterford winning the game by more than 4 points or results in a tie, then that leg of the double bet will be settled as a winning leg.
13. Conversely, bet365 has submitted to the Commission that the electronically issued betting ticket for the double bet details that the Complainant's bet for that leg of the double bet was on a handicap 3-way market, with that market including an option for each participating team to win as well as an option of selecting a tie between the two teams, after taking into account the handicap against Waterford of 4 points.
14. Bet365 does not dispute that after applying the handicap of 4 points against Waterford, the outcome of the hurling game for the purposes of the betting market that the Complainant placed a bet on, was a tie between the two teams. However, bet365 have submitted to the Commission that given that the Complainant selected the option of Waterford to win rather than selecting a tie as the outcome of the game, it has settled the leg of the double bet correctly as a losing leg.

## **Consideration of the Issues**

### **Betting Tickets**

15. Section 74(1) of the Act requires that on making a bet with a person, a bookmaker must deliver to the bettor who made the bet, "*...a betting ticket, clearly showing on it in the manner prescribed such particulars of the bet as are prescribed.*"
16. At regulation 4 of the *Racing and Betting Regulations 1984 (the Regulations)*, it is detailed that the betting ticket issued by a bookmaker on making a bet shall clearly show on it:
  - the bookmaker's name;

- the name/s of the runner/s in respect of which the bet is made; and
- details of the bet.

17. While the legislation enacted by the Northern Territory government in the 1980's laid the foundation for regulating traditional forms of betting, it has been recognised by the Commission that it may not adequately address some of the complexities and nuances now associated with modern online sports bookmaking practices which may not have been foreseen when the legislation was formulated. While the landscape of sports betting has undergone significant transformations since the inception of the legislation and the current legislation may be considered outdated in some respects, it still holds legal authority until it is officially updated or replaced.
18. With this in mind, the Commission notes that the provision of physical betting ticket to the bettor does not occur in the online sports bookmaker environment however, an electronic record of the bet is made available to an online bettor through the online sports bookmaker's App. In the Commission's view, this electronic record or electronic betting ticket must still clearly record details of the bet made as is mandated by the Act and the Regulations.
19. The Commission has reviewed the electronic betting ticket that was available to the Complainant on its bet365 App following his placement of the double bet subject of this dispute (a screenshot of which, as provided by the Complainant to the Commission, appears below):



20. It is the view of the Commission that the electronic betting ticket as displayed on the bet365 App shows for each leg of the bet (in order):
- the bettor's selection for the outcome of the game on which the bet has been placed and the handicap involved;
  - the type of betting market on which the bet has been placed; and
  - the details of the teams playing the game and when the game will be played.
21. In relation to the leg of the bet involving the Waterford and Tipperary game, the electronic betting ticket shows that out of the three possible outcomes available (i.e. Waterford to win, Tipperary to win or a tie), the Complainant selected Waterford to win the game taking the handicap of four points into account.
22. The Commission notes that the Complainant has not disputed that when he placed the bet, he selected Waterford to win. The Complainant has not raised in his dispute lodged with the Commission that he also selected a tie in the game as a possible outcome in addition to his selection of Waterford to win. Rather he has disputed the way in which the electronic betting ticket has displayed his bet.
23. The Complainant's position that while he selected Waterford to win, the electronic betting ticket shows that his bet would also be successful if the game resulted in a tie is not a tenable position to maintain given that if this was the case, then it would mean that all three possible outcomes for the betting market would have won in the event of the game resulting in a tie. This would mean that every bet placed on the betting market would be a winning bet regardless of the selection made and bet365 would not profit from any bet that had been placed – this is simply not how a bookmaker achieves a balanced book or manages their risk to ensure they can profit regardless of the outcome of a betting event.
24. Given that after applying the handicap of 4 points against Waterford, the outcome of the hurling game was a tie between the two teams, the Commission has determined that bet365 has settled this leg of the bet correctly as a losing leg as the Complainant had selected Waterford to win.
25. Given both legs in a double bet must be successful to win, the double bet in its entirety has been correctly settled by bet365 as a losing bet, with no monies being payable to the Complainant.

### **NOTICE OF RIGHTS**

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



Cindy Bravos  
Presiding Member  
Northern Territory Racing Commission

28 August 2023

On behalf of Commissioners Bravos, Corcoran and Kirkman