

# 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 O

**LICENSEE:** Swopstakes Australia Pty Ltd (trading as GetSetBet)

**HEARD BEFORE:  
(on papers)** Mr Alastair Shields (Presiding Member)  
Ms Cindy Bravos  
Ms Amy Corcoran

**DATE OF DECISION:** 21 June 2024

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### DECISION

1. For the reasons set out below, the Northern Territory Racing Commission (**the Commission**) is satisfied that during its dealings with the Complainant, Swopstakes Australia Pty Ltd (**the Licensee**) has acted in compliance with the regulatory environment imposed on it by the *Racing and Betting Act 1983* (**the Act**), the licence conditions attached to its sports bookmaker licence and the Northern Territory Code of Practice for Responsible Service of Online Gambling 2019 (**the 2019 Code**).
2. The Commission has further determined all bets placed by the Complainant through his use of the betting account with the Licensee, are lawful.

### REASONS

#### Background

##### The Licensee

3. The Commission has granted a licence to the Licensee to conduct the business of a sports bookmaker pursuant to section 90 of the Act. The Licensee's current sports bookmaker licence is due to expire on 12 March 2025.
4. Under that licence, the Licensee is currently authorised by the Commission to operate two online wagering platforms under the commercial branding of Swopstakes and GetSetBet. For ease of reference and given that the events complained of occurred while the Complainant interacted with the Licensee while using the GetSetBet branded online wagering platform, the Commission has determined to refer to the Licensee as **GetSetBet** throughout the remainder of this Decision Notice.

##### The Complaint

5. On 2 February 2023, the Complainant lodged an online complaint with the Commission about his dealings with GetSetBet.
6. The substance of that complaint is that after having his request to permanently close his betting account with GetSetBet actioned, he was able to have the betting account re-opened.

Following the betting account being re-opened, the Complainant was then able to deposit a total of \$3,500 into the betting account which he used to place a number of predominantly losing wagers, with the ultimate outcome being that he lost the \$3,500 that he had deposited into the betting account.

7. As a resolution to his complaint, the Complainant is seeking for GetSetBet to return the money he deposited into his GetSetBet betting account after the account was re-opened.

#### Codes of Practice

8. The Commission provides practical guidance to the sports bookmakers it licences on matters relating to the Act through the approval of Codes of Practice. The current Code of Practice which came into effect on 26 May 2019, was approved by the Commission to provide guidance on responsible gambling practices that must be implemented by sports bookmakers so as to minimise the impact of any harms that may be caused by online gambling. The Act and the licence conditions attached to all sports bookmaker licences granted by the Commission, require licensees to adhere to any Codes of Practice approved by the Commission.

#### Commission Hearing

9. Pursuant to section 85(4) of the Act, the Commission determined to hear the dispute and make its determinations in the absence of the parties, based on the evidence before it.
10. That evidence includes submissions to the Commission by both the Complainant and the Licensee, as well as additional evidence obtained on behalf of the Commission by the Commission's betting inspectors.

#### **Consideration of the Issues**

11. The Complainant has submitted to the Commission that despite his request for a permanent closure of his GetSetBet betting account on 17 June 2022, he was able to have the betting account re-opened following another request on 19 January 2023.
12. Evidence before the Commission shows that on 17 June 2022, the Complainant contacted GetSetBet via its 'Live Chat' facility in GetSetBet's betting App and requested a deposit match bonus, which was denied. After requesting a further bonus, the Complainant stated:
  - *"If you don't provide a bonus please close my acc"*
13. Following the Complainant again being advised that GetSetBet would not be providing him with a bonus, the Complainant stated:
  - *"Please close the account, I'll leave a happy winner"*
  - *"permanently close as well"*
14. GetSetBet actioned the Complainant's request to close the betting account which resulted in the Complainant being unable to login to the betting account and the Complainant being removed from the GetSetBet marketing materials database.
15. On 19 January 2023, the Complainant initiated contact with GetSetBet via its 'Live Chat' facility and asked if he could re-open his betting account. In response, GetSetBet asked the Complainant why he had previously de-activated his betting account to which the Complainant replied:
  - *"I'm not too sure but probably due to lack of service"*

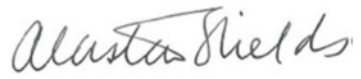
16. After providing proof of his identification, the Complainant's GetSetBet betting account was re-opened a short time later. At that time GetSetBet also reminded the Complainant of the ability to set a deposit limit using the GetSetBet gambling management tools.
17. Shortly after the betting account was re-opened and over the next 33 minutes, the Complainant deposited a total of \$3,500 which he used to place predominantly losing bets, ultimately resulting in a betting account balance of zero.
18. Within several minutes of his last losing bet being resulted, the Complainant again contacted GetSetBet via its 'Live Chat' facility and advised GetSetBet that it needed to return to him the \$3,500 that he had just deposited and lost as GetSetBet had allowed him to re-open his permanently closed betting account.
19. As is evidenced through the 'Live Chat' records, the closure of the Complainant's betting account in June 2022 was a voluntary decision taken by the Complainant due to his dissatisfaction with the service being provided to him by GetSetBet (i.e. a lack of provision of bonus bets). In the Commission's view, it was a choice made by the Complainant to discontinue his online wagering relationship with GetSetBet at that time.
20. The permanent closing of a betting account due to customer dissatisfaction (and not due to customers experiencing harm related to their wagering activity) does not invoke any regulatory restrictions on future wagering activities. The account holder who has closed the account (being the Complainant in this case), retains the freedom to open betting accounts with other online wagering providers, or even return to the same online wagering service provider to engage in online wagering.
21. Self-exclusion on the other hand (be it temporary or permanent) is a responsible gambling measure that allows individuals to restrict their access to some or all online wagering platforms. It is typically implemented by individuals who have recognised that they may be experiencing gambling related harms and wish to take a break from gambling for a specified period. Given the importance of this, the Commission through the 2019 Code, has implemented strict rules which prohibit a sports bookmaker licensed by it from opening or re-opening a betting account for an individual during any period of self-exclusion.
22. Given that the Complainant voluntarily opted to close his betting account with GetSetBet in June 2022 due to his dissatisfaction with GetSetBet's services at that time and that the closure was not related to a self-exclusion, the Commission has determined that GetSetBet was not in breach of the Act, the licence conditions attached to its sports bookmaker licence or the 2019 Code when it made the decision to re-open the Complainant's betting account following it satisfying itself that the Complainant had previously closed his account due to service related issues.

## **LAWFULNESS OF BETS**

23. On the weight of the evidence before it, the Commission is satisfied that during its dealings with the Complainant, GetSetBet acted in compliance with the regulatory environment imposed on it by the Act, its licence conditions and the 2019 Code. Given this, the Commission has determined that all bets placed by the Complainant through his use of the GetSetBet betting account were lawful bets.

## **NOTICE OF RIGHTS**

24. 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.

A handwritten signature in cursive script that reads "Alastair Shields".

Alastair Shields  
Chairperson, Northern Territory Racing Commission

On behalf of Commissioners Shields, Bravos and Corcoran