

NORTHERN TERRITORY RACING COMMISSION

DECISION NOTICE AND REASONS FOR DECISION

MATTER:	Gambling Dispute for determination by the Northern Territory Racing Commission (pursuant to section 85(2) of the <i>Racing and Betting Act 1983</i>)
COMPLAINANT:	Mr H (the Complainant)
LICENSEE:	Entain Group Pty Ltd trading as Ladbrokes, Neds and bookmaker.com.au
HEARD BEFORE: (on papers)	Mr Alastair Shields (Presiding Member) Ms Amy Corcoran Ms Susan Kirkman
DATE OF DECISION:	26 June 2024

DECISION

1. For the reasons set out below, the Northern Territory Racing Commission (**the Commission**) is satisfied that Entain Group Pty Ltd (**the Licensee**) has, in relation to its dealings with the Complainant, acted in compliance with the regulatory environment imposed on it by the *Racing and Betting Act 1983* (**the Act**), its licence conditions and the terms and conditions that were in effect at the time of the events the subject of this gambling dispute.

REASONS

Background

2. The Commission has granted a licence to the Licensee to conduct the business of an online sports bookmaker pursuant to section 90 of the Act. The Licensee's current licence is due to expire on 30 August 2026.
3. Under that licence, the Licensee is currently authorised to operate two wagering platforms under the online branding of Ladbrokes and Neds. Entain also operated another platform, bookmaker.com.au, during the period that is relevant to the consideration of this dispute.
4. For ease of reference the Commission has determined to refer to the Licensee as Entain throughout this Decision Notice, and to separately refer to Ladbrokes, Neds, and bookmaker.com.au where necessary.
5. As noted in quite a number of previous Commission decisions, all sports bookmakers licensed by the Commission are required to herald a comprehensive set of terms and conditions for wagering which both parties are bound by when an account is opened and each time a bet is struck. These terms and conditions operate to ensure legislative compliance and the commercial efficacy of the business model of a sports bookmaker.
6. 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 Northern Territory Code of Practice for Responsible Service of Online Gambling 2019 (**the Code**) came into effect on 26 May 2019, having replaced an earlier Code. The Code 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 sports bookmakers to adhere to any Codes of Practice approved by the Commission.

The Complaint

7. On 12 January 2021, the Complainant lodged a complaint with the Commission in relation to his dealings with Entain. In the complaint, the Complainant states that he self excluded from Ladbrokes in 2015, and that on 9 January 2021, following a number of interactions with customer support, he made a deposit into his Ladbrokes account and was able to place a number of wagers using the deposited funds.
8. He also subsequently complained that he had been able to open a new account with bookmaker.com.au, and utilise an account in his name with Neds, (both of which are other platforms operated by Entain), after having self excluded from Neds in June 2019.
9. The Complainant seeks refunds in the amounts of \$635 (bookmaker.com.au), and \$6,566 (Ladbrokes).

Consideration of the Issues

10. Pursuant to section 85(4) of the Act, the Commission determined to investigate the matter and hear the dispute in absence of the parties, and make its determinations based on the written material before it. The Commission has had the opportunity to review email correspondence between the Complainant and Entain, together with account statements and telephone recordings.
11. The Complainant opened his account with Ladbrokes on 8 February 2015, which was when the platform was licensed in Norfolk Island and prior to Entain being licensed in the Northern Territory. The Commission has sighted evidence that the Complainant applied a self exclusion to this account for a period of six months on 21 February 2015, and that an email confirmation of the period of self exclusion was sent to him on that day.
12. On 25 October 2015, the Complainant telephoned user help to seek to have his Ladbrokes account reactivated, but at that time he was wrongly advised by the operator that his account was permanently self excluded. Entain has advised that the wrong advice that the account was permanently excluded was caused by an incorrect note from 2015. It was however apparent from the recording of that call that the Complainant was aware that he had self excluded for a period of six months, and that he was aware that that period had expired at the time of the call.
13. On 25 October 2015, after his unsuccessful attempt to reopen his Ladbrokes account, the Complainant was able to successfully open an account with bookmaker.com.au.
14. The Complainant also unsuccessfully tried to reopen his Ladbrokes account on 13 July 2019, and was again told that his account was closed as a self exclusion.
15. On 9 January 2021, the Complainant again called user help and on this occasion, he was able to reactivate his Ladbrokes account and make deposits and place wagers, after verifying his account and correcting an incorrect date of birth.
16. On 10 January 2021, a member of Entain's security team reviewed the account, together with the note from 2015 that incorrectly stated that the account had been permanently self

excluded, and concluded that the account had been incorrectly reinstated. A permanent self exclusion was then applied to the Complainant's accounts across all of Entain's platforms.

17. The Complainant then queried why his account had been closed, and was again incorrectly informed that it was due to a permanent exclusion being in place. This ultimately led to Entain discovering that the Complainant had never permanently self excluded from any of Entain's platforms.
18. The Complainant's Neds account was opened on 16 November 2018. On 28 June 2019, the Complainant availed himself of the "take a break" function to prevent him placing wagers from that date until 31 October 2019. He subsequently used his account with the Neds platform to make deposits and place wagers in the period from 12 November 2020 until his account was permanently closed on 5 January 2021.
19. Clauses 4.2 (e) and (f) of the Code provide:
 - “(e) Where a person requests that they be permanently self-excluded for any reason or is permanently excluded by the online gambling provider due to problem-gambling concerns, the online gambling provider must not knowingly permit that person to re-open or open a new account.
 - (f) Where a person requests they be temporarily self-excluded, the online gambling provider must not knowingly permit that person to wager with the provider prior to the expiry of the specified self exclusion period (whether by opening another account or reactivating or re-opening their original account).”
20. It is clear to the Commission that the Complainant has never requested a permanent self exclusion from any of his accounts with Entain, and that Entain has not permitted him to make deposits and place wagers while temporary self exclusions have been in place.
21. Although it is unfortunate that Entain incorrectly advised the Complainant on a number of occasions that he was permanently self excluded, Entain has not breached the relevant requirements in the Code concerning allowing customers to reopen accounts or place wagers while self excluded.
22. It therefore follows that the Complainant is not entitled to the return of any monies deposited and wagered through his accounts.

NOTICE OF RIGHTS

23. 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.



Alastair Shields
Chairperson
Northern Territory Racing Commission

On behalf of Commissioners Shields, Corcoran and Kirkman