

# NORTHERN TERRITORY RACING COMMISSION

## Reasons for Decision

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<b>Complainant:</b>	Mr C
<b>Licensee:</b>	William Hill Australia Wagering Pty Ltd
<b>Proceedings:</b>	Pursuant to Section 85(4) of the <i>Racing and Betting Act</i> – Referral of Dispute to Racing Commission for Determination
<b>Heard Before:</b>	Mr David Loy Mr John Boneham Mr Jim McNally
<b>Date of Decision:</b>	31 August 2016

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### Background

1. On 11 January 2016, Mr Mark Pinfold, Client Account Manager, of William Hill Australia Trading Pty Ltd lodged a dispute with the Racing Commission in relation to lawful betting pursuant to s85(2) of the *Racing and Betting Act* (the Act).
2. Section 85(2) of the Act states:  
**85 Legal proceedings in respect of bets**  
(2) where a dispute relating to lawful betting occurs between a bookmaker and a person, the dispute shall be referred by the bookmaker and may be referred by the other party to the dispute, to the Commission.
3. William Hill Australia Trading Pty Ltd is seeking a determination from the Racing Commission (Commission) to declare a series of wagers lawful. The wagers relate to Mr C (the client).
4. On 1 September 2015, the Commission approved a request from William Hill Australia Group to undertake a restructure of the business. As part of this restructure William Hill Australia Trading Pty Ltd (formerly known as Sportingbet Australia Pty Ltd) licence was cancelled and a new licence issued to William Hill Australia Wagering Pty Ltd.
5. The Commission is aware that William Hill Australia Trading Pty Ltd filed a Statement of Claim with the Northern Territory Local Court on the 24 June 2015 (prior to the restructure taking place). Likewise the Commission is aware that a Notice of Defence has been filed by Mr Mark O'Brien (the clients Legal Counsel) and the matter is ongoing in the Northern Territory Local Court.
6. The Current Sports Bookmakers licence is issued to William Hill Australia Wagering Pty Ltd (the Bookmaker). William Hill Australia Holdings Pty Ltd is the parent company of the Bookmaker and is assigned to undertake proceedings for the recovery of monies payable by a person who places a wager on account of a lawful wager(s) made and accepted.
7. The bets and wagers in question were placed by the client who had opened an account with the Bookmaker on 7 April 2011 and continued to place wagers until 18 October 2014. At all material times the wagers were struck with William Hill Australia Trading Pty Ltd.

Between 8 April 2011 and 18 October 2014, the client placed bets with the Bookmaker. These bets were debited to the clients account and any winnings were credited to that account.

The Commission has received copies of the printout of accounts showing evidence of the betting account of the client being in debt to the amount of \$18,843.40.

## Consideration of Issues

8. The Bookmaker alleges the client owes an amount of \$18,843.40 being for unpaid wagers. A Statement of Claim was filed by William Hill Australia Trading Pty Ltd formerly known as Sportingbet Australia Pty Ltd.
9. The facts presented that the Commission must rely on are for determining whether the wagers were lawful: The panel members convened to determine this matter make no comment on the legal arguments currently before the Local Court.
10. The Bookmaker is lawfully licensed in the Northern Territory as a Sports Bookmaker pursuant to section 90 of the Act.

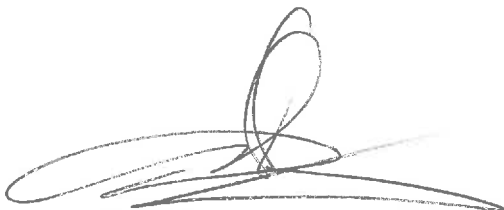
The licence granted to the Bookmaker authorises it to lawfully conduct wagering on racing and sporting events.

11. Under its licence the Bookmaker is authorised to accept wagers of the type made through an account opened by the client.
12. The Commission therefore finds, following consideration of all materials presented, that the bets placed by the client with the Bookmaker were lawful pursuant to section 85(1)(a)-

(1)For the purpose of this section, a bet is not lawful if it is declared by the Commission, after an investigation in accordance with this section, to be not lawful.

## Decision

13. Having established that the Bookmaker was granted a Sports Bookmakers licence by the Commission, which allows a licensed bookmaker to take bets on all declared sporting events through the use of the internet and telephone, and the betting activities engaged by Mr C with the Bookmaker were within the parameters of the licence provided.
14. The Commission therefore determines that the bets placed were lawful pursuant to Section 85(1)(a) of the Act.



**David Loy**  
Presiding Member

August 2016