

NORTHERN TERRITORY RACING COMMISSION

Reasons for Decision

Complainant:	Mr L
Licensee:	Sportsbetting.com.au Pty Ltd
Proceedings:	Gambling Dispute for determination by the Northern Territory Racing Commission (pursuant to section 85(2) of the <i>Racing and Betting Act 1983</i>)
Heard Before: (on papers)	Ms Amy Corcoran (Presiding Member) Mr James Pratt Mr Kris Evans
Date of Decision:	19 November 2021

Background

1. On 18 December 2020, pursuant to section 85(2) of the *Racing and Betting Act 1983* (**the Act**), the Complainant lodged a gambling dispute with the Northern Territory Racing Commission (**the Commission**) against the Northern Territory licensed sports bookmaker, Sportsbetting.com.au Pty Ltd (**Sportsbetting**).
2. Information was gathered from the parties involved by Licensing NT officers appointed as betting inspectors by the Commission and provided to the Commission, which determined that there was sufficient information before it to consider the gambling dispute on the papers.
3. The Complainant claims he self-excluded from all Northern Territory licensed bookmakers by completing the self-exclusion form and sending it to the Commission in July 2019. Sportsbetting submits it did not receive the Complainant's self-exclusion form and therefore had no knowledge of the Complainant's gambling problem.
4. The Complainant's account was open for 10 hours in which he deposited and lost a total of \$2,000 and is seeking Sportsbetting refund the \$2,000 he deposited.
5. The Complainant opened the account with Sportsbetting on 17 December 2020, making his first deposit at 12:02pm. At 10:04pm on the same day, the Complainant contacted Sportsbetting through Live Chat and informed them he had previously requested to be excluded via the online form on the Northern Territory Government website. Sportsbetting immediately closed his account.
6. Licensing NT officers have informed the Commission that they did not receive a self-exclusion form from the Complainant in or around July 2019 or at any other time.
7. Further to alleging he was self-excluded, the Complainant also submits that:
 - a. he displayed red flag behaviours that Sportsbetting should have detected which included betting for extended periods without a break; and
 - b. Sportsbetting required him to turnover his bonus bets in breach of condition 5.5(b) of the Northern Territory Code of Practice for Responsible Service of Online Gambling 2019 (**the 2019 Code**).

Consideration of the Issues

8. For many people, gambling is harmless entertainment. The Commission however, recognises that this is not the case for all people who engage in gambling and that in some circumstances, some people are unable to control the urge to gamble despite knowing that it is having a negative impact on their lives. With this in mind and in order to minimise the harm that may be caused by online gambling, the Commission introduced the 2019 Code which came into effect on 26 May 2019, having replaced the Northern Territory Code of Practice for Responsible Gambling 2016. All Northern Territory sports bookmakers and betting exchanges licensed by the Commission are required to comply with the 2019 Code.

Self-exclusion

9. The 2019 Code amongst other things states that:

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.

10. The Commission, through the administrative support provided to it by officers from Licensing NT, provides a service which allows a person wishing to self-exclude from one or more NT sports bookmakers to submit a self-exclusion form directly to Licensing NT rather than making direct contact with the sports bookmakers themselves. Officers from Licensing NT then facilitate the self-exclusion request by distributing the form directly to the nominated sports bookmakers.
11. As stated above, Licensing NT did not receive a self-exclusion request in July 2019 from the Complainant. Subsequently, Sportsbetting would not have had any prior knowledge of the Complainant's gambling problem at the time he opened his account.
12. The Commission strongly encourages the Complainant to complete and return the self-exclusion form which was forwarded to him upon receipt of this dispute by Licensing NT. To date, the Complainant has still not returned the completed form.

Red flag behaviours

13. The 2019 Code also requires that all sports bookmakers recognise and monitor 'red flag behaviours' of its customers which may indicate the customer is experiencing problems with gambling.
14. With respect to the obligation that is imposed on all sports bookmakers regarding identifying red flag behaviours, the 2019 Code states among other things:

3.2 Recognising potential problem gamblers

Where appropriate, a customer who displays some, or a number, or a repetition of red flag behaviours should be monitored by an online gambling provider and appropriate customer interaction should take place to assist or protect that customer which reasonably corresponds to the circumstances. Online gambling providers should ensure responsible gambling policies and procedures are in place to allow staff to detect and assist customers who may be experiencing problems with gambling.

15. The Commission has detailed in the 2019 Code that problem gambling red flag behaviours may include, but are not limited to gambling for an extended period; changing gambling patterns; increase in deposit frequency; escalating sums of money deposited; thinking they can control outcomes or believes myths; accusing an online gambling provider of changing payouts or rigging systems; admissions of being drunk or under the influence of other drugs; exhibiting signs of distress such as crying or swearing; expressing guilt or remorse for gambling; verbally abusing staff; threats to property or staff; remarks that may indicate serious overspending; repeatedly commenting about family problems; showing concern about losses and payouts; indicating they need a break from gambling; repeatedly self-excluding from gambling and/or disclosing problems with gambling.
16. The indicia of problem gambling tend to be heterogeneous and so are the harms a person can suffer if they are experiencing issues associated with their gambling behaviour. Given this, the Commission has mandated that all sports bookmakers should provide appropriate training so as to ensure that all staff have a reasonable understanding of problem gambling and be aware of what signs might indicate which of their customers are experiencing difficulties.
17. In this case, the Complainant has submitted to the Commission that Sportsbetting failed to identify that he was a problem gambler despite the fact he displayed red flag behaviours, including that gambling for extended periods without taking a break, and should have flagged his account after three or four deposits.
18. On reviewing the transaction history, the Commission is not of the view that the Complainant's behaviour raised any red flags that should have reasonably been detected and acted upon by Sportsbetting. It is noted that the Complainant did engage in betting from about midday to 9.30pm that day but did also take a break for an hour and a half at around 5.30pm.
19. The Complainant told Sportsbetting via Live Chat at 10.04pm that evening that he 'self-excluded for gambling issues on nt.gov.au about a year ago' and Sportsbetting properly closed his account immediately.

Bonus Bets

20. The Complainant claims Sportsbetting has breached condition 5.5(b) of the 2019 Code as he was required to turn over his winnings from successful bonus bets. Condition 5.5(b) states:

5.5 Inducements

...

(b) Online gambling providers must not offer or provide a complimentary credit or token ("bonus bet") to a person unless the winnings resulting from that bonus bet can be withdrawn immediately and is not subject to any requirement that the customer continue to bet with those winnings.

21. Sportsbetting refutes this allegation and submits it explained to the Complainant that it is the deposit (that attracted the bonus bet) which is required to be turned over, and there is no requirement to turn over the winnings from the bonus prior to making a withdrawal. Sportsbetting's terms and conditions below, support its response:

Bonus Bets and Credit

... all bonus bets require that the related deposit gets turned over before a withdrawal is approved at bets with minimum odds of \$1.50. For example, your account makes a deposit of \$1,000 and is awarded a bonus. Aside from any bonus bet turnover requirement, the deposit of \$1,000 must be bet before a withdrawal is approved.

22. Further to the Complainant's grievance above on Bonus Bets, it is evident in the email correspondence between the Complainant and Sportsbetting, that the Complainant was very disappointed about not receiving the Bonus Bets which he would have been awarded before his account was closed.

Decision

23. The Commission is authorised following an investigation to declare that a disputed bet is lawful or not lawful so far as the requirements of the Act are concerned.
24. In this matter, the Commission has determined that there is no evidence of prior self-exclusion by the Complainant or non-compliance by Sportsbetting with the Act or the 2019 Code. Accordingly, the bets struck by the Complainant with Sportsbetting on 17 December 2020 were lawful bets pursuant to section 85(1A) of the Act as they were struck in accordance with the Act and relevant Codes of Practice. It follows that no outstanding monies are payable by Sportsbetting to the Complainant.

Review of Decision

25. 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.



Amy Corcoran
Presiding Member
Northern Territory Racing Commission