

NORTHERN TERRITORY RACING COMMISSION

Reasons for Decision

Complainant:	Ms J
Licensees:	Lottoland
Proceedings:	Gambling Dispute for determination by Racing Commission pursuant to section 85(2) of the <i>Racing and Betting Act</i>
Heard Before: (on papers)	Mr Alastair Shields (Presiding Member) Ms Cindy Bravos Ms Amy Corcoran
Date of Decision:	10 March 2020

Background

1. On 14 January 2019, pursuant to section 85(2) of the *Racing and Betting Act* (the Act), the complainant lodged a gambling dispute with the Commission against the licensed sports bookmaker, Lottoland.
2. The complainant states that she placed a bet on 12 December 2018 with a stake of \$49.99 with Lottoland on the outcome of the Spanish El Gordo lottery. The complainant claims that the numbers she selected for the bet were winning numbers and therefore she is entitled to be paid 10% of what she states was the prize of 3.2 billion Australian dollars. Instead, the complainant states that on 23 December 2018, Lottoland advised her that she had won on 5 numbers she had selected and that she had won 10% of \$1612.20 being \$161.22, and not the 10% of \$3.2 billion dollars that she was expecting.
3. Lottoland rebut the complainant's claim and state that the bet made by the complainant on the outcome of the lottery was correctly paid out. Lottoland state that the complainant's bet was one of the winning numbers drawn in the lottery to win a minor prize for the equivalent of \$1,612.41 and as the complainant's bet was for a 10% share of the winning ticket prize, the complainant was paid 10% of the winning amount, being \$161.22. Lottoland state that the complainant has placed bets on the same lottery twice before and it is improbable that the complainant could have misinterpreted the nature of her bet.
4. Information was gathered from both parties by a Licensing NT officer appointed as a betting inspector by the Commission under the Act and provided to the Commission to consider the dispute on the papers.

Consideration of the Issues

5. Lottoland was granted a sports bookmaker licence by the Commission in 2015, which at the time authorised Lottoland to accept bets on the outcome of national and international lotteries. Whilst changes made to federal legislation no longer allow this type of betting activity to occur, at the time the complainant placed her bet

with Lottoland on the outcome of the Spanish El Gordo lottery, this type of bet was still allowed.

6. The Spanish El Gordo Christmas lottery which is known officially as Sorteo Extraordinario de Navidad is an annual lottery drawn each year on December 22. The lottery is an extraordinary draw of the Spanish national lottery and works more like a raffle with thousands of prizes adding up to make the total prize pool. When it is drawn, all ticket numbers (on a ball) are placed into a large spherical cage and all possible prizes (on a ball) are placed into another cage. To match a number to a prize, a ball from each barrel is drawn at the same time until no balls remain in the prize cage.
7. Underlying the draw are 100,000, 5 digit numbers (00000 to 99999) with each number being sold 165 times in 2018. This means that there were 165 tickets sold that won the main jackpot prize known as El Gordo (or the fat one). In addition to the main jackpot prize, there are thousands more prizes making up the lottery's total prize pool which in 2018 was \$3.2 billion. The main jackpot prize or El Gordo was \$6.4 million.
8. Tickets in the originating lottery are regarded as quite expensive, however rather than buying the whole ticket, tickets can be divided into tenths and entrants can buy a single tenth of a ticket, If that ticket wins, then the buyer of the tenth of a ticket, wins a tenth of the prize money for that ticket.
9. The Commission has reviewed the draw results for the 2018 lottery as published by elgordo.com and which can be found at <https://www.elgordo.com/data/Inres/2018/eg-In-18102.pdf> and notes that the first prize of 4,000,000 Euros was won by ticket number 03347. Ticket 97342 is listed as having won a prize of 1,000 Euros.
10. The Commission notes that the complainant placed a bet with Lottoland on 12 December 2018 with a stake of \$49.99 that ticket number 97342 would be the winning number for the lottery. Similar to the underlying lottery, the cost of placing a stake on the whole ticket number with Lottoland to win is relatively expensive. As a result, options made available by Lottoland ranged from betting a stake of one-hundredth of a ticket number to win at a price of \$6.99 through to the stake on a full ticket number to win at \$349.99. A tenth of a ticket number to win cost \$49.99 which is the value of stake that the complaint selected.
11. As ticket number 97342 won a prize of 1,000 Euros in the underlying lottery, each holder of a tenth of that ticket number won a prize of 100 Euros or in Australian dollars, \$161.22. This is the amount Lottoland paid out to the complainant against her bet which was on the outcome of ticket number 97342 to win the lottery.
12. It is clear from the underlying lottery that purchasing a ticket or part of a ticket enabled the purchaser a chance at winning the first prize of the lottery and if not lucky enough to do so, a chance at winning one of the lesser prizes from the total prize pool of the equivalent of 3.2 billion Australian dollars.
13. The Commission has reviewed the promotional material that was advertised by Lottoland regarding placing a bet on the Spanish Christmas lottery which included email and Facebook advertisements as well a banner on the Lottoland betting platform. It is clear to the Commission that each of these advertisements stated that the prize pool for the lottery was \$3.2 billion with one advertisement also stating that

even if you don't win the major prize, you will still have a one in seven chance of winning a prize.

14. The Commission has also reviewed the Lottoland 'Help and Frequently Asked Questions' fact sheet which clearly details that there was a total prize pool in excess of \$3 billion and a major prize in excess of \$6 million.
15. The Commission also notes that the complainant has placed bets with Lottoland in 2016 and 2017 on the outcome of the Spanish Christmas lottery and has additionally engaged in email correspondence with Lottoland that the Commission has sighted in which between January and July 2018 Lottoland explained how she could view the results of the lottery as well as having the 2017 draw results explained to her and the link to all prizes awarded provided.

Decision

16. The Commission is of the view, given the complainant's previous betting history with Lottoland on the Spanish Christmas lottery in 2016 and 2017 coupled with her email conversations with Lottoland between January and July 2018, and the clear detail provided in Lottoland's promotional material for the 2018 Spanish Christmas lottery, that the complainant's assertion that she was of the belief that her winning bet would entitle her to 10% of the full prize pool amount of the 2018 Spanish Christmas lottery cannot be sustained.
17. The Commission is satisfied that the bet struck on the outcome of the 2018 Spanish Christmas lottery known officially as Sorteo Extraordinario de Navidad was a lawful bet under the Act.
18. The Commission is also satisfied that the bet struck was a winning lawful bet in that the ticket number allocated to the bet of 97342 is the same number as a ticket number that won a prize in the underlying lottery draw. The Commission is further satisfied that ticket number 97342 was awarded 1,000 Euros being the equivalent of \$1,612.20 in the underlying lottery draw and that any holder of a tenth share of that ticket was awarded 100 Euros being \$161.22. As a result, the Commission is satisfied that the complainant has received the correct amount of moneys payable to her by Lottoland on a winning lawful bet.

Review of Decision

19. 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
Chairman
Northern Territory Racing Commission

10 March 2020