

# NORTHERN TERRITORY RACING AND WAGERING COMMISSION

## DECISION NOTICE AND REASONS FOR DECISION

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**MATTER:** Gambling Dispute for determination by the Northern Territory Racing and Wagering Commission (pursuant to section 310(4) of the *Racing and Wagering Act 2024* and section 85(2) of the *Racing and Betting Act 1983*)

**COMPLAINANTS:** Mr V

**LICENSEE:** Hillside (Australia New Media) Pty Ltd trading as bet365

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

**DATE OF DECISION:** 22 May 2026

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### DECISION

1. For the reasons set out below, the Northern Territory Racing and Wagering Commission (**Commission**) is satisfied that:
  - Hillside (Australia New Media) Pty Ltd trading as bet365 (**bet365**) was entitled to suspend the Complainant's wagering account and withhold winnings on an interim basis following its identification of unusual wagering activity and referral of the matter to law enforcement in September 2021;
  - bet365 has, in response to the Commission's Preliminary Findings, transitioned from interim risk management measures to the making of a final and reasoned determination within the required timeframe, resulting in a determination by it to void the disputed wagers, return the stakes and permanently close the wagering account;
  - this complaint should be determined under the legislation in force at the time the wagers were placed, being the *Racing and Betting Act 1983* (**RBA**) and as a result, the Commission's jurisdiction does not extend to the resolution of contractual disputes between a licensee and its customers with such disputes being a matter for the civil courts. The Commission's interest in a licensee's terms and conditions under the RBA arises indirectly, as those terms are published as a condition of licence;
  - applying the relevant regulatory principles, the Commission is satisfied that bet365 had reasonable grounds to believe that the Complainant's wagering activity enlivened the integrity related protections under its terms and conditions. It is not necessary for the Commission to conclusively determine that a breach of those terms occurred; and
  - the Complainant's submission that the absence of an adverse finding by law enforcement requires payment of the winnings raises a contractual question that is outside of the Commission's jurisdiction and is properly a matter for civil proceedings.
2. This Decision Notice closes the Commission's consideration of the complaint.

## JURISDICTION AND PROCEDURE

3. Bet365 is authorised by the Commission to conduct the business of a sports bookmaker and to operate the digital wagering platform branded bet365.
4. Pursuant to the transitional arrangements contained with section 310(4) of the *Racing and Wagering Act 2024 (RWA)*, this complaint having not been determined prior to the commencement of the RWA, is to be determined by the Commission under subsection 85(4) of the RBA, being the legislation in force at the time the wagers of this complaint were placed. The Commission's jurisdiction under the RBA is regulatory in nature. It does not extend to the determination of contractual disputes between a licensee and its customers. That function belongs to the civil courts. The Commission's interest in a licensee's terms and conditions under the RBA, arises indirectly as those terms and conditions are required as a condition of licence, and the Commission may have regard to them in assessing whether a licensee's conduct is consistent with its regulatory obligations.
5. The Commission notes that the RWA, which came into force on 1 July 2024, confers on the Commission the express power to declare a wager or a series of wagers valid where the Commission is satisfied that the licensee should not have voided a wager due to it not contravening the RWA, a code of practice or the terms and conditions of wagering under which it was accepted, resulting in the licensee being required to pay out the amount of winnings of such a declared wager. No equivalent power vested in the Commission under the RBA. The wagers subject of this complaint were placed in September 2021, and the complaint has been determined under the legislative framework at the applicable time. The reference to the new power is included for transparency and to confirm the limits of the Commission's jurisdiction in this matter. It does not bear on the substantive findings set out below and the Commission makes no assessment of what outcome might have followed had the RWA applied.
6. The complaint has been determined on the papers, having regard to submissions from the Complainant and the wagering operator and evidence obtained by the Commission.
7. On 6 February 2026, the Commission issued Preliminary Findings requiring bet365 to make a final and reasoned determination concerning the ongoing suspension of the Complainant's wagering account and the settlement of the relevant wagers within 60 days and to notify both the Complainant and the Commission in writing of the outcome.
8. On 17 February 2026, bet365 provided a written response to the Preliminary Findings. On 5 March 2026, the Complainant through his legal representative also provided written submissions. The Commission has considered both in arriving at this final Decision Notice.

## BACKGROUND

9. On 13 September 2021, the Complainant placed eight wagers with bet365 with total stakes amounting to \$7,758.59. The wagers included selections across various markets relating to a tennis match played on 14 September 2021.
10. Bet365's trading team identified that the wagering activity associated with the match was unusual, based on the size, volume and pattern of wagers placed. As a result, the matter was escalated internally and was subsequently referred by bet365 to relevant authorities, including law enforcement, for investigation.
11. Following that referral:
  - the Complainant's wagering account was suspended; and

- winnings arising from the wagers in question amounting to approximately \$145,000 were withheld pending the outcome of the law enforcement investigation.
12. The Commission confirmed that a law enforcement investigation had commenced in relation to the matter and for that reason, deferred finalising its consideration of the complaint while that investigation remained ongoing, making regular inquiries as to its progress.
  13. The Commission was subsequently advised that the law enforcement investigation has been suspended, with no final determination having been made as to the integrity of the event or the conduct of the Complainant. The Commission accordingly issued its Preliminary Findings.

## **RELEVANT TERMS AND CONDITIONS**

14. As a condition of its licence, bet365 is required to publish and operate under a comprehensive set of terms and conditions governing its relationship with customers. Those terms and conditions have both contractual effect between bet365 and its customers and regulatory significance as conditions of its licence.
15. The terms and conditions relevant to the present matter include:
  - Clause B.4.2, which permits bet365 to close or suspend a customer's account at any time and for any reason, including where bet365 considers that the customer may have:
    - used the website in a fraudulent, unlawful or improper manner;
    - acted unfairly, deliberately cheated, or taken unfair advantage; or
    - where bet365 considers that such events may have occurred or are likely to occur;
  - Clause B.4.3, which entitles bet365 in the circumstances outlined above, to withhold or retain any amounts that would otherwise be payable to the customer, including winnings; and
  - Clause B.4.6, which reserves bet365's rights (subject to regulatory concurrence) to withhold payments and/or declare wagers void where there is evidence that:
    - the integrity of an event has been called into question;
    - prices or wagering pools have been manipulated; or
    - match rigging has taken place.
16. Questions as to the proper construction and enforceability of these terms as a matter of contract law are not within the Commission's jurisdiction under the RBA and would fall to be determined by a court of competent jurisdiction in any civil proceedings the Complainant may elect to bring.

## **RESPONSES RECEIVED**

### **Bet365's Response**

17. Bet365 provided a written response to the Commission's Preliminary Findings. In summary, bet365 advised that having regard to the suspension of the external criminal investigation, it had made a final determination to:
  - void the wagers the subject of the complaint;

- return the stakes to the Complainant; and
- permanently close the Complainant's wagering account.

18. Bet365 stated that this determination was made in accordance with its terms and conditions. Bet365 indicated that it remained satisfied that the Complainant's wagering activity on the match in question constituted an irregular or unusual betting pattern and that taken together with the unresolved external criminal investigation, led it to conclude that the integrity of the event had been called into question.

### **Complainant's Submissions**

19. The Complainant provided written submissions through his legal representative. The Complainant does not contest that the eight wagers were placed on 13 September 2021, that the outcome of the sporting event is as recorded or that the winnings amount to approximately \$145,000.
20. The Complainant submitted that in circumstances where the wagers, the outcome and the amount of winnings are all uncontested, and where law enforcement has investigated the matter since at least 2021 without making any adverse findings, the appropriate determination for the Commission is to order bet365 to pay the winnings within 30 days of this Decision Notice.
21. The Complainant's position is that, in the absence of an adverse finding by law enforcement or the Commission as to the integrity of the wagers, there is no proper basis for bet365 to withhold the winnings.
22. The Complainant has reserved all legal rights, including bringing a further complaint to the Commission and commencing civil proceedings seeking payment of the winnings, legal costs and interest from 2021.

## **CONSIDERATION BY THE COMMISSION**

### **Scope of the Commission's Jurisdiction**

23. The Commission's jurisdiction under the RBA is regulatory in character. It does not extend to resolving contractual disputes between a licensee and its customers, nor to making orders for the payment of winnings as though exercising powers of a civil court. Accordingly, the Commission cannot determine, as a matter of contract law, whether bet365 was entitled to void the wagers or whether it is obliged to pay the Complainant's winnings. Those are questions for the civil courts.
24. However, the Commission may have regard to a licensee's terms and conditions in the exercise of its regulatory function because those terms are published as a condition of licence. The Commission's inquiry is not whether bet365 breached a contract, but whether bet365's conduct was consistent with its regulatory obligations, including whether it had a sufficient evidentiary basis to invoke the relevant provisions of its terms and conditions.

### **Applicable Regulatory Principles**

25. The following regulatory principles apply to the present matter:
- the Commission may uphold a wagering operator's decision to withhold winnings when the operator has reasonable grounds to believe that a customer breached the account warranties contained in its terms and conditions, even if a definitive breach has not been proven;

- in assessing whether reasonable grounds exist, the Commission will consider the totality of the evidence available to the operator at the relevant time. The Commission will not overturn an operator's decision merely because aspects of its investigation were imperfect, provided the overall evidentiary basis was sufficient; and
- it is not necessary for the Commission to conclusively determine that a breach of the terms and conditions occurred. It is sufficient that the available evidence was capable of supporting the operator's belief and enlivening its contractual rights under those terms.

### **Application to the Present Matter**

26. The Commission has considered the totality of the evidence available to bet365, including:
- the identification by bet365's trading team of unusual wagering activity in connection with the match based on the size, volume and pattern of wagers placed;
  - the decision to escalate the matter internally and refer it to relevant authorities including law enforcement, reflecting a genuine and contemporaneous integrity concern;
  - the commencement of a law enforcement investigation which, while ultimately suspended without a final finding, corroborates that the referral was not without foundation; and
  - the absence of any satisfactory explanation from the Complainant that would dispel the integrity concern identified.
27. A suspended investigation does not amount to a finding of no wrongdoing and does not exonerate the Complainant. It reflects an inconclusive outcome without further evidentiary material being obtained. The fact that law enforcement did not make an adverse finding cannot be treated as equivalent to a finding that the wagering activity was lawful and the integrity of the event uncompromised.
28. Having regard to the totality of the evidence, the Commission is satisfied that bet365 had reasonable grounds to believe that the Complainant's wagering activity was of a character that enlivened the integrity related protections under clauses B.4.2, B.4.3 and B.4.6 of its terms and conditions. The evidentiary basis available to bet365 was capable of supporting that belief, notwithstanding that no definitive breach has been conclusively established.
29. The Commission's role under the RBA is not to substitute its own view on the underlying integrity issue nor to conduct a completely new assessment of the Complainant's wagering conduct. It is to assess whether bet365 acted on a sufficient evidentiary basis and whether bet365's conduct was consistent with its regulatory obligations. The Commission is satisfied that it did and that it was.

### **COMMISSION FINDINGS**

30. The Commission finds that:
- bet365 was entitled to impose interim protective measures, including suspension of the Complainant's wagering account and withholding of winnings while an external investigation was active and the integrity of the relevant event remained in question;

- bet365 has complied with the Commission's Preliminary Findings by transitioning from interim risk management measures to the making of a final and reasoned determination within the required timeframe;
- having regard to the totality of the evidence, including bet365's concerns regarding the nature and pattern of the wagering activity and the referral to and commencement of a law enforcement investigation, bet365 had reasonable grounds to believe the Complainant's wagering activity enlivened the integrity related protections available under its terms and conditions;
- it is not necessary for the Commission to conclusively determine that a breach of the terms and conditions occurred. The available evidence was capable of supporting bet365's belief and enlivening its rights under clauses B.4.2, B.4.3 and B.4.6;
- the Complainant's submission that the Commission should order payment of the winnings raises a contractual question outside the Commission's jurisdiction under the RBA, with that question properly a matter for the civil courts; and
- that bet365 has otherwise acted consistently with its regulatory obligations in this matter.

#### **NOTICE OF RIGHTS**

31. Section 85(6) of the RBA provides that a determination by the Commission of a dispute referred to it pursuant to section 85 of the RBA shall be final and conclusive as to the matter in dispute.



Alastair Shields  
Chair  
Northern Territory Racing and Wagering Commission

On behalf of Commissioners Shields, Bravos and Kirkman