NORTHERN TERRITORY RACING AND WAGERING COMMISSION

GUIDELINE NO. 2/2024

Guideline - Terms and Conditions of Wagering

Authority

1. The Northern Territory Racing and Wagering Commission (Commission) issues this guideline under section 42 of the *Racing and Wagering Act 2024* (Act).

Terms and Conditions of Wagering *(Division 5 of Part 6 of the Act)*

2. A licensee's terms and conditions are legally binding agreements between a licensee and its customers, and are approved by the Commission at the time of licence issuance.

3. Terms and conditions must be fair and reasonable, written in plain English and easily available on the licensee's website and other wagering platforms. The terms and conditions may be modified by the licensee (with notification to the Commission of any substantive changes) or under direction from the Commission.

Accessibility and Readability

4. Consumers of online wagering services should be aware of and able to understand the terms and conditions that govern the contractual relationship between the licensee and the consumer. To achieve this, licensees at a minimum must ensure that terms and conditions are:
   - written in clear and simple language;
   - expressly accepted during the process of opening a wagering account;
   - easily locatable with a link on each web page or screen;
   - available for download in a format with searchable text; and
   - version controlled with dates of changes recorded.

Core Terms and Conditions

5. Licensees must provide detailed information in its terms and conditions on:
   - account registration (including what information is required such as proof of identity and date of birth), usage (including prohibited jurisdictions) and closing processes;
   - account security and responsibilities;
   - privacy and data protection;
   - deposit and withdrawal processes (including timeframes involved);
   - the processes for handling of customer funds (including that customer funds on deposit are not guaranteed or secure in the event of administration or insolvency);
   - wagering rules and procedures (including how wagers/and or markets are resulted and circumstances where wagers may be voided);
   - odds and payouts (including where maximum pay-out limits exist and cash-out procedures);
   - bonuses and promotions (including any loyalty programs);
   - fair play and anti-fraud measures;
   - suspension and/or termination of accounts;
   - intellectual property;
   - limitation of liability;
   - complaint handling procedures (including that complaints may also be lodged with the Commission);
   - governing law and jurisdiction (including information on multiple branded platforms operating under the one licence);

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- force majeure; and
- contact information and hours of availability.

Safer Online Wagering

6. Licensees must set out in their terms and conditions, information on:
   - responsible gambling measures including deposit limits, time-outs and self-exclusion;
   - how to wager online safely and how to access information about, and help in respect of, gambling related harms; and
   - policies, procedures and commitments to implementing safer online wagering practices.

Substantive Changes

7. Section 182 of the Act sets out that licensees must provide notification to the Commission of any substantive change it makes to its terms and conditions, within 14 days of that change.

8. A substantive change is considered to be any modification that significantly impacts the rights, obligations or protections of either the consumer or the licensee. Examples of substantive changes include:
   - changes to deposits and withdrawal polices altering how funds are deposited, withdrawn, or processed including any change to fees or timeframes;
   - alterations to terms related to customer funds such as modifying the way customer funds are held, managed, or protected, including changes in liability in case of system failure or fraud;
   - changes to fees or charges including introducing, removing or increasing fees for account maintenance, withdrawals or other services;
   - changes to processes for suspension or termination of accounts;
   - modifications to wagering rules such as adjusting the rules governing how bets are placed, accepted, settled or voided;
   - updates to account and identity verification such as introducing new requirements for verifying user identity or restricting account access;
   - revisions to responsible gambling measures modifying policies around self-exclusion, account limits, or problem gambling support services;
   - adjustments to data privacy and security practices including any change that affects how customer data is collected, stored, shared or protected; and/or
   - changes in dispute resolution processes altering the procedure for handling customer complaints, legal disputes or arbitration processes.

9. Licensee must immediately inform its customers of any substantive changes to the licensee's terms and conditions that are detrimental to the customer.

Non-Substantive Changes

10. A licensee may make updates or modifications to its terms and conditions that do not materially affect the rights, obligations or expectations of the consumer or licensee, at any time.

11. These changes would typically be administrative, clarifying or relating to formatting rather than altering core terms and conditions. Examples of non-substantive changes include:
    - cosmetic changes such as altering the layout, rewording sentences or changing structure for readability without altering meaning;
    - correcting typographical or grammatical errors that don't impact the substance of the terms and conditions;
    - updating contact information such as changing address, phone number or email address;

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- clarifying ambiguous language such as making minor adjustments to language for clarity without changing the underlying obligations or rights of the consumer or the licensee; and/or
- adding non-essential definitions such as introducing terms or explanations for clarity that don't alter the original obligations or rights of the consumer or the licensee.

12. Licensees are to provide the Commission with a copy of its terms and conditions (version controlled with dates of any changes recorded) by the last day of each quarter (deliverable by end of August, end of November, end of February and end of May each year),

Multi-brand Operations

13. It is crucial that customers know which licensee they are engaging with and the terms and conditions of that engagement.

14. Licensees who operate or intend to operate multiple branded platforms under one licence must provide the Commission with brand-specific terms and conditions for each brand the licensee operates or intends to operate.

15. The development of new brand-specific terms and conditions by a licensee is considered to be a substantive change to a licensee's terms and conditions and requires notification to the Commission, which should occur at the earliest opportunity.

Alastair Shields
Chair
NT Racing and Wagering Commission

17 December 2024

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