

NORTHERN TERRITORY RACING COMMISSION

Reasons for Decision

Complainant:	Mr M
Licensee:	Sportsbet
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)	Ms Cindy Bravos (Presiding Member) Ms Amy Corcoran Mr James Pratt
Date of Decision:	5 June 2020

Background

1. On 14 June 2018, pursuant to section 85(2) of the *Racing and Betting Act* (the Act), the complainant lodged a gambling dispute with the Northern Territory Racing Commission (the Commission) relating to the actions of the Northern Territory licensed sports bookmaker, Sportsbet.
2. The complainant is seeking for Sportsbet to refund \$157,888.19, being the stake for a bet struck on 26 April 2018, on the basis that he was unaware when he placed the bet, that Sportsbet's Cash Out product was not available on the betting market. As a result, the complainant claims that the bet was placed as the consequence of an honest and genuine mistake caused at least in part, by a lack of clarity around the availability of the Cash Out facility for the betting market.
3. 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.

Consideration of the Issues

Cash Out

4. Cash Out is a feature offered by some sports bookmakers as part of in-play betting that allows a sports bookmaker customer to get money back on their bet before the event they are betting on, is over. The amount of money that a sports bookmaker customer will get back is determined at the time of cashing out and will depend upon the likelihood of the bet winning at the time of cashing out and as a result, the amount could be greater or less than the initial stake.
5. Sportsbet has advised the Commission that its Cash Out product is offered on a discretionary basis and can be suspended at any time throughout the event or not offered on a betting market at all.

6. Sportsbet's 'Cash Out Rules' form part of the terms and conditions which both Sportsbet and its customers are bound by when an account is opened and each time a bet is struck.
7. The Sportsbet terms and conditions that are relevant to this gambling dispute include the following Rules:

73. Sportsbet may, in its absolute discretion, offer the 'Cash Out feature' for selected products or bet types...By entering into a bet, you acknowledge that:

- a. you may not be able to Cash Out your bet at any particular time, or at all, during a bet; and
- b. Sportsbet may deny your request to Cash Out your bet for any reason whatsoever.

255.3. Sportsbet may choose to accept or deny your Request in its absolute discretion and without providing a reason or advance notification. In deciding whether or not to accept a Request by you to Cash Out, Sportsbet will have regard to a variety of factors, including but not limited to, the occurrence or non-occurrence of any event or events in respect of which the bet was originally made and which may have already been completed.

255.4. If the original bet that a Request relates to was placed after the beginning of the relevant event (ie "in the run" or "live"), Sportsbet will not accept a Request over the Internet and will only accept or deny a Request via the telephone...

255.8. Sportsbet may, in its absolute discretion, change, suspend, restrict or cease to offer the Cash Out feature at any time and without providing a reason or advance notification, even where the Cash Out feature has previously been advertised to you as being available at a particular time or in connection with a particular event. Sportsbet is not liable for any losses incurred by you in connection with such an action being taken...

8. Sportsbet advised that its customers are made aware of the availability of the Cash Out facility on its betting platform through the placement of a Cash Out icon placed next to the betting market header. If no Cash Out icon appears next to the betting market header, then the Cash Out facility is not available on that betting market. Additionally, when a customer views their betting market selection in order to access the code that allows them to place a live bet over the telephone, if the Cash Out facility is available, the Cash Out icon will also be displayed on the bet selection.
9. Further, if the Cash Out facility is offered on the betting market, a Sportsbet customer who has placed a bet on that betting market is also able to access the cash out amount available on the pending bet through their betting account.
10. Sportsbet has advised the Commission that at no time was a Cash Out facility offered on the betting market on which the complainant placed the bet and that as the complainant had previously used the Sportsbet Cash Out feature, that the complainant would be familiar with the process of how to identify whether Cash Out was available on the bet or not.

The Bet

11. On 26 April 2018, the complainant placed an in-play bet in the amount of \$157,888.19 for S.Lansere to win the first set against R.Bhosale in an International Tennis Federation Karshi tennis tournament with odds of \$1.06.
12. As the complainant's bet was an in-play bet, the bet was required to be placed by way of a telephone voice conversation with a Sportsbet representative. The Commission has listened to a recording of this call and notes that following the provision of the in-play bet code referred to in paragraph 8 above, the complainant requested that his full account balance be placed as the stake on the bet. The Sportsbet representative read out loud the balance amount of \$157,888.19 and the details of the bet to which the complainant confirmed were the details of the bet he wished to place. The bet was referred to the Sportsbet traders and accepted and the complainant was advised of this.
13. Some nine minutes later, the complainant contacted Sportsbet and asked whether there is a cash out facility on the bet. After being told that there was no cash out facility available, the complainant asked that it be referred to the team leader. The Sportsbet representative then contacted the Sportsbet traders and asked whether the complainant could have his bet cashed out. The Sportsbet trader advised that the betting market is not cash out enabled but that he will contact the Sportsbet Risk area to confirm that no cash out was available. The Sportsbet risk officer then examined the bet and advised that as the odds are changing from point to point as the tennis match progresses, he was not able to provide an accurate reading of what the cash out would be and therefore was not able to offer a cash out figure. Sportsbet advised the complainant of this who responded, *"OK, No worries."*
14. A short time later, the complainant again contacted Sportsbet and requested to cash out his bet stating that it was because the bet was such a big amount. Sportsbet again advised the complainant that there was no cash out available for the bet. The complainant was then asked if he was looking to get the bet cancelled, to which he replied that he was and when prompted for a reason, the complainant advised that he made a mistake in that he had only meant to place a bet in the amount of \$10,000.
15. After making several inquiries, the Sportsbet representative advised the complainant that as he had placed the bet over the phone and he had confirmed the bet's amount, that Sportsbet was unable to cancel the bet.

Sportsbet Actions

16. The Commission having explored the Sportsbet betting platform, is satisfied that the offering of the Cash Out facility on an individual betting market is quite clearly identifiable through the location of a cash out icon appearing next to the betting market. Numerous examples are able to be found where cash out is offered on one or some of the betting markets relating to a particular match or game in a variety of sports and when this occurs, the cash out icon appears to the betting market on which it is offered and does not appear next to those betting markets where it is not.
17. The Commission notes that the complainant when contacting Sportsbet on the day of his bet, first requested a cash out on his bet and when this was not offered on two separate occasions, changed his request to one of cancelling the bet as he had

claimed to have made a mistake in the amount of money he had wished to stake on the bet.

18. The Commission also notes that the complainant has successfully previously used the Sportsbet cash out facility in the past and as such, would appear to be familiar with its functionality.
19. Taking the above into account, the Commission has formed the view that the complainant's claim that he was unaware that there was not a cash out facility available on the bet that he made cannot be sustained.
20. The Commission also notes that Sportsbet's terms and conditions as detailed at paragraph 7, clearly state that Sportsbet may (or may not) offer cash out at its discretion and that even if it is on offer, Sportsbet may choose to accept or deny a request from a customer for a cash out of their bet taking into, "*...regard a variety of factors, including but not limited to, the occurrence or non-occurrence of any event or events in respect of which the bet was originally made and which may have already been completed.*"
21. That being the case, even if the cash out facility had been on offer, once the complainant contacted Sportsbet to request a cash out on the bet, it was open to Sportsbet in accordance with its terms and conditions to deny the request taking into account the outcomes that had already occurred in the event.
22. Having listened to the recording of the telephone call between the Sportsbet trader and the Sportsbet risk officer as discussed at paragraph 13 above, it is clear to the Commission that a review of the bet was undertaken by Sportsbet in order to determine whether or not a cash out amount would be offered to the complainant with that review, again in accordance with Sportsbet's terms and conditions determining not to offer a cash out amount to the complainant.

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 the in-play bet struck on 26 April 2018 in the amount of \$157,888.19 for S.Lansere to win the first set against R.Bhosale in an International Tennis Federation Karshi tennis tournament with odds of \$1.06 is a lawful bet pursuant to section 85(1A) of the Act given that it was struck in accordance with the Act, the relevant Code of Practice, the conditions of the sports bookmaker licence held by Sportsbet and Sportsbet's terms and conditions.
25. The Commission has also formed the view that the complainant's claim that he was unaware that there was not a cash out facility available on the bet made cannot be sustained given that the Sportsbet betting platform clearly shows which betting markets are cash out enabled and which are not, along with the complainant's betting history.
26. The Commission has also formed the view that even if the cash out facility had been on offer, once the complainant contacted Sportsbet to request a cash out on the bet, Sportsbet's actions in not offering a cash out amount was in accordance with its terms and conditions.

27. As such, it is the view of the Commission that there is no outstanding monies payable by Sportsbet to the complainant.

Review of Decision

28. 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.



Cindy Bravos
Presiding Member
Northern Territory Racing Commission

5 June 2020