

NORTHERN TERRITORY RACING AND WAGERING COMMISSION

DECISION NOTICE AND REASONS FOR DECISION

MATTER:	Gambling Dispute for determination by the Northern Territory Racing and Wagering Commission (pursuant to section 310(4) of the <i>Racing and Wagering Act 2024</i> and section 85(2) of the <i>Racing and Betting Act 1983</i>)
COMPLAINANT:	Mr E
LICENSEE:	Entain Group Pty Ltd (Ladbrokes)
HEARD BEFORE: (on papers)	Mr Alastair Shields (Presiding Member) Ms Cindy Bravos Ms Susan Kirkman
DATE OF DECISION:	22 November 2024

DECISION

- 1) For the reasons set out below, the Northern Territory Racing and Wagering Commission (**Commission**) is satisfied that Entain Group Pty Ltd (**Licensee**) has complied with the now repealed *Racing and Betting Act 1983* (**RBA**), the conditions of the sports bookmaker licence (**Licence Conditions**) it holds, and the Northern Territory Code of Practice for Responsible Service of Online Gambling 2019 (**the Code**) throughout its dealings with the Complainant.
- 2) Given the Commission's determination in relation to the Licensee's dealings with the Complainant throughout the lifetime of the betting account, the Commission has further determined that all bets made by the Complainant while his account was open and accepted were lawful, noting the fact that the Complainant's overall wagering activity with the Licensee resulted in a financial gain to him.

REASONS

Background

The Licensee

- 3) The Licensee is currently authorised by the Commission to conduct the business of a sports bookmaker and in doing so, to operate two online wagering platforms under the branding names of Ladbrokes and Neds.
- 4) The current sports bookmaker licence was originally granted by the former Northern Territory Racing Commission (**former Commission**) on 1 September 2016 under the licensing regime contained within the now repealed RBA. In accordance with the transitional arrangements contained within the *Racing and Wagering Act 2024* (**RWA**), which commenced on 1 July 2024, any licence issued under the repealed RBA that was valid immediately before the commencement of the RWA continues in effect on the commencement of the RWA as a licence under the RWA.

- 5) For ease of reference and given that the events complained of occurred while the Complainant interacted with the Licensee while using the Ladbrokes branded online wagering platform, the Commission has determined to refer to the Licensee as Ladbrokes throughout this Decision Notice.

The Complaint

- 6) On 15 July 2020, the Complainant lodged an online complaint with the former Commission about his dealings with Ladbrokes. The Complainant's allegation is that Ladbrokes:
 - a) failed to recognise that he was a problem gambler after he repeatedly closed and re-opened his betting account;
 - b) breached his privacy by allocating him an account manager who repeatedly sent him emails and texts offering him bonus bets and other offers;

and as a consequence, the Complainant is seeking compensation because of his losses and the failure of Ladbrokes to recognise that he had an addiction.

Ladbrokes Response to the Complaint

- 7) In response to the complaint, Ladbrokes submitted that the Complainant made an overall profit of \$2,476.09 (calculated as the difference between total deposits of \$68,796.00 and total withdrawals of \$71,272.09) from the time that his account was first opened on 8 June 2016 until it was permanently closed on 10 July 2020.
- 8) Ladbrokes further stated that the Complainant closed and reopened his account on nine occasions, and that on each occasion the closure was for "service related matters".
- 9) Notwithstanding that the closures were stated by the Complainant at the time to be service related, Ladbrokes advised that on 25 June 2020, after the 6th account closure, Ladbrokes made a responsible service of gambling (RSG) call to the Complainant during which the Complainant confirmed that he was comfortable with his betting, that he was an employed builder, and that his primary concern was with the manner in which his Account Manager responded to his requests for bonus bets.
- 10) Ladbrokes advised that, due to the nature of text messages sent by the Complainant to his former Account Manager after his account was closed for the final time, the text messages were reported to Police "in the interests of his account manager's safety".

Commission Hearing

- 11) In accordance with the transitional arrangements contained at subsection 310(4) of the RWA, any matters under consideration of the former Commission that were not determined under the now repealed RBA before the commencement of the RWA are to be determined by the Commission in accordance with the repealed Act as if it was not repealed.
- 12) The Complaint which is the subject of this Decision Notice was lodged on 15 July 2020 and had not yet been determined by the former Commission prior to the commencement of the RWA. Given this and in accordance with the transitional arrangements under the RWA, the Commission has determined to hear the dispute and make its determinations pursuant to subsection 85(4) of the RBA.
- 13) The hearing of the dispute has been conducted in the absence of the parties, based on the evidence before the Commission. That evidence includes submissions to the Commission and

the former Commission by both the Complainant and Ladbrokes, as well as additional evidence obtained on behalf of the Commission by the Commission's betting inspectors.

- 14) As a matter of procedural fairness, a draft of the Commission's determination was supplied to both parties for comment. The email sent to the Complainant's email address was undeliverable, and the telephone number supplied by the Complainant appears to have been disconnected. The Commission did not receive a response from Ladbrokes.

Consideration of the Issues

- 15) The Commission considers that it is important that the adverse impacts of gambling are taken seriously and that licensees have in place effective processes to interact with those of its customers who may be at risk of experiencing harm from their gambling activity. This was also the view of the former Commission. Both the RBA (and RWA) and all Northern Territory licensed sports bookmakers' Licence Conditions require that licensees are to comply with the Northern Territory Code of Practice for Responsible Service of Online Gambling 2019 (the Code) which was approved by the former Commission on 26 May 2019. The Code provides practical guidance to licensees on responsible gambling practices that are to be implemented so as to minimise the harm that may be caused by online gambling.
- 16) Clause 3.2 of the Code requires that as soon as a licensee identifies that a user may be at risk of harm due to their gambling activities, the licensee must interact with the customer in a way that will minimise that risk. The Commission is of the view that this interaction must occur quickly and be proportionate to the risk identified, with the aim of the interaction being to assist the user to reflect on their gambling behaviour and to moderate their gambling activity where there is reason to do so.
- 17) The Commission has reviewed the Complainant's betting account activity, sighted all the live chat records between the Complainant and Ladbrokes, text messages between the Complainant and his Account Manager, and listened to the RSG telephone call between the Complainant and Ladbrokes on 25 June 2020, during the course of its investigation of this gambling dispute.

Commission Assessment

- 18) Having considered all the communications between the Complainant and Ladbrokes dealing with each of the nine account closures by the Complainant, the Commission is of the view that the Complainant closed his account six times due to stated issues concerning the availability of bonus bets, and three times due to stated concerns with customer service and dissatisfaction with his Account Manager.
- 19) The Commission has also listened to the RSG call from Ladbrokes to the Complainant on 25 June 2020, and the Commission is satisfied that the call was an appropriate interaction between Ladbrokes and the Complainant, that the Complainant confirmed in the course of the call that he was in control of and could afford his betting, and that his actions in opening and closing his account were primarily due to his concerns with the availability of bonus bets.
- 20) In respect of the Complainant's concerns that he was contacted by his Account Manager without his permission, the Commission notes that there is no reason why a Ladbrokes Account Manager should not contact an existing Ladbrokes customer (and in this regard the Commission notes that the Account Manager advised that he could not respond to text messages from the Complainant while his account was closed).

- 21) Having reviewed the quite extensive records provided by Ladbrokes showing text message exchanges between the Complainant and his Account Manager, the Commission notes that in the vast majority of text messages, it is the Complainant who has initiated the text message exchange, often to enquire about the availability of bonus bets, and frequently on the Account Manager's day off (including after the Account Manager requested that he not contact him on his regular day off).
- 22) The Commission further notes that the Complainant did not, in any of the text message exchanges, express any concern at the number of text messages being sent to him, nor did he ask that the Account Manager refrain from sending him any texts. There is no evidence to suggest that the Complainant sought to unsubscribe from receiving marketing material from Ladbrokes or its employees and contractors.
- 23) The Commission has therefore formed the view that Ladbrokes has complied with the regulatory framework in place during the period identified in the Complainant's complaint to the Commission.

NOTICE OF RIGHTS

- 24) 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