

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 S (Complainant)
LICENSEE:	Hillside (Australia New Media) Pty Ltd (bet365)
HEARD BEFORE: (on papers)	Mr Alastair Shields (Presiding Member) Ms Cindy Bravos Ms Susan Kirkman
DATE OF DECISION:	6 August 2025

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 (**the Licensee**) has, in relation to its dealings with the Complainant, acted in compliance with the regulatory environment imposed on it by the *Racing and Betting Act 1983* (**the RBA**), its licence conditions, the relevant provisions of Northern Territory Code of Practice for Responsible Service of Online Gambling 2019 (**2019 Code**) and the terms and conditions that were in effect at the time of the events the subject of this gambling dispute.
2. The Commission has therefore formed the view that the complainant's wagers with bet365 were lawful.

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 an online wagering platform under the branding of bet365.
4. The current sports bookmaker licence was granted by the former Northern Territory Racing Commission (**former Commission**) on 6 June 2012, under the licensing regime contained within the now repealed RBA.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transitional arrangements contained within the *Racing and Wagering Act 2024* (**RWA**), any licence issued under the repealed Act that was valid immediately before the commencement of the RWA continues in effect on the commencement of the RWA as a licence under the RWA.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 bet365 branded online wagering platform, the Commission has determined to refer to the Licensee as bet365 in this Decision Notice.

The Complaint

6. On 9 December 2020, the Complainant lodged an online complaint with the former Commission about his dealings with bet365. The Complainant alleged that bet365:
 - i. allowed him to open a new betting account even though he had self-excluded from his previous account due to problem gambling; and
 - ii. allowed him to wager even though he was displaying signs of experiencing harm from his wagering activity.
7. The Complainant is seeking a refund from bet365 of all of the deposits he made into his second account from the date it was opened until it was closed, which equates to \$116,900.

Bet365 Response to Complaint

8. In response to the complaint, bet365 advised that:
 - i. The account which the Complainant says was in his name and which was closed following a self-exclusion was originally opened in the Complainant's name, but the account details were subsequently changed after it was discovered that a 3rd party was funding that account. In any event, that account was ultimately closed due to inactivity, rather than self-exclusion. There is no evidence that the Complainant self-excluded from bet 365, and the only evidence provided by the Complainant was an email concerning his self-exclusion from the TAB; and
 - ii. There was nothing in the Complainant's betting activities or dealings with bet365 to suggest that the Complainant was at risk from experiencing harm from his wagering activities.

Commission Hearing

9. 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.
10. The complaint the subject of this Decision Notice was lodged on 9 December 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.
11. In reviewing the conduct in question, it must be noted that the events complained of occurred almost 5 years ago. Since this time, both regulatory and community expectations in relation to online wagering have evolved considerably however, the Commission considers that it is appropriate that any findings that it makes should be grounded in the expectations and standards that were in place at the time the conduct occurred.
12. In the interest of procedural fairness to both Bet365 and the Complainant, a draft of the NTRW Commission's preliminary findings into the complaint was provided to both parties for comment. The Commission has had regard to all the comments made by both parties in finalising this decision notice.
13. Of particular note is that the Complainant raised a number of new issues concerning allegations of non-compliance with legislation not administered by the Commission (for example Anti Money

Laundering legislation and Australian Consumer Law) – it is beyond the scope of the Commission’s powers to investigate and take action in respect of such allegations, and they have not been considered further in finalising this decision notice. The Complainant also continues to claim that he contacted Bet365 to disclose that he was experiencing gambling problems, although there is no evidence to substantiate this claim.

Consideration of the Issues

Self-Exclusion, Account Closure and New Account Opening

14. An account in the name of the Complainant was opened with bet365 on 28 February 2009 (which is prior to the date on which bet365 was licensed under the RBA). Prior to any wagering or deposits on the account, the name of the account holder and date of birth were changed so that the account was in the name of a 3rd party. A credit card in the name of the 3rd party was added to the account and the account was used for wagering from 5- 19 March 2009. The account was closed by bet365 a year later due to inactivity on the account.
15. Given that the first account was not opened and operated during the time that bet365 was licensed in the Northern Territory under the RBA, the Commission notes that there is not enough evidence to establish whether the first account was in fact:
 - i. opened and operated by the Complainant, and that prior to any deposit or wagering activity, the account details were changed to those of a 3rd party who went on to operate the account; or
 - ii. was opened by the Complainant, who changed the account details to a 3rd party and operated the account using the 3rd party’s identity.
16. Nothing much turns on this. Whether the first account was opened and operated by the complainant, or a 3rd party, or operated by the Complainant under the name of a 3rd party is not relevant for the purposes of determining this complaint.
17. The Commission notes that bet365 no longer allows account details to be changed to alter the name of the account holder and their date of birth, which should limit opportunities for this type of confusion in future.
18. On 24 November 2019, after unsuccessfully requesting that the closed account be reopened, the Complainant opened a new account using his correct name and date of birth.
19. The Commission is satisfied that there is no evidence whatsoever before the Commission that the Complainant self-excluded from bet365, whether before or after the first account mentioned in the complaint was closed. As noted above, the account was closed due to inactivity rather than self-exclusion. This aspect of the complaint is therefore not made out.

Wagering Activity and Red Flag Behaviours, 2019 Code of Practice

20. Licence conditions attached to all sports bookmaker licences granted by the former Commission, required licensees to adhere to any Codes of Practice. The 2019 Code came into effect on 26 May 2019 and was approved by the former Commission to provide guidance on responsible gambling practices that must be undertaken by sports bookmakers to minimise the impact of harms that may be caused by online gambling.

21. Clause 3.2 of the 2019 Code requires that:

Where appropriate a customer who displays some, or a number, or a repetition of red flag behaviours should be monitored by an online gambling provider and appropriate customer interaction should take place to assist or protect that customer which reasonably corresponds to the circumstances. Online gambling providers should ensure responsible gambling policies and procedures are in place to allow staff to detect and assist customers who may be experiencing problems with gambling.

22. Having reviewed the Complainant's wagering activity from the second account opening on 24 November 2019, until it was closed in September 2020, the Commission has noted that although there were some variations in the Complainant's deposits and overall wagering activity during the approximately 10 months of wagering, the activity in and of itself was quite constant, with wagers generally being placed on sporting events such as boxing, cricket, tennis and football, with no particularly notable changes in deposit and wagering sizes or length of time spent wagering that would suggest red flag behaviour such as chasing losses.
23. The Commission therefore concurs with the assessment of bet 365 that the variations in behaviours were not such that bet365's responsible gambling alerts should have been triggered, particularly having regard to the regulatory and community expectations that existed in 2020.
24. Bet365 nevertheless initiated enhanced due diligence enquiries on the Complainant's account on 10 September 2020, and the Complainant completed a self-assessment on that day where he confirmed that he was in control of his gambling at that time. Bet 365 sought additional information from the Complainant to establish the source of funds used for wagering on the account, and because the Complainant did not fully respond to those enquiries, bet365 suspended the Complainant's account and later closed it.
25. The Commission is therefore satisfied on the weight of evidence before it that bet365 has complied with the responsible gambling practices mandated by the regulatory environment imposed on it by the RBA, its licence conditions and the relevant Codes of Practice that were in place at the relevant times, and that no monies should be returned to the Complainant.

NOTICE OF RIGHTS

26. 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
Chairperson
Northern Territory Racing and Wagering Commission

On behalf of Commissioners Shields, Bravos and Kirkman

