

NORTHERN TERRITORY RACING COMMISSION

Reasons for Decision

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| Complainant: | William Hill |
| Licensee: | William Hill |
| Proceedings: | Pursuant to Section 85(4) of the <i>Racing and Betting Act</i> – Referral of Dispute to Racing Commission for Determination - Mr P |
| Heard Before: | John McBride (Presiding Member) |
| (on papers) | John Boneham Andrew Maloney |
| Date of Decision: | 12 October 2016 |

Background

1. On the 27 August 1995, account number XXX, was opened under the name of Mr P with the Number One Betting Shop which changed its trading name to Sportingbet Australia and later William Hill. Usual probity of identification of the licenced bookmaker's customer was undertaken.
2. Wagers with the licenced bookmaker by Mr P commenced and continued up until 16 January 2016. At that time a record of the customer's account balance identifies an amount of \$1,622.11 unpaid for wagers placed and lost with the licenced sports bookmaker by Mr P.
3. Despite repeated requests for payment, the balance claimed as outstanding remains unpaid. It is this amount the sports bookmaker alleges is owed by Mr P and seeks a determination by this Commission of whether bets placed by Mr P with the bookmaker were lawful pursuant to Section 85(2) of the *Racing and Betting Act*.
4. Section 85(2) states
 - 85 *Legal Proceedings in respect of bets*
 - (2) *Where a dispute relating to lawful betting occurs between a bookmaker and a person, the dispute shall be referred by the bookmaker, and may be referred by the other party to the dispute, to the Commission.*
5. The bets or wagers in question were placed by Mr P who had opened an account with Number One Betting Shop the predecessor in name of William Hill back in 1995. Mr P operated his account and routinely placed bets with William Hill as is evidenced by their betting transactions ledger. Indeed as recent as 8th September 2015 Mr P withdrew winnings from his betting account with William Hill in the amount of \$2,300.00 and continued to operate his account until suspended after 16th January 2016 with the balance outstanding at that time in the amount of the disputed sum. Demands in writing for payment of the outstanding account balance were made to Mr P in March 2016 and responded to via email from Mr P complaining only of being restricted in placing bets. The balance outstanding and demanded for payment was neither paid nor specifically addressed.
6. The request by the bookmaker for a determination of the lawfulness of a series of wagers giving rise to their claim for payment of the sum of \$1,622.11 arises from the refusal of Mr P to settle this balance on his account with the licenced Sports Bookmaker and the requirement for referral to this Commission to have such disputed bets declared lawful or

otherwise pursuant to section 85. Until a determination requested is made the Sports Bookmaker is fettered in its ability to redress at law any claimed outstanding debt.

7. The Commission through its Senior Compliance Officer invited a written response from Mr P to the licenced Sports Bookmaker's referred dispute but received none despite written reminders being sent.

Facts of the Matter

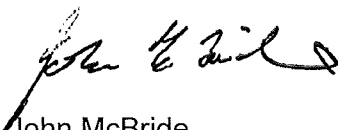
8. This matter comes before the Commission on papers presented to the Commission in meeting in June 2016 by the Manager of Compliance Mr Travis Te Whata. At its meeting the Commission delegated to a panel of three members including the Chairman this dispute for determination.

Consideration of the Issues

9. William Hill being a licenced Sports Bookmaker accepted wagers from Mr P, received payments made by Mr P and provided from time to time running account statements to Mr P in accordance with expected best practice. Mr P's account with William Hill and its licenced predecessors has spanned more than twenty years.
10. Mr P admitted to making the disputed wagers, receiving statements and making payments from time to time on its account. Absent any written presentation of dispute from Mr P or evidence of any irregularity with his account it follows that the betting undertaken by Mr P was both voluntary and lawful.
11. The Commission finds following its due consideration of the facts surrounding this referred dispute that the bets placed by Mr P with William Hill as detailed in the running account provided to the Commission were lawful bets in compliance with section 85 (1A) of the *Racing and Betting Act*.

Decision

12. William Hill, being a Sports Bookmaker licenced by the Commission, which provides for the operation of Sports Bookmaker activities through use of the internet and telephone, and that the betting activities engaged in by Mr P with William Hill were within the parameters of the Licence provided, the Commission therefore determines that bets placed were lawful pursuant to Section 85(1A) of the *Act*.



John McBride
Chairman

12 October 2016