

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 H
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:	24 February 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 (**Licensee**) has acted in accordance with the *Racing and Betting Act 1983 (RBA)*, the conditions of its sports bookmaker licence and the Code of Practice for Responsible Service of Online Gambling 2019 during its dealings with the Complainant.
2. Given this, the Commission has determined that all bets struck while the Complainant wagered with Bet365 between 8 March 2020 and 6 December 2020 were lawful and that no monies should be returned by the Licensee to the Complainant.

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former Northern Territory Racing Commission (**former Commission**) under the licensing regime contained within the now repealed RBA.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the transitional arrangements contained within the *Racing and Wagering Act 2024 (RWA)*, any licence issued under the repealed RBA that was valid immediately before the commencement of the RWA continues in effect on the commencement of the RWA as a licence under the RWA.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 Bet365 branded online wagering platform, the Commission has determined to refer to the Licensee as Bet365 throughout the remainder of this Decision Notice.

The Complaint

6. On 20 December 2020, the Complainant lodged a complaint with the former Commission about his dealings with Bet365. The Complainant alleged that Bet365:
 - i. allowed him to continue to wager even though he was displaying signs of experiencing harm from his wagering activity; and
 - ii. sold his customer data to other sports bookmakers after he permanently self-excluded himself from using its online wagering services.
7. In submitting the complaint, the Complainant is seeking compensation from Bet365 due to the harm allegedly caused.

Commission Hearing

8. 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 RBA as if it was not repealed.
9. The complaint subject of this Decision Notice was lodged on 20 December 2020 and had unfortunately 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.
10. 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 former Commission by both the Complainant and Bet365, as well as additional evidence obtained on behalf of the former Commission by the former Commission's betting inspectors.
11. As a matter of procedural fairness to both Bet365 and the Complainant, a draft of the Commission's determinations was supplied to both parties for comment. In response, Bet365 advised that it agreed with the Commission's decision and that it had no further submissions to make in relation to the complaint. The Commission did not receive a response from the Complainant.

Consideration of the Issues

Codes of Practice

12. Licence conditions attached to all sports bookmaker licences granted by the Commission, require licensees to adhere to any Codes of Practice. The 2019 Code which came into effect on 26 May 2019, was approved by the former Commission to provide guidance on responsible gambling practices that must be implemented by sports bookmakers so as to minimise the impact of any harms that may be caused by online gambling.
13. Under the transitional arrangements contained within the RWA at section 313, any codes of practice made under section 148A of the now repealed RBA and in effect immediately before the commencement of the RWA continue to apply as if they were adopted or established under the RWA.

14. Clause 3.2 of the 2019 Code requires wagering providers licensed by the Commission to identify red flag behaviours and to take appropriate action to address problem gambling. Specifically:

Clause 3.2 - Recognising potential problem gamblers

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.

Wagering Activity

15. Having reviewed the betting account records for the Complainant's wagering activity with Bet365, the Commission notes that the Complainant opened the betting account on 8 March 2020 and subsequently self-excluded himself from using its online wagering services on 6 December 2020.
16. During the 10 months that the betting account was open and used by the Complainant, the Complainant deposited just under \$90,000 and withdrew just over \$71,000, sustaining losses of \$17,784.94. During this period, the Complainant placed numerous bets, with total stakes over this period exceeding half a million dollars.
17. Bet365 has submitted that, "[a]t no point did the customer's activity activate any of our internal measures designed to identify if the customer is at risk of, or experiencing harm."
18. The Complainant however, has submitted that his wagering activity should have prompted Bet365 to identify that he was experiencing harm from his wagering activity as he was:
- i. betting on exotic markets such as sports that you would not want to watch or could watch;
 - ii. placing a high volume of bets at odd times such as late at night;
 - iii. chasing losses with increasing stakes; and
 - iv. betting significant amounts of money.
19. Upon reviewing the Complainant's betting activity, the Commission has observed that from the time the Complainant opened the account in March 2020 until its closure 10 months later, the Complainant consistently selected betting markets that have been declared by the Commission to be sporting events for which a wager may be lawfully accepted, and that included Australian, American and European football codes; Australian and international basketball leagues; and Australian and international cricket games. In addition to the bets placed on these markets, the Complainant also placed bets on the 2020 Horn v Tszuyu boxing match held in Australia and on the outcome of the 2020 United States Presidential Election.
20. Given that the betting markets that the Complainant bet on (excepting the US Presidential Election) were either internationally recognised or popular sports in their respective home countries and were extensively covered by both international and local media as well as featured on various live score websites, it is challenging to support the Complainant's claim that this betting activity should have been flagged. This is especially true when considering that the Complainant was betting on markets related to sports that were either widely followed or readily accessible to watch. In light of this, the Commission is of the view that the nature of

the betting activity seems consistent with typical market engagement, rather than any unusual or concerning behaviour.

21. The Complainant has also claimed that he was placing a high volume of bets at unusual times, such as late at night however, this assertion is again not supported by his betting records. While it is true that the Complainant placed some bets during late-night hours, the volume of these bets was not notably high. Furthermore, from the very beginning of his betting activity, there is a clear pattern of the Complainant engaging in betting during the evening and late-night periods, indicating that this was consistent behaviour rather than an outlier or unusual occurrence.
22. The Complainant has further claimed that he was chasing losses by increasing his stakes and betting significant amounts of money. However, this is again not supported by the betting records. The records show that the Complainant's initial stake was \$1,000, followed by a pattern of regular bets in the range of \$500 to \$1,000, with occasional bets of \$1,500 to \$2,000. This pattern remained consistent over the 10 months the account was open with only few exceptions. On 4 September, 6 September and 7 September 2020, the stake increased to \$3,000; on 26 September 2020 it rose to \$4,000; and on the final day before the Complainant self-excluded, and on which he placed several bets with stakes of \$250 or more, he placed one bet with a stake of \$5,000. This suggests that while there were some fluctuations in the stake size, the overall betting behaviour was not indicative of a consistent pattern of chasing losses through increasingly large bets.
23. After having reviewed the deposit and withdrawal activity for the Complainant's betting account, it is the Commission's view that while the Complainant experienced an overall loss from his wagering activity, there is no clear evidence to suggest that Bet365 should have identified that the Complainant was at significant risk of harm from his wagering activity. While the Complainant made regular deposits and withdrawals, the overall pattern shows that the deposits made by the Complainant were often followed by withdrawals, suggesting an approach to managing funds rather than experiencing significant financial distress.

Responsible Gambling Actions

24. Upon the registration of the account on 8 March 2020, the Complainant was sent an email from Bet365 outlining the responsible gambling tools available including deposit limits, time-outs and self-exclusion. On 31 March 2020, the Complainant was informed via web message of the custom time-out feature and was also reminded of other responsible gambling tools. Another reminder was sent on 27 November 2020, along with information about external responsible gambling organisations.
25. As can be seen, Bet365 provided multiple notifications about the available responsible gambling tools but the Complainant chose not to engage with these resources or raise any concerns with Bet365 until the last day of his account activity, when he contacted Bet365 and requested that he be self-excluded from using Bet365's wagering services.

Commission Assessment

26. While the Complainant actively engaged in betting activity with Bet365 and ultimately experienced losses, it is important to recognise that betting inherently carries the risk of financial loss. This is a fundamental aspect of gambling and losses do not, in themselves, necessarily indicate concerning behaviour. Based on the information before it, the Commission is of the view that the Complainant may be experiencing gambler's remorse – a not uncommon response to losing money through gambling.

27. Throughout the Complainant's betting activity, Bet365 took appropriate steps to inform the Complainant of the responsible gambling tools available to him including deposit limits, time-outs and self-exclusion and provided multiple reminders. At no point prior to the final day of the account's activity, did the Complainant raise concerns with Bet365 or make use of any of the responsible gambling tools, nor did his betting behaviour trigger any of Bet365's internal safeguards designed to detect signs of harm.
28. While the Complainant's losses are likely to have contributed to his decision to self-exclude, it is the Commission's view that the wagering behaviours of the Complainant were not of a nature that should have caused Bet365 to become concerned or interact with the Complainant more than it did through its responsible gambling messaging. Given this, the Commission is satisfied that on the information available to it at the time, the level of engagement with the Complainant was appropriate and that Bet365 has complied with its regulatory responsibilities as mandated to it by the 2019 Code.

Allegation of sale of customer data

29. The Complainant has submitted that Bet365 sold his customer data to other sports bookmakers following his self-exclusion from its online wagering services. Bet365 strongly refutes this allegation.
30. The Commission notes that the only information cited by the Complainant to support this allegation is an offer he received from another sports bookmaker five days after his self-exclusion. The Commission notes however, that this offer explicitly states that it was extended because the Complainant was either a valued customer of the offering sports bookmaker or had signed up via a partner website.
31. As no direct evidence has been presented to link this offer to any actions of Bet365, and no other supporting information has been provided by the Complainant, the Commission makes no findings regarding this allegation and has determined that it will take no further action in relation to this claim.

LAWFULNESS OF BETS

32. On the weight of evidence before it, the Commission is satisfied that Bet365 has acted in compliance with the Act, the 2019 Code and the conditions attached to its sports bookmaker licence.
33. Given the Commission's findings, the Commission has determined that pursuant to section 85(1A) of the RBA, that all bets placed by the Complainant during the lifetime of his Bet365 betting account were lawful.

NOTICE OF RIGHTS

34. In accordance with the transitional arrangements contained at section 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 RBA as if it was not repealed.
35. 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