

# NORTHERN TERRITORY RACING COMMISSION

## Reasons for Decision

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<b>Matter:</b>	Result of sporting event - Halfway Leader of the 2018 NRL Telstra Premiership Competition
<b>Licensees:</b>	Neds.com.au
<b>Complainants:</b>	Mr G
<b>Proceedings:</b>	Pursuant to section 85(2) of the <i>Racing and Betting Act</i> – Referral of dispute to Racing Commission for determination
<b>Heard Before: (on papers)</b>	Ms Alastair Shields (Presiding Member) Ms Cindy Bravos Mr Allan McGill
<b>Date of Decision:</b>	26 February 2019

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### Background

1. Between 25 May 2018 and 7 June 2018 pursuant to section 85(2) of the *Racing and Betting Act* (the Act), ten gambling disputes were received by the Northern Territory Racing Commission (the Commission) relating to the settling of numerous wagers made with several sports bookmakers on the outcome of the halfway leader of the 2018 NRL Telstra premiership competition.
2. Whilst there are multiple complainants and sports bookmakers to this dispute, it is the determination by each of the sports bookmakers on the settling of the wagers on the same sporting event on which they had set a betting market that the Commission has been asked to adjudicate. As such and in order to avoid the obvious repetition that would result in preparing individual decision notices, the Commission has determined to treat the matters raised as a class of complaints.
3. The individual disputes in this matter are:
  - Mr C v William Hill (dispute amount \$850)
  - Mr G v Neds.com.au (dispute amount \$10,500)
  - Mr G v BetEasy (dispute amount \$1,840)
  - Mr M v Neds.com.au (dispute amount \$1,500)
  - Mr A v Neds.com.au (dispute amount \$1,500)
  - Mr M v William Hill (dispute amount \$1,900)
  - Mr M v Ladbrokes (dispute amount \$1,050)
  - Mr M v BetEasy (dispute amount \$1,900)

- Mr P v William Hill (dispute amount \$1,900)
  - Mr T v Neds.com.au (dispute amount \$1,575)
4. In addressing the matters as a class of complaints, the Commission is not inclined to link the discrete issues raised by each complainant against individual sports bookmakers. Should any of the complainants feel aggrieved that their dispute was not dealt with specifically, the Commission takes this opportunity to reiterate that it is the decision of the sports bookmakers on how to settle the wagers on the halfway leader of the 2018 NRL Telstra premiership competition betting market that forms the crux of each dispute.
  5. The factual matrix of these disputes is such that the only qualitative material difference between each of the disputes is the actual dollar amount of each of the wagers. Given the unique synchronicity of the disputes, the Commission has determined that the course of action in dealing with the disputes as a class of complaints is appropriate in all the circumstances.
  6. Information was gathered from all parties involved in each of the disputes by Licensing NT betting inspectors appointed by the Commission and provided to the Commission to consider the disputes on the papers.

## **The Betting Market**

7. Each of the sports bookmakers listed above provided a betting market that allowed for wagers to be placed on the outcome of the halfway leader of the 2018 NRL Telstra premiership competition. Depending on the sports bookmaker involved, the outcome of the betting market was to be determined at the end of either Round 12 or Round 13 of the competition.
8. At the end of both Round 12 and Round 13 of the 2018 NRL Telstra premiership competition, both the St George Illawarra Dragons (the Dragons) and the Penrith Panthers (the Panthers) were tied on competition points and points differential.
9. Some but not all, sports bookmakers made contact with the NRL to seek advice as to who was the leader of the competition at the halfway mark prior to settling the bets that had been received. In response, the NRL wrote to all NRL accredited wagering operators and advised the sports bookmakers amongst other things that *"...currently Penrith is higher on the ladder."*
10. All bets received by the sports bookmakers involved in this matter were ultimately settled on the basis that the Panthers were the halfway leader of the competition.
11. The complainants in this matter had all at varying times, struck one or more wagers on the Dragons to be the leader of the competition at the halfway mark. Given the decision by the sports bookmakers to settle the wagers received on the basis that the Panthers were the halfway leaders, each of the complainants' wagers were considered by the sports bookmakers to be losing wagers.
12. The complainants are of the view that given that both the Dragons and the Panthers were tied on both competition points and points differential at the halfway mark of the competition, that the sports bookmakers should have determined that the leader

of the competition at the halfway mark was a 'dead heat' and settled the wagers accordingly.

## Consideration of the Issues

13. Sports bookmakers licensed in the Northern Territory have a comprehensive suite of terms and conditions that customers are deemed to be familiar with prior to opening and operating an account with the sports bookmaker.
14. Each of the complainants in this matter had an active wagering account with the sports bookmaker with whom they placed a wager with on this particular betting market. It is generally accepted by the Commission that in opening an account, a customer agrees to abide by terms and conditions provided by the relevant sports bookmaker with whom the client is opening an account. The Commission also accepts that this applies equally to the sports bookmaker in that they must also abide by terms and conditions in their transactions with the customer.
15. Relevant to this matter are the following extracts from the terms and conditions for each sports bookmaker involved:
  - Bet Easy (formerly Crownbet)
    4. An official result is the result reported by the official governing body for a particular sport.
  - Ladbrokes
    - 1.9 Results. In the case of soccer and other sports, bets are settled on the first result published by the official source/governing body or alternatively the official website of the relevant event, immediately after the match/event is finished...
  - William Hill
    66. Unless otherwise stated in the individual sports Rules, the result of a match or event will be determined on the day of its conclusion for betting purposes, subject to confirmation by the relevant sports governing body...
  - Neds.com.au
    - 4.3.1 Payouts are based on the official declared result including the end of any extra time but conditions may apply to specific Betting options.
16. As stated at paragraph 9 above, some sports bookmakers made contact with the NRL to seek advice as to who the leader of the competition was at the halfway mark prior to settling the bets received. It is the Commission's view that this was a reasonable approach to take given that each of the sports bookmaker's terms and conditions in one way or another state that that a wager will be settled based on the result reported by the official governing body for that sport.
17. The advice provided by the NRL to all sports bookmakers was that the Panthers were the team highest on the ladder at that time based on a greater percentage of points scored for and against. The NRL advice to all sports bookmakers also advised that this was determined using the "...NRL policy for ranking teams equal

*in competition points at the conclusion of competition rounds...*” as per the NRL 2018 Operations Manual. The advice provided extracts from the Operations Manual including:

1.7.5 At the conclusion of matches in NRL Competition rounds as provided of in the NRL Draws, if two (2) or more teams are equal in competition points, rankings will be determined according to the following criteria from the total results of all matches played in NRL Competition rounds:

a) greater positive difference between points scored for and against, then if equal,

b) greater percentage of points scored for and against, being determined by:

$$\frac{\text{points scored for}}{\text{points scored against}} \times \frac{100}{1}$$

then if equal,

c) most tries scored, then if equal,

d) most goals kicked, then if equal,

e) most drop goals kicked, then if equal.

f) by the toss of a coin.

18. Based on the calculations detailed at 1.7.5(b), the NRL advised the sports bookmakers that the Panthers had a percentage difference of 164.88% compared to the Dragons percentage difference of 156.77% and thus the Panthers were the team highest on the ladder.
19. The NRL advice to the sports bookmakers that the Panthers were the highest team on the ladder at the time is supported by the NRL 2018 competition ladder that is published on the NRL website after each round. It is evident to the Commission upon examination of the NRL 2018 competition ladder throughout the 2018 season that the NRL ranks teams throughout the season based on the methodology outlined in the NRL 2018 Operations Manual.
20. Following Round 11, the NRL competition ladder showed the Dragons as being on top of the leader board with Panthers in second place. The determinative factor at this time was that the Dragons had 18 competition points compared to the Panthers having 16 points.
21. Following Round 12 which included a win by the Panthers over the Dragons, the NRL competition ladder showed the Panthers in the lead with a green arrow marked against them depicting a positive change in ladder position from the previous round. The Dragons are shown as being in second place with a red arrow marked against them depicting a drop in ladder position. At this time both the Panthers and the Dragons were equal on 18 competition points. Both teams are also shown as having a points differential of 109. The Panthers are recorded as having scored 277 points throughout the season to date and having 168 points scored against them which when utilising the NRL rule 1.7.5(b) calculations equates to 164.88% whilst the Dragons are shown as having scored 301 points and having 192 points scored

against them which again using the NRL rule 1.7.5(b) calculation equates to a percentage score of 156.77%. These percentage scores are the percentage scores provided to the sport bookmakers by the NRL in their advice on which team was currently the leader of the competition.

22. Round 13 saw both the Panthers and the Dragons having a bye and as such both teams were awarded 2 competition points thereby remaining equal on competition points but still ahead of their rivals. However, none of their other statistical information changed thereby their percentage scores remained as per paragraph 21 and the Panthers remained at the top of the competition ladder.
23. Licensing NT betting inspectors have examined a number of competition rounds throughout the 2018 season and have demonstrated to the Commission that the methodology as detailed in the NRL 2018 Operations Manual has been applied consistently by the NRL throughout the 2018 season in determining ladder positions of all of the teams in the competition.
24. Further, an NRL match report published on the internet following the outcome of the Round 12 match between the Panthers and the Dragons stated that, *“Penrith have joined the Dragons as ladder leaders, but go ahead on for and against with a slight advantage on defensive percentages”*.
25. That being the case, the Commission is satisfied that the NRL, which is the governing body for the sport had determined that the Panthers were the leaders of the competition at both Round 12 and Round 13 of the 2018 season. The sports bookmakers as per their terms and conditions, settled wagers held based on this determination as per their individual terms and conditions which state that this is how results will be determined.
26. What may have clouded this issue to some extent, in at least the minds of some complainants is the NRL advice to sports bookmakers which has been provided to some complainants as a result of their direct contact with the NRL and/or as part of the Commission complaint process, in which the NRL advised the sports bookmakers that it was *“[u]p to your individual policies and rules to determine how you want to settle this...”* This statement is in the view of the Commission quite correct despite some complainants seeing this as an opportunity for the sports bookmakers to determine the outcome of the betting market without any reference to the declaration by the official governing body of the sport as to the leader of the competition at the halfway mark. It is clear to the Commission that the sports bookmakers acted on the advice from the NRL that the Panthers were the leaders on the competition ladder at that time and as a result they settled the bets held accordingly.
27. It is arguable that given that the NRL 2018 Operations Manual is not a publicly available document, that punters are not fully informed as to how events on which betting markets are available are to be resulted. Having said that however, the Commission notes that each of the sports bookmakers terms and conditions state that they will outcome the event based on the declaration of the result of the event by the official governing body of the sport.
28. In opening a wagering account, each of the complainants acknowledged that they were aware of this and in the Commission’s view, had they had any concerns on how the halfway leader was to be determined then they could have made enquiries with the governing body prior to placing a wager or alternatively, not placed a wager

on the market at all. It is impractical to expect each sports bookmaker to provide information as to how each and every governing sporting body will determine the result of an event for each betting market they make available to their customers.

## Decision

29. The Commission is satisfied that the NRL, being the governing body for the sport determined that the Panthers were the leaders of the competition at both Round 12 and Round 13 of the 2018 season as evidenced by their advice to sports bookmakers, publishing of the competition ladder on the NRL website and associated media statements.
30. The Commission is further satisfied that each of the sports bookmakers listed in this matter correctly settled the wagers made by the complainants on the halfway leader of the 2018 NRL Telstra premiership competition as losing wagers based on the determination by the NRL that the Panthers were the halfway leaders at both Round 12 and Round 13 as per their respective terms and conditions.

## Review of Decision

31. 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.



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Alastair Shields  
Chairperson  
Northern Territory Racing Commission

26 February 2019