

# NORTHERN TERRITORY RACING COMMISSION

## DECISION NOTICE AND REASONS FOR DECISION

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<b>MATTER:</b>	Gambling Dispute for determination by the Northern Territory Racing Commission (pursuant to section 85(2) of the <i>Racing and Betting Act 1983</i> )
<b>COMPLAINANT:</b>	Mr Z (the Complainant)
<b>LICENSEE:</b>	Hillside (Australia New Media) Pty Ltd trading as bet365
<b>HEARD BEFORE: (on papers)</b>	Mr Alastair Shields (Presiding Member) Mr Kristopher Evans Ms Cindy Bravos
<b>DATE OF DECISION:</b>	15 January 2024

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### DECISION

1. For the reasons set out below, the Northern Territory Racing Commission (**the Commission**) is satisfied that Hillside (Australia New Media) Pty Ltd, trading as bet365 (**bet365**) 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 Act**), its licence conditions 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 further determined that the wager subject of this dispute was appropriately determined by bet365 in accordance with the relevant terms and conditions.

### REASONS

#### Background

3. The Commission first granted a licence to bet365 in August 2011 to conduct the business of an online sports bookmaker pursuant to section 90 of the Act. bet365's current licence is due to expire on 30 June 2025.
4. As noted in quite a number of previous Commission decisions, all sports bookmakers licensed by the Commission are required to articulate a comprehensive set of terms and conditions for wagering which both parties are bound by when an account is opened and each time a bet is struck. These terms and conditions operate to ensure legislative compliance and the commercial efficacy of the business model of a sports bookmaker.
5. The Commission provides practical guidance to the sports bookmakers it licences on matters relating to the Act, through the approval of Codes of Practice. The Northern Territory Code of Practice for Responsible Service of Online Gambling 2019 (**the Code**) came into effect on 26 May 2019, having replaced an earlier Code. The Code was approved by the 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. The Act and the licence conditions attached to all sports bookmaker licences granted by the Commission require sports bookmakers to adhere to any Codes of Practice approved by the Commission.

## The Complaint

6. On 8 January 2023, the Complainant lodged a complaint with the Commission in relation to his dealings with bet365. In the complaint, the Complainant states that bet365 suspended his account on 6 December 2022, thereby preventing him from cashing out a bet of \$42,000.00 that he had placed earlier that day.
7. The Complainant stated that he was on a business trip the day that the account was suspended, and that before the game the subject of his \$42,000.00 bet had started, he was concerned and stressed about the bet, and that he called bet365 many times trying to cancel the bet and withdraw his money.
8. bet365 stated that the Complainant's account was suspended following an internal review that identified an unusually large deposit by the Complainant on 5 December 2022 of \$24,000.00. As a result of the review, bet365 unsuccessfully attempted to contact the Complainant on three occasions by telephone on 6 December 2022. After the third unsuccessful attempt, bet365 suspended the Complainant's account.

## Consideration of the Issues

9. Pursuant to section 85(4) of the Act, the Commission determined to investigate the matter and hear the dispute in absence of the parties, and make its determinations based on the written material before it.
10. The Complainant opened his account with bet365 on 30 November 2022. Prior to the deposit of \$24,000.00 made on 5 December 2022, the Complainant had made a total of four deposits over the lifetime of his account, as follows: \$2,100.00 on 1 December 2022; \$600.00 on 1 December 2022; \$3,200.00 on 3 December 2022; and \$500.00 on 5 December 2022.
11. At 9.09 pm 5 December 2022, the Complainant made a deposit of \$24,000.00 into his account. The size of this deposit was flagged by bet365 for review as being an unusually large deposit for this customer, and bet365 determined to get in touch with the Complainant to ask him to complete a security call.
12. The first call was made by a bet365 representative on 6 December 2022, at 10.13am, and the second call was made at 1.42 pm on the same day. Both calls were unanswered by the Complainant.
13. During the course of 6 December 2022, the Complainant placed three bets, of \$50.00, \$500.00 and \$34,000.00. The two smaller bets were losing bets, and the larger bet won, resulting in \$42,500.00 in winnings being credited to his account. A fourth bet of \$42,000.00 was also placed but subsequently cancelled and the funds returned to the Complainant's account.
14. At 5.49 pm on 6 December 2022, the Complainant placed a fifth bet of \$42,000.00 on Spain to beat Morocco in a qualifying match for the 2022 World Cup at odds of 1.53.
15. At 6.07 pm on 6 December 2022, bet365 again called the Complainant, and again the call was unanswered by the Complainant. At 7.40 pm on 6 December 2022, bet365 suspended the Complainant's account as a result of the unanswered calls, to allow a security call to take place with the Complainant and to enable a subsequent review by the bet 365 responsible gambling and due diligence team.

16. Shortly after the account was suspended, the Complainant contacted bet365 via the Customer Support telephone number, after unsuccessfully trying to return one of the missed calls from bet365. During that call, the Complainant was advised of the reason for the suspension and was advised that the security call would have to be arranged at a different time, and that his account would remain suspended until that had occurred. There was no mention by the Complainant of any possible cash out of any existing bets.
17. After the call, but before the match, the Complainant commenced two live chat conversations, but terminated or abandoned them before he was connected to an operator. Again, there was no mention of a desire to cash his bet out in either of the live chats.
18. On 7 December 2022, in what has been widely described as an upset, the Spain v Morocco match was a draw at full time, and Morocco won the match on penalties, thus eliminating Spain from the quarter finals of the 2022 World Cup. As a result, bet365 recorded the Complainant's bet as a losing bet.
19. Given that the Complainant did not mention his desire for a cash out in the telephone call on 6 December, or the subsequent live chats, it may well be reasonable to speculate whether his desire for a cash out did not crystallise until after the result of the soccer match was known.
20. In any event, bet365 relies upon its terms and conditions to demonstrate that the Complainant's bet was properly resulted. In this regard, clause 4.2 of section B relevantly provides: "bet365 reserves the right to close or suspend your account at any time and for any reason"; and clause 11 of section D provides that: "bet365 cannot guarantee that the Cash Out feature will be available on your bet selection".
21. It is bet365's position that bet365 properly acted to suspend the Complainant's account after the unusually large deposit on 5 December 2022, and when bet365 had been unable to contact the Complainant on three separate occasions after the deposit was flagged for further investigation.
22. The Commission notes that the Code requires operators to have appropriate interactions with customers when they exhibit red flag behaviours, such as making unusually large deposits. In the current case, the Commission considers that it was open to bet365 to suspend the complainant's account, after an unusually large deposit was detected and the Complainant did not respond to three separate phone calls to the Complainant.
23. The Commission also notes that the majority of operators licensed by the Commission specifically provide in their terms and conditions that, where a cash out feature is available, it cannot be guaranteed that the feature will be available in all instances.
24. Having carefully considered all of the available evidence, the Commission is satisfied on the weight of evidence before it that bet365 acted appropriately in suspending the Complainant's account and has appropriately determined the wager subject of this dispute in accordance with bet365's relevant terms and conditions.

## NOTICE OF RIGHTS

25. 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.

*Alastair Shields*

Alastair Shields  
Chairperson  
Northern Territory Racing Commission

On behalf of Commissioners Shields, Evans and Bravos