

# 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 V  |
| <b>LICENSEE:</b>                     | Puntaa Pty Ltd trading as Picklebet   |
| <b>HEARD BEFORE:<br/>(on papers)</b> | Mr Alastair Shields (Presiding Member)<br>Mr Kristopher Evans<br>Ms Amy Corcoran  |
| <b>DATE OF DECISION:</b>             | 24 November 2023  |

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### DECISION

1. For the reasons set out below, the Northern Territory Racing Commission (**the Commission**) is satisfied that Puntaa Pty Ltd trading as Picklebet 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 relevant Code of Practice that was in effect at the time of the events which are the subject of this gambling dispute.
2. The Commission has further determined that the bets placed by the Complainant with Picklebet between 11 June 2021 and 30 July 2021 were lawful and as a result, has formed the view that Picklebet is not required to return any monies to the Complainant.

### REASONS

#### **Background**

3. The Commission first granted a licence to Puntaa Pty Ltd in March 2017 to conduct the business of a sports bookmaker pursuant to section 90 of the Act.
4. Puntaa Pty Ltd operates its sports bookmaking business under the trading name of Picklebet. For ease of reference, the Commission will refer to the licensee as Picklebet throughout this Decision Notice.

#### **The Complaint**

5. On 16 August 2021, the Complainant lodged a complaint with the Commission in relation to his dealings with Picklebet. In that complaint, the Complainant stated that Picklebet failed to recognise and respond to a number of red flag behaviours that he considers he exhibited, namely:
  - a) Making repeated requests for bonus bets;
  - b) Having numerous cancelled withdrawals;
  - c) Increased betting frequency;

- d) Increased betting amounts; and
  - e) Having numerous rejected bets.
6. In addition, the Complainant stated that Picklebet acted to entice him to bet excessively, by repeatedly offering him bonus bets.
  7. The Complainant attempted to resolve his concerns directly with Picklebet however he was not satisfied with the response to his complaint.
  8. The Complainant is seeking for the Commission to investigate the complaint and declare that all bets placed by the Complainant through his Picklebet betting account between 11 June 2021 to 30 July 2021, to be 'not lawful' and for Picklebet to return \$6,681.32, which he states represents his total losses with Picklebet.
  9. In response to the complaint Picklebet has provided a copy of the Complainant's full betting history, together with records showing the live chat and email interactions between Picklebet and the Complainant during the period that the account was open.
  10. Picklebet has also submitted that the Complainant did not make any statements to suggest that he had a gambling problem, nor did his gambling behaviour indicate that he was not in control of his gambling. The bookmaker also submitted that the Complainant made deposits of \$4,298.48, and withdrawals of \$1,550.00, and therefore the Complainant made a loss of \$2,748.48.

### Consideration of the Issues

11. 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.
12. 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 for the Responsible Service of Online Gambling 2019 (**2019 Code**) came into effect on 26 May 2019, and it provides guidance on responsible gambling practices that must be implemented by sports bookmakers so as to minimise the potential for 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 make it mandatory for sports bookmakers to adhere to any Codes of Practice approved by the Commission.
13. The Commission has carefully considered all of the evidence and submissions before it, and has come to the following conclusions in respect of the various elements of the complaint:
  - a) **Making repeated requests for bonus bets** – the Commission has calculated the number of separate requests for bonus bets made by the Complainant over the life of the betting account as five – and given that the Complainant made 16 separate deposits over that period, the Commission does not consider the number of requests to be excessive.
  - b) **Having numerous cancelled withdrawals** – the account statement provided by Picklebet shows two cancelled withdrawals over the life of the account, and with one of those cancelled withdrawals for \$500, the Complainant successfully made a withdrawal of that amount the following day – the Commission does not consider that two cancelled withdrawals in these circumstances is excessive.

- c) **Increased betting frequency** – the statement of account for the complainant indicates that over the period that the account was open, the Complainant successfully placed a total of 42 bets, with one as the minimum number of bets placed in a day, and seven as the maximum – the Commission does not consider the betting frequency of the Complainant as excessive or warranting intervention;
  - d) **Increased betting amounts** – the Commission notes that the Complainant's largest stake was \$1,482.00, but that it was placed two days after the account was opened, and before the Complainant had established a sufficient history for Picklebet to determine whether that betting amount was a red flag – and the Complainant's stake amounts did not continue to increase, but rather decreased for the balance of the period that the account was open. The Commission does not consider that the Complainant's betting amounts were excessive or warranting intervention;
  - e) **Having numerous rejected bets** – the Complainant's betting statement shows a total of 28 rejected bets over the life of his account. The Commission however notes that 10 of these bets were rejected because they were sought to be placed on horses at odds over 10:1, in contravention of Picklebet's rules concerning the use of bonus bets, 12 bets were rejected on the basis that the potential payout exceeded Picklebet's terms and conditions (and they could have been successfully placed using a smaller stake), and that six bets were rejected due to insufficient funds. The Commission does not consider that the number of rejected bets over the life of the betting account is excessive or warranting intervention; and
  - f) **Repeatedly offering bonus bets** – the audit logs for the Complainant's account show that the Complainant accepted 10 discrete offers for bonus bets in the period from 12 June 2021 and 21 July 2021. The Commission does not consider that this number of bonus bets is a breach of the 2019 Code.
14. The Commission has also considered whether each of the factors listed above when taken together, could have warranted an intervention by Picklebet, and has concluded that because the Complainant's account was only open for a period of 50 days, and a total of 42 bets were successfully placed during that period, with a maximum stake of \$1,482.00 and total losses of \$2,748.48 over the period, there was not sufficient activity to suggest that Picklebet should have staged an intervention in order to comply with the 2019 Code.
15. The Commission's regulatory role when determining gambling disputes is to impartially assess whether the sports bookmaker has acted in compliance with the relevant legal framework, being the Act, its licence conditions and the applicable Codes of Practice that were in effect at the time of the events in question. The Commission's objective is to ensure fairness, transparency and compliance with the established regulations within the Northern Territory online wagering industry.
16. Following the Commission's investigation into this gambling dispute, the Commission is satisfied on the weight of evidence before it that Picklebet has complied with the responsible gambling practices mandated by the regulatory environment imposed on it by the Act, its licence conditions and the relevant Codes of Practice that were in place at the relevant times.
17. Given this, the Commission has no reason to consider that the bets placed by the Complainant from 11 June 2021 through to 30 July 2021 were anything but lawful and as such, is not of the view that any monies should be returned by Picklebet to the Complainant.

## NOTICE OF RIGHTS

18. 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  
Chairperson  
Northern Territory Racing Commission

24 November 2023

On behalf of Commissioners Shields, Evans and Corcoran