

# NORTHERN TERRITORY RACING COMMISSION

## Reasons for Decision

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<b>Complainant:</b>	Mr W
<b>Licensee:</b>	Sportsbet
<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>	Mr Alastair Shields (Presiding Member) Ms Cindy Bravos Mr Allan McGill
<b>Date of Decision:</b>	24 June 2019

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### Background

1. On 9 October 2018, the complainant lodged a dispute with the Northern Territory Racing Commission (the Commission) against the licensed sports bookmaker Sportsbet pursuant to section 85(2) of the *Racing and Betting Act* (the Act).
2. The complainant is aggrieved that Sportsbet voided six winning bets that the complainant placed on the Chinese Super League football match between Guangzhou R & F and Beijing Guoan played on 7 October 2018. The complainant is seeking payment of \$33,020 from Sportsbet, being the total of the winning payout amounts of the six bets.
3. The complainant placed each of the bets with Sportsbet on the 'card index' market via telephone during the football match. The card index market is a betting market offered by Sportsbet on football matches whereby points are allocated to the type of penalty cards shown by the referee during the football match. A yellow card is worth ten points and a red card is worth 25 points.
4. The complainant placed one bet on the card index being over 50 points, three bets on the card index being over 60 points and two bets on the card index being over 70 points.
5. Sportsbet advised the Commission that they voided the complainant's over 50 points and over 60 points bets as the result of each of these bets was known at the time the bets were placed by the complainant. Sportsbet further advised the Commission that it voided the complainant's two bets on the card index being over 70 points as there was a palpable error in the odds at the time the bets were placed.
6. Sportsbet advised the Commission that each of the bets was voided after Sportsbet identified that the card index market feed had gone stale during the football match. This had resulted in the odds not being updated to reflect the events of the match and the market being left open after the results were already known.
7. Information in relation to this dispute was gathered from both parties by Licensing NT betting inspectors appointed by the Commission and provided to the Commission to consider the dispute on the papers.

## Chronology

8. The Commission has reviewed the Sportsbet betting account records of the complainant and notes the following activity occurred on the evening of 7 October 2018:

Time	Amount	Description	Odds	Account Balance
21.53	\$500	Bet 1 - over 70 points (O/1706459/0006495/D) <b>48 minutes after kick-off</b>	2.30	\$3,200
22.00	\$2,000	Bet 2 - over 70 points (O/1706459/0006496/D) <b>55 minutes after kick-off</b>	2.30	\$1,200
22.19	\$1,000	Bet 3 - over 60 points (O/1706459/0006497/D) <b>74 minutes after kick-off</b>	1.62	\$200
22.44	\$3,000	Deposit	-	\$3,200
22.46	\$3,000	Bet 4 - over 50 points (O/1706459/0006498/D) <b>101 minutes after kick-off</b>	2.25	\$200
22.47	\$6,750	Bet Winnings (from Bet struck at 22.46)		\$6,950
22.49	\$3,000	Bet 5 - over 60 points (O/1706459/0006499/D) <b>104 minutes after kick-off</b>	2.80	\$3,950
22.53	\$3,000	Bet 6 - over 60 points (O/1706459/0006500/D) <b>108 minutes after kick-off</b>	3.50	\$950

9. The Commission has also reviewed the results of the Chinese Super League football match between Guangzhou R & F and Beijing Guoan played on 7 October 2018 as recorded on Sofascore (a widely used app that provides live scores for more than 500 worldwide soccer leagues, cups and tournaments) and notes that the following penalty cards were issued by the referee during the match:

- i. Yellow Card (Dusko Tomic) - 14 minutes after kick-off
- ii. Yellow Card (Tang Xi) - 21 minutes after kick-off
- iii. Yellow Card (Zhi Zhao Chen) - 23 minutes after kick-off
- iv. Red Card (Zhi Xiao) - 29 minutes after kick-off
- v. Yellow Card (Zhongguo Chi) - 36 minutes after kick-off
- vi. Yellow Card (Cedric Bakambu) - 84 minutes after kick-off

## Consideration of the Issues

10. Having reviewed the chronology as detailed above, the Commission notes that when utilising the penalty card scoring system as provided for by Sportsbet in its Card Index market, that the following card index scores were applicable after the issue of each penalty card by the referee during the match:
  - a. 10 points at 14 minutes after kick-off
  - b. 20 points at 21 minutes after kick-off
  - c. 30 points at 23 minutes after kick-off
  - d. 55 points at 29 minutes after kick-off
  - e. 65 points at 36 minutes after kick-off
  - f. 75 points at 84 minutes after kick-off
11. The complainant placed Bet 3, Bet 5 and Bet 6 (which each required the card index to be over 60 points) at 74 minutes, 104 minutes and 108 minutes into the match respectively. At the time the complainant placed each of these bets, the card index had already reached 65 points following the referee showing a yellow penalty card to Zhongguo Chi at 36 minutes after kick-off in the match. As a result, it is clear to the Commission that Bet 3, Bet 5 and Bet 6 were each struck after the betting market had already been resulted.
12. The complainant placed Bet 4 (which required the card index to be over 50 points) at 101 minutes after the kick-off in the match. Given that the card index had already reached 55 points following the referee showing a red penalty card to Zhi Xiao at 29 minutes after kick-off in the match, it is again evident to the Commission that Bet 4 was struck after the betting market had already been resulted.
13. It is clear to the Commission that given the outcome of the betting markets relating to Bet 3 through to Bet 6 had already been resulted prior to the complainant placing each of these bets, both of these betting markets should have already been closed and the complainant should not have been able to place a bet on either of these betting markets.
14. In this respect, Sportsbet have advised the Commission that on the morning of 8 October 2018, Sportsbet identified that the card index market feed had gone stale during the football match. This had resulted in the odds not being updated to reflect the events of the match and the market being left open after the results were already known.
15. With respect to the stale feed, Sportsbet advised the Commission that for some sports on which Sportsbet offers a betting market, Sportsbet receives an update of scores (a feed) from a third party. The information received is input into the Sportsbet system which updates the odds offered throughout the event. With respect to the football match between Guangzhou R & F and Beijing Guoan, Sportsbet advise that the third party feed sent incorrect information through, specifically that the penalty card issued at 29 minutes after kick-off was registered as a yellow penalty card worth 10 points and not as a red penalty card worth 25 points. As a result, the Sportsbet system recorded the card index as being at 40

points at the showing of the fourth penalty card of the match rather than the true value of 55 points given that the fourth penalty card shown was a red card.

16. This resulted in Sportsbet having betting markets open which offered a card index of over 50 and 60 points, despite the card index already having reached 55 points, 29 minutes after kick-off. This error enabled the complainant to place Bet 4 requiring a card index of over 50 points at 101 minutes into the match and well after the card index had reached 55 points. This bet was immediately resulted by Sportsbet as a winning bet and the complainant's account credited with \$6,750 which the complainant then used several minutes later to place Bet 5 and Bet 6, each to the value of \$3,000 on the card index reaching over 60 points. It is again clear to the Commission that this betting market was one that should not have been available after 36 minutes into the match with the issuing of the fifth penalty card which took the card index to 65 points.
17. With respect to Bet 1 and Bet 2 placed by the complainant (both of which required the card index to be over 70 points), these bets were placed at 48 minutes and 55 minutes after the kick-off of the match respectively. As detailed at paragraph 10 above, at the time of the complainant placing these two bets, the card index was already at 65 points. When these two bets were struck, the complainant received odds of \$2.30 on each of these bets.
18. Sportsbet advised the Commission that, *"[i]t is an obvious error that Sportsbet would be offering odds of \$2.30 for this market, considering that [it] only required 5 additional points to be scored for the remainder of the match."*

#### Terms and Conditions.

19. All sports bookmakers licensed in the Northern Territory have a comprehensive set of terms and conditions (often including rules) that customers are deemed to be familiar with prior to opening and operating an account with the sports bookmaker. These terms and conditions operate to ensure legislative compliance and the commercial efficacy of the business model of a sports bookmaker.
20. In correspondence to the complainant prior to his lodgement of this dispute with the Commission, Sportsbet advised the complainant that his bets had been cancelled in accordance with Sportsbet Rule 93 which states:
  93. If the Website erroneously allows a Member to place a bet after a sports or racing event has commenced or been completed, the Member agrees that Sportsbet may retrospectively void the bet and demand repayment where any winnings from the void bet have been withdrawn from the Member's Account...
21. Whereas in its response to the Commission with respect to this dispute, Sportsbet advised the Commission that it had voided the complainant's bet in accordance with Rule 1.12.1 of its terms and conditions, being:
  - 1.12.1. Sportsbet makes every effort to ensure that no errors are made in settling markets including but not limited to errors in prices offered, available selections offered, bets accepted on an Account or any errors in exclusions for certain selections. However, we reserve the right to correct any obvious or manifest error and to void any bets where such has occurred. Should this occur, Sportsbet will endeavour to contact the Member by email or telephone.

22. With respect to Bets 3, 4, 5 and 6 and as discussed above, it is clear to the Commission that the bets were placed by the complainant after the betting market outcome was resulted. As such, the initial reliance by Sportsbet on Sportsbet Rule 93 to cancel the bets as detailed in its correspondence to the complainant would at first seem reasonable, given that the stale feed allowed the complainant to place these bets after the betting market event had been completed.
23. It is also arguable that in relation to these four bets, that Sportsbet could also rely on Sportsbet Rule 1.12.1 to void the bets as the stale feed resulted in an error in 'available selections offered' as in the offering of a betting market that should have not have been available due to the outcome already being known.
24. With respect to Bet 1 and Bet 2 which were placed prior to the outcome of the event being known but at a time which Sportsbet claim the odds offered were not aligned with the event as it was occurring given that only 5 additional points were required to result in a winning bet, Sportsbet Rule 1.12.1 clearly allows Sportsbet to void a bet where an error in the price offered has occurred.
25. In support of his dispute, the complainant provided information to the Commission that a friend of his had also placed a similar bet on the over 70 points card index market, however unlike the two bets he had struck on this market (Bet 1 and Bet 2), Sportsbet had paid out on that bet as a winning bet.
26. In response to this, Sportsbet advised the Commission that the complainant's friend's bet had been settled as a winning bet due to human error. Additionally, Sportsbet advised the Commission that they had contacted the complainant to resolve the dispute and had offered to pay out the complainant's over 70 points card index bets as winning bets as a gesture of goodwill, however, the complainant declined the offer.

### Manifest Error

27. The issue for consideration by the Commission in determining whether Sportsbet are entitled to rely on Rule 1.12.1 and declare Bet 1 and Bet 2 void, is whether the odds on offer by Sportsbet on the over 70 points card index market were an obvious or manifest error.
28. As often discussed in earlier Commission decisions and most recently in the matter of A v Sportsbet dated 24 May 2019, the commercial efficacy of the sports bookmaker business model must have error limiting clauses such as Sportsbet Rule 1.12.1 above so as to avoid a sports bookmaker from unjustly suffering a financial loss where an unintended error has occurred.
29. The Commission has also previously commented however, that it is also reasonable for sports bookmaker customers to expect and be able to rely upon the sports bookmaker to advertise odds that are correct and up to date on its betting platforms.
30. The meaning of manifest or obvious error has been considered many times by the Commission and as detailed in previous Commission decisions, it is the view of the Commission that a manifest error is one that can be determined on its face without the need to look for any evidence or background information, such as letters being interposed within betting odds. An obvious error on the other hand is one that is easily seen, perceived and recognised. The error needs to be apparent and not difficult to observe.

31. The odds on offer at the time of the complainant placing Bet 1 and Bet 2, both of which required the card index to be over 70 points, were \$2.30. As detailed earlier in this decision, both of these bets were struck at a time when the card index was already at 65 points.
32. In response to the Commission querying Sportsbet as to what the odds on the over 70 points market should have been at the time the complainant placed Bet 1 and Bet 2, Sportsbet advised the Commission that:

The cause of the manifest in error is the pricing model assumed the Card Index Score was 50 by half time.

However, the actual score was 65. Therefore the odds advertised to the customer would have been longer than what was at the time.

In terms of trying to obtain what the approximate odds would have been, we can use the above information to assist as a reference point.

If the prices...are based on card index point at 50 by half time. "Over 50" and "Over 60" price histories can be used as a reference/ball park to give correct prices for "Over 70" (since it should have been 65 points). Therefore an approximate figure would be \$1.53 ~ \$1.83.

33. The Commission has sighted the audit logs for both the over 60 points and over 70 points markets and notes that at the time the complainant placed Bet 1 and Bet 2, the odds on offer for the over 50 and 60 points markets were \$1.53 and \$1.83.
34. Had odds for the over 70 points market reflected the odds Sportsbet submit should have been offered, then the complainant's bets would have resulted in winning payouts in the range of \$765 to \$915 for Bet 1 and \$3,060 to \$3,660 for Bet 2. As per the odds on offer at \$2.30 though, the complainant's bets would have resulted in winning payouts of \$1150 and \$4,600 respectively had they not been voided.
35. It is obvious to the Commission that there was an issue in the odds being offered by Sportsbet on the card index market overall given that these markets should have not been available to strike a bet on. This leads the Commission to the view that it is likely that the odds for the over 70 points card index were also wrong.
36. Whilst the Commission is not of the view that the odds on offer were a manifest error as what the correct odds should have been is not readily evident by simply looking at the odds on offer, it does have some sympathy for the submission by Sportsbet that the odds on offer were incorrect due to the input of data from a stale feed. Having reviewed the background information and evidence before it, the Commission is of the view that the input of incorrect data clearly caused an error in the odds offered and as such, does meet the obvious error threshold test.

## Decision

37. On the weight of the evidence provided to it, it is evident to the Commission that the bets placed by the complainant on the over 50 points and over 60 points card index market as it related to the Chinese Super League football match between Guangzhou R & F and Beijing Guoan played on 7 October 2018 (Bets 3 through to 6), were struck after the outcome of both markets was known.

38. In this respect, the Commission notes that whilst a definition of a bet or wager is not contained within the Act, an ordinary or everyday meaning of a bet or wager is often regarded as when a sum of money is staked on the outcome of a future event or contingency. The person placing a bet is risking an amount of money in the hope of winning more by trying to guess something uncertain.
39. With respect to Bet 3 through to Bet 6, the outcome of the betting market was not uncertain and was in fact already known when the complainant placed these bets. As such, it is the Commission's view that these bets do not meet the every day definition of 'a bet' and for that reason, pursuant to section 85(1A) of the Act, the Commission declares that these four bets were not lawful bets. As a result, the Commission considers that there is no monies payable by Sportsbet to the complainant upon them.
40. With respect to Bet 1 and Bet 2, the Commission notes that the outcome of the over 70 points card index market was not known at the time these two bets were struck. As such, unlike Bets 3 through to Bet 6 where the outcome was known at the time of the bets being struck, the Commission is satisfied that these two bets were lawful bets pursuant to section 85 of the Act.
41. The Commission also notes however, that by signing up to the Sportsbet betting platform, the complainant accepted its terms and conditions and that any bets struck were bound to any applicable rules detailed in those terms and conditions.
42. As detailed above, the Commission is of the view that the odds offered by Sportsbet on the over 70 points card index betting market were an obvious error and in accordance with Sportsbet's terms and conditions, the voiding of the bets was a business decision available to it. As such, it is the view of the Commission that there are no outstanding moneys payable by the sports bookmaker to the complainant with respect to Bet 1 and Bet 2.

## Review of Decision

43. 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

24 June 2019