

# 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 M ( <b>Complainant</b> )
<b>LICENSEE:</b>	Entain Group Pty Ltd, trading as Ladbrokes ( <b>Ladbrokes</b> ) and Neds ( <b>Neds</b> )
<b>HEARD BEFORE: (on papers)</b>	Mr Alastair Shields (Presiding Member) Ms Amy Corcoran Mr James Pratt
<b>DATE OF DECISION:</b>	01 September 2023

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### DECISION

1. For the reasons set out below, the Northern Territory Racing Commission (the **Commission**) is satisfied that both Ladbrokes and Neds have properly paid the Complainant's winning bets, in accordance with Ladbrokes' and Neds' respective relevant terms and conditions.

### REASONS

#### Background

2. The Commission has granted a licence to Entain Group Pty Ltd to conduct the business of an online sports bookmaker pursuant to section 90 of the *Racing and Betting Act 1984 (Act)*. At all relevant times for the purposes of this complaint, the Company operated both the Ladbrokes and Neds sport bookmaking platforms under this licence.
3. On 21 September 2021, the Complainant placed a number of bets on greyhound races 2 and 3 at Gawler in South Australia. The bets included a combination of fixed odds bets and exotic bets, however all of them required the short priced favourites in each race to lose in order to be winning bets. The short priced favourites finished last and second last respectively, resulting in a number of winning bets for the Complainant.
4. The Complainant initially lodged a complaint on 5 October 2021 because Ladbrokes and Neds had not settled the bets and did not credit his accounts for the amounts won. Ladbrokes and Neds initially advised that the bets had not been paid because of concerns about the bets placed by the Complainant and other betting activity on the same greyhound races.
5. During the course of the Commission's investigation into the complaint, Ladbrokes and Neds advised the Commission and the Complainant that, in spite of their concerns, they had decided to pay the Complainant's bets in full.
6. The Complainant was subsequently paid a total of \$66,780.24 (\$26,975.24 (Ladbrokes account) and \$39,805.00 (Neds account)). The Commission treated the complaint as settled, and discontinued the investigation into the complaint.

## The Complaint

7. On 14 April 2022, the Complainant sought to reopen his complaint on the basis that he had been underpaid a total of \$19,415.51 for four of his exotic bets, being two trifectas and two first four bets, because the payments were capped at the amount of the Victorian tote pool for the relevant race and bet type. Two of each type of bets were with Ladbrokes, and the remaining bets were with Neds.
8. In response to this complaint, Ladbrokes and Neds pointed to Clause 8.8 of Ladbrokes and Neds Racing and Sport Betting Rules, which state:
 

“On any bet type in any location, the payout will not exceed the pool amount for that bet type at the nominated Tote. If the nominated Tote doesn’t offer the selected bet type or there is no nominated Tote, the Victorian Tote declared pool and dividend will apply, subject to our maximum betting payouts. If there is no Victorian Tote pool then the Queensland Tote declared pool size will apply, subject to our maximum betting payouts. Where the player’s stake is larger than the pool size, the player will receive their stake back rather than the pool.”
9. Ladbrokes and Neds have provided evidence to support their calculation of the payments made to the Complainant for the four exotic bets in accordance with clause 8.8 of their Sports Betting Rules and submit that the bets were calculated and paid appropriately.
10. In response the Complainant has asserted that Ladbrokes and Neds have previously paid him out amounts in excess of the tote pool and that, in any event, “[t]he pool rule was brought in to protect the corporate bookmakers from manipulation of the pools”.
11. When asked whether he could provide previous examples of where he had been paid in excess of the tote pool, the Complainant did not provide any examples where this has occurred. Ladbrokes and Neds have advised that they were unable to find any examples where this has occurred in the Complainant’s accounts with them.

## Consideration of the Issues

12. Pursuant to section 85(4) of the Act, the Commission determined to hear the dispute and make its determinations in absence of the parties, based on the evidence before it.
13. As noted in many previous Commission decisions, all sports bookmakers licensed by the Commission are required to proclaim 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. Clause 8.8 quoted above is one of the terms and conditions that applied to the bets struck by the Complainant.
14. The Commission is satisfied that the payment amounts for the four bets the subject of this complaint were correctly calculated in accordance with the Ladbrokes’ and Neds’ relevant terms and conditions.
15. The Commission has also considered whether there was an express or implied waiver by Ladbrokes and/or Neds of the cap in clause 8.8 of the terms and conditions and, in the absence of any evidence, has concluded that there was no waiver.
16. It is also the Commission’s considered view that the rationale or reason that a particular term of a sports bookmaker’s terms and conditions was drafted is not a relevant consideration in this case.

17. The Commission has therefore determined that the Complainant's complaint is without merit.

### **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

01 September 2023

On behalf of Commissioners Shields, Corcoran and Pratt