

NORTHERN TERRITORY RACING COMMISSION

Reasons for Decision

Complainant:	Mr M
Licensee:	William Hill Australia Wagering Pty Ltd
Proceedings:	Pursuant to Section 85(4) of the <i>Racing and Betting Act</i> – Referral of dispute to Racing Commission for determination
Heard Before: (on papers)	John McBride (Presiding Member) John Boneham David Loy
Date of Decision:	3 May 2018

Background

1. On 20 April 2017, pursuant to section 85 (4) of the Racing and Betting Act (the Act) the complainant Mr M lodged a gambling dispute against William Hill (the bookmaker).
2. The dispute alleges that following closure by Mr M of his account for life with William Hill because of his known gambling problem Mr M was later able to reopen his account with apparent ease following a request to do so.
3. The complaint centres on the ability of a client with a stated gambling issue to have his account closed for life in the first instance and reopened with apparent ease at his request by the bookmaker subsequently.

Facts of the Matter

4. On the 20th April 2017 Mr M lodged a gambling dispute against William Hill with the Commission. The dispute alleges Mr M had his account closed for life with William Hill and an agreement for it never to be opened again. He states he has a gambling issue which William Hill were aware of.
5. In fact Mr M has held four (4) different accounts with the bookmaker over the previous few years details of which were supplied including each account Pin number.
6. Between October 2016 and March 2017 there have been closures and re-opening of his accounts. The bookmaker has provided a timeline to the multiple closures and re-opening. The reasons for closure were many and varied from time to time. They included the client being unhappy with the bookmaker's service to not being provided with bonus bets when requested.
7. The bookmaker in their response to this dispute have provided the Commission with the following: -

- a) 11 phone call transcripts in relation to the dispute.
- b) a portion of their client's bet and financial history and
- c) the "client notes" for Mr M's betting accounts with William Hill.

Further information was requested of the bookmaker by the investigator and supplied including particulars/copy of a further phone call relating to this dispute and a copy of William Hill Australia Responsible Gambling Training document.

8. The transcript of the 12 phone calls were listened to and reviewed at the time by the Commission's investigator and produced to this panel for consideration. Of the several closures and reopening of accounts during the relevant period between October 2016 and March 2017 there is no direct reliable evidence of the clients gambling problems nor has it been stated to be the reason on any occasion for an account closure. That is until account closure request on 10 March 2017.
9. On that day during the client phone call with William Hill the client clearly states for the first time he has a gambling problem.

Consideration of the Issues

10. The issue for consideration here is twofold. First, whether William Hill prior to 10 March 2017 had any knowledge of Mr M's alleged advices around problem gambling issues. Alternatively, did the recorded client behaviour and/or pattern of gambling during this period raise red flags such that it should have acted as a clear warning for behaviour, warranting further enquiry and investigation into the account.
11. From the information provided there is insufficient evidence to find that the bookmaker was ever told by the customer directly that he had a problem with gambling nor did he ever before 10 March 2017 give as his reason for requesting an account closure for reasons of gambling problems. We can be satisfied from looking at all the evidence before us that Mr M's stated reasons on each occasion he closed his account were for legitimate complaints of service and treatment rather than compulsive gambling reasons. That such reasons were accepted by William Hill on face value was understandable and not necessarily alarming at the time.
12. William Hill as a licenced Sports Bookmaker is required to adhere to and observe the Northern Territory Code of Practise for Responsible Online Gambling as part of its undertaking to this Regulatory Authority as well as its clients. Following on from such obligation this Commission will look when investigating any complaint around problem gambling, whether there has been any dereliction of duty to clients of bookmakers around what are known as red flag indicators of gambling problems.
13. From the recorded telephone transcripts there was some thought expressed that several statements made by Mr M could be interpreted as indicative of having a problem with gambling. These selected recorded statements made by Mr M (and not itemised here) were put to the bookmaker for comment.
14. In reply and putting each comment in context we are satisfied as urged on us by the bookmaker that there was a legitimate reason for each comment outside it being any indicator of problem gambling. To that end the bookmaker is entitled to the benefit of its understood reason for such comments being made and we as a

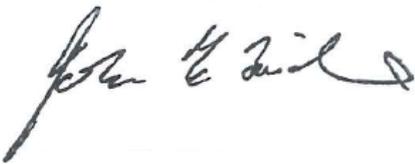
Commission should desist from going behind such reason without evidence to for a contrary view.

Decision

15. The Commission determines following an investigation into the complaint of Mr M of William Hill and the responses given to the enquiries made on investigation around whether there was any or sufficient evidence to prevent the reopening of the clients account following closures, that William Hill were neither directly made aware or by adherence to obligations of the Code of Practise for Responsible online Gambling on notice from client behaviours around his account dealing and gambling of any problem gambling at the relevant times.
16. As such and in accordance with Section 85 (4) of the Act, on the basis of information provided in respect to the dispute and for all the reasons set out above, the Commission has determined that William Hill (the bookmaker) had acted in accordance with its Terms and Conditions.

Review of Decision

17. Section 85(6) of the Act provides that a determination by the Commission of a dispute referred to it under subsection (1) shall be final and conclusive as to the matter in dispute.



John McBride
Chairperson
Racing Commission

3 May 2018