

NORTHERN TERRITORY RACING COMMISSION

Reasons for Decision

Complainant:	Mr L
Licensee:	William Hill
Proceedings:	Pursuant to Sections 80(1)(d) and 148A of the <i>Racing and Betting Act</i>
Heard Before: (on papers)	Mr Alastair Shields (Presiding Member) Ms Amy Corcoran Mr James Pratt
Date of Decision:	25 October 2018

Background

1. This dispute involves the Complainant, a known problem gambler, who received promotional material from William Hill.
2. On 11 April 2017, the Complainant lodged a gambling dispute alleging he had been sent promotional material from William Hill despite being excluded and having previously requesting such material be stopped due to problem gambling.
3. Clause 16 of William Hill's licence states:
"The Sports Bookmaker must comply with any Codes or Guidelines issued by the Commission pursuant to the Racing and Betting Act, and as amended from time to time."
4. Condition 4.6 of Northern Territory Code of Practice for Responsible Online Gambling 2016 (**the Code**) states:
"Online gambling operators are to ensure they have in place suitable procedures to ensure correspondence or promotional material is not sent to clients who are excluded from their services or who request that this information not be sent to them."
5. Where a bookmaker is found to have failed to comply with a condition of its licence under section 80(1)(d) of the *Racing and Betting Act* (**the Act**), the Commission may discipline the bookmaker by "reprimanding him, imposing on him a fine not exceeding 17 penalty units or, in the case of a sports bookmaker, not exceeding 170 penalty units or suspending or cancelling a licence or permit".
6. Further, section 148A(4) makes it an offence for a bookmaker not to comply with a code of practice approved under that section with a maximum penalty of 17 penalty units. The Code being one of these codes of practice.
7. The Complainant states that William Hill knew of his gambling problem and as a result of receiving promotional material is seeking compensation for failing in their duty of care and unconscionable conduct. William Hill acknowledges the

Complainant was sent promotional material however as the Complainant has not wagered with William Hill there are no losses.

8. Information was gathered from both parties through Licensing NT and provided to the Commission to consider the matter on the papers.

Consideration of the Issues

9. It is not disputed that the Complainant is a problem gambler and has experienced emotional and financial difficulties as a result of his wagering. It is also not disputed that the Complainant should not have received promotional material from William Hill.
10. William Hill acquired Centrebet and Sportingbet from the Sportingbet Group in March 2013 and then acquired tomwaterhouse.com in August 2013.
11. The Complainant held an account with tomwaterhouse.com which was opened prior to William Hill acquiring that company. The account was migrated to William Hill in January 2016. Despite the account being closed and marked 'Gambling Problem', it was during migration that promotional material was sent to the Complainant in relation to that tomwaterhouse.com account.
12. The Complainant also held accounts with other William Hill entities, namely Sportingbet (closed in February 2011) and Centrebet (closed in April 2010). The Complainant has not received any marketing communications in relation to the abovementioned Sportingbet Australia or Centrebet accounts since those accounts were closed.
13. William Hill provided the following reasons why the Complainant was sent promotional material in relation to his tomwaterhouse.com account despite the fact he was excluded from the services of all the acquired bookmakers:

'We take our obligations in relation to responsible gambling very seriously and due care was taken to ensure that the problem gamblers were brought across at the time but it was difficult to have a 100% accuracy with this process for a number of reasons eg name differences etc.'

'We acknowledge that the marketing material should not have been provided to the client. We have taken steps to ensure that the client will no longer receive any marketing material, and all his accounts are closed for problem gambling. ...'

Decision

14. It is important to note that the Commission does not have the power to determine matters of compensation, this being the jurisdiction of the Courts.
15. In this matter, the Commission must determine if William Hill has complied with its obligations under the Act and the Code, specifically, whether pursuant to clause 4.6 of the Code, William Hill had *"in place suitable procedures to ensure correspondence or promotional material is not sent to clients who are excluded from their services or who request that this information not be sent to them."*

16. William Hill submit that the promotional material was only sent to the Complainant due to migration issues when tomwaterhouse.com accounts were migrated to William Hill. Promotional materials had not been sent to the Complainant by William Hill when either the Sportsbet and Centrebet accounts were migrated over. This indicates that William Hill do have suitable procedures in place to ensure promotional materials are not sent to clients who are excluded from their services.
17. It is noted that the Commission has not received any other complaints of a similar nature regarding William Hill or the migration of the tomwaterhouse.com accounts and therefore accepts that in this instance, although William Hill does have suitable procedures in place, promotional material was sent wrongly to the Complainant due to an inadvertent and atypical error when his account was being migrated.
18. The Commission is satisfied that William Hill has taken requisite action to prevent future promotional material being sent to the Complainant.
19. The Commission determines that William Hill has complied with the Code and therefore has not breached either sections 80(1)(d) and 148A of the Act.



Alastair Shields
Presiding Member
Racing Commission

25 October 2018