

NORTHERN TERRITORY RACING COMMISSION

Reasons for Decision

Complainant:	Mr T
Licensee:	Entain Group Pty Ltd – Ladbrokes
Proceedings:	Gambling Dispute for determination by the Northern Territory Racing Commission (pursuant to section 85(2) of the <i>Racing and Betting Act 1983</i>)
Heard Before: (on papers)	Ms Cindy Bravos (Presiding Member) Ms Amy Corcoran Mr James Pratt
Date of Decision:	8 June 2022

Background

1. On 22 October 2020, pursuant to section 85(2) of the *Racing and Betting Act 1983* (the Act), the complainant lodged a gambling dispute with the Northern Territory Racing Commission (the Commission) against Ladbrokes - a sports betting platform that is now operated under the sports bookmaker licence held by Entain Group Pty Ltd (Entain) which also operates the betting platforms Betstar, bookmaker.com and neds.com.au. Given that the gambling dispute centres on the complainant's interactions with the sports bookmaker while using the Ladbrokes' betting platform, the sports bookmaker will be referred to as Ladbrokes throughout this decision notice.
2. The primary substance of the gambling dispute is the complainant's assertion that he was able to re-open his betting account with Ladbrokes after having previously excluded on a permanent basis from using the services of the sports bookmaker.
3. Information was gathered from the parties involved by Licensing NT officers appointed as betting inspectors by the Commission and provided to the Commission, which determined that there was sufficient information before it to consider the gambling dispute on the papers.

Consideration of the Issues

4. For many people, risking money through the placement of a bet with a sports bookmaker with the hope of winning a larger sum of money is a harmless form of entertainment. However, this is not the case for all people who engage in gambling activity and the Commission recognises that in some circumstances, some people are unable to control the urge to gamble despite knowing that it is having a negative impact on their lives.
5. With this in mind and in order to minimise the harm that may be caused by online gambling, the Commission introduced the Northern Territory Code of Practice for Responsible Service of Online Gambling 2019 (the 2019 Code) which came into effect on 26 May 2019, having replaced the Northern Territory Code of Practice for Responsible Gambling 2016. Part 4 of the 2019 Code deals with the regulatory requirements in relation to persons being able to exclude themselves from being able to use the gambling services of an online gambling operator and details at Clause 4.2(e) that where a person requests that they be permanently self-excluded for any reason or is permanently excluded by the online gambling provider due to problem-gambling concerns, the online gambling provider must not knowingly permit that person to re-open or open a new account.

6. In lodging this gambling dispute with the Commission, the complainant has asserted that despite having previously excluded himself from using the services of Ladbrokes on a permanent basis, he was able to re-open his betting account and subsequently deposit and lose approximately \$30,000 to \$60,000, including losing \$20,000 on a single day. The complainant has advised the Commission that he lodged this gambling dispute after speaking with a gambling councillor who he says advised him to *"...report it and recoup the money."*
7. The Commission has reviewed various emails between the complainant and Ladbrokes as well as listened to numerous phone calls between the two parties and notes that there is no record of the complainant having requested to be permanently self-excluded from using the gambling services of Ladbrokes.
8. The only record sighted by the Commission of the complainant requesting any form of self-exclusion was an email dated 30 May 2016 in which the complainant sought to be temporarily excluded from using the services of Ladbrokes for a six month period. It is clear to the Commission that the complainant was fully aware that this was a temporary exclusion and not a permanent exclusion as he subsequently initiated five telephone calls with Ladbrokes over the next 18 months in an attempt to have his betting account re-opened, during which either he or Ladbrokes detailed the nature and length of the temporary self-exclusion.
9. On 6 September 2018, the complainant's betting account was re-opened following a further telephone request to Ladbrokes from the complainant. During this conversation, there was again no discussion about the account having been closed by the complainant (or by Ladbrokes) on a permanent basis. At this time, Ladbrokes also reminded the complainant that there was a deposit limit set on the account of \$250 per week and after some discussion on this, the complainant advised that he was happy to leave the deposit limit at this amount.
10. Later that same day, the complainant opted to change the deposit limit on his betting account to \$2,000 a week and then over the next eight months utilised this responsible gambling tool to make both increases and decreases to his deposit limit on no less than 15 occasions. Ultimately on 23 May 2019, the complainant requested that the deposit limit be removed from his betting account which took effect 7 days later on 30 May 2019.
11. With respect to the complainant's assertions that following the betting account being re-opened he went on to lose approximately \$30,000 to \$60,000, including losing \$20,000 on a single day, the Commission notes that between when the betting account was re-opened in September 2018 and September 2020 the complainant deposited \$28,271.68, withdrew \$12,260 - being an overall loss of \$16,011.68.
12. The complainant has also asserted that on 28 September 2019, he lost \$20,000 in a single day (a day which included placing a \$3,000 bet on a race horse by the name of Exceedance) however, the complainant's betting records for this date show that he started the day with an account balance of 99 cents and after having made deposits throughout the day totalling \$329.01 and placing less than 20 bets with no bet over \$50, he finished the day with an account balance of zero.
13. As identified to the Commission by Ladbrokes, the complainant did place a \$3,000 bet on the race horse Exceedance however, this occurred on 7 March 2020 and not 28 September 2019 as submitted by the complainant. It was also on this same day that Ladbrokes identified that there had been an increase in deposits into the complainant's betting account and that he was making bets larger than usual. This resulted in Ladbrokes contacting the complainant via telephone, a telephone call during which Ladbrokes advised the Commission that the complainant adequately explained to it, the increase in deposits and bets size, substantiated his source of wealth and confirmed everything was okay.

14. The Commission has also listened to this telephone call and notes that as advised to the Commission by Ladbrokes, the complainant had the following interactions:
 - after commenting on the increase in spend, when asked whether everything was okay with the account, the complainant responded, *"the account's alright...had a bit of a punt because I sold my car"*;
 - after enquiring about the 'take a break' use on the account, *"I take a break here and there. You gotta take a break or it might drive you nuts"*;
 - when asked whether the complainant would be interested in setting a deposit limit due to the increase, *"nah, that's the end of that, I won't be doing that anymore"*;
 - *"...money's just money, it's fine, it's not a problem"*;
 - when asked what the complainant does for a living, *"I'm a pilot...I fly planes mate, I get about \$8k every two weeks"*;
 - when asked whether the spend would continue, *"nah, nah just the once off, won't be doing that again"*.
15. Upon reviewing the complainant's betting account records, the Commission notes that following this telephone call, both the complainant's deposit and betting behaviour decreased and that from this time until the betting account was closed, the complainant made an overall profit - having made deposits of \$3,614 and withdrawals of \$8,150.
16. The 2019 Code requires that sports bookmakers are to ensure that all staff have a reasonable understanding of problem gambling and be aware of what signs might indicate which of their customers are experiencing difficulties. It is evident from the actions of Ladbrokes on 7 March 2020, that it identified that the complainant may be experiencing harms associated with his gambling and that it took action to make contact with the complainant after which, the complainant's deposit and betting activity returned to its usual patterns.
17. The Commission has also listened to a telephone call between the complainant and Ladbrokes on 9 October 2020 during which the complainant sought a refund from Ladbrokes for some of the money which he had used to place bets some eight to nine months earlier as he stated that this money had come from funds that he had stolen from his ex-wife's bank account. Shortly after this telephone call, the complainant lodged his gambling dispute with the Commission.

Decision

18. An inherent risk that cannot be avoided in the activity of gambling, is a loss of money. The Commission's role in dealing with gambling disputes is not to simply rectify self-inflicted economic losses from gambling following the lodging of a gambling dispute with the Commission (regardless of where the funds may or may not originated) but rather, to make a finding as to whether the sports bookmaker has acted in compliance with the Act, the conditions attached to its sports bookmaker licence and the relevant Code in place at the time.
19. On the weight of evidence before it, the Commission is not satisfied that at the time that the complainant re-opened his Ladbrokes' betting account in September 2018, that he had previously been permanently excluded from using the Ladbrokes' betting platform.
20. The Commission is satisfied that Ladbrokes identified the change in the complainant's deposit and betting behaviour that occurred on 7 March 2020 and in compliance with the 2019 Code, took action to make contact with the complainant to ascertain whether he was experiencing any harms from his gambling activity.

21. As a result and based on the weight of the evidence before it, the Commission is satisfied that there has been no breach of the Act, licence conditions or the 2019 Code by Ladbrokes in relation to the complainant.
22. Given this, the Commission has determined that all bets made during the lifetime of complainant's Ladbrokes' betting account are lawful bets and in the Commission's view, no monies deposited by the complainant into the betting account should be returned to him.

Review of Decision

23. 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.



Cindy Bravos
Presiding Member
Northern Territory Racing Commission

8 June 2022