

# NORTHERN TERRITORY RACING COMMISSION

## Reasons for Decision

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<b>Complainant:</b>	Mr B
<b>Licensee:</b>	Pointsbet Australia Pty Ltd
<b>Proceedings:</b>	Pursuant to Section 85(4) of the <i>Racing and Betting Act</i> - Referral of dispute to NT Racing Commission for determination
<b>Heard Before: (on papers)</b>	Mr John Boneham (Presiding Member) Mr Andrew Maloney Mr David Loy
<b>Date of Decision:</b>	10 January 2018

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### BACKGROUND

1. On 20 May 2017, the client lodged a gambling dispute against the bookmaker advising "I placed a bet on the following market, Match 10 points for the Boston Celtics vs Cleveland Cavaliers NBA game on 20 May 2017".
2. This was a market regarding, at what time into the game the score would reach 10 points in total. Mr B nominated a time of 147 seconds into the match.
3. Evidence shows that scoring in the match started slowly and the wager resulted in a losing outcome as the nominated 10 point total was not achieved until the 236 second mark.
4. The wager being a spread bet, provided for large wins from a relatively small wager should Mr B have been successful, conversely however, his losses were significant in that scoring started slowly.
5. In actual fact Mr B's total loss was \$2,225.00 (ie \$25 x 89), being the difference between his nominated mark of 147 seconds and the actual time 10 points were scored, which was 236 seconds.
6. The clients dispute is based upon the fact that he claims the wager was only accepted by the bookmaker 20 seconds after the commencement of the match, thereby giving the bookmaker an unfair advantage.
7. The bookmaker however disputes that the bet was accepted after commencement and has provided audit log records which indicate lodgement and immediate acceptance of the wager at 10.33.16 seconds AM.

8. The bookmaker further contends that Mr B did not contact them until six minutes after start time, seeking to cancel the bet, which he did via email as he was in Vietnam at the time.
9. Countering this allegation Mr B claims that it took him the six minutes to compose the email, still complaining that the wager was only accepted after commencement of the match.

## **CONSIDERATION OF THE ISSUES**

10. This dispute involves a time critical wager, however, the difficulty in settling this matter is that neither party is able to provide any documentary proof as to the actual starting time of the match.
11. The Commission has made numerous attempts to source this information but without success.
12. The bookmaker contacted NBA Fan Relations, who are directly affiliated with the National Basketball Association (NBA) in an effort to confirm the actual starting time of the match.
13. They were unable to shed any light on the start time issue simply stating in their email reply that “Non nationally televised games tip off ten minutes after their scheduled game time”. This information being of no help whatsoever in this matter.
14. On a number of occasions, the bookmaker has assured the Commission that all events are monitored on television as to their starting times and no wagers are accepted after that time.
15. However, these assurances are general in nature and provide no specifics around the start time of the match in question.
16. We are then left with the critical question, which is, what time did the match actually start? The answer being that no-one, not even the authority controlling the game (the NBA) is able to provide this information.

## **DECISION**

17. The Commission is then left with the vexing situation of having to rule on a time critical wager, where there is absolutely no proof of the true starting time of the match to which the wager relates.
18. Mr B claims the wager was only accepted 20 seconds after the match started, however in countering this claim the bookmaker has assured the Commission that all match starts are monitored by its staff with no wagers being accepted after starting time.

19. The bookmaker is the party framing the markets and in our opinion, where the wager relates to a time critical market it then follows that the onus of proof with regards timings rests with the bookmaker, not the punter.
20. As such and in accordance with Section 85(4) of the Act, on the basis of the information provided in respect of the dispute and for the reasons set out above, the Commission has determined to rule that the wager is unlawful and directs that it be voided.
21. Given our findings in this matter we would suggest the bookmaker reviews its procedures and if unable to define and document exact starting times of events considers whether time critical markets (particularly involving spread betting) should be offered at all.



**John Boneham**  
Presiding Member  
Racing Commission

10 January 2018