

NORTHERN TERRITORY RACING COMMISSION

Reasons for Decision

Complainant:	Mr S
Licensee:	Ladbrokes Digital Australia 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 Boneham (Presiding Member) Mr John McBride Mr David Loy
Date of Decision:	1 May 2018

Background

1. It is important to note that Ladbrokes has only been licensed in the Northern Territory since 28 September 2016, having previously been licensed by the Norfolk Island Gaming Authority.
2. As such this Determination only relates to actions taken by the bookmaker after being licensed in the Northern Territory (ie the complaint by Mr S around Ladbrokes handling of the re-opening of his account on 25 May 2017 and its subsequent closing on 26 May 2017).
3. Despite this time frame, matters relating to this dispute prior to 28 September 2016 have been outlined in this Determination as they provide some context to the matter at hand.
4. A chronological sequence of events is outlined as follows.

Facts of the Matter

5. Mr S initially opened an account with Ladbrokes subsidiary (Bookmaker.com) on 24 October 2014.
6. On 13 November 2014, Mr S requested closure of this account via email; he wrote 'Hi, can you please close my account. Thank you. Mr S'.
7. As a result of this email Ladbrokes closed his account and as part of their procedures at the time advised him that he would be automatically excluded from re-opening the account for a period of six months and issued him with a self-exclusion form, this form was never returned to Ladbrokes by Mr S.

8. On 2 February 2015, Mr S opened another account with Ladbrokes through Bookmaker.com, however on the same day as the opening of the account it was realised that he was the subject of an automatic six months exclusion and this account was closed under advice to him.
9. The sole transaction on this new account was refunded as well as the opening deposit, which was also returned.
10. On 25 May 2017, Mr S sent an email to Bookmaker.com requesting that his account with them be re-opened.
11. The bookmaker complied with this request as the initial six months exclusion period (from 2014) had well and truly expired and in their submission to the Commission they indicated they had never received any indication from Mr S that he had any issues around problem gambling.
12. The matter of any problem gambling notification will be addressed later in this Determination as it forms an integral part of the Commission's decision in relation to the May 2017 dispute.
13. On 26 May 2017, following a lengthy telephone dispute with Ladbrokes Customer Service staff Mr S advised them that he had a problem with gambling and that he had previously advised them of this as far back as November 2014.
14. It is important to note that Ladbrokes have continually denied any such knowledge. The existence of any such evidence has been thoroughly investigated by the Commission and no concrete evidence has been uncovered.
15. As a result of the raising of a complaint by Mr S and his advice that he did indeed suffer from a gambling problem, Ladbrokes moved to immediately close his Bookmaker.com and also his Betstar account (Betstar also being a Ladbrokes subsidiary).
16. Mr S submits he is seeking that his deposits to both sites be returned, less any withdrawals, which amounts to a sum of approximately \$1,500.00.

Consideration of the Issue

17. There are two major aspects of this matter that warrant the Commission's consideration.
18. Firstly did Ladbrokes (prior to 26 May 2017) ever have any knowledge of Mr S alleged advices around problem gambling issues? And if so, did they seek to take unfair advantage of these alleged problems.
19. Secondly, given the history of account re-openings and closures, did Ladbrokes fail in their observance of the requirements of the Northern Territory Code of Practice for Responsible Online Gambling 2016 (the Code), which has an extensive section relating to red flag punter behaviours that may indicate possible problem gambling.

Decision

20. Before outlining the Commission's decision in this matter it is important to state that it is not within the Commission's remit to determine compensation in any gambling dispute. This is a matter that falls within the jurisdiction of the Courts.
21. The Commission can however adjudicate on matters relating to the observance by bookmakers to their published terms and conditions, their adherence to the requirements of the Northern Territory Code of Practice for Responsible Online Gambling 2016 and the legality of any bets placed with a Northern Territory bookmaker.
22. As a result of making detailed investigations into this matter and taking into account matters that transpired prior to Ladbrokes Northern Territory Licensing, we are confident that Ladbrokes were not advised by Mr S that he had a gambling problem prior to his advice to them on 26 May 2017.
23. We also find that Ladbrokes observed all the requirements of their license around account openings, operations and indeed closure (which was actioned immediately they became aware of Mr S gambling problem).
24. Accordingly, we determine that all wagering transactions on Mr S accounts were lawful.
25. With regards observance of the Northern Territory Code of Practice for Responsible Online Gambling 2016 we make the following Determination.
26. Whilst best practice would indicate that given the previous account conduct around closures and exclusion it may have been preferable that these red flag behaviours were given more weight prior to the re-opening of Mr S account.

However we do not consider that these factors amount to a contravention of the Code.

27. Given the forgoing observation we do not consider these perceived shortcomings warrant any further action by the Commission.



John Boneham
Presiding Member
Racing Commission

1 May 2018