

NORTHERN TERRITORY RACING COMMISSION

Reasons for Decision

Complainant:	Mr H
Licensee:	Sportsbet
Proceedings:	Pursuant to section 85(2) of the <i>Racing and Betting Act</i> – Referral of dispute to Racing Commission for determination
Heard Before: (on papers)	Ms Cindy Bravos (Presiding Member) Ms Amy Corcoran Mr James Pratt
Date of Decision:	30 August 2019

Background

1. On 31 August 2018, the complainant lodged a dispute with the Northern Territory Racing Commission (the Commission) against the licensed sports bookmaker, Sportsbet pursuant to section 85(2) of the *Racing and Betting Act* (the Act).
2. The complainant is aggrieved that Sportsbet voided 16 multi bets that he placed with the sports bookmaker between 24 July 2018 and 27 July 2018. Each of the bets struck were on contingencies involving the winner of the 2018 National Rugby League (NRL) grand final and/or the winner of the 2018 Australian Football League (AFL) grand final and the winner of the 2018 Clive Churchill Medal (man-of-the match in the NRL grand final).
3. The complainant advised the Commission that he became aware in early August 2018 that Sportsbet was no longer offering a multi bet betting market that involved the winner of the Clive Churchill Medal, however as the 16 bets that he had placed prior to this time remained active in his Sportsbet betting account, he believed that the 16 bets he had placed were not affected. Nonetheless, when the complainant accessed his betting account on 31 August 2018, he saw that Sportsbet had voided all 16 of the bets that had been struck.
4. The complainant advised the Commission that he had not received any notification from Sportsbet that the 16 bets had been voided and it was not until he made contact with Sportsbet via its live chat facility 31 August 2018 that he was advised that the multi bet markets involving the Clive Churchill Medal market were voided by Sportsbet's NRL traders.
5. The complainant advised the Commission that Sportsbet did contact him on 24 September 2018 following Richmond's loss to Collingwood in the preliminary grand final played on 21 September 2018. As a result of that contact, the complainant was of the view that the Sportsbet representative mistakenly believed that all 16 of the complainant's bets involved Richmond and were therefore losing bets following Richmond's loss regardless of the fact that Sportsbet had already voided the bets.

6. In lodging the gambling dispute with the Commission, the complainant has advised the Commission that he is specifically dissatisfied with Sportsbet's actions in relation to the following issues:
 - a. the voiding of 16 bets on the grounds that they contained related multi bets (following in the complainant's view, Sportsbet changing its conditions in relation to bets involving the winner of the Clive Churchill Medal);
 - b. the lack of alternate options being considered by Sportsbet in relation to the multi bets such as removing the Clive Churchill Medal leg from the multi bets and resulting the multi bets on the two grand final outcomes only;
 - c. the lack of contact by Sportsbet to advise that the bets had been voided; and
 - d. the lack of professionalism displayed by Sportsbet in that when the complainant was contacted on 24 September 2018, the Sportsbet representative mistakenly believed that all 16 of the complainant's multi bets involved Richmond.
7. The Commission affords all sports bookmakers licensed in the Northern Territory an opportunity to respond to each gambling dispute made against it. In response to this gambling dispute, Sportsbet advised the Commission that each of the complainant's bets were voided as, "...*there was an error manifest on all platforms, which allowed customers to Multibet NRL Grand Final events that have a related dependency.*" Sportsbet further advised the Commission that the odds that had been offered on the complainant's multi bets were not a true reflection of the likelihood of the events due to the 'related dependency' in that one event was intrinsically linked to the outcome of the other which resulted in a palpable error in the odds on offer.
8. Sportsbet further advised the Commission that Sportsbet identified the error on 31 August 2018 and relying upon Sportsbet Rule 90, it voided the complainant's 16 multi bets. In addition, Sportsbet advised the Commission that it had rectified the issue by way of ensuring that the betting market was not available for other Sportsbet customers.
9. Information in relation to this dispute was gathered from both parties by Licensing NT officers appointed as betting inspectors by the Commission and provided to the Commission to consider the dispute on the papers.

Consideration of the Issues

The Bets

10. A multi bet is a bet type whereby the bettor can combine a series of single bets into one bet with the odds multiplying with each additional bet. Each time a leg is successful, the dividend and original bet from that leg are bet on the next leg. The more legs in a multi bet, the larger the dividend will be.
11. Between 22 July 2018 and 27 July 2018, the complainant placed 16 multi bets with a combined total stake of \$807. Apart from the first multi bet which involved two legs, each of these multi bets involved three legs, with each of the bets containing a leg in which the complainant made a selection in regard to who he considered would be the winner of the Clive Churchill Medal.

12. The Commission notes that all 16 multi bets placed by the complainant were voided by Sportsbet before the outcomes of the bets were known. The Commission also notes that the complainant lodged his gambling dispute with the Commission prior to the outcomes of the bets being known.
13. Of the 16 bets struck, had each of the bets not been voided by Sportsbet, 15 of those bets would have resulted as losing bets. The bet that would have resulted as a winning bet had the bet not been voided by Sportsbet was for a stake of \$50 and would have resulted in an outcome of over \$30,000.
14. The complainant has submitted to the Commission that:

[He] became aware that Sportsbet had changed the conditions surrounding the Clive Churchill Medal betting to not allow any multi betting in early August after logging on but my existing bets were still live & pending. This led me to believe that my bets weren't affected by this change in conditions.

It wasn't until 31/08 after logging into my account that I became aware of Sportsbet's decision to void them all. When this actually occurred I am not aware of, as no notification was given to me by either phone or email.
15. The complainant advised the Commission that he then contacted Sportsbet via its Live Chat facility and was advised that the “Clive Churchill medal markets were voided by the NRL traders” and that, “... there cannot be a multi with a grand final winner.” The complainant queried Sportsbet as to what grounds Sportsbet were voiding the bets, to which he was advised that it “...is up to the traders discretion.”
16. The Commission has reviewed the Live Chat record referred to above and notes that the complainant's recollection of the conversation is an accurate summary of the discussion between the complainant and a Sportsbet representative. In addition, the complainant queried whether Sportsbet “...can accept & confirm wagers & then cancel them at your discretion?” Sportsbet advised the complainant that, “[y]es, this is stated in our terms and conditions as well.”
17. Having reviewed the complainant's Sportsbet betting records, the Commission notes that on the same date as the complainant had a conversation with Sportsbet via its Live Chat facility regarding the voided bets, \$807 (the total bet stake of the 16 bets) was refunded into the complainant's betting account and was subsequently withdrawn by the complainant.

Terms and Conditions

18. All sports bookmakers licensed in the Northern Territory are required by the Commission to have a comprehensive set of terms and conditions (including betting rules) that customers are deemed to be familiar with prior to opening and operating an account with the sports bookmaker. These terms and conditions operate to ensure legislative compliance and the commercial efficacy of the business model of a sports bookmaker.
19. As noted at paragraph 8, Sportsbet advised the Commission that Sportsbet identified the error on 31 August 2018 and relying upon Sportsbet Rule 90, it voided the complainant's 16 multi bets. Sportsbet Rule 90 states:

90. Sportsbet makes every effort to ensure that no errors are made in setting markets including but not limited to errors in prices offered, available selections offered, bets accepted on an Account or any errors in exclusions for certain selections. However, we reserve the right to correct any obvious or manifest errors and to void any bets where such has occurred. Should this occur, Sportsbet will endeavour to contact the Member by email or telephone.
20. In later correspondence to the Commission following further inquiries being made by a Commission betting inspector, Sportsbet advised that it would also like to “...draw attention to another rule to support our claim...,” being the following:
- 5.3 Except for Same Game MultiBets (see Rule 5.8) Multiple bets are not accepted where the outcome of one part of the bet contributes to the outcome of another ('Related Multibet'.) If such bets are inadvertently accepted, Sportsbet reserves the right to declare the whole MultiBet void and funds will be refunded to the Members Betting Account.
21. The Commission notes that the information provided to the complainant during the LiveChat conversation of 31 August 2018 and as detailed above was that the Clive Churchill medal markets were voided by the NRL traders as there cannot be a multi with a grand final winner and that later in that conversation the complainant was informed that Sportsbet could void the wagers according to Sportsbet's terms and conditions. In this respect, the Commission notes that no specific term or condition was referred to by the Sportsbet representative.
22. Having reviewed the Sportsbet terms and conditions in the context of this gambling dispute, the Commission notes that the terms and conditions provide an example of a related multi bet in its sports betting definitions, specifically:
- 5.4 An example of a Related MultiBet is Newcastle at \$3.00 to make the Top 4 into Newcastle to Win the Competition at \$26.00, with the final dividend \$78.00.
23. In the Commission's view, the 16 bets by the complainant are 'Related Multibets' as per the example provided in Sportsbet's Rule 5.4 and are therefore captured by Rule 5.3 of the Sportsbet terms and conditions.
24. Also as detailed at paragraph 7 above in responding to the Commission with respect to this gambling dispute, Sportsbet advised the Commission that an error occurred on its betting platforms which allowed Sportsbet customers to place related multi bets. Sportsbet also advised the Commission that as the betting market was a future market with the events involved not due to be settled before the end of September 2018, the error was not identified until the multi bets 'hit the intercept' on 31 August 2018 and it was at this time that the Sportsbet traders reviewed the complainant's multi bets, identified that the bets were related multi bets and subsequently voided the bets.
25. On the basis that there was an error in the Sportsbet betting platforms that allowed Sportsbet customers to place related multi bets, it is arguable in the Commission's view that Sportsbet Rule 90 is also able to be relied upon by Sportsbet to void the complainant's bets based on the error in the 'available selections offered' and as a result, an error in 'prices offered'.

26. Whilst the complainant has advised the Commission of his dissatisfaction in a lack of alternate options being considered by Sportsbet in relation to the 16 bets that had been struck such as removing the Clive Churchill Medal leg from the multi bets; having listened to the telephone conversation of 24 September 2018 between the complainant and Sportsbet, the Commission notes that it is apparent that the complainant also formed the view that Sportsbet were operating within its terms and conditions when it voided the bets. This is supported by statements made by the complainant to the Sportsbet representative including “[t]hat’s the conclusion I came to after reading your terms and conditions” and “...well within your terms and conditions to do what you did.”

Notification of Bets Voided

27. As detailed at paragraph 6(c) above, the complainant is dissatisfied by the lack of contact by Sportsbet to advise him that bets had been voided. The complainant states that he only became aware that the bets had been voided after logging onto his Sportsbet betting
28. The Commission notes that Sportsbet’s Rule 90 clearly articulates that Sportsbet will endeavour to contact a Sportsbet customer by email or telephone, should any bets be voided when relying upon this rule. In this respect Sportsbet has advised the Commission that the complainant was not contacted regarding the cancellation of the bets that he had placed, however no reason has been given as to why this did not occur.
29. The Commission notes that had Sportsbet been relying on Rule 5.3 of its sports betting definitions to void the complainant’s bets, there is no specific mention made of a need to contact an affected person. In noting this however, the Commission is of the view that better practice would see a sports bookmaker contact its customer should it have any cause to void bets placed by the customer.
30. The complainant is also aggrieved by “...the lack of professionalism displayed by Sportsbet in that when the complainant was contacted on 24 September 2018, the Sportsbet representative mistakenly believed that all 16 of the complainant’s multi bets involved Richmond.”
31. Having listened to this telephone conversation as detailed above at paragraph 26, a conversation which was initiated by a Sportsbet representative who appears to have been tasked with attempting to resolve the gambling dispute following the complainant’s lodgement of the gambling dispute with the Commission, it is apparent to the Commission that the Sportsbet representative was attempting to identify what resolution was being sought by the complainant in order to attempt to resolve the dispute. During that discussion it would appear that the Sportsbet representative was not fully conversant with all bets placed by the complainant, however, in saying that the Commission is not of the view that the conversation occurred for any other reason than an attempt by Sportsbet to resolve the gambling dispute directly between the sports bookmaker and the complainant.

Decision

32. On the weight of the evidence before it, the Commission is satisfied that the 16 multi bets placed by the complainant, each of which contained a leg involving the winner of the Clive Churchill Medal, were lawful bets pursuant to section 85 of the Act.
33. The Commission also notes however, that by signing up to the Sportsbet betting platform, the complainant accepted its terms and conditions and that any bets struck were bound to any applicable rules detailed in those terms and conditions.
34. The Commission is of the view that the offering of a multi bet betting market that enabled related multi bets to be placed was done so in error and in accordance with Sportsbet's terms and conditions, the voiding of the bets was a business decision available to it. As such, it is the view of the Commission that there are no outstanding moneys payable by the sports bookmaker to the complainant.
35. The Commission notes however, that it is likely that this gambling dispute could easily have been avoided had Sportsbet simply made contact with the complainant following the voiding of the bets. The Commission views that approach as better practice and would expect in the future, that Sportsbet make contact with its customers should it have any cause to void bets struck.

Review of Decision

36. 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

30 August 2019