

NORTHERN TERRITORY RACING COMMISSION

Reasons for Decision

Complainant:	Mr S
Licensee:	Hillside (Australia New Media) Pty Ltd - Bet365
Proceedings:	Gambling Dispute for determination by Racing Commission (pursuant to section 85(2) of the <i>Racing and Betting Act</i>)
Heard Before: (on papers)	Mr Alastair Shields (Presiding Member) Ms Cindy Bravos Ms Amy Corcoran
Date of Decision:	26 June 2020

Background

1. On 8 June 2019, pursuant to section 85(2) of the *Racing and Betting Act* (the Act), the complainant lodged a gambling dispute with the Northern Territory Racing Commission (the Commission) against the licensed sports bookmaker, Hillside (Australia New Media) Pty Ltd which operates the betting platform Bet365.
2. The complainant submitted that he had self excluded from Bet365 for a period of five years however, he was subsequently able to open a new betting account with Bet365 during the period of self-exclusion. The complainant stated that he had lost \$2,800 over a period of one week before he advised Bet365 that he should not have been able to open the second betting account due to his self-exclusion. The complainant is seeking for Bet365 to refund his losses.
3. 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 complaint, Bet 365 advised the Commission that the complainant had self-excluded on 29 April 2017 for a period of two years and that this period had expired prior to the complainant opening the new betting account on 31 May 2019.
4. Bet365 further advised that when the complainant opened the new betting account on 31 May 2019, he used the same surname and date of birth however, all other personal details required at registration which included first name, address, email address and phone number were changed which meant that a match was not made to the complainant's existing account. Bet 365 advised that the complainant updated his address details to those that were on his driver's licence shortly after opening the new betting account so that his account could be verified. Bet365 asserted that the complainant manipulated his personal details in order to circumvent Bet365's detection triggers in the mistaken belief that he was still self-excluded from the betting platform at the time.
5. Information was gathered from both parties by the Commission's betting inspector and provided to the Commission which determined there was sufficient information before it, to consider the gambling dispute on the papers.

Consideration of the Issues

Self-Exclusion

6. All Northern Territory licensed sports bookmakers' licence conditions and the Act currently require licensees to comply with the *Northern Territory Code of Practice for Responsible Service of Online Gambling 2019* (the 2019 Code).
7. The 2019 Code came into effect on 26 May 2019, having replaced the *Northern Territory Code of Practice for Responsible Gambling 2016* (the 2016 Code), with both Codes providing guidance to online gambling providers on responsible gambling practices so as to minimise the harm that may be caused by online gambling.
8. As the second betting account was opened on 31 May 2019, the 2019 Code was in force at that time. The 2019 Code amongst other things, requires a licensed sports bookmaker to provide self-exclusion features on its betting platforms to enable its customers the opportunity to exclude themselves from accessing the licensee's gambling products.
9. Relevant to this dispute is sub-clause 4.2(f) of the 2019 Code which states:
 - (f) Where a person requests they be temporarily self-excluded, the online gambling provider must not knowingly permit that person to wager with the provider prior to the expiry of the specified self-exclusion period (whether by opening another account or reactivating or re-opening their original account).
10. The Commission has sighted evidence that the complainant requested to be self-excluded from Bet365 on 27 April 2017 for a period of two years. The complainant made this request online and has clearly indicated that he wished to be self-excluded for two years and not five years as he has stated was the case when lodging this dispute.
11. The complainant opened the second betting account on 31 May 2019 which is just over one month after the specified period of self-exclusion applied to the first betting account had expired. As a result, it is evident that Bet365 did not permit the complainant to wager with it until after the two year self-exclusion period had expired and as a result, Bet365 are not in breach of sub-clause 4.2(f) of the 2019 Code.
12. Having regard to the findings in relation to the complainant not being a self-excluded person at the time of the opening of the second betting account, it is not necessary to consider whether the data matching processes used by Bet365 should or should not have identified that the first and second betting accounts were being operated by the same person.

Decision

13. On the weight of evidence before it, the Commission is satisfied that the period of self-exclusion requested by the complainant from Bet365 had expired prior to the complainant opening the second betting account.
14. As a result, the Commission has determined that all of the complainant's bets that were struck during the life of the second betting account are lawful bets pursuant to

section 85(1A) of the Act given that they were struck in accordance with the Act, the 2019 Code of Practice, the conditions of the sports bookmaker licence held by Hillside (Australia New Media) Pty Ltd and Bet365's terms and conditions.

Review of Decision

15. 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.



Alastair Shields
Chairperson
Northern Territory Racing Commission

26 June 2020