

NORTHERN TERRITORY RACING COMMISSION

Reasons for Decision

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| Complainant/Applicant: | Mr M |
| Licensee: | Sportsbet 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) | Andrew Maloney (Presiding Member) David Loy James McNally |
| Date of Decision: | 5 April 2018 |

Background

1. On 18 April 2017, pursuant to section 85 (4) of the *Racing and Betting Act* (the act) the complainant Mr M lodged a gambling dispute against the bookmaker
2. This dispute involves a wager the client placed, via the telephone, on the 15 April 2017, on the Essendon/Adelaide AFL match.
3. The four (4) markets that were open at the time were:
 - a. Essendon winning at halftime and Essendon winning at fulltime;
 - b. Essendon winning at halftime and Adelaide winning at fulltime;
 - c. Adelaide winning at halftime and Essendon winning at fulltime; and
 - d. Any other result.
4. Whilst the client was placing the wager over the telephone at \$1800.00, it was intercepted by a Sportsbet Trader (Trader Review) at 19:48hrs around the beginning of the second quarter and this amount was declined.
5. The traders came back with an alternative offer of \$500.00 which was accepted by the client and the wager was struck.
6. The bookmaker submits that the Traders declined the original amount of \$1800.00 because of the potential liability.
7. At the time of the clients wager the score in the Adelaide game was Adelaide: 56 and Essendon: 20.
8. The bookmaker submits that the odds for Adelaide winning at halftime and fulltime was less than \$1.01 and had removed that market.

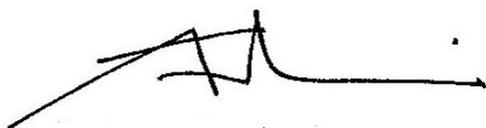
Consideration of the Issues

9. Whether the bet made by the client was lawful.
10. Whether the market of Adelaide/ Adelaide is caught up by the "Any other result market offered"

11. Whether the market and/or associated odds was an obvious error in which case the Bookmaker can rely on section 90 of their Terms and Conditions to vary or void the bet.
12. The client when signing on as a member of Sportsbet agrees to be bound by its T's & C's.
13. The Commission does not have the jurisdiction to direct the payment of monies by the bookmaker to the punter.
14. As to whether the bet made by the client can be considered lawful we note that the bet itself was made via the telephone and accepted by Sportsbet. It is on this basis we deem the bet itself to be lawful.
15. As Sportsbet currently holds an NT Sports Bookmaker licence it was legally able to accept the bet.
16. Had Sportsbet offered a market on Adelaide/ Adelaide it is unlikely the odds would have been \$226 however at the same time as there was no specific market listed or excluded offered for the Adelaide/ Adelaide result one could argue that result defaults to Any Other Result as it was clearly a possible outcome outside of the other 3 specific markets.
17. The bookmaker maintains it is able to void the bet by relying on their Terms and Conditions and specifically their section 90 which states: *Sportsbet makes every effort to ensure that no errors are made in prices offered or bets accepted on an Account. However, we reserve the right to correct any obvious errors and to void any bets where such has occurred. Should this occur, Sportsbet will endeavour to contact the Member by email or telephone.*
18. The client when signing on as a member of Sportsbet agrees to be bound by the Terms and Conditions of the Bookmaker.

Decision

19. 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 reasons set out above, the Commission has determined to rule that the disputed bet was a lawful bet.
20. The commission has also determined that whilst the bookmaker may not have intended for the Adelaide/ Adelaide market to be caught up in its "Any Other Result" category we have determined that it was and as such we do not consider Section 90 of their Terms and Conditions can be applied in this circumstance.



Andrew Maloney
Presiding Member
Racing Commission

5 April 2018