

# NORTHERN TERRITORY RACING COMMISSION

## Reasons for Decision

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<b>Complainant:</b>	Ms B
<b>Licensees:</b>	Lottoland
<b>Proceedings:</b>	Gambling Dispute for determination by Racing Commission pursuant to section 85(2) of the <i>Racing and Betting Act</i>
<b>Heard Before: (on papers)</b>	Mr Alastair Shields (Presiding Member) Mr James Pratt Ms Amy Corcoran
<b>Date of Decision:</b>	2 July 2020

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### Background

1. On 3 February 2019, pursuant to section 85(2) of the *Racing and Betting Act (the Act)*, the Complainant lodged a gambling dispute with the Commission against the licensed sports bookmaker, Lottoland.
2. The Complainant submits that she placed two bets on 17 January 2019 on the outcome of the “Powerball” on Lottoland’s website. The Complainant claims one of her tickets won and is claiming winnings of \$126 million dollars.
3. Lottoland submits:
  - a. on 17 January 2019, the Complainant in fact placed bets on their “Thursday Jackpot” (**THU Jackpot**) which has no correlation or connection to the Oz Lotteries’ Powerball (**Powerball**);
  - b. one of the Complainant’s bets on the THU Jackpot was actually made using the winning numbers of Powerball which had already been drawn earlier that night; and
  - c. one of the Complainant’s bets had in fact won in the amount of \$15.00 on the THU Jackpot.
4. The Complainant submits:
  - a. she thought that when she placed a bet on THU Jackpot, it was in fact a bet on the Powerball;
  - b. one of her bets made on 17 January 2019 was with the Powerball winning combination of numbers being 4, 11, 18, 20, 22, 26, 33 and the Powerball number 9;
  - c. she was unaware that the winning numbers for the Powerball had already been drawn prior to the time she submitted her bet on Lottoland’s website;
  - d. Lottoland is illegally using trademarks of the Australian lotteries and further that these Australian lotteries such as Powerball and OZ Lotto were still being advertised on the bookmaker’s website. <sup>[1]</sup><sub>[2]</sub> [sEP]

5. Information was gathered from both parties by a Licensing NT officer appointed as a betting inspector by the Commission under the Act and provided to the Commission to consider the dispute on the papers.

## Consideration of the Issues

6. Section 85 of the Act provides the Commission with the jurisdiction to determine all disputes between a sports bookmaker and its customer regarding lawful betting. In this respect, section 85 sets out the decision making regime for the making of a determination by the Commission as to whether the disputed bet is lawful and provides that a person may take legal proceedings to recover monies payable on a winning lawful bet or for the recovery of monies owed by a bettor on account of a lawful bet made and accepted.
7. The clear purpose of section 85 is to authorise the Commission following an investigation, to determine whether or not the impugned bet or bets were lawful. The Commission's jurisdiction does not extend to other issues such as trade marks or whether a sports bookmaker engaged in misleading or deceptive conduct in inducing the bettor to bet. There are other avenues that the Complainant may be able to utilise to raise these issues.
8. It is important to note that in order to further the objects of the Act, the Act provides for the Commission to make rules for the control and regulation of sportsbookmakers and in doing so, the Commission approves the terms and conditions of sports bookmaker licences which include the terms and conditions of agreements entered into between sports bookmakers and their customers. Such terms and conditions also include the rules of betting and a full explanation of how the games operate. Upon opening an account with Lottoland, the Complainant agreed to the terms and conditions "as changed from time to time" (**Terms and Conditions**).
9. Lottoland was granted a sports bookmaker licence by the Commission in 2015, which at the time authorised Lottoland to accept bets on the outcome of national and international lotteries. However, changes to Northern Territory laws in 2017 and more recent changes made to federal legislation no longer allow this type of betting activity to occur and Lottoland changed their wagering product to financial markets.
10. On 6 January 2019, the Complainant emailed Lottoland to enquire where the European lotteries were on Lottoland's website. In response, Lottoland advised by email on 9 January 2019, that "with the new products you will not be placing a bet on the outcome of lotteries, you will be betting on the outcome of some of the world's largest financial markets such as the Dow Jones Industrial Average and S&P 500". It is noted that Lottoland's email was sent 10 days prior to the bets in question.
11. Lottoland also submitted that it has not offered any bets on Australian drawn lotteries since 30 November 2017 when they were removed from the Northern Territory's list of declared sporting events. Further, as well as in Lottoland's terms and conditions, information on "what is jackpot betting" is available through links on each page of their website and provides detailed information on how Lottoland's products work.
12. Screenshots of Lottoland's website and the bets were provided by the Complainant and from reviewing these, the Commission can confirm that she placed her bets on a product advertised as the THU Jackpot.

13. The Complainant submits that Lottoland used the same Powerball logo for THU Jackpot thereby completely misrepresenting the actual product being sold which is similar to “selling yoghurt in the packaging of Nutella”. The allegation that the logos are the same is denied by Lottoland who stated that they are “not even similar” however, as discussed above, the Commission has no jurisdiction over such matters.
14. Lottoland also advised that the jackpot size of Powerball and THU Jackpot were vastly different on the 17 January 2019 and the times betting closed are different for both events. [SEP]
15. A copy of the ticket details provided by Lottoland indicates that the bets on the THU Jackpot were placed at 10.32pm. This was after the Powerball game the Complainant claims she had the won the Division 1 prize pool had already been drawn.
16. In the Commission’s view that there is no evidence before it that Lottoland did not comply with the Act or its Terms and Conditions when accepting the bet from the Complainant. There was ample information available to the Complainant to make an informed decision to make a bet on Lottoland’s website. She bet on THU Jackpot twice on 17 January 2019 and an email from Lottoland to the Complainant was sent the next morning confirming the winning numbers of the night were – 7, 10, 11, 17, 20, 23, 33, 9 - and ticket number AN698726004 had won \$15.00.

## Decision

17. The Commission is of the view, that both of the Complainant’s bets struck on Lottoland’s Thursday Jackpot on 17 January 2019 were lawful bets under the Act however, just one of those bets was a winning lawful bet being bet AN698726004 which won \$15.00.
18. As a result, the Commission is satisfied that the Complainant has received the correct amount of moneys payable to her by Lottoland on that winning lawful bet.

## Review of Decision

19. 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

2 July 2020