



ACT
Government



GAMBLING
AND
RACING
COMMISSION

Dear

I refer to your request dated 9 March 2015 under the provisions of the *Freedom of Information Act 1989* (the FOI Act).

Your Request

You are seeking access to documents relating to complaints against Australian licensed online gambling operators for the last six months.

My Decision

I am an officer authorised under section 22 of the FOI Act to make a decision in relation to your request.

The Commission located four documents in its possession that met the scope of your request. A schedule setting out the relevant documents and my decision in relation to their release is at [Attachment A](#). The released documents are at [Attachment B](#).

In accordance with section 21 of the Act, where it has been possible to delete exempt material from a relevant document in order to provide access to the remaining information I have done so.

You will note that I have decided to partially release all documents with information deleted under section 41 and 43 of the FOI Act (documents relating to personal privacy and business affairs).

Exemptions claimed

Documents Affecting Personal Privacy

I have exempted from release personal information about a person, or persons, as I am satisfied that information mentioning the names and contact details of individuals falls within the exemption set out under Section 41 of the Act.

Section 41 of the Act provides:

- (1) *A document is an exempt document if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).*
- (2) *Subject to subsection (3), subsection (1) does not apply to a request by a person for access to a document only because of the inclusion in the document of matter relating to that person.*
- (3) *Where—*
 - (a) *a request is made to an agency or Minister for access to a document of the agency, or an official document of the Minister, that contains information of a medical or psychiatric nature concerning the person making the request; and*
 - (b) *it appears to the principal officer of the agency, or to the Minister, as the case may be, that the disclosure of the information to that person might be prejudicial to the physical or mental health or wellbeing of that person;**the principal officer or Minister may direct that access to the document, so far as it contains that information, that would otherwise be given to that person is not to be given to that person but is to be given instead to a doctor to be nominated by that person.*

Documents Relating to Business Affairs

Under section 43 of the Act, I have decided to exempt from release those parts of documents that contains commercially sensitive information, such as the names of the business that have been identified in the complaints which if released could have a serious impact on the competitive operations of the relevant businesses.

Section 43 of the Act provides:

- (1) *A document is an exempt document if its disclosure under this Act would disclose—*
 - (a) *trade secrets; or*
 - (b) *any other information having a commercial value that would be, or could reasonably be expected to be, destroyed or diminished if the information were disclosed; or*
 - (c) *information (other than trade secrets or information to which paragraph (b) applies) concerning a person in respect of his or her business or professional affairs or concerning the business, commercial or financial affairs of an organisation or undertaking, being information—*
 - (i) *the disclosure of which would, or could reasonably be expected to, unreasonably affect that person adversely in respect of his or her lawful business or professional affairs or that organisation or undertaking in respect of its lawful business, commercial or financial affairs.*
 - (ii) *the disclosure of which under this Act could reasonably be expected to prejudice the future supply of information to the Territory or an agency for the purpose of the administration of a law or the administration of matters administered by an agency.*

Your Rights for Review

My decision to partially release all of the documents relevant to your request is reviewable under Section 59 of the Act. If you wish to seek an internal review you should write to:

The Chief Executive
ACT Gambling and Racing Commission
PO Box 214
Civic Square ACT 2608

You have 28 days from the date of the notification of the documentation to seek a review or such other period as the Chief Executive of the Commission permits.

You also have the right to complain to the Ombudsman about the processing of your request. If you wish to lodge a complaint you should write to:

The Ombudsman
GPO Box 442
Canberra ACT 2601

Should you wish to discuss any aspect of your request please contact me on (02) 620 70378.

Online Publication

Please be aware that under the ACT Government's Online FOI Publication Policy, information released to you under this Freedom of Information request may be released on the internet.

Personal information or business affairs information will not be made available under this policy.

Yours sincerely,

Ron Leonard
FOI Coordinator

24 March 2015

Freedom of Information Request Schedule - Complaints against Australian Online Gambling Operators

Please be aware that under the ACT Government's Online FOI Publication Policy, information released to you under this Freedom of Information Application may be released on the internet.

Personal information or business affairs information will not be made available under this policy. If you think the content of your request would contain such information, please inform the contact officer immediately.

A copy of the policy, with details about what information may be published on the internet, is available online at:

http://www.cmd.act.gov.au/open_government/report/freedom_of_information_online

Document Number	Description	Date	Status	Reason for Exemption	Online Release Status
1	Email – Complaint	20 November 2014	Partial Release	S41 – documents affecting personal privacy. S43 – documents relating to business affairs.	Yes – Partial release
2	File Note – Complaint	27 January 2015	Partial Release	S41 – documents affecting personal privacy S43 – documents relating to business affairs.	Yes – Partial release
3	File Note – Complaint	3 March 2015	Partial Release	S41 – documents affecting personal privacy S43 – documents relating to business affairs.	Yes– Partial release
4	Email – Complaint	March 2015	Partial Release	S41 – documents affecting personal privacy S43 – documents relating to business affairs.	Yes – Partial release

Document 1
INQ 14/15-21

Grattidge, Janelle

From: Grattidge, Janelle on behalf of Compliance and Investigations
Sent: Thursday, 20 November 2014 1:48 PM
To: [REDACTED]
Subject: RE: Complaint against [REDACTED] Withdrawal

Dear [REDACTED]

Thank you for your email.

The ACT Gambling and Racing Commission (the Commission) is responsible for regulating the gaming laws in the Australian Capital Territory. Each state and territory of Australia has its own legislation in relation to gaming and wagering.

[REDACTED] is a licensed sports bookmaker in the Northern Territory. Therefore you should direct your complaint to the Northern Territory regulator which can be contacted via email gamblingdisputes@nt.gov.au or via telephone 08 8999 1326.

I trust that this information assists you.

Regards,

Janelle Grattidge | Acting Assistant Manager
Phone: (02) 6207 0067 | Fax: (02) 6207 7372
Compliance and Investigations | ACT Gambling and Racing Commission
Chief Minister, Treasury and Economic Development Directorate | ACT Government
Level 2, Canberra Nara Centre, 1 Constitution Ave Canberra City ACT 2600
PO Box 214 Civic Square ACT 2608 | www.gamblingandracing.act.gov.au

From: [REDACTED]
Sent: Thursday, 20 November 2014 12:04 PM
To: Compliance and Investigations: [REDACTED]
Subject: Complaint against [REDACTED] Withdrawal

To whom it may concern,

I would like to make an official complaint against [REDACTED]

- On November 12 I logged in and noticed I had [REDACTED] in my account. I was about to withdraw the funds to my card when I noticed it was an old card that I cancelled earlier this year. I then spoke with someone from [REDACTED] via their online chat service who advised me of this (transcript of the conversation has been attached):

[REDACTED] At [REDACTED] we have a withdraw policy in place whereby funds do need to be returned to the payment method that they originated from.

[REDACTED] Although you have said this card is now inactive, in the first instance we do need to attempt to get the funds back there.

[REDACTED] Should they be rejected, they will bounce back to [REDACTED] within 24 hours, at which point we will contact you to arrange an alternative method of withdrawal.

- Of course I was not contacted so on November 14 I emailed them through their online system. On the 15th I was told to provide my security pin, which I did, and was advised of something different:

Dear [REDACTED]

Thank you for providing your four-digit security number.

I can see that the withdrawal has been successfully processed back to the card ending [REDACTED] If this is not received within 5

banking days I would advise you to contact the card issuer directly to see if they can locate the funds.

If you do experience any issues we can arrange for a withdrawal trace to be initiated after 10 working days.

Please do not hesitate in contacting us with any further queries.

Kind regards,

- [REDACTED] (an arrogant customer service child) even admitted to them giving me incorrect information on November 19.

Apparently the first piece of information I was given was incorrect and by being given that incorrect information, I potentially now have to wait up to 28 days to receive my funds. The funds that I own. They are my property and I feel as though [REDACTED] should process a withdrawal to my new card or bank account without waiting for the funds to return back to them. They made the error by giving me the wrong information and I have been made to suffer.

- I spoke to my bank [REDACTED] on November 19 and they advised me that [REDACTED] should never have withdrawn the money to a cancelled card and because of this, the funds are now in limbo, waiting to be sent back to [REDACTED] This is not my fault and I should not be punished for their incompetence and insufficient training/short-sightedness.
- I have also included an attached of an email conversation. As you can see it becomes quite frustrating when they don't tell me anything until I provide them with my security code, and then when I do I get a response from someone else telling me they can't do anything. So I respond and get told to provide them with a security code again.

Essentially I want the money in my account as quickly as possible, without having to deal with [REDACTED] ever again.

Please contact me should you require any additional information.

Regards

Grattidge, Janelle

From: [REDACTED]
Sent: Wednesday, 12 November 2014 10:22 PM
To: [REDACTED]
Subject: Transcript of your chat

Hi

Please find enclosed a transcript of your chat session.

Your ID number for this chat is [REDACTED]

Chat Started with [REDACTED] on 12/11/2014 at 11:05

[REDACTED] Hello, welcome to [REDACTED]. How may I help you? Please include your four-digit security number if you want to talk about something specific to your account.

[REDACTED] Hi - my 4 digit security number should be [REDACTED]. Basically I'm trying to withdraw funds to my credit card however the default one on my account has since been disabled, I added my new card but I can't withdraw funds to it

[REDACTED] Good morning [REDACTED] thank you for confirming security.

[REDACTED] no problem

[REDACTED] Could you please confirm the last four digits on the front of the new card?

[REDACTED] Thank you, I will take a look into this now.

[REDACTED] okay great thanks

[REDACTED] At [REDACTED] we have a withdraw policy in place whereby funds do need to be returned to the payment method that they originated from.

[REDACTED] Although you have said this card is now inactive, in the first instance we do need to attempt to get the funds back there.

[REDACTED] Should they be rejected, they will bounce back to [REDACTED] within 24 hours, at which point we will contact you to arrange an alternative method of withdrawal.

[REDACTED] but you can't because that card was hacked into so I had to cancel that card

[REDACTED] Even so, we need to at least attempt it.

[REDACTED] Why hasn't an alternate process been thought of?

[REDACTED] This policy is in place for security reasons for both the customer and ourselves, it also reduces the risk of fraudulent activity.

[REDACTED] I've just requested the withdrawal. When & how will I be contacted?

[REDACTED] Also what will happen from there? I'm presuming there won't be another set of ridiculous hurdles?

[REDACTED] When the funds are rejected, they will come back to us within 24 hours at which point we will send a web message/email to discuss the matter further.

[REDACTED] Will I receive an email notification or do I have to check my [REDACTED] account again?

[REDACTED] It will be a Web Message to your [REDACTED] account.

[REDACTED] Okay. Can I have a reference number for this conversation? I'll save the text as well

[REDACTED] I can arrange for a transcript of this to be sent to you via email though?

[REDACTED] yes please just do that

[REDACTED] Certainly, one moment please.

Just before I do that, is there anything else I can help you with?

nope all good

Thank you for contacting [REDACTED] today.

Chat Ended at 11:22

If you require any further assistance in regard to this or any other matter, please do not hesitate to contact us. Our team are available 24 hours a day by [REDACTED] via email [REDACTED] or via telephone and we will be pleased to assist you.

Kind regards,

The [REDACTED] Team

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Compliance & Investigation
File Note

Tuesday 27 January 2015-01-27

13:46pm

At the above date and time I received a call from [REDACTED] in regards to gambling advertising.

[REDACTED] was quite agitated when [REDACTED] spoke to me about the level of advertising companies like [REDACTED] can have on TV but poker machines can't advertise. [REDACTED] advised me that [REDACTED] was watching [REDACTED] over the weekend and in almost every ad break [REDACTED] seen a [REDACTED]. [REDACTED] wanted to know why [REDACTED] was allowed to advertise so much and Poker Machines weren't.

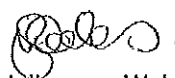
I advised her that they are covered by different legislations even though they are both gambling. I explained that there are allowances to advertise poker machines if they adhere to the guidelines in the legislation.

[REDACTED] wanted to know why there was so much horseracing betting advertised as problem gambling is not only restricted to poker machines, as [REDACTED] has known people who have had to remortgage houses due to horserace bets.

I advised [REDACTED] that we may not be the right people to talk to and that I would look into it and get back to [REDACTED].

I contacted [REDACTED] again in the afternoon and advised [REDACTED] that [REDACTED] is actually regulated by the NT and gave [REDACTED] the following contact details:

Northern Territory Department of Business (Gambling in General)
(08) 8999 1800 ([REDACTED] advised that [REDACTED] didn't have the internet on).


Julie-anne Wales
Authorised Officer
27 January 2015

Document 3
Inq. 14/15
#37



ACT
Government



Compliance & Investigation
FILE NOTE

16:43pm Tuesday 3 March 2015

At the above date and time I received a telephone call from an anonymous [redacted] who advised that [redacted] were not settling their wagers correctly.

I advised [redacted] that the Commission did not regulate this particular bookmaker and referred [redacted] the NT Racing Commission Wagering disputes and advised [redacted] of their contact phone number 08 8999 1326.

Julie-anne Wales
Compliance and Investigations

Date: 3 March 2015

Wojcik, Henry

From: [REDACTED]
Sent: Tuesday, 10 March 2015 11:53 AM
To: Wojcik, Henry
Cc: Ingham, Alexander
Subject: Re: Betting dispute

Follow Up Flag: Follow up
Flag Status: Flagged

Thankyou,

I have been in contact with them.

Regards

[REDACTED]
On Tuesday, March 10, 2015, Wojcik, Henry <Henry.Wojcik@act.gov.au> wrote:

Hello [REDACTED]

Thank you for your enquiry. Sports bookmakers are regulated by the State Government in which they hold a licence.

[REDACTED] is now [REDACTED] licensed in the Northern Territory and regulated by the Northern Territory Government. The email address for disputes is gamblingdisputes@nt.gov.au or they may be contacted via telephone on (08) 8999 1326.

Henry Wojcik | Administrative Officer

Phone 02 6207 0156 | Fax 02 6207 7372 |

Compliance and Investigations | ACT Gambling and Racing Commission

Chief Minister, Treasury and Economic Development | ACT Government

Level 2, Canberra Nara Centre, 1 Constitution Avenue, Canberra City | PO Box 214 Civic Square ACT 2608

www.gamblingandracing.act.gov.au

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Wojcik, Henry

From: Wojcik, Henry
Sent: Tuesday, 10 March 2015 10:28 AM
To: Ingham, Alexander
Subject: RE: Betting dispute draft

Hello Alex

Here is a draft for the dispute

Hello [REDACTED]

Thank you for your enquiry. Sports bookmakers are regulated by the State Government in which they hold a licence.

[REDACTED] is now [REDACTED] licensed in the Northern Territory and regulated by the Northern Territory Government. The email address for disputes is gamblingdisputes@nt.gov.au.
Telephone number (08) 8999 1326

Henry Wojcik | Administrative Officer
Phone 02 6207 0156 | Fax 02 6207 7372 |
Compliance and Investigations | ACT Gambling and Racing Commission
Chief Minister, Treasury and Economic Development | ACT Government
Level 2, Canberra Nara Centre, 1 Constitution Avenue, Canberra City | PO Box 214 Civic Square ACT 2608
www.gamblingandracing.act.gov.au

From: Ingham, Alexander
Sent: Tuesday, 10 March 2015 9:27 AM
To: Wojcik, Henry
Subject: FW:

Hi Henry

Can you please draft an email response to [REDACTED] (see below) referring [REDACTED] to the NT regulator. Happy to take a look over it before you send it.

Cheers

Alex Ingham | Acting Assistant Manager
Phone (02) 6207 0305 | Fax (02) 6207 7372
Compliance and Investigations | ACT Gambling & Racing Commission
Chief Minister, Treasury and Economic Development Directorate | ACT Government
Level 2, Canberra Nara Centre, 1 Constitution Avenue Canberra ACT 2601
PO Box 214 Civic Square ACT 2608 | www.gamblingandracing.act.gov.au

From: Curtin, Daniel
Sent: Tuesday, 10 March 2015 8:46 AM

To: Compliance and Investigations
Subject: FW:

For allocation pls

From: Leonard, Ron **On Behalf Of** Gambling and Racing
Sent: Tuesday, 10 March 2015 8:41 AM
To: Curtin, Daniel
Subject: FW:

From: [REDACTED]
Sent: Sunday, 8 March 2015 6:44 PM
To: Gambling and Racing
Subject:

To Whom it may concern

I have a dispute with [REDACTED] and would like to speak to the correct regulatory authority. I have a recording of my bet which is clear about my intentions and I feel I have been unfairly done by. Can I please be put in contact with the correct person or could someone please get in touch with myself on [REDACTED]

Kind Regards
[REDACTED]