

## **Section 1**

My submission refers directly to the use of bet promotions used in online sports betting agencies. My concern is that betting agencies use promotional bets in order to target the most vulnerable demographic by allowing the most vulnerable to continue using promotional betting, while disallowing others.

I would consider myself a fairly typical recreational gambler. I enjoy sport and often place bets on sports I enjoy such as basketball and horse-racing to make the sport a little more enjoyable to watch. I have a job on the weekdays, and mostly watch sports on the weekends. Promotional bets (such as bonus bets) are heavily advertised through most major media outlets such as TV, Direct Mail and social media. I would consider myself a healthy gambler, and often use these advertised bonus bets to give myself the best chance possible of winning.

As a healthy, recreational gambler, I have been banned from using promotional bets by the following major Australian betting agencies..

- Sportsbet
- TAB
- NEDS
- Ladbrokes
- TexBet
- Bet365

I believe this is a systemic issue in the industry, as I know of many others similar to me who have encountered a similar situation.

I have been banned from the above not because I have been abusive, or because they believe I have a gambling problem, or because they are concerned for my or their staff's welfare, as none of the above is applicable in my situation. It is my belief that it is because I continued to use promotional bets without developing an unhealthy gambling habit.

As an example, on the 22nd April 2022 I received an email from TAB (Tabcorp Holdings Limited) with the following:

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We are writing to advise that you will not be eligible to use our Multiplier product, nor our Promotions (which includes Bonus Bet and Cash Back promotions and Competitions TAB conducts from time to time).

You still have access to regular TAB account features.

You can find our Promo Offer T&Cs [here](#). You can find our Multiplier T&Cs [here](#). In particular, clauses 60 and 63 of the Promo Offer T&Cs and clause 1.2 of the Multiplier T&Cs allow us to determine the eligibility of customers for our various Promos (including Competitions) and the Multiplier.

Regards,  
The TAB Team

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I replied to this email asking for more information and received the following on the 30th April

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Dear [REDACTED],

Thank you for your enquiry.

It has been deemed that you have not used your Bonus Bets in accordance with our rules as you have demonstrated a consistent behaviour which indicates that you're exploiting the Bonus Bet promotions in a manner not consistent with how it is intended to be used.

This is due to the ratio of spend on promoted markets (able to earn bonus bets) compared to spend on non-promotional markets. We deem this betting strategy to not be recreational in nature and not in line with the Fair Play Policy (63.2).

For these reasons, your TAB account is no longer eligible to receive bonus bets. In the meantime, please feel free to refer to our Promotions Terms and Conditions: <https://help.tab.com.au/s/article/Promo-T-Cs>.

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I sent a followup email asking the following.

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Hi and thanks for the reply,

I am still unclear as to how using bonus bets constitutes as not being "recreational in nature". Collins dictionary defines recreational as the following:

**Recreational** means relating to things people do in their spare time to relax.

Could you please explain how using a larger ratio of bonus bets than the TAB would prefer makes my bets "non-recreational" based upon this or any other formal definition, as I am still unclear on how I have breached T's & C's?

Thanks in advance,



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I then received no further correspondence from them after multiple follow-ups. As someone with a full-time job I am still to this day unclear as to the rationale of being labelled a “non-recreational” gambler. Furthermore there is no transparency of the ratio of promoted markets vs non-promoted markets needed to comply with Terms and Conditions, making it virtually impossible to comply with the Terms and Conditions.

Out of all of the agencies I enquired with, this was the clearest explanation I received. Many other betting agencies would not provide an explanation as to why I was banned from promotional betting on my account and cited “management decision”. To keep their terms and conditions opaque in regards to promotional betting makes it impossible for customers to know exactly how and why they were discontinued from receiving promotional offers. Ambiguous statements such as “recreational gambler”, “professional gambler”, or “other gamblers considered by management” as well as statements such as “The decisions of Management are final and no correspondence will be entered into” allows these betting agencies to add and remove promotional betting at their whim with no recourse for customers to understand how to comply with Terms and Conditions. I believe as a consumer when agreeing to Terms and Conditions it is important to be able to understand how to comply.

The permission for betting agencies to be allowed to discontinue promotional betting for certain customers at their discretion incentivises agencies to remove healthier gamblers from promotional bets, while allowing the most potentially vulnerable punters to continue using promotional bets. Giving access to only vulnerable gamblers on promotional betting while simultaneously incentivising them to spend more (via targeting algorithmic advertising campaigns) directly targets the most vulnerable members of society, and it is my belief that this contributes significantly to problem gambling in Australia.

## **Section 2**

After receiving no replies from my enquiries to the TAB above, I attempted to escalate the above issue. Unfortunately I was unable to find an authority that was able to assist or I could even speak to. As someone living in South Australia the best contact I could find to assist was Consumer and Business Services. I emailed [gamblingadministration@sa.gov.au](mailto:gamblingadministration@sa.gov.au) on 20th May, 4th June, 28th July, 15th September and 28th September 2022 and although I received an autoreply each time telling me that they would respond to me within 5-10 business days, I received 0 responses. I also tried emailing [lotterylicensing@sa.gov.au](mailto:lotterylicensing@sa.gov.au) for a similar matter on 25th May and 28th July but also received 0 responses.

## **Recommendations**

My recommendations are as follows in order of least preferred to most preferred:

- Rules that enforce betting agencies to state the objective requirements for customers to continue to be eligible for promotional betting.
- Rules that force betting agencies to allow all customers to participate in promotional betting indefinitely without discrimination. Promotional bets can not be targeted to an individual and must be available to all customers equally regardless of individual circumstance or betting style. This will provide a disincentive for betting agencies to use promotional betting as their major marketing tactic as it will become less profitable due to a lower ratio of vulnerable customers using the promotions.
- A total ban on all promotional betting in Australia.

I also believe a specific independent gambling watchdog should be set up for consumers similar in structure to the ACCC, to hold the industry accountable and give an easy way for customers to understand their rights.