

Serial 79
Racing and Wagering Amendment (Harm Prevention) Bill 2026
J Davis

A Bill for an Act to amend the *Racing and Wagering Act 2024*

NORTHERN TERRITORY OF AUSTRALIA

RACING AND WAGERING AMENDMENT (HARM PREVENTION) ACT 2026

Act No. [] of 2026

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2026

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An Act to amend the *Racing and Wagering Act 2024*

[Assented to [] 2026]
[Introduced [] 2026]

The Legislative Assembly of the Northern Territory enacts as follows:

10

1 Short title

This Act may be cited as the *Racing and Wagering Amendment (Harm Prevention) Act 2026*.

2 Commencement

15

This Act commences on the day after the day on which the Administrator's assent to this Act is declared.

3 Act amended

This Act amends the *Racing and Wagering Act 2024*.

4 Section 3 amended (Purposes)

(1) Section 3, before 'The'

20

insert

(1)

(2) Before section 3(a)

insert

(aa) to prevent and minimise risks of harm caused by wagering to individuals, families and communities;

5 (3) Section 3(b)(iii)

omit

(4) Section 3(d)

omit

unsafe

10 (5) Section 3, at the end

insert

15 (2) A person exercising a power or performing a function under this Act that relates to wagering must have regard to the purpose mentioned in subsection (1)(aa) in doing so and must exercise the power and perform the function in a way that is not inconsistent with that purpose.

5 Section 4 amended (Definitions)

Section 4

insert

20 **advertise** includes carrying out any activity that promotes or gives publicity to wagering activities, products or services.

CEO means the Chief Executive Officer of the Agency.

conflict of interest, in relation to a member of the Commission, see section 28.

25 6 Section 17 amended (Delegation)

(1) Section 17(2)

omit

The Commission

insert

Subject to subsection (2A), the Commission

(2) After section 17(2)

insert

5 (2A) The Commission must not delegate a power or function related to the determination of applications or issuing of licences under Part 4.

7 Section 19 amended (Eligibility to hold office)

(1) After section 19(1)

insert

10 (1A) No more than 2 members of the Commission may have the knowledge or experience specified in subsection (1)(a)(i).

(1B) For subsection (1)(a)(ii), the Minister must be satisfied that at least 3 of the members of the Commission have demonstrable knowledge, experience or expertise in at least one of the following areas:

15

(a) public health;

(b) gambling harm;

(c) consumer protection;

(d) social services;

20

(e) financial compliance.

(1C) At least one member of the Commission must have the knowledge, experience or expertise mentioned in subsection (1B)(b).

(2) Section 19(3)(a)

omit

25

2 years

insert

5 years

(3) After section 19(4)

insert

5

(4A) The Minister must not appoint a person to the Commission if the person holds an appointment or position under another Act and it is reasonably likely that there would be a conflict of interest between the person's duties under that Act and their duties as a member of the Commission.

8 Section 19A amended (Member must not hold wagering account)

10

(1) Section 19A(a)

omit

licensee; and

insert

licensee or any other licensed wagering provider in Australia; and

15

(2) Section 19A(b), after 'licensee'

insert

or any other licensed wagering provider in Australia

9 Section 28 replaced

Section 28

20

repeal, insert

28 Conflict of interest

(1) A member of the Commission has a ***conflict of interest*** in a question arising for decision by the Commission if the member has any of the following interests in how the question is decided:

25

(a) a direct interest;

(b) an indirect financial interest;

(c) an indirect interest by close association;

(d) an indirect interest due to conflicting duties.

(2) Despite subsection (1), each of the following is not a conflict of interest:

- (a) an interest that the member or an associate of the member shares in common with the general public or a substantial section of the public;
- (b) an interest so remote or insignificant that it could not reasonably be regarded as likely to influence a decision.

(3) In this section:

direct interest means an interest that occurs when a member is likely to be directly affected if the matter is decided in a particular way.

Example for definition direct interest

A company controlled by the member is tendering for a contract that is being discussed by the Commission.

indirect financial interest means an interest that occurs when a member is likely to receive a benefit or incur a loss because another person has an interest.

Example for definition indirect financial interest

The member has shares in, or is employed by a company that is tendering for a contract that is being discussed by the Commission.

indirect interest by close association means an interest that occurs when an associate of a member has a direct or indirect interest, or a resident of the member's household has a direct interest.

Examples for definition indirect interest by close association

- 1 *The member's sibling is suing the Commission and the Commission is considering whether to settle the matter.*
- 2 *A resident of the member's household is tendering for a contract that is being discussed by the Commission.*

indirect interest due to conflicting duties means an interest that occurs when a member is a director, partner, agent, trustee, manager, office holder or employee of a person or entity, including a non-profit body or association, that has a direct interest.

Examples for definition indirect interest due to conflicting duties

- 1 *The member is a director of a non-profit body or association that is seeking a sponsorship or donation being discussed by the Commission.*
- 2 *The member is an employee of a non-profit body or association that is tendering for a contract that is being discussed by the Commission.*

28A Disclosure of interest

5 (1) As soon as practicable after a member becomes aware of a conflict of interest in a matter that has arisen or is about to arise before the Commission, the member must disclose the interest that gives rise to the conflict (the **relevant interest**):

- (a) at a meeting of the Commission; and
- (b) in writing to the Minister.

10 (2) A member must not:

- (a) be present at a meeting of the Commission while a matter in which the member has a conflict of interest is under consideration; or

- (b) participate in any decision in relation to the matter; or
- (c) engage in behaviour that may influence the Commission's consideration of or decision in relation to the matter.

15 (3) The Minister may approve the following on any conditions the Minister considers appropriate:

- (a) a member's participation in the consideration of the matter in which the member has a conflict of interest;
- 20 (b) a member's participation in the decision that relates to the matter in which the member has a conflict of interest.

(4) A member of the Commission commits an offence if the member:

- (a) intentionally engages in conduct; and
- (b) the conduct results in a failure to disclose a relevant interest and the member is reckless in relation to the result.

25 Maximum penalty: 100 penalty units or imprisonment for 6 months.

(5) A member of the Commission commits an offence if the member:

- (a) intentionally engages in conduct; and
- 30 (b) the conduct results in a contravention of subsection (2) or a condition of an approval in subsection (3) and the member is reckless in relation to the result.

Maximum penalty: 100 penalty units or imprisonment for 6 months.

28B Register of declared conflicts

(1) The Minister must keep a register (the ***register of declared conflicts***) setting out conflicts of interest disclosed by members under sections 19C and 28A.

5 (2) The register of declared conflicts must set out the following:

(a) the name of the member making the disclosure of the conflict of interest;

(b) the nature of the interest that gives rise to the conflict of interest;

10 (c) the nature of the question (if applicable) on which the conflict of interest arises;

(d) any other matter prescribed by regulation.

(3) The register must be published on the Commission's website.

28C Member not to receive gifts or benefits

15 (1) A member of the Commission must not, in the course of, or in connection with, performing a function as a member, accept a gift or benefit from a licensee or person who has applied for a licence.

(2) A member of the Commission commits an offence if the member:

(a) intentionally engages in conduct; and

20 (b) the conduct results in a contravention of subsection (1) and the member is reckless in relation to the result.

Maximum penalty: 100 penalty units or imprisonment for 6 months.

(3) In this section:

25 ***benefit*** means a benefit of any kind, including a non-pecuniary benefit.

10 Section 31 amended (Delegation)

(1) Section 31(1)

omit

30 The Director

insert

Subject to subsection (1A), the Director

(2) After section 31(1)

insert

5 (1A) The Director must not delegate a power or function related to the determination of applications or issuing of racecourse licences under Part 3.

11 Section 31A inserted

After section 31, in Part 2, Division 3

10 *insert*

31A Disclosure of interests to Minister

15 (1) The Director must give written notice to the Minister of all interests, pecuniary or otherwise, that the Director has, or acquires, that conflict or could conflict with the proper performance of the Director's functions.

20 (2) The Minister must direct the Director not to deal, or to no longer deal, with a matter if the Minister becomes aware that the Director has a potential conflict of interest in relation to a matter and the Minister considers that the Director should not deal, or should no longer deal, with the matter.

12 Section 40 amended (Cooling off period)

(1) Section 40(1)

omit

1 year

25 *insert*

5 years

(2) Section 40(2)

omit

6 months

insert

5 years

13 Section 156A inserted

After section 156

5

insert

156A Prohibition on inducements

(1) A person commits an offence if the person:

(a) is a licensee; and

10

(b) offers, provides or advertises an offer to provide an inducement; and

(c) does so with the intention of inducing another person to do any of the following:

(i) open a wagering account;

(ii) make a wager;

15

(iii) continue wagering;

(iv) return to wagering after a break.

Maximum penalty: 2 500 penalty units.

(2) Strict liability applies to subsection (1)(a).

20

(3) Subsection (1)(c) is the fault element for the conduct in subsection (1)(b).

(4) In this section:

inducement includes any of the following:

(a) a sign-up bonus;

(b) free bets or bet credits;

25

(c) deposit matches;

(d) loyalty programs or rewards;

(e) VIP schemes or tiered benefits;

(f) rebates, refunds or credits;

-
- (g) preferential odds or terms offered to selected customers.

14 Part 6, Division 1A inserted

After section 162

insert

5 Division 1A Duty to prevent harm caused by wagering and service suspensions

162A Duty to prevent harm caused by wagering

- (1) A wagering licensee has a duty to take all reasonable steps to prevent harm to customers caused by wagering.
- 10 (2) The reasonable steps mentioned in subsection (1) must include, but are not limited to, the following:
- (a) continuous monitoring of customer wagering activity for indicators of harm;
- (b) intervening when harm indicators are detected;
- 15 (c) designing wagering products and services to minimise harm;
- (d) prioritising customer welfare over profit from wagering products and services;
- (e) implementing effective customer protection systems.
- (3) The wagering licensee must:
- 20 (a) prepare and implement an action plan setting out the reasonable steps that will be taken to meet the duty mentioned in subsection (1); and
- (b) report to the Commission on compliance with this duty in accordance with any regulations as to content or timing.
- 25 (4) A customer who suffers harm due to a licensee's failure to meet the duty mentioned in subsection (1) may bring a civil proceeding for compensation.
- (5) In a proceeding under subsection (4), the burden of proof is on the wagering licensee to demonstrate that the licensee met its duty.

162B Mandatory service suspension

(1) A wagering licensee must immediately suspend providing wagering products and services to a customer if:

5

(a) the customer exhibits 2 or more indicators of harm related to wagering; or

(b) the customer has self-excluded, whether under the National Self-exclusion Register or under any other self-exclusion register prescribed by regulation; or

10

(c) the licensee suspects on reasonable grounds that the customer is involved in money laundering; or

(d) the customer is a minor.

(2) For subsection (1)(a), each of the following is an indicator of harm related to wagering:

15

(a) rapidly increasing deposit amounts or frequency of wagering activity by a customer;

(b) chasing of wagering losses by a customer;

(c) wagering at unusual hours by a customer in a manner that suggests a loss of control;

(d) wagering by a customer for a period exceeding 2 hours;

20

(e) multiple failed deposit attempts by a customer;

(f) customer communications with a licensee demonstrating behaviour consistent with unsafe wagering or distress related to wagering;

(g) any other indicator prescribed by regulation for this section.

25

(3) A wagering licensee must maintain adequate systems to detect circumstances requiring a suspension under subsection (1).

(4) A wagering licensee must keep a written record of any service suspension under subsection (1).

30

(5) A wagering licensee must provide an aggregated report of all suspensions under subsection (1) to the Commission in respect of each calendar month.

(6) The report under subsection (5) must be provided within 5 business days after the end of the calendar month.

(7) In this section:

National Self-exclusion Register, see section 61GB of the *Interactive Gambling Act 2001* (Cth).

162C Duration of suspension

5 A suspension under section 162B continues until:

- (a) the expiry of a fixed period notified to the customer at the time the suspension was imposed; or
- (b) if no fixed period was notified – on the determination of a reinstatement application made to the licensee by the customer if the licensee is satisfied the grounds for suspension under section 162B(1) no longer exist.

162D Offence not to comply with mandatory service suspension

A wagering licensee commits an offence of strict liability if the wagering licensee fails to comply with section 162B(1) or (3).

15 Maximum penalty: 2 500 penalty units.

15 Section 176AA inserted

Before section 176, in Part 6, Division 4

insert

176AA Offence to enter into arrangement or agreement to make payments or commissions

- (1) A betting exchange licensee or a sports bookmaker licensee must not enter into an arrangement or agreement with another person in connection with the wagering activity of the licensee's customers, under which the person would be entitled to receive:

- (a) ongoing payments based on customer losses; or
- (b) trailing commissions based on customer wagering activity; or
- (c) revenue-sharing based on a customer's net losses.

- (2) To avoid doubt, subsection (1) does not prohibit a licensee from entering into an arrangement that provides for:

- (a) one-time referral fees for customer acquisition not linked to subsequent losses; or
- (b) fixed payments for advertising services.

(3) A person commits an offence of strict liability if the person:

- (a) is a betting exchange licensee or a sports bookmaker licensee; and
- (b) enters into an arrangement or agreement contrary to subsection (1).

Maximum penalty: 2 500 penalty units.

(4) This section applies to a licensee despite anything to the contrary in this Division.

16 Section 177 amended (Decision on approval of arrangement or agreement)

After section 177(1)

insert

- (1A) Despite subsection (1), the Commission must not approve an arrangement or agreement of a kind mentioned in section 176AA(1).

17 Section 183A inserted

After section 183

insert

183A Young adult deposit limits

- (1) A betting exchange licensee or a sports bookmaker licensee must not accept total monthly deposits exceeding the following in respect of all accounts held by a person with the licensee:

- (a) if the person is aged 18 to 21 years – \$500;
- (b) if the person is aged 22 to 24 years – \$1000.

- (2) The acts mentioned in subsection (1) are specifically authorised for section 53 of the *Anti-Discrimination Act 1992*.

- (3) A person commits an offence of strict liability if:

- (a) the person is a betting exchange licensee or a sports bookmaker licensee; and
- (b) the person fails to comply with subsection (1).

Maximum penalty: 2 500 penalty units.

18 Section 221 amended (Lodging complaints)

(1) Section 221(3)(a)

omit

60 days

insert

6 years

(2) Section 221(3)(b)

omit

time, up to 2 years after the matter occurred,

insert

time

19 Section 229 amended (Monetary penalties)

Section 229(2)

omit, insert

(2) The amount of a monetary penalty imposed under section 228(1)(e) or (2)(f) must not exceed the greater of the following:

(a) 10% of the licensee's or race club's annual gross revenue;

(b) \$10 million.

20 Section 240 amended (Grounds of review)

(1) Section 240(e)

omit

justice.

insert

justice;

(2) After section 240(e)

insert

- (f) a member of the Commission contravened section 28A in relation to the decision, action or direction of the Commission.

5 **21 Section 279A inserted**

After section 279, in Part 10, Division 2

insert

279A Prohibition on advertising to minors

- (1) Each of the following is prohibited:

- 10 (a) advertising of wagering that is directed at children;
- (b) advertising of wagering that portrays children as participating in wagering;
- (c) advertising of wagering in a manner that is likely to be available to children.

- 15 (2) A person commits an offence of strict liability if the person contravenes subsection (1).

Maximum penalty: 100 penalty units.

- 20 (3) It is a defence to a prosecution for an offence against subsection (2) if the defendant took reasonable steps and exercised due diligence to prevent the commission of the offence.

22 Part 15 inserted

After section 322

insert

25 **Part 15 Transitional matters for Racing and Wagering Amendment (Harm Prevention) Act 2026**

323 Definitions

In this Part:

amending Act means the *Racing and Wagering Amendment (Harm Prevention) Act 2026*.

commencement means the commencement of section 3 of the amending Act.

324 Application of amendments to section 19

- 5 (1) Section 19, as amended by section 7 of the amending Act, does not apply in respect of the appointment of a member of the Commission who, on the commencement, holds office as a member.
- (2) Section 19, as in force immediately before the commencement, continues to apply in respect of the appointment of a member who, on the commencement, holds office as a member.

10 **325 Application of amendments to section 19A**

Each person who, on the commencement, is a member of the Commission must comply with section 19A, as amended by the amending Act, as if the person had been appointed on the commencement.

15 **23 Repeal of Act**

This Act is repealed on the day after it commences.