

Explanatory Statement

RACING AND WAGERING BILL 2024

SERIAL NO. 120 LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

MINISTER FOR INDUSTRY AND TRADE

GENERAL OUTLINE

This Bill provides a comprehensive regulatory framework for the Northern Territory racing and wagering industries. The *Racing and Betting Act 1983* is repealed and replaced with the Racing and Wagering Act 2024.

The object of the Bill is to ensure that the thoroughbred and greyhound racing industries continue to operate with a high level of honesty and integrity, while recognising that the welfare of the animals involved is paramount to the ongoing success of the industries, and the continued public support for them.

Primarily though, this Bill will establish a robust regulatory structure for the online wagering industry, an industry that continues to grow at a rapid rate and, up to this point, an industry which has been regulated via a very out of date piece of legislation.

The Bill establishes the Racing and Wagering Commission (Commission), an independent statutory body, the Director of Racing and Wagering (Director), a Ministerial appointed public servant, and the Racing Appeals Tribunal (Tribunal), a body that hears appeals made by persons aggrieved with a decision made by a racing club committee, the Commission (in its role as a race control body), or a steward.

The Bill provides for the following licences to be issued:

- sports bookmaker
- betting exchange operator
- on-course bookmaker
- key person
- race course

The Bill establishes powers and functions of the Commission, the Director, the Tribunal, and wagering inspectors, to ensure the objectives of the new legislation are met, and that persons appointed to these roles are fit and proper, and adhere to the standards set regarding their conduct. Stakeholders, and the wider community, will be able to take comfort that appropriately appointed persons are regulating the respective industries.

NOTES ON CLAUSES

Part 1 Preliminary Matters

Contains the:

- short title;
- commencement;
- purposes;
- definitions;
- conduct constituting contempt;

- meaning of associate;
- determining fit and proper person;
- meaning of race;
- meaning of wager;
- *Totalisator Licensing and Regulation Act 2000*;
- application of Criminal Code

Clause 1. Short Title

This is a formal clause which provides for the citation of the Bill. The Bill, when passed, will be cited as the *Racing and Wagering Act 2024*.

Clause 2. Commencement

This clause sets out how the Act will be commenced. In this case the Act will commence on a date fixed by the Administrator in the Northern Territory Government *Gazette*. This clause provides that a provision that does not commence on the day noted by the Administrator, it will start on 12 February 2026.

Clause 3. Purposes

This clause sets out the purposes of the Act. The Act seeks to establish a regulatory framework for the racing and wagering industries of the Northern Territory. To that end, the purposes relate to establishing frameworks that provide for probity, integrity and fairness among participants, as well as persons exercising power under the Act in those industries.

The Act establishes governance over the industries to protect the public interest, and develop the industries efficiently, while limiting the opportunities for crime and dishonesty to be undertaken by participants, as well as keep undesirable persons from entering either industry.

The Act seeks to protect the welfare of the animals involved in the racing industries, as well as limit the negative impact caused by online wagering, including minimising the harms associated with wagering, as well as protecting children from being exposed to it.

The Act also provides a structure for the dealing with complaints and disputes that may arise in either the racing or wagering industries, and allows each party to state their case before the Racing and Wagering Commission, the Racing Appeals Tribunal, or the respective race control body appeal committee.

Clause 4. Definitions

This clause defines terms used in the Act. The more prominent ones include:

Commission: means the Northern Territory Racing and Wagering Commission, an independent statutory body, established under section 14, with responsibility to regulate the racing and wagering industries, including the issuing of all licences, the determining of disputes and complaints and the issuing of penalties against licensees and control bodies for offences against the Act. The Commission is also the control body for greyhound and harness racing.

control body: means a body responsible for the control of thoroughbred, harness or greyhound racing, or a sporting event

Director: means the Director of Racing and Wagering, a ministerial appointed public servant, whose responsibilities include appointing and supervising wagering inspectors and conducting, on behalf of the Commission, assessments of licence applications, as well as investigations into complaints, disputes, and breaches of legislation or licence conditions

decision notice: means a notice of a decision made, generally by the Commission (or Commission delegate) but sometimes the Director, on a matter before it, and can be issued as a result of a licence application, a wagering dispute, a complaint, or a disciplinary matter. A negative determination captured by a decision notice, can generally be reviewed by the Northern Territory Civil and Administrative Tribunal.

racings rules: means rules established or adopted by a control body for each respective racing category

sporting event: means an event or contingency, whether of a sporting nature or not, declared by the Commission under Clause 167, on which a sports bookmaker and betting exchange licensee may offer wagering contingencies

Tribunal: means the Racing Appeals Tribunal, a body that hears appeals from aggrieved persons regarding decisions made by a steward, race club or race control body

wagering licensee: means a person or body corporate who holds an on-course bookmaker, sports bookmaker or betting exchange licence, issued under the Act, and includes an agent of an on-course bookmaker

Clause 5. Conduct constituting *contempt*

The Act provides for persons to front the Commission, and the Tribunal, including a panel of the Tribunal, with regards to a dispute, complaint, or disciplinary matter, and this clause sets out what actions are considered to show contempt by a person against these authorities.

Showing contempt includes a person:

- failing to show to a hearing, or provide information to a hearing;
- failing to take an oath if required, answer a question posed by the authority;
- insulting, threatening, harassing or obstructing the authority;
- through their actions, disturbing a hearing;
- contravening an undertaking entered into under the Act.

Clause 6. Meaning of *associate*

This clause establishes who is considered an associate of a licensee, depending upon whether an individual, or a body corporate, holds the licence. This meaning has been included to enable identification of persons who may have significant influence or involvement, or funds invested, in the operation of the licence, or who benefits directly by way of reward (whether that be monetary or some other tangible benefit) from the operation of the licence, and is designed to allow the Commission ensure the associate is a fit and proper person to be involved with the licensee.

This also includes relatives of an individual associated with the licence

Clause 7. Meaning of *fit and proper person*

This clause is established to ensure persons convicted of serious offences against the legislation listed, are not permitted to be involved in the industries, either by directly holding a licence, or being deemed an associate of a licence holder. This clause also applies to members of Commission, Tribunal, and the position of wagering inspector.

Power is provided to the Minister, Commission, or Director, to, where it deems appropriate after taking into account the particulars, disregard the offence when determining matters pertaining to a licence application, whether a new licence, or a renewal of an existing licence.

Clause 8. Meaning of *race*

This clause is established to define what does, and does not, constitute a race under the Act for the purposes of thoroughbred, harness and greyhound racing, and is established to also identify those racing events in which wagering licensees may offer, negotiate and accept wagers.

Clause 9. Meaning of *wagering*

This clause establishes what constitutes wagering, a term frequently used throughout the Act.

Clause 10. *Totalisator Licensing and Regulation Act 2000*

This clause indicates that the Act does not apply to the operation of, or wagering conducted under, a licence issued under the *Totalisator Licensing and Regulation Act 2000*, or to a person operating under such a licence.

Clause 11. Application of Criminal Code

This clause applies Part IAA of the Criminal Code, which states the general principles of criminal responsibility, including defences and burden of proof, applies to offences against the Act.

Part 2 Administration

This Part provides for the administration of the Act, including the appointment of members to the Commission, the position of Director, and also provides for a person to be appointed as an inspector.

This Part also sets out the functions and powers of each authority and position, as well as the expected conduct of those appointed, and includes a power for the Minister to direct the Commission and Director to undertake a specific action/s.

Miscellaneous matters regarding the Act, are also included in this Part.

Division 1 Powers of Minister**Clause 12. Ministerial direction**

This clause provides power for the Minister to direct the Commission or Director to undertake a specific action, of which, they are required to comply. It is intended to be used when the actions of the Commission or Director, are at odds with government policy, where such a policy is tied to achieving an objective/s of the Act.

Clause 13. Codes of practice

This clause provides for the Director to establish a code of practice to regulate any matter in relation to the Act, including the operation of a licence issued under the Act. A code will establish what a licensee has to do in relation to the subject of the code, including expected behaviour, actions, etc. The drafting of a code by the Director, may be as a result of a request by the Commission, where it sees the need for one.

The Director is required to consult with affected stakeholders when drafting a new code or making substantial changes or revisions, to an existing one. Any new code, or amendment to an existing one, requires the approval of the Minister

A code established by the Director, may refer to a document, including a standard, rule, specification or provision, formulated or published by an alternate authority, and must be approved by the responsible minister. All codes of practices must be published as well as any documents (or links to those documents) referred to in the code. A licensee, subject to a code, is not so until 14 days after it is published. There is an offence provision contained in the Act, for failure to comply with a code of practice.

Division 2 Racing and Wagering Commission

Clause 14. Northern Territory Racing and Wagering Commission

This clause establishes the Northern Territory Racing and Wagering Commission, which is a body corporate with perpetual succession, which uses a common seal, to which a court is to accept that it has been officially duly affixed.

Clause 15. Functions of Commission

This clause sets out the Commission's functions as it relates to their control, regulation and supervision of the racing and wagering industries, and that they can undertake disciplinary action against a licensee or racing control body.

Clause 16. Powers of Commission

This clause sets out the powers of the Commission which includes requesting the Director to undertake investigations of pertinent matters related to the administration or operation of the Act, determining licence applications and issuing licences provided for under the Act, determining complaints (including those involving wagers), establishing guidelines, rules and directions, implementing harm minimisation and consumer protection strategies as they relate to the wagering industry, and to give direction to race control bodies and licensees. The Commission will also be responsible for the provision, where deemed appropriate, of publicly available material that educates and informs the wider community of how wagering works, and the steps people can take to minimise the harms associated with wagering

Clause 17. Delegation

This clause allows the Commission to delegate those powers as prescribed by regulation, to the Director, or a public servant employee. These delegations are generally done to provide for a more efficient service to customers and industry, and saves every decision having to go through the Commission. Further, a decision, made by a delegate, is not reviewable by the Commission.

Clause 18. Composition of Commission

This clause sets out how the Commission is formed, with members appointed by the Minister, including the Chair and Deputy Chair. This clause provides that, to be appointed, a person must be eligible under the criteria established under Clause 19. It also ensures that the Commission's powers and functions remain intact, even where a vacancy exists, meaning that the Commission may function as intended, even if all member positions are not filled.

Clause 19. Eligibility to hold office

This clause sets out the criteria a person should, to the Minister's satisfaction, meet to be appointed as a member of the Commission. The criteria is a balance of skills, knowledge and experience in racing or online gambling, with a preference for online wagering. The skills, knowledge and experience, do not have to be confined to the Territory, allowing for nationally and internationally qualified persons to be appointed.

This clause provides that the Chair and Deputy Chair, plus one other member, must be a legal practitioner, admitted to the legal profession for at least five years. This is to ensure determinations made by the Commission are legally sound.

The Minister may also select a person to be a member if the Minister is of the belief that the person's skills, knowledge or experience, may be of benefit to the Commission, but the person's skills, knowledge or experience, do not necessarily pertain to racing or online wagering (for example, experience in accountancy for use in financial audits).

This clause also sets out what makes a person ineligible to be appointed to the Commission or, how a sitting member may become ineligible. These reasons are to ensure the integrity of the Commission by preventing persons, who may possibly benefit by a decision of the Commission, becoming a member (or remaining a member).

The matters that would disqualify, whether currently or in the previous two years, a person include:

- being an employee of a race club;
- having an interest, or was a beneficiary, in a business licensed under the Act or the *Racing and Betting Act 1983*;
- being an agent for the NT totalisator;
- riding or driving horses;
- owning or training greyhounds.

The clause also provides that a person who has, in the previous three years, declared bankruptcy, or taken advantage of insolvency relief, are also not eligible to be appointed, or continue to hold office. The Minister may undertake any investigation deemed necessary to assess a person's suitability to be appointed, or remain in office, and the onus is on a sitting member to advise the Minister if they become ineligible under this clause.

Clause 20. Validity of decisions

This clause has been included to ensure Commission decisions remain valid, even if an error has occurred in the appointment of a member, and complements Clause 18, which references a vacancy in the Commission membership.

Clause 21. Term of office

This clause provides for the Minister to appoint a member for a period not exceeding three years, and that a member may be reappointed

Clause 22. Leave of absence

This clause allows the Minister to approve a leave of absence for a member of the Commission, but such an absence does not extend the members appointment for the length of the absence.

Clause 23. Vacancy in office

This clause provides the reasons as to how the office of a member becomes vacant, and also provides the Minister powers to terminate a member's appointment under certain conditions. The reasons include a member resigning, being found guilty of an indictable offence, or becoming ineligible under Clause 19. This clause also provides that the Minister may remove the member from office for contravening Clause 28, for misbehaviour or, from a physical or mental stand point, no longer able to execute the functions of their office.

Clause 24. Duties of Chair and Deputy Chair

This clause outlines the roles of the Chair (and Deputy Chair who acts as the Chair in the Chair's absence), who are appointed under Clause 18. The Chair is granted powers to do all things necessary to execute the Commission's powers and functions, and chairs hearings and regular meetings.

Clause 25. Meetings of Commission

This clause sets out how the Commission may meet to exercise its powers and functions, and achieve the objectives of the Act, and such meetings may be conducted as the Commission sees fit. It provides that the Chair presides over these meetings, with the Deputy Chair undertaking the role in the Chair's absence. If, for whatever reasons, the Chair and Deputy Chair are unavailable (due to absences or conflicts of interest), a member at the meeting must preside. The presiding member is chosen by the other members in attendance.

This clause provides that a quorum is necessary for a matter to be determined, and that at least three members are required to make up a quorum. It provides that all members have a single casting vote, except the Chair of the meeting, who has a deciding vote if required.

Further, and to provide determinations with a sound legal standing, a legal member must be involved (whether that be the Chair, Deputy Chair or an alternative member) in any determination relating to an application, complaint or where disciplinary matters are being heard.

Clause 26. Records

This clause provides that the Commission must keep records of its proceedings, but does not stipulate the format of such records, which is at the Commission's discretion.

Clause 27. Annual Report

This clause requires the Commission to provide an annual report, on its operations, to the Minister, within three months after the end of each financial year. The report is to outline the Commission's role as the overarching authority for the racing and wagering industries, its role as the racing control body for the greyhounds (harness racing is currently not run in the NT) and, arguably most importantly, how it spends the money received from the levy established under Clause 147.

This clause requires that the annual report must be tabled by the Minister within six sitting days of receiving it.

Clause 28. Conflicts of interest

This clause deals with members of the Commission, when considering a matter, having to declare if they have a conflict of interest in the matter. This may be for reasons of a financial interest, or a personal interest which could result in the decision being perceived as biased. While the conflicted member is permitted to receive papers on the matter, they must not be present for any consideration or determination of the matter. Such a declaration will ensure that the parties to the matter, can have confidence that the determination was not unduly influenced.

Division 3 Director of Racing and Wagering

Clause 29. Appointment of Director

This clause provides that the responsible Minister is to appoint a public servant to the role of Director of Racing and Wagering, and notify the appointment via a *Gazette* notice.

Clause 30. Powers and functions of Director

This clause sets out the powers and functions of the Director. The Director is responsible for carrying out investigations and probity matters for licence applications and complaints (including those involving wagers) lodged against licensees, and other persons captured under the Act. After conducting an investigation, the Director will prepare a brief for the Commission (or its delegate), unless the Director makes the decision that no further action is required. The Director will also be responsible for investigations into matters referred by the Commission.

The Director has responsibility for appointing inspectors, as well as their supervision, which includes carrying out the aforementioned investigations. The Director has the same powers as an inspector. The Director will also appoint the Secretary to the Racing Appeals Tribunal.

Further responsibilities include the prosecution of offences on behalf of the Commission, where the Commission is of the belief that a penalty above their maximum limit, is applicable.

Clause 31. Delegation

This clause allows the Director to delegate any of the Director's powers and functions to a public service employee, except the power of delegation, where deemed appropriate. A decision made by a delegate under a delegated power, cannot be changed by the Director.

Division 4 Inspectors

Clause 32. Appointment of inspectors

This clause provides for the appointment of a person, by the Director, to be an inspector under the Act. An appointment is made on the person's suitability and demonstrated skills or experience, where the Director is satisfied they are suitable to meet the requirements of the role. The person must also be fit and proper. It allows the Director to undertake any investigation deemed necessary to check the candidate is a suitable person, and that an appointee, must perform the duties set out in the Act.

This clause also provides for the appointment of a person outside of the Territory to be an inspector. This has been included to acknowledge that many sports bookmaker and betting exchange licensees have offices in other jurisdictions, and there may be need to take urgent action in relation to a licensee's conduct which could be impacted by the time it takes for an already appointed inspector to travel to the location.

It is not expected that this power would be used often, and likely only in the event of serious misconduct by the licensee, and where there may be some concern that supporting evidence may be destroyed or tampered with. To that end, the appointment is valid for only six months, but may be renewed if the Director deems appropriate.

Clause 33. Powers and functions of inspectors

This clause sets out that an inspector has the power to conduct any investigation deemed necessary under the Act, as well as monitor compliance by the racing and wagering industries of the Act.

This clause also provides for the Director to confer any other function or power that may be needed to achieve the objectives of the Act through the conduct of investigations, or ensuring compliance by the racing and wagering industries.

Clause 34. Accountability of inspectors

This clause provides that a person appointed as inspector, must declare to the Director any conflict or perceived conflict that could impact on the person's ability to perform their role. This may be where there is a personal or financial connection to a matter being investigated that may actually influence the person's ability to deal with the matter in an unbiased manner, or where the public perception gives rise to a biased handling of the matter.

Where advised by an inspector of such a conflict, the Director is required to determine whether to allow the inspector to continue to be involved in the matter at hand, and, if not, must issue instructions to the inspector to cease all involvement with the matter.

A conflict needs to be declared as soon as it comes to light.

Clause 35. Prohibition on inspectors

This clause provides that an inspector commits an offence if they undertake wagering with the holder of a licence issued under the Act, where the Director has put a condition on the inspector's appointment that prohibits the inspector from doing so. Such a condition on an inspector's appointment, is at the discretion of the Director. The offence provides for a maximum penalty of 50 penalty units, is strict liability, but does provide a defence if the inspector is conducting an operation referenced in Clause 264.

The first physical fault element is that the inspector commits an offence if the inspector participates in a race or wagers with a licensee when prohibited from participating by any condition or limitation in the inspector's appointment (section 35(1)).

Clause 36. Identity card

This clause provides that a person appointed as an inspector, is required to be provided with an identity card by the Director. The card is required to include a photo of the inspector, the date of issue and expiry date of the card, have a unique identifier, and be signed by the inspector. The card is required to be carried by the inspector whenever engaging in official responsibilities, and provided upon request by a person the inspector is dealing with. This clause also provides that a single identity card may be used in conjunction with this Act and another.

Clause 37. Loss of identity card

This clause requires an inspector to report the loss of an identity card to the Director, and provides that a replacement may be issued. The loss can be reported by way of statutory declaration, or some other written form acceptable to the Director.

Clause 38. Return of identity card

This clause provides that an inspector, if they leave the role, whether voluntarily or involuntarily, must return their identity card to the Director within 21 days. The Act provides that a monetary penalty, to a maximum of 50 penalty units, may be issued if the card is not returned. This is a strict liability offence, but a defence is provided.

The first physical fault element is that the person ceases to be an inspector (section 38(1)(a)).

The second physical fault element is that the person fails to return the person's identity card to the Director within 21 days after the cessation (section 38(1)(b)).

Clause 39. Use of identity card

This clause provides that an inspector must carry their identity card whenever they are officially performing their responsibilities under the Act, and must produce it if requested by a person involved in a matter the inspector is investigating.

Clause 40. Cooling off period

This clause prevents a person, who was an inspector, from working for the holder of a licence issued under the Act, for a period of six months following the cessation of the person's employment as an inspector. This to prevent possible information being passed to the licensee, especially where there may be an investigation underway against the licensee. This clause also prevents a licensee from obtaining work from a person who was an inspector, for the same period, for much the same reasoning.

Division 5 Miscellaneous matters

Clause 41. Giving or serving documents

This clause deals with the serving, delivering and lodgement of documents, notices, directions and requests made under the Act. It establishes an agreed position on the delivery of such items, and provides that it is considered served on a person if delivered in line with section 25 of the *Interpretation Act 1978*, or is sent via email to the email address on record.

Where the item is delivered by email, it is taken to be delivered when it is transmitted to the recipient's email address.

Clause 42. Guidelines

This clause grants power to the Commission to issue guidelines on a range of subjects tied to the operation and administration of the Act. It is intended to provide licensees, applicants, and other affected parties, with information that may be pertinent to an action that they may be required to take under the Act, such as the supporting documentation required for a licence application.

Guidelines are intended to be practical recommendations to parties offered by the Commission, to set a standard, or help in determining an appropriate course of action to achieve an outcome. Compliance with a guideline is not mandatory, and there are no offence provisions in the Act, tied to the failure to abide by one. All guidelines are to be published by the Commission.

Clause 43. Approve forms

This clause provides that the Director may approve forms for use under the Act. This will include application forms for licences, but also forms for the lodgement of complaints, decision notices, and general advice forms.

Clause 44. Extending or abridging time

This clause provides that the Director or Commission may extend or abridge a time limit established under the Act, including extending it after a time period has expired. This may relate to a procedure or an exercisable power or function. This power may be exercised to allow a person to lodge an application form, or supporting document, a dispute or a complaint, after the time period established under the Act, has expired. The maximum time period has been established at two years (refer Clause 221).

This clause also provides that if the Director or Commission does not take an action within the established time frame, it does not invalidate the Director or Commission's actions, or the matter or proceeding being conducted.

Clause 45. Publication

This clause requires that any document or information that is required to be published under the Act, by the Director or Commission, must be done so in a timely manner.

Part 3 Racing industry

This part captures matters pertaining to the racing industry, that is, thoroughbred racing, harness racing, and greyhound racing. It provides for the appointment of racing control clubs, including their roles and responsibilities, establishment of respective rules of racing, the application and issuing of racecourse licences, and various aspects related to the running of race meets.

While unlikely, there are also provisions that deal with the dissolution of a racing club, including the appointment of an administrator to oversee such a matter.

Division 1 Race control bodies

Clause 46. Race control body

This clause provides for the responsible Minister to appoint a body corporate to be a race control body, and identify the jurisdiction to where that control covers, and which race clubs it controls. Given the small size of the Territory industries, there is currently only one control body per racing type, that is, one for each of thoroughbred, harness (not currently raced in the NT), and greyhounds. Each control body is responsible for the operation of the industry across the various locations racing is conducted in the NT. The Minister is to specify the number of members a race control body's committee is required to have. A race control body answers to the Commission.

This clause also provides that the Commission is the appointed control body for harness and greyhound racing, except if the Minister determines to appoint another body. Power is also available to the Minister to appoint the Commission as the control body for thoroughbred racing, where no body exists for a particular location in the NT. This power may also be used to replace an existing thoroughbred control body with the Commission, where the existing body is non compliant with the Act.

Such a power is unlikely to be used, but provides a tool to allow action to be taken where the existing control body (currently Thoroughbred Racing Northern Territory), fails to operate in line with the Act, and has failed to undertake any remedial action.

Clause 47. Functions of race control body

This clause establishes that it is the role of the race control body to control, supervise and regulate the particular racing industry in its jurisdiction. This means that the race control body approves the running of race meetings by racing clubs, licences participants, ensures insurances etc are in place, issues penalties for infractions, and promotes the industry in an effort to gain sponsorship and patronage.

Clause 48. Powers of race control body

This clause sets out the powers of a race control body, and while provides that they can do anything necessary or convenient to exercise its powers or perform its functions, a number of powers and functions have been specifically listed. The listed powers and functions do not limit the race control body's ability to take an action or exercise a power to achieve the control, supervision and regulation of the particular industry.

Included amongst the powers and functions set out in the Act, are the race control body's ability to establish suitable policies and rules, allocate race days to race clubs, impose penalties and sanctions, consult other race bodies on racing related matters, undertake audits and scrutinise constitutions, and publish information that may inform the public about their industry.

Clause 49. Delegation by race control body

This clause allows a race control body to delegate, to a member or official of a body, any of its powers and functions, and that a decision made by a delegate, cannot be reviewed or changed by the race control body.

Clause 50. Commission direction

This clause provides that the Commission may direct a race control body to undertake an action, or cease an action, where the race control body has exercised its powers or functions, outside the scope of its responsibilities, or failed to meet the objectives of the Act, or its role as a race control body. A race control body must comply with any direction given to them by the Commission.

This power would only be used in circumstances where a race control body has acted inappropriately, and where it may negatively impact on an individual, race club, the industry, or the broader public, and where they have failed to address the matter after it is raised.

Division 2 Racing rules

Clause 51. Establishment of racing rules

This clause requires the race control body for each racing discipline, thoroughbreds, harness and greyhounds, to establish rules under which racing is conducted. It allows for the race control body to reference, in part or full, another document (which would include rules such as the Australian racing Rules or Greyhound Australasia Rules) that is in place, or existing from time to time, including any subsequent changes made to those documents. All racing rules must be published by the respective control body.

Clause 52. Enforcement of racing rules

This clause provides for a race control body, or race club, to impose a penalty or sanction for an infraction of a racing rule. The infraction may include a breach, or attempted breach, conduct that may lead to a breach or attempted breach, or where a breach or attempted breach, is a result of aiding, abetting, counselling or procuring.

This clause sets out the penalties that may be applied by the race control body or race club, and they can include the suspension, banning or disqualification of a person or animal (whether permanently or for a period of time), a reprimand or warning, a fine not exceeding 650 penalty units, or forfeiting some or all of any fee or prize money awarded, regardless of the amount. Multiple penalties for the same breach may be imposed where appropriate.

This clause also provides that the racing rules may set out procedures in connection to the imposition of a penalty or sanction, including how liability is determined, how the penalty or sanction is to be imposed, and how any dispute surrounding the issuing of a penalty or sanction, may be addressed, that is, an appeal process.

Clause 53. Compliance with racing rules

This clause sets out those persons who are required to comply with the respective racing rules for the racing code they are participating in. Those people include owners, trainers, drivers and riders of racing animals, persons who may nominate an animal to race, as well as those directly connected to the keeping, training or racing of an animal. Officials and employees of a racing control body and racing club must also abide by the codes racing rules, as well as members of the public who are attending a racecourse.

Division 3 Licensing and registration

Clause 54. Licence required for racecourse

This clause requires that a racecourse must be licensed to hold race meets. This requirement applies to a racecourse used for all racing codes, and ensures that the track is suitable for racing. There is an offence contained in the Act, for racing on an unlicensed racecourse.

Clause 55. Application for licence

This clause requires an application for a racecourse licence be sent to the Commission. The application must be a form approved by the Commission, and must also be accompanied by the prescribed fee, and any information required on the application form, or which is prescribed by regulation.

Clause 56. Issuing licence for racecourse

This clause allows for the Commission to issue a licence for a racecourse, following an assessment of the application submitted. The Commission, before issuing a licence, must be satisfied that the racecourse will be financially sustainable, has an appropriate level of public liability insurance cover, and meets any additional requirements as prescribed by regulation.

The Commission, upon making a determination on the racecourse licence application, must provide the applicant a decision notice whether the application is approved or otherwise. The issuing of a decision notice will allow an applicant the chance to seek a review of the decision under the *Northern Territory Civil and Administrative Tribunal Act 2014*, if the application was rejected.

Clause 57. Registration of race clubs

This clause provides that a race control body may register a race club, provided certain criteria is met, specifically that revenue of the club is only used to achieve the purpose and objectives of the club, the club constitution does not provide that members of the club are paid dividends, and that the club meets any other criteria that may be prescribed by regulation.

This clause also provides for the revocation of a race clubs registration, and the race control body may do so where it is satisfied that the club has used revenue for purposes other than the achievement of its purposes and objectives, the club has failed to comply with its constitution, or any other criteria that may be prescribed by regulation.

Clause 58. Approval of days for race meetings

This clause provides that a race control body can approve the days on which a race club may hold a race meet, including days where no racing is held at the racecourse, but instead, allows for wagering on other races at other racecourses. This role used to be undertaken by the Commission. A race club applies to its control body for race days, and the control body must give their approval in writing. A copy of the approval is to be provided to the Commission. This clause also establishes that a race meeting commences at 8am, and concludes at midnight of the same day.

Clause 59. Offence related to race meeting

This clause provides that it is an offence for a race club to hold a race meet on a day that has not been approved by its race control body. The maximum penalty has been set at 20 penalty units, and it is a strict liability offence.

The first physical fault element is that the race club conducts a race meet on a day (section 59(1)(a)).

The second physical element is that the day that was not approved by its race control body (section 59(1)(b)).

Clause 60. Postponement or abandonment of race meeting

This clause provides that a race club may postpone or abandon a race meet where an event, such as extreme weather, prevents the completion, or start of the meeting. Races from a race meet that is postponed, may be run at a later race meeting if approved by the control body. The race club can decide whether a postponement or abandonment applies to all, or some of the race meet. When the race club makes the public announcement that the race meet has been abandoned or postponed, that is when it takes effect.

Clause 61. Continuation of wagering

This clause provides that, where a race meet has been abandoned or postponed, the race club may allow oncourse bookmakers and totalisators to continue operating with regards to offering wagering on races at other locations, that is, this clause provides that punters can continue wagering on races held at other race meets, whether in Australia or internationally. Should the race club permit this, it may only be done during the hours that would normally apply to wagering at the race meet.

Clause 62. Reports and financial records

This clause provides that each race control body and race club must keep appropriate records pertaining to their operations, including an audited statement of account and balance sheet. Each race control body, except the Commission where it is the race control body for greyhound racing and harness racing, must provide an annual report to the Commission. The report is to be handed over as soon as practicable after the end of the financial year, and include the audited statement of account and balance sheet.

This clause also provides that the Commission, at any time, may require, a race control body or race club, to provide it with a report on such matters the Commission deems necessary.

Clause 63. Review by race control body

This clause requires that a race control body must, at least on an annual basis, conduct a review of the meetings held by a race club it that is registered with it. The purpose of the review is to ensure the race club has conducted its meetings appropriately, and allows for the control body to cancel any remaining race meets if satisfied that meetings were not held in good faith, were not held for the purpose of racing at the racecourse or wagering on other races held at other racecourses, or were held contrary to the Act or the public interest.

Where the race control body determines to cancel the remaining allotted race days, it must not allot any further race days to the race club, until it is satisfied that the race meetings will be held in accordance with the Act.

Clause 64. Duties of race club

This clause provides how a race club must conduct the race meetings it holds, including ensuring they are controlled, supervised and promoted in accordance to the Act, and that they may develop the necessary policies to allow for this.

This clause requires a race club ensures that any person at a racecourse, who is accepting wagers, is licensed, and they are standing and operating in accordance with race clubs requirements.

This clause prevents a race club from imposing conditions on a wagering licensee, except those tied to where they may stand and the hours they may operate, and that the race club cannot charge the licensee a fee to conduct business, unless that fee has been approved by the Commission.

Clause 65. Agreements with licensees under *Totalisator Licensing and Regulation Act 2000*

This clause allows a race control body or race club, to enter into an agreement with the operator of the NT totalisator, to allow for totalisator wagering to be conducted by that operator, at race meetings. Where such an agreement is entered into, the race control body or race club must allow an auditor, who is auditing the operations of the NT totalisator licence, access to the records that pertain to the operation of the totalisator under this clause. This will allow the auditor to view the records etc associated with the totalisator operations that are conducted by the race club at its race meetings.

Clause 66. Charges payable to Commission

This clause provides that, where the Commission is acting as a race control body, they may charge a race club within its jurisdiction, reasonable fees to meet the expenses of the Commission for the services provided to the race club. The fee must be paid within the time specified by the Commission.

Clause 67. Certificate evidence

This clause provides that a certificate signed by the Chair of the Commission, attesting to the fees required to be paid by a race club under Clause 66, is evidence of the matter specified in the certificate.

Division 4 Dissolution of race club**Clause 68. Dissolution if deregistered**

This clause requires a race club, which is no longer registered with a race control body, to take steps to dissolve itself in accordance with its constitution, any requirements of the Act and any other applicable law. If there is an inconsistency between the constitution of the race club and the Act, the Act prevails.

This clause provides that the Commission may grant a race club up to 12 months to finalise its dissolution, provided it is satisfied that the financial records of the race club are adequate and accurate, and the assets of the race club are secure. Further postponements are available to the race club if the Commission so grants however, if the race club fails to complete the dissolution in the approved time, the club is considered automatically dissolved on the day following the expiration of the approved time, and its assets are forfeited to the Territory (subject to any Commonwealth Act).

Where assets are forfeited and subsequently sold, monies must first be used to pay off any debts and liabilities of the race club, then any costs incurred by the race control body in executing the dissolution of the race club, with any remaining amount being credited to the Central Holding Authority.

Clause 69. Notice to Commission

This clause requires that a race control body must provide a notice to the Commission upon the deregistering of a race club in its jurisdiction. The notice must be in writing, and given as soon as practicable after the deregistration occurs. Where the Commission is acting as the race control body, it does not need to give itself a notice if it deregisters a race club in its jurisdiction.

Clause 70. Offence of failing to give notice

This clause establishes an offence when a racing control body fails to notify the Commission that they it has revoked the registration of a race club. The offence is one of strict liability, but does provide a reasonable excuse defence, and a maximum penalty of 35 penalty units.

The first physical fault element is that a person is a race control body, but not the Commission (section 70(1)(a)).

The second physical fault element is that the person failed to give the Commission a notice in accordance with Clause 69 (section 70(1)(b)).

Clause 71. Appointment of administrator

This clause allows a race control body to appoint an administrator to administer the affairs of a race club. Such an appointment must be in writing, and can be executed if the race control body is of the view that the race club has contravened the Act. Where the Commission is not the race control body, they can approve the appointment of the administrator or, where the Commission is the control body, the appointment is approved by the responsible Minister.

A notice of appointment under this clause must include the date of appointment and the administrator's name and business address. The race control body may make rules in line with the Act to capture the duties, responsibilities and authority of the administrator.

Clause 72. Effect of appointment

This clause outlines the effect of the appointment of an administrator for a race club. Following the appointment, all committee members cease to hold office, the administrator may terminate contracts of employment or the provision of secretarial or administrative services, as well as any other services being provided to the race club. Under this clause, the administrator has the functions of the race club committee, including the committee's powers of delegation. Further, an officer of the race club must not be appointed or elected while an administrator is in place, unless the appointment or election is in line with this Division 4.

Clause 73. Revocation of appointment

This clause provides for the revocation of the appointment of an administrator, which remains in place until revoked by the race control body however, provides that an appointment is automatically revoked if a liquidator of the race club is appointed. Once their appointment is revoked, the administrator is required to provide a report to the race control body on how the administration of the race club was carried out. For this to occur, this clause provides that the administrator has access to the race clubs records and documents.

Before revoking the appointment, the race control body must either appoint another administrator, provide that race club committee members are elected in accordance with the club's constitution at a meeting convened by the administrator, or appoint the members to the committee, itself. If the option to appoint committee members is favoured, said members assume office when the administrator's appointment is revoked, but only hold office until the race club's next annual general meeting, following the revocation of the administrator.

Clause 74. Expenses of administration

This clause provides that a race club is responsible for the expenses of the administrator in their role in administering the race clubs affairs. Where the administrator is a public servant, a Commission issued certificate indicating an amount for the administrator's remuneration is to be paid to the Territory or, where the administrator is not a public servant, the remuneration as approved by the Commission. In relation to an administrator's expenses, the same priority is to be given to them as to a liquidator of an association under the *Associations Act 2003*.

Clause 75. Liabilities arising from administration

This clause provides that an administrator is liable for any loss suffered by the race club through the administrator's fraud, dishonesty, negligence or intentional failure to comply with the Act or the race club's constitution; however, where a loss suffered by the race club is not down to the actions of the administrator, the administrator must account for the loss in the report referenced at Clause 73.

Clause 76. Additional powers of Commission

The clause provides that, where the race control body appoints committee members following revocation of an administrator's appointment, the Commission may, in writing, declare this clause applies for a specified period, and may also include specific terms and conditions under which a member, or all members, hold office. The Commission has the power to extend the effect of this clause.

During the period this clause is enacted, the Commission may remove or appoint committee members, vary, revoke or substitute any terms and conditions it has put in place over any or all members, and may vary or suspend a provision of the race club's constitution.

Clause 77. Charges payable to Commission

This clause allows the Commission to, in writing, seek payment for services rendered to a race club by the Commission. It requires that the race club pay the due amount into the Racing and Wagering Fund within the timeframe specified in the written notice. Where action is taken to collect money payable, a certificate signed by the Commission, or a person authorised by the Commission, is evidence of the matter at hand.

This clause also provides that the Commission may suspend the registration of a race club until payment is made.

Clause 78. Stay of proceedings

This clause provides that, when an administrator is appointed to manage the affairs of a race club, no person may commence or continue a court proceeding, until the administrator's appointment is revoked, or unless leave is granted by the Supreme Court, who may establish the terms and conditions of that leave. A person is required to provide ten days notice to the race club if they intend to seek leave from the Supreme Court.

Clause 79. Administrator to report to race control body

This clause provides that an appointed administrator must, when requested by the race control body, provide a report on how the administration of the race club is being carried out.

Division 5 Other offences related to racing**Clause 80. Unlicensed racecourse**

This clause provides that it is an offence for a person to use premises as a racecourse, where said premises are not licensed as such. The offence is strict liability (for the second physical fault element) and provides for a maximum penalty of 100 penalty units.

The first physical fault element is that the person uses a place as a racecourse (section 80(1)(a)).

The second physical fault element, to which strict liability applies, is that the place is not licensed as a racecourse (section 80(1)(b)).

Clause 81. Failure to report

This clause provides it is an offence for a race control body or race club to fail to provide a report as required under Clause 62. These reports pertain to the operational and financial performance of the control body or club. The offence is one of strict liability and the maximum penalty is 35 penalty units. A defence provision is provided.

The physical fault element is that the race control body or race club fails to give a report, as required by section 62, to the Commission (section 81(1)).

Clause 82. Unlawful racing

This clause provides that it is an offence for a person to conduct a race meeting, contrary to the Act. The offence is one of strict liability and the maximum fine is 500 penalty units.

The physical fault element is that the person conducts a race meet contrary to this Act (section 82(1)).

Clause 83. Occupier allowing unlawful racing

This clause provides that it is an offence for the occupier of place, to allow a person to conduct a racing meeting, contrary to the Act, at the person's place. The offence is one of strict liability, with a maximum fine of 500 penalty units.

The first physical fault element is that the person is an occupier of a place (section 83(1)(a)).

The second physical fault element is that the person allows another person to conduct a race meeting at the place (section 83(1)(b)).

Clause 84. Permitting unlicensed bookmaker at racecourse

This clause provides that it is an offence for a race club to allow a person to stand at a racecourse the race club is holding a meeting at, and conduct wagering, where that person does not hold a licence issued under the Act, and the race club is reckless in relation to the circumstances. Strict liability applies to this offence, and the maximum fine is 500 penalty units.

The first physical fault element is that the race club intentionally permits a person to be present at its racecourse (section 84(a)).

The second physical fault element is that the person conducts wagering and the race club is reckless in relation to that conduct (section 84(b)).

The third physical fault element is that the person is not licensed to conduct wagering and the race club is reckless in relation to that circumstance (section 84(c)).

Division 6 Right of appeal**Clause 85. Decisions with no right of appeal**

This clause sets out which decisions, with regards to the racing industry, cannot be appealed against, where the original decision was made under the respective racing codes rules. While the amounts are included here, they will not be reflected in the Act, but instead, captured in the accompanying regulations. The reason for this clause is to acknowledge that there is insufficient time or resources, to hear all appeals, and that this clause helps manage appeal expectations.

The Act provides that an appeal cannot be made against a decision under the racing rules that imposes a fine not exceeding \$500, or where it concerns the ability for an animal to partake in a race, or the conditions said animal can race under. This would include a decision made by a veterinarian to prohibit an animal from participating in a race (if, for example, the animal was presented carrying an injury or symptoms related to illness). A decision to disqualify or suspend an animal from racing, also cannot be appealed against, except where the disqualification/ suspension, is combined with a penalty or sanction imposed on a person connected to the animal (such as a fine or suspension on the owner/trainer of the animal).

Finally, a decision may not be appealed against if the respective racing rules do not permit such an appeal.

Clause 86. Right of appeal

This clause provides who can appeal a decision made by whom. A decision made against a person, or an animal owned by that person, made by a steward of a race club, or the race club itself, can be appealed against (unless the decisions falls under the criteria outlined in Clause 85).

Further, this clause identifies to which body a person should appeal, and this is dependent upon the nature of the penalty and/or amount of the penalty. A decision made by a race club steward, must be appealed to the Racing Appeals Tribunal if a fine greater than the amount prescribed is levied, if the person has been disqualified or suspended for three or more months, the person's animal has been disqualified or suspended, the person is warned off for more than 12 race meetings (warned off means the person cannot enter the racecourse or associate with licensed persons), or imposes a fine on the person in excess of the prescribed amount, and combines that fine with a disqualification or suspension exceeding one month.

Clause 87. Manner of appeal

This clause sets out how an appeal is commenced, and that is via the lodgement of a notice of the intention to appeal to either the secretary of the race control body or the Secretary of the Racing Appeals Tribunal. A person intending to lodge an appeal, must do so within seven days of receiving the notice of the decision.

Division 7 Appeals to race control body**Clause 88. Appeals committee**

This clause deals with the need for a race control body, other than the Commission, needing to establish an appeals committee for persons aggrieved with decision.

Clause 89. Appeal procedure

This clause sets out that a race control body appeal committee must operate in accordance with procedures and rules established, and provides for actions to be taken when determining an appeal.

Division 8 Racing Appeals Tribunal**Subdivision 1 Establishment of Racing Appeals Tribunal****Clause 90. Northern Territory Racing Appeals Tribunal**

This clause provides for establishment of the Northern Territory Racing Appeals Tribunal.

Clause 91. Functions of Tribunal

This clause sets out the functions of the Racing Appeals Tribunal (Tribunal), which relate to the hearing of appeals by persons aggrieved with a decision about them, or an animal connected to them. The Tribunal is to determine appeals on the facts related to the appeal. The Tribunal is also required to carry out any other functions conferred on it under this Act, or any other law of the Territory.

Clause 92. Powers of Tribunal

This clause sets out the powers of the Tribunal, which includes doing all things necessary to or connected with, the performance of its functions. The powers include, but are not limited to, regulating its own affairs, holding hearings and establishing rules and procedures that apply to those hearings, and exercise any other powers given to it under this Act.

Clause 93. Composition of Tribunal

This clause sets out the membership requirements of the Tribunal. The responsible Minister must, by *Gazette* notice, appoint a minimum of four, but not more than eight, members to the Tribunal. The appointments must include a Chair and Deputy Chair.

To be eligible for appointment, a person must meet the requirements captured under Clause 94, and must maintain these requirements to continue to hold office.

The exercise of the Tribunal's powers, or the performance of its functions, is not affected by a vacancy in the office of a member, meaning that the Tribunal may function as intended, even if all member positions are not filled.

Clause 94. Eligibility to hold office

This clause sets out the criteria a person is required to meet, to be considered for appointment to the office of the Tribunal. The person must reside in the Territory, unless approved otherwise by the Minister, be a fit and proper person, and have the skills, knowledge or experience to enable them to exercise powers and perform functions related to appeals.

This clause also includes certain matters that would prevent someone from being appointed to the Tribunal or, ineligible to continue to hold office, if already appointed.

The matters that would disqualify, whether currently or in the previous two years, a person include:

- being an employee of a race club or a member of a race club committee;
- having an interest, directly or indirectly, in a business licensed under this Act or the *Racing and Betting Act 1983*;
- being an agent for the NT totalisator;
- riding or driving horses;
- training horses or greyhounds for racing.

The clause also provides that a person who has, in the previous three years, declared bankruptcy, or taken advantage of insolvency relief, are also not eligible to be appointed or continue to hold office. The Minister may undertake any investigation deemed necessary to assess a person's suitability to be appointed, or remain in office, and the onus is on a sitting member to advise the Minister if they become ineligible under this clause.

Clause 95. Chair and Deputy Chair

This clause deals with the appointment of the Chair and Deputy Chair of the Tribunal. These positions are included in the number of members appointed under Clause 94. A person appointed to the position of Chair or Deputy Chair must be a Supreme Court or Local Court judge, or a legal practitioner. This requirement ensures determinations by the Tribunal are legally sound.

Clause 96. Powers and functions of Chair and Deputy Chair

This clause establishes the powers and functions of the Chair and Deputy Chair of the Tribunal who are appointed under Clause 95. The Chair is granted powers to do all things necessary to execute the Tribunal's powers and functions, and chairs hearings of the Tribunal.

The Deputy Chair performs the functions, and has the powers of the Chair, when there is a vacancy in the office of the Chair, or the Chair is unable to exercise or perform the functions of the Chair (such as an absence or conflict of interest).

Clause 97. Delegation by Chair

This clause provides that the Chair may delegate to a member, any of the powers and functions of the Deputy Chair, if there is a vacancy in the office of the Deputy Chair, or the Deputy Chair is unable to perform the functions, or exercise the powers of the office, such as when absent or if there is a conflict of interest.

Clause 98. Secretary of Tribunal

This clause establishes that the Director of Racing and Wagering must appoint a public servant to the position of Secretary of the Tribunal, who has the functions and powers assigned by the Tribunal.

Clause 99. Validity of decisions

This clause has been included to ensure Tribunal decisions remain valid, even if an error has occurred in the appointment of a member, and complements Clause 93, which references a vacancy in the Commission membership.

Clause 100. Term of office

This clause provides for the Minister to appoint a member for a period not exceeding three years, and that a member may be reappointed and, while the Minister may grant a member a leave of absence, that leave does not affect the member's term of office.

Clause 101. Vacancy in office

This clause provides the reasons as to how the office of a member becomes vacant, and also provides the Minister powers to terminate a member's appointment under certain conditions. The reasons include a member resigning, being found guilty of an indictable offence or becoming ineligible under Clause 94. This clause also provides that the Minister may remove the member from office for contravening Clause 102 for misbehaviour or from a physical or mental stand point, or no longer able to execute the functions of their office.

Clause 102. Conflicts of interest

This clause deals with members of the Tribunal, when considering a matter, having to declare if they have a conflict of interest in the matter. This may be for reasons of a financial interest, or a personal interest which could result in the decision being perceived as biased. While the conflicted member is permitted to receive papers on the matter, they must not be present for any consideration or determination of the matter. Such a declaration will ensure that the parties to the matter, can have confidence that the determination was not unduly influenced.

Subdivision 2 Appeals to Tribunal

Clause 103. Appeal procedure

This clause deals with the procedure when a notice of appeal has been lodged. It provides that the Secretary of the Tribunal is required to provide a notice to the Chair, as well as the person being appealed against, and obtain a copy of the transcript of the hearing the decision was made and give that to the person who lodged the appeal, who then has seven days to lodge details of the grounds of the appeal.

This clause also provides for the Chair to nominate a hearing date, with at least seven days notice, and that the hearing must be conducted within 28 days of the grounds of appeal being lodged.

Clause 104. Hearing of appeal

This clause provides that the Chair determines the procedure for hearing of appeals and that an appeal consists of a panel comprising of the Chair and two other members. These members must have knowledge of the respective racing code, the subject of the appeal. If, due to absence, or conflict of interests, or some other reason, the Chair and Deputy Chair are unavailable to sit on a hearing panel, the Chair is required to select three other members to form the panel and one of those is required to be the presiding member.

This clause provides that an appeal is open to the public, unless otherwise determined by the panel, and that an appeal may continue to be heard, despite the fact that a member of the panel is unavailable or unable to fulfil their role as a member. For the purposes of the hearing, the panel must perform the functions, and exercise the powers, of the Tribunal.

Clause 105. Expedited hearing

This clause allows a panel, if the determination of the appeal is urgent, to, with the consent of the person lodging the appeal, expedite the hearing through the dispensing of procedural requirements or reducing the time in which to do a thing. In determining the appeal in an expedited hearing, the panel may rely on such evidence as presented.

Clause 106. Appeal not to be withdrawn

This clause provides that a person, who lodges an appeal with the Tribunal, cannot withdraw the appeal following its lodgement, unless granted leave by the panel which, may impose costs on the person. This clause has been included to recognise the costs (such as engagement of legal persons etc) involved by the Tribunal, as well as parties to the appeal, in readying a hearing for an appeal.

Clause 107. Stay of proceedings

This clause provides that the Chair of the Tribunal may, under conditions the Chair sees fit, order the stay of the execution of a penalty, decision or order, tied to the matter being appealed against.

Clause 108. Stay of decision

This clause provides that the lodgement of an appeal under this Division, does not stay the operation of the decision, unless the Chair exercises the power granted under Clause 108. If determining to stay the decision, the Chair must invite the parties to provide a submission and the Chair is required to take said submissions into account when making the determination.

Clause 109. Appearance

This clause provides that the parties to the appeal are entitled to appear at the hearing, and may have legal representation. Further, a person who has been summonsed to appear at a hearing may be represented by a legal practitioner.

Clause 110. Evidence

This clause provides that a panel of the Tribunal is not bound by the rules of evidence and may inform itself of any matters in any way, and that evidence is to be presented orally at a hearing, unless otherwise directed by the panel.

Clause 111. Power to issue summons

This clause provides power to the Tribunal to, whether as a result of a request by a party to the hearing, or at the Tribunal's own initiative, issue a summons to a person to have that person appear before a panel at an appointed time and place. This may be a person who has information that is deemed pertinent to the matter at hand but is actually not tied to either of the parties to the appeal, e.g. a person who may have witnessed something.

Clause 112. Power to deal with contempt

This clause gives the power to the Tribunal to order a person to leave a meeting or hearing, if that person engages in contempt, and further, the proceedings may continue in that person's absence.

Clause 113. Determination of appeal

This clause sets out how the Tribunal may determine an appeal. The actions, of which the Tribunal may do one or more, include adjourning the appeal, uphold, suspend, reverse or vary a decision tied to the appeal, vary the fine or penalty involved, refer the matter back to the originating body for a rehearing, order that all or some of the appeal fee be refunded, issue an order relating to costs, or make any other such order as it sees fit.

All parties to the appeal are to be notified of the Tribunal's decision.

Clause 114. Costs

This clause provides that where the Tribunal issues an order, under Clause 114, in relation to costs, it may be entered as a judgement in a Local Court and is then enforceable.

Clause 115. Appeal final

This clause provides that a determination of the Tribunal, or a panel of the Tribunal, is final and conclusive.

Part 4 Licences related to wagering

This part captures matters regarding the establishment, application process, including investigations and probity checks, of the wagering related licences captured under the Act. It also provides for the application and annual fees associated with each licence.

This part also provides for the regulation of each licence, the systems that operators are required to have in place, the terms and conditions by which their customers access and use their products and services, as well as various financial matters pertaining to the operation of a wagering business.

Division 1 Types of licences

Clause 116. Types of licences

This clause establishes the licences that can be issued under this Act. They include a sports bookmaker, betting exchange, on-course bookmaker and key person licence.

Clause 117. Offence of wagering without licence

This clause establishes that it is an offence to conduct the business of wagering without a licence to authorise said wagering. This is a strict liability offence (for the second physical fault element), with a maximum penalty of 500 penalty units.

The first physical fault element is that the person conducts the business of wagering (section 117(1)(a)).

The second physical fault element, to which strict liability applies, is that the person does not hold a licence authorising the conduct (s117(1)(b)).

Clause 118. Licence offence

This clause creates the offence whereby the holder of a licence issued under this Act intentionally conducts wagering that is not authorised by the licence. This is a strict liability offence (for the first and third physical fault elements), with a maximum penalty of 2,500 penalty units. The clause provides a defence where the person took reasonable steps and exercised due diligence to prevent the offence from occurring but, the person carries the legal burden of proof.

The first physical fault element, to which strict liability applies, is that the person is a wagering licensee (section 118(1)(a)).

The second physical fault element is that the person intentionally conducts wagering (section 118(1)(b)).

The third physical fault element, to which strict liability applies, is that the wagering conducted is not authorised by the licence held by the person (section 118(1)(c)).

Clause 119. On-course bookmaker licence

This clause establishes the on-course bookmaker licence, which can be granted to a person who wishes to offer wagering on racing, at a racecourse. A person granted such a licence, may only offer wagering services at the racecourse with the approval of the race club controlling the racecourse, may only conduct the wagering at the location identified by the race club, within the hours set by the race club.

This clause establishes that a person holding an on-course bookmaker licence, may only conduct wagering in person, unless the Director places an endorsement on the licence that allows the person to accept wagers over the telephone. If such an endorsement is granted, the person, in accepting wagers over the phone, must be standing at an approved racecourse, and during the hours of wagering approved by the race club.

This clause establishes that a person holding an on-course bookmaker licence, may accept wagers on thoroughbred, harness and greyhound racing, in any jurisdiction where the racing is conducted under applicable jurisdictional laws.

This clause establishes that the business of wagering under an on-course bookmaker licence, may only be conducted by the licensee, or a person who has been approved to act as an agent or employee of the licence holder and who, in their own right, holds a key person licence (see Clause 123), and is authorised under the licence to conduct the business.

Clause 120. Agent of on-course bookmaker

This clause provides that a person may be appointed as an agent for a person who is the holder of an on-course bookmaker licence. An agent is someone who acts in place of the on-course bookmaker in that person's absence or if the licensee established an additional place to stand at the racecourse.

This clause also establishes an offence where a person intentionally acts as an agent for an on-course bookmaker licensee, conducts wagering but has not been granted permission under Clause 134. This is a strict liability offence (for the second physical fault element), with a maximum penalty of 100 penalty units.

The first physical fault element is that a person intentionally conducts wagering as an agent, or conducts the business of being an agent, for an on-course bookmaker licensee (section 121(2)(a)(i) and section 120(2)(a)(ii) respectively).

The second physical fault element, to which strict liability applies, is that the person does not have permission under Clause 134 (section 120(2)(b)).

Clause 121. Betting exchange licence

This clause establishes the betting exchange licence which a person requires to operate a system called a betting exchange, which is a system that places and receives wagers between persons, and transmits and matches wagers with opposing wagers. Wagers through a betting exchange may only be conducted on thoroughbred, harness and greyhound racing, in any jurisdiction where the racing is conducted under applicable jurisdictional laws, on a sporting or other event approved by the Commission under Clause 166, or a novelty event that complies with the rules established by the Commission.

This clause establishes the method in which the business may be provided to customers, and it mirrors the requirements set out in section 5(1)(b) of the *Interactive Gambling Act 2001* (Cth). This legislation has been referenced as it is the overarching legislation under which all Australian interactive gambling services, including those that conduct the business of wagering under a licence issued under this Act, must comply. This clause also provides that additional methods of conducting a business under a betting exchange licence, may be prescribed by regulation.

The holder of a betting exchange licence may also conduct their business at a racecourse under the consent of the race club responsible for the racecourse and, if the betting exchange licence holder also holds a licence issued under the *Totalisator Licensing and Regulation Act 2000* (NT), they may conduct their business at retail and other premises allowed under that licence. These provisions have been included to protect the exclusivity rights granted to Ubet NT Pty Ltd (holder of the NT totalisator licence) as it pertains to offering wagering in retail and other places. These exclusive rights are captured in the NT Fee and Adjustment Deed, which underpins the totalisator licence.

Clause 122. Sports bookmaker licence

This clause establishes the sports bookmaker licence which is required to conduct wagering on thoroughbred, harness and greyhound racing in any jurisdiction where the racing is conducted under applicable jurisdictional laws, or a sporting event approved by the Commission under Clause 167, or a novelty event that complies with the rules established by the Commission under Clause 166.

This clause establishes the method in which the business may be provided to customers, and it mirrors the requirements set out in section 5(1)(b) of the *Interactive Gambling Act 2001* (Cth). This legislation has been referenced as it is the overarching legislation under which all Australian interactive gambling services, including those that conduct the business of wagering under a licence issued under this Act, must comply. This clause also provides that additional methods of conducting a business under a sports bookmaker licence, may be prescribed by regulation.

The holder of a sports bookmaker licence may also conduct their business at a racecourse, under the consent of the race club responsible for the racecourse and, if the sports bookmaker licence holder also holds a licence issued under the *Totalisator Licensing and Regulation Act 2000* (NT), they may conduct their business at retail and other premises allowed under that licence. These provisions have been included to protect the exclusivity rights granted to Ubet NT Pty Ltd (holder of the NT totalisator licence) as it pertains to offering wagering in retail and other places. These exclusive rights are captured in the NT Fee and Adjustment Deed, which underpins the totalisator licence.

Clause 123. Key person licence

This clause establishes the key person licence and identifies the positions or functions in which the person in the position, or performing the function, is required to obtain said licence.

The positions that require a licence are generally executive and directorial positions, as well as management positions or functions. This clause also provides powers to the Commission to identify, in a licensee's business, which positions or functions require a key person licence. A person who holds a key person licence, may perform any function, or occupy any position, that requires a key person licence.

Clause 124. Declaration in relation to key person licence

This clause provides that the Commission may declare the position, or a function, in a licensee's business, to be one that requires the person performing the role or function, to hold a key person licence.

This clause sets out that the declaration must be in writing and the steps the licensee must take if the person does not hold a key person licence. This clause sets out the timings in which a person, without a licence, must apply for one, and that that person may continue in the role or perform the function while the application is being determined by the Commission.

Clause 125. Key person licence offences

This clause creates two offences tied to the key person licence. The first offence relates to a licensee employing a person in a position or for a function that requires a key person licence, and that person does not have a key person licence. The maximum penalty is 250 penalty units and it is a strict liability offence. A defence provision is provided.

The first physical fault element is that the licensee employs an individual in a position, or to carry out a function, that requires a key person licence as declared by the Commission (section 125(1)(a)).

The second physical fault element is that the individual does not hold a key person licence (section 125(1)(b)).

The third physical fault element is that section 124(4) does not apply to the individual (section 125(1)(c)).

The second offence created in this clause relates to a person intentionally holding a position, or performing a function, that requires the person to hold a key person licence, and the person does not hold a key person licence. The maximum penalty for this offence is 100 penalty units, and it is a strict liability offence (for the second physical fault element) for the person. A defence provision is provided.

The first physical fault element is that the person intentionally holds a position, or performs a function, that requires a key person licence (section 125(3)(a)).

The second physical element, to which strict liability applies, is that the person does not hold a key person licence (section 125(3)(b)).

The third physical fault element, to which strict liability applies, is that section 124(4) does not apply to the individual (section 125(3)(c)).

Clause 126. Licence not transferable

This clause establishes that a licence issued under this Act is not transferable from the licensee to another person, and any alleged transfer of a licence has no effect.

Division 2 Eligibility criteria

Clause 127. Eligibility criteria – fit and proper person

This clause establishes that to hold any licence available under this Act, the person must be a fit and proper person, as captured under Clause 7.

Clause 128. Eligibility criteria – key person licence

This clause sets out that a person must be at least 18 years of age to be eligible to apply for and hold a key person licence.

Clause 129. Eligibility criteria – on-course bookmaker licence

This clause sets out the eligibility criteria for a person to apply and hold an on-course bookmaker licence.

Clause 130. Eligibility criteria – betting exchange licence and sports bookmaker licence

This clause sets out the eligibility criteria for the betting exchange and sports bookmaker licences. The eligibility criteria has been established to ensure persons without the requisite business knowledge, financial means, appropriate business connections, and in the case of a body corporate, a suitable structure, are kept out of the two industries.

This clause also provides that the holder of a licence granted under the *Totalisator Licensing and Regulation Act 2000* (NT), is eligible to apply for a sports bookmaker or betting exchange licence.

Division 3 Application process

Clause 131. Application for licence

This clause sets out how a person must apply for a licence available under the Act. It requires a person to make an application via completion of the approved form and pay the fee that is applicable to the licence type (which is prescribed by regulation). Additional information that may be required by an applicant, are prescribed by regulation.

Clause 132. Nominee

This clause establishes that an applicant for a sports bookmaker or betting exchange licence must nominate a person to act as a nominee for the applicant. This person must be an individual and represents the applicant during the application process. Once a licence is granted, the licensee must nominate an individual who resides in the Territory and is in place to allow access to the licensee's business premises. The person must be contactable during business hours, in case the Director or the Commission require such access.

This clause also requires the licensee to seek the approval of the Commission before changing its nominee and also if the nominee is expected to be absent, unavailable, or non-contactable, then the licensee must find an alternative person to act in their stead, and this will also require the approval of the Commission. While pre-approval is required, a reasonable excuse provision is included for those times that a licensee is unable to seek preapproval from the Commission e.g. when a nominee suddenly quits, or is unexpectedly unavailable.

Clause 133. Application to renew licence

This clause establishes that a licence issued under this Act may be, upon application, renewed. Any application to renew a licence must be done using the approved form and be accompanied by the fee prescribed by regulation and forwarded to the Commission.

Clause 134. Application as agent of on-course bookmaker

This clause provides that a person may lodge an application to become an agent to act for an on-course bookmaker licensee. The application must be lodged by completing the approved form, accompanied by the fee prescribed by regulation, and include the information prescribed by regulation. The Commission is responsible for determining the application.

Clause 135. Application fees

This clause establishes that the application fees for all licences available to be granted under this Act are prescribed by regulation, and that such application fees are not refundable.

Clause 136. Security

This clause sets out that the Commission may request a wagering licensee, that is, the holder of a sports bookmaker, betting exchange or on-course bookmaker licence to provide security to cover the potential liability of the licence. The Commission may determine the form and amount or value of the security required, but it must not exceed that amount prescribed by regulation.

This clause also provides that the Commission may vary, from time to time, the amount of security a licensee is required to provide, when there is a change in their potential liability. Security may be used for the payment of arrears for taxes and levies, then money owed to the licensee's customers.

Clause 137. Investigation

This clause establishes that the Director may undertake an investigation on behalf of the Commission or conduct inquiries as the Director deems necessary to assist in the determining of a licence application.

Under this clause, the Director can ask the applicant to cover the costs of any investigation or inquiry conducted and may be required to make payment before the investigation or inquiry commences. The Director may, at the Director's discretion, discontinue any investigation or inquiry if the requested payment is not made by the applicant.

This clause provides that if the Director requests, and receives payment for an investigation or inquiry considered necessary, the Director must certify the cost of the investigation or inquiry at its completion, and that any monies owed by the applicant is a debt due to the Territory. A certificate by the Director is evidence of any amount owing.

Clause 138. Further information to support application

This clause provides that the Director may contact an applicant and seek additional information to assist in the processing and/or investigation of their licence application. The information required can only pertain to helping determine the application.

Clause 139. Reliance on information from other jurisdictions

This clause allows the Director and Commission to seek and rely on information concerning an applicant for a licence from a person or body nationally or internationally to help determine the application. The information may come from a person or body who regulates gambling or wagering in the jurisdiction, and may be used by the Director or Commission if they are satisfied the information is reliable. This power would be used where an applicant has a gambling or wagering licence in another jurisdiction and may involve, but not limited to, the confirmation of personal details including financial, associates of the applicant, or conduct under that jurisdictions licence.

Division 4 Issuing and renewing licence

Clause 140. Issuing and renewing licence

This clause provides for the Commission to issue and renew the licences available under this Act. Licences may be issued or renewed if the applicant is eligible under Part 4, Division 2, issuing the licence is not against the public interest or likely to damage the reputation of the Commission or the Territory, and the applicant meets any other criteria prescribed by regulation.

This clause provides that the Commission, if considering the refusal to grant or renew a licence, must write to the applicant advising them so and allow the applicant at least 10 business days to respond.

In making a final determination and considering any submission, the Commission must issue a decision notice following its determination. If the decision remains the refusal to grant or renew the licence, the applicant may seek a review of the decision through the Northern Territory Civil and Administrative Tribunal.

This clause also provides that a licence continues in force until an application for its renewal is determined.

Clause 141. Term of licence

This clause provides that the term of a licence issued under this Act is that prescribed by regulation or a shorter period as determined by the Commission. The Commission may opt for a shorter licence term where it has some concerns that are not serious enough to not grant the licence, but provide the Commission more flexibility to address any issues that may arise. This is chiefly true for the sports bookmaker and betting exchange licences which have a prescribed term of 20 years.

Clause 142. Annual fees

This clause deals with the fees that a licence holder is required to pay to the Territory on an annual basis. This clause applies to all licences issued under this Act where an annual fee is applicable. The amount of an annual fee is prescribed by regulation. This clause includes when an annual fee is due, the penalty levied for failing to pay the annual fee by the due date, and that the Commission may suspend a licence if the annual fee is not paid. This clause makes it clear that an annual fee is payable even if the business the licence pertains to is not operating. It should be noted that there is a transitional clause (Clause 325) that deals with the circumstances of an existing licence holder already paying the annual fee upfront when granted the licence, as this arrangement was sometimes employed under the repealed *Racing and Betting Act 1983*.

Clause 143. Surrender of licence

This clause provides that a licensee may surrender their licence to the Commission. Such a surrender has no effect unless it is accepted by the Commission. Upon surrendering the licence, a person remains liable for any act or omission involving the person prior to the surrendering of the licence, and the person remains liable for any liability incurred prior to the surrender.

Part 5 Taxes, levies and Racing and Wagering Fund

This part captures the taxes applicable to each licence type (save the key person licence) as well as establishing the Racing and Wagering Fund, a fund paid for by the wagering industry and used to offset the costs of regulating it.

Division 1 Taxes

Clause 144. Liability for tax

This clause establishes that tax is imposed on the business of wagering and sets out when the tax must be paid, that it is non-refundable, and when it is considered received by the Territory following payment.

Clause 145. Rate of tax

This clause establishes the tax rate payable on the sports bookmaker, betting exchange, and on-course bookmaker licences. At commencement of this Act, the rates and maximums are the same as for the *Racing and Betting Act 1983* and, as with that Act, this Division 1 will fall under the responsibility of the Department of Treasury and Finance in the Administrative Arrangement Orders.

Tax is calculated on the profit of the licensee, and this clause identifies how that is calculated for the respective licences and establishes that the maximum tax paid by the holder of a sports bookmaker or betting exchange licence is 1,000,000 revenue units.

Clause 146. Application of *Taxation Administration Act 2007*

This clause establishes that the tax payable under Clause 144, is subject to the *Taxation Administration Act 2007*. This has been included to bring this Act into line with other similar NT pieces of legislation that have a taxation component.

Division 2 Levies

Clause 147. Liability for levy

This clause establishes that a levy is imposed on the licences of a betting exchange and sports bookmaker, and that the levy gets paid into the Racing and Wagering Fund. This clause sets out when the levy must be paid, that it is non-refundable, and when it is considered received by the Territory following payment.

Clause 148. Rate of levy

This clause sets out the rate of the levy for the betting exchange and sports bookmaker licences and that it is at the rate prescribed in regulations.

Clause 149. Outstanding levy and interest

This clause establishes that a penalty of 10% per annum is payable on an overdue levy amount and the Commission may suspend a licence until the levy is paid. A levy or interest owed is a debt to the Territory.

Division 3 Racing and Wagering Fund

Clause 150. Establishment of Racing and Wagering Fund

This clause establishes the Racing and Wagering Fund, and provides that the fund is taken to be an Agency Operating Account under the *Financial Management Act 1995*. This will allow for the tracking of monies into the fund and provide clear identification of expenditure.

Clause 151. Contents and purpose of Racing and Wagering Fund

This clause identifies what monies are paid into the fund, and how those monies are to be spent. Aside from the levies referenced at Clause 147, fees due to the Commission for services provided to race clubs are to be paid into the fund, other charges, costs, and fees due, as well as any money appropriated or paid under another Act.

The reason for the identification of the use of the monies is to ensure that the funds allow for the appropriate level of regulation of the wagering industry, and to a lesser extent, the racing industry. It has been set up in the manner described to ensure that monies do not end up in general revenue and are only used for the costs associated with the regulation of the industries.

There are exceptions but this is tied to outcomes of the wagering industry, especially in the provision of funds to organisation that are assisting persons impacted by wagering, and possible education programs in the racing sphere. These are, however, not the primary purposes of the fund, and will only be spent on these purposes if there are excess funds following the payment of the critical expenses, e.g. the Commission's and Director's costs in regulating the industries.

Part 6 Regulation of licensees

This Part deals with the operation of businesses under the various wagering licences established under this Act. It addresses conditions of licences and the variation of said conditions, communicating with customers, business arrangements and agreements that a licensee may enter into, as well as conduct prohibited by a licensee.

This Part also deals with the wagering control system which is used to operate wagering businesses, and ensures that all licensees have suitable systems, policies and procedures in place to provide services and products to their customers that meet specific requirements and ensure customers receive payments on time and for the correct amounts.

This Part also deals with the use of sports information by the wagering industry which is information related to racing and sporting events, and which the wagering licensees use to frame their markets (contingencies that customers place wagers on).

The terms and conditions required by wagering licensees (except on-course bookmaker) are also covered in this Part, and the provisions lay out the expected minimum and the procedure for changes to them. There are also provisions dealing with customer accounts, and what is expected from the licensee, as well as the need to keep accurate, and accessible (by the Commission, Director, police, and wagering inspectors) details pertaining to customer wagers, and interactions.

This Part includes offences related to wagering, from a licensee and individual, perspective.

Division 1 Operations under licence

Clause 152. Premises in Territory

This clause establishes that a betting exchange and sports bookmaker licensee must maintain premises in the Territory which are approved by the Commission as part of the licence application process. This is to enable the regulator access to information pertinent to the wagering business (for the investigation of breaches and complaints, including complaints dealing with wagers). A licensee must not change approved premises without Commission approval.

Clause 153. Conditions on licence

This clause provides that every licence issued under this Act is subject to any and all licence conditions prescribed by regulation and any discretionary conditions established by the Commission under Clause 154.

Clause 154. Discretionary conditions on licence

This clause has been established to allow the Commission to impose, on a licence it grants, whether new or renewed, a condition that applies to that specific licence. This power may also be used for a group of licences. It is expected that the power would be used for an individual licence to reflect the unique operation of that licence or used for a group of licences where a condition is needed urgently, and exercising the power would provide time to amend regulations.

The power allows the Commission to issue a condition regarding the business operations of the licence, or the financial or business structure, or assets and liabilities of the business. If there is any inconsistency between a condition the Commission issues and one captured by the Act or that is prescribed, the prescribed condition prevails to the extent of the inconsistency. This is a standard provision in dealing with any legislative inconsistencies.

This clause establishes a power for the Commission to change or revoke a condition of a licence in accordance with the regulations. This power does not apply to a condition prescribed in regulations. This power has been included to provide flexibility to the Commission and the licensee to adjust conditions of the licence. This may be used as a tool by the Commission to control the licensee's conduct, or an aspect of it, or by the licensee in response to a possible change in business operations.

Clause 155. Compliance with conditions and restrictions

This clause requires a licensee to comply with any restriction or condition imposed under this Act on the licensee or the licence.

This clause creates an offence for a licensee failing to comply with a condition of their licence. The maximum penalty is 2,500 penalty units and it is a strict liability offence. A defence provision is provided.

The physical fault element is that the licensee failed to comply with a condition of the licence (s155(1)).

Clause 156. Communications with customers

This clause establishes how wagering licensees can communicate and accept wagers with customers. A licensee must not accept a wager from a customer in person unless they are doing so at an approved racecourse or also hold a licence issued under the *Totalisator Licensing and Regulation Act 2000* (in which case they can accept wagers at retail outlets and other public places).

All telephone communications with a customer with regards to wagering must be conducted at premises in the Territory unless the licensee also holds a licence issued under the *Totalisator Licensing and Regulation Act 2000*, in which case calls may be taken at centres located outside of the NT.

This essentially means that apart from the Ubet NT Pty Ltd sports bookmaker licence, all other licensees must only accept calls from customers to place wagers in premises within the NT. Power is available to the Commission under this clause to grant permission for calls to be taken outside of the NT in an emergency, such as extreme weather, or for some other event that has affected the licensee's NT operations, and the need to do so is required to maintain operations and customer service.

This clause means that the holder of a sports bookmaker or betting exchange licence cannot conduct their wagering business in such a way which would allow them to accept, negotiate or settle wagers with a customer in person unless that business is being conducted at an approved racecourse.

Essentially, this means that these licence holders cannot set up a 'store front', like, say the former TAB in Cavanagh Street, to offer their products and services, unless that 'store front', is at a racecourse.

It has been included to protect the exclusive rights granted to Ubet NT Pty Ltd, operator of the NT totalisator licence and holder of a sports bookmaker licence. These rights were captured in the NT Fee and Adjustment Deed which underpins the totalisator licence and allows Ubet the exclusive right to offer their products and services, including fixed price odds on sporting events, in retail outlets and public places, exclusively (except for approved racecourses).

Sports bookmakers and betting exchange licensees conduct their business online, and, while this clause would allow them to set up business at a racecourse and accept wagers from a customer face to face, it is unlikely that a licensee would do so as their operations are geared to operating in the digital sphere.

Clause 157. Change in associated persons and shareholders

This clause requires the holder of a sports bookmaker or betting exchange licence to seek written approval from the Commission when a change of associates or shareholders occurs. With regards to shareholders, approval is only needed where a person, or associates of that person, will hold 10% or more of voting power in the licensee, or 10% or more of issued shares in the licensee. It is expected that the licensee will request approval from the Commission as soon as practicable following the licensee becoming aware of the change.

This clause requires the Commission to determine if any new person nominated to be an associate of the licensee is a suitable person to be associated with the licensee, and that in every change, that is, a change of associate or shareholder as mentioned above, the change will not affect the licensee's eligibility or fitness to hold the licence.

This clause requires the Commission to provide a decision notice to the licensee and, where the decision is one of refusal, must be given within 90 days after the day the request was lodged.

This clause is intended to ensure the Commission is aware of potential changes to associates and shareholders of the licensee who may be able to exert control of the licensee or the business operations, and that those persons are fit and proper to be associated with the business. It is designed to keep criminals from taking control of the business under the licence, which could jeopardise customer funds and personal data.

Clause 158. Change of associate without approval

This clause establishes that it is an offence for a sports bookmaker or betting exchange licensee to make the changes referred to in Clause 157 without the approval of the Commission. The maximum penalty is 1,000 penalty units, and the offence is one of strict liability for the first and fourth physical fault elements. A defence provision is provided.

The first physical fault element, to which strict liability applies, is that the person is a licensee (section 158(1)(a)).

The second physical fault element is that the person intentionally engages in conduct (section 158(1)(b)).

The third physical fault element is that the conduct results in a change referenced in Clause 157, and the person is reckless in relation to that result (section 158(1)(c)).

The fourth physical fault element, to which strict liability applies, is that the change was not approved by the Commission (section 158(1)(d)).

Clause 159. Prohibited conduct

This clause sets out what conduct is prohibited by a wagering licensee. Firstly, an on-course bookmaker licensee is prohibited for entering into a partnership in relation to the business carried out under the licence unless that person has their name endorsed on the licence.

Secondly, a wagering licensee cannot borrow money from an unapproved source as captured under this Act. This is included to prevent possible criminal elements infiltrating the business through the provision of working capital or the like to the business. A wagering licensee cannot lay off a wager to a person in another jurisdiction unless that person is authorised by jurisdictional laws to accept the wager. A wagering licensee must also not procure a person to make a wager on behalf of the licensee where such a wager would be contrary to this Act.

Finally, a wagering licensee must not sell, or transfer to another person a wagering receipt that is required to be issued, under Clause 184, to a customer.

Clause 160. Wagers presumed lawful

This clause establishes that a wager made under the criteria in this clause is presumed to be a lawful wager. This clause has been included to address shortcomings in the *Racing and Betting Act 1983* which has seen the Commission declaring wagers unlawful, even where those wagers were made under a licence and on an event approved by the Commission.

This clause assists to identify when a wager has been made unlawfully.

Clause 161. Proceedings to collect wager

This clause provides that a person may undertake legal proceedings to recover monies due of a winning lawful wager. The reason for this clause is to allow a person to take legal action in the event that a wager that they placed and won has not been paid by the wagering licensee.

Clause 162. Duty to report events related to operations

This clause requires a licensee to advise the Commission of certain events that are prescribed by regulation. These events pertain to the operations of the licensee's business and include things such as investigations by other regulators, stock market notices, unauthorised access to the licensee's wagering control system etc.

Division 2 Wagering control system

Clause 163. Requirements for wagering control system

This clause establishes that the holder of an on-course bookmaker, sports bookmaker and betting exchange licence must have a wagering control system and such a system must meet the required prescribed by regulation. The wagering system underpins the business operation, including computer software and hardware, and ensures all transactions are recorded and accessible by the regulator. The system should ensure all parties to a wager, receive the correct entitlements.

This clause provides that the Director, as part of the licence application process, is required to approve the system and that approval may be conditional on the system meeting certain standards, rules or requirements. Such standards, rules and requirements must be published and a licensee must not make any changes to their system unless in accordance with the matters prescribed by regulation.

Clause 164. Offences related to wagering control systems

This clause establishes a number of offences related to the wagering control system. The first offence relates to a wagering licensee using an unapproved wagering control system. The maximum penalty is 1,000 penalty units, and the first and second physical fault elements, are strict liability. A defence provision is provided.

The first physical fault element, to which strict liability applies, is that the person is a wagering licensee (section 164(1)(a)).

The second physical fault element, to which strict liability applies, is that the person has no wagering control system that has been approved by the Director (section 164(1)(b)).

The third physical fault element is that the person intentionally conducts business under the licence (section 164(1)(c)).

The second offence created by this clause relates to a wagering licensee, while having their wagering control system approved by the Director, makes a material change to it without the Director's approval, or fails to implement the system or comply with the systems requirements. This is a strict liability offence with a maximum penalty of 1,000 penalty units. A defence provision is provided.

The first physical fault element is that the person is a wagering licensee (section 164(3)(a)).

The second physical fault element is that the person's wagering control system has been approved by the Director (section 164(3)(b)).

The third physical fault element is that the person engages in conduct (section 164(3)(c)).

The fourth physical fault element is that the person's conduct results in a failure to implement or comply with the wagering control system (section 164(3)(d)(i) or, a change to the wagering control system contrary to the regulations (section 164(3)(d)(ii)).

The third offence established under this clause relates to a wagering licensee failing to make a report on matters captured under Clause 163. This is a strict liability offence, with a maximum penalty of 1,000 penalty units, and provides a defence provision.

The first physical fault element is that the person is a wagering licensee (section 164(5)(a)).

The second physical fault element is that the person fails to make a report in accordance with Clause 163(7) (section 164(5)(b)).

Division 3 Events and sporting information

Clause 165. Prohibition of event

This clause grants power to the Minister to prohibit a specified sporting event offered by the holder of a sports bookmaker or betting exchange operator licence from being wagered on. It is intended to be used when wagering on the event is deemed to be not appropriated and the Commission have not seen fit to take action, or are slow to act. An example would be wagering on Young Australian of the Year, especially where nominees were under the age of 18 years

This clause provides that no compensation is to be paid to a licence holder who may suffer a loss due to the exercise of this power and while it provides for the Minister to seek and consider representations from licence holders, it is not expected that this will occur as exercise of this power would only be done in extreme circumstances of a slow moving or inactive Commission, and a clearly unacceptable wagering contingency that needs to be withdrawn by the operator as soon as possible.

Clause 166. Novelty events

This clause provides that the Commission may establish rules to allow sports bookmakers and betting exchange licensees the ability to offer novelty events for the customers to wager on. Novelty events include the outcome of elections, reality TV shows, what colour a celebrity will wear to an event, etc. This clause requires that the Commission must publish any rules it establishes.

Clause 167. Declaration of sporting event

This clause provides a power to the Commission to declare an event to be a sporting event, and this must be published. It is not necessary for an event to involve a sport for it to be declared a sporting event. A sporting event declared by the Commission is used by a sports bookmaker and betting exchange licensee to offer markets for their customers to wager on.

Clause 168. Direction on contingency in relation to sporting event

This clause establishes a power for the Commission to prohibit or restrict a wagering contingency. This power would be used when the Commission has determined that a particular contingency offered by the licensee is inappropriate. The clause references the matters the Commission may consider in its determination and that it may seek submissions from affected licensees.

Clause 169. Meaning of *sports information*

This clause defines what is sports information as far as this Division and this Act is concerned. It relates to the details of a race or sporting event, and such details are used by the wagering licensee to offer markets for their customers to wager on and includes, *inter alia*, identification details of participants or animals.

Clause 170. Approval to use sports information

This clause requires a wagering licensee to obtain approval to use sports information where the information relates to a race or sporting event in the Northern Territory, or if it is held in another state or territory. Approval is sought from either the Territory race control body or the control body responsible for the sporting event, or where originating from another state or territory, the control body in that jurisdiction that may require the approval. An approval must be sought using the form required by the respective control body and must include the information as required. Under this clause, the Commission may, by *Gazette* notice, authorise a body or entity to be a control body for a sporting event in the Territory.

Simply put, all NT licensed wagering operators must get approval where required from the appropriate control body prior to using any information to create their wagering markets. For some sports, e.g. rugby league, approval from the national peak body, e.g. the NRL, will cover an NT event, meaning that the wagering licensee does not have to obtain a separate approval.

Clause 171. Using sports information

This clause establishes what actions by a wagering licensee constitutes use of sports information in the course of business as a wagering licensee. It includes whether the action are in Australia or elsewhere.

Clause 172. Approval by control body

This clause requires a Territory control body, when asked to grant a wagering licensee's request to use the control body's sporting information, to make a decision within 28 days and further, the control body may require a payment for the information and may also set any conditions regarding the approval, as well as the term of the approval. A fee due for the use of sports information is a debt due to the control body.

Clause 173. Variation of conditions

This clause provides that a control body may vary the conditions of an approval granted to a wagering licensee for the use of the control body's sporting information. Before doing so, the control body must write to the wagering licensee, informing them of the intention to vary the conditions and invite the licensee to make representations. The control body is required to consider any representations made, and then, inform the licensee of its decision.

Clause 174. Cancellation of approval

This clause provides that a control body may cancel the approval for a wagering licensee to use their sports information on a variety of grounds. The grounds cover a breach of a condition of use, or this Act, or any other reason as prescribed by regulation. A written notice is required to be provided to the licensee.

Clause 175. Offence related to sports information

This clause creates an offence of a wagering licensee using sports information without the requisite approval by the control body. It is an offence of strict liability, and the maximum penalty is 1,000 penalty units.

The first physical fault element is that the person is a wagering licensee (section 175(1)(a)).

The second physical fault element is that the person uses sports information (section 175(1)(b)).

The third physical fault element is that the person does not have the approval required under Clause 172 to use that sports information (section 175(1)(c)).

Division 4 Arrangement and agreements

Clause 176. Requirement for approval of arrangements and agreements

This clause requires a sports bookmaker or betting exchange licence holder to seek approval from the Commission to enter into certain arrangements or agreements with a person. If an agreement or arrangement with a person would cause a substantial change to the licensee's relationship with their customers, result in the person being considered an associate of the licensee, result in the person interacting with customers on behalf of the licensee, or entitle the person to compensation for the wagering activity of a customer, the agreement or arrangement must be approved by the Commission.

This clause provides that a sports bookmaker or betting exchange licensee wishing to enter into an arrangement or agreement captured by this clause, is required to put the details in writing, and include all persons involved.

This clause has been included to capture arrangements whereby a licensee may enter into an arrangement with a third party, whereby the third party refers customers to the licensee and, in return, receives some form of reward. Generally, this will be a fixed rate per customer or a commission based upon a customer's wagering activity. The reason such agreements and arrangements are required to be put to the Commission and assessed is to ensure the person the licensee is entering into the agreement/arrangement with is a fit proper person and there is no risk to the customer.

Clause 177. Decision on approval of arrangement or agreement

This clause deals with the approval process of an application made by a sports bookmaker or betting exchange licensee to enter into an arrangement or agreement as captured by Clause 176. It sets out the criteria that the Commission must consider when determining whether to approve a licensee's application.

The criteria looks to the person's suitability and reputation and whether they are someone that should be associated with the licensee. Once the commission makes a determination on the request, they must provide the licensee with a decision notice. The decision notice may include conditions

surrounding the arrangement or agreement, including any limitations. A refusal to approve the arrangement or agreement may be reviewed. All arrangements and agreements approved by the Commission, and entered into by the licensee, must be recorded by the licensee in a register.

The criteria included is to ensure the licensee does not enter into an arrangement or agreement with a person who may have criminal ties, or is not reputable, or may have dubious financial backing. It is to ensure that customers of the licensee are not negatively impacted by such an arrangement or agreement.

Clause 178. Obligations of arrangement or agreement

This clause establishes that a person who has been approved by the Commission to enter into an arrangement or agreement with a licensee is subject to the same provisions of this Act as the licensee, as well as any conditions established by the Commission under Clause 177.

This clause has been included to ensure that the operation of the agreement or arrangement meets the requirement of this Act and, unlike under the *Racing and Betting Act 1983*, makes the person subject to this Act's requirement. In other words, the person is deemed to be the licensee as far as the operation of the agreement or arrangement is concerned. It has been included to protect the interests of the customer.

Clause 179. Arrangement or agreement without approval

This clause creates an offence for a sports bookmaker or betting exchange licensee to enter into an arrangement or agreement without Commission approval where that approval is required. The penalty is a maximum of 1,000 penalty units and includes a defence provision.

The first physical fault element, to which strict liability applies, is that the person is a betting exchange licensee or sports bookmaker licensee (section 179(1)(a)).

The second physical fault element is that the person intentionally enters into an arrangement or agreement in connection with the licence or the business operated under the licence with another person (section 179(1)(b)).

The third physical fault element, to which strict liability applies, is that the arrangement or agreement requires the approval of the Commission under section 176 (section 179(1)(c)).

The fourth physical fault element, to which strict liability applies, is that the arrangement or agreement was not approved by the Commission (section 179(1)(d)).

Division 5 Terms and conditions of wagering

Clause 180. Requirement for terms and conditions of wagering

This clause establishes that a betting exchange and sports bookmaker licensee must have written terms and conditions for use across all their platforms for all their products and services offered and/or provided to their customers.

This clause requires that all terms and conditions must be fair and reasonable to customers, be written in plain English (although nothing prevents the licensee from providing their terms and conditions in other languages) and be suitable for each product and service.

Terms and conditions govern the way a customer wagers with the licensee. They range from how the customer uses their account, including deposit and withdrawal of funds, how each wagering market offered by the licensee is settled, as well as how bonus and promotional bets are offered and work. In a dispute over a wager, the terms and conditions are heavily relied upon when assessing any outcome.

Clause 181. Initial terms and conditions of wagering

This clause establishes that it is an offence for a sports bookmaker or betting exchange licensee to commence business under the licence, except in accordance with approved terms and conditions. This is a strict liability offence and includes a defence provision, and the maximum penalty is 1,000 penalty units.

The first physical fault element is that the person is a betting exchange or sports bookmaker licensee (section 181(2)(a)).

The second physical fault element is that the person intentionally contravenes subsection (1) (section 181(2)(b)).

Clause 182. Change in terms and conditions

This clause requires that a sports bookmaker or betting exchange licensee, when making a substantive change to their terms and conditions, must provide a copy of said conditions to the Commission within 14 days of the change.

This clause also provides a power to the Commission to issue a direction to a sports bookmaker or betting exchange licensee to amend their terms and conditions if it determines that they no longer meet the requirements set out in Clause 180.

Division 6 Customer accounts**Clause 183. Requirement for account**

This clause establishes that a betting exchange and sports bookmaker licensee must ensure that a person has opened an account with them and has been identified before accepting a wager from that person. This requirement is tied to the National Consumer Protection Framework, as well as the need to identify them prior to the commencement of wagering. The exception is where the licensee also holds a licence under the *Totalisator Licensing and Regulation Act 2000*, in which case, the licensee may accept a wager from a person without an account, but only in a retail premise.

This clause also requires that a sports bookmaker or betting exchange licensee must close an account if they discover it was opened using false identification, and that the licensee must not open an account for a person who resides in a jurisdiction that prohibits the licensee's services (some overseas jurisdictions prohibit their residents from wagering online, and, therefore, the licensee must not open an account for such a person).

Clause 184. Wager receipt

This clause requires that all wagering licensees must provide their customers with a receipt for each wager the customer makes. The details of the receipt are prescribed by regulation. An offence has been created for the failure to provide a wagering receipt (Clause 197).

Division 7 Financial matters

Clause 185. Wagering records

This clause requires that a wagering licensee must make a record of all wagers accepted by their customers. This may be done by the means used by the licensee's operating system, and a back up is required in case of a fault. An on-course bookmaker must record the pay out of a wager on the same medium on which they recorded the wager.

The keeping of records is critical in the operation of a wagering licence. These records are not only used when investigating a wagering dispute, but also to ensure the licensee has paid the correct amount of taxes, levies etc.

Clause 186. Keeping accounts

This clause establishes that a wagering licensee must keep accounting records that accurately show all transactions and the financial position of the business. The records must be kept in such a way as a true and fair statement and account can be prepared at any time, and that the financial statements can be audited appropriately.

Clause 187. Preparation of financial statements and accounts

This clause establishes that the wagering licensee must prepare financial statements and accounts in accordance with applicable Australian accounting standards, and that such preparation must cover the verification and reconciliation of tax payments, long term wager accounts held, customer accounts and anything else that may be prescribed by regulation. Such records must be provided to the Commission within five months of the end of the licensee's financial year.

Clause 188. Monthly returns

The clause establishes that a wagering licensee must, monthly, and within 14 days of the end of the month, provide a return to the Commission that meets the requirements prescribed by regulation. These returns deal with the operations of the licensee's business for the preceding month.

Clause 189. Failure to lodge return

This clause creates an offence for a wagering licensee who fails to provide a report under Clause 188. This is a strict liability offence with a maximum penalty of 35 penalty units.

The physical fault element is that a wagering licensee commits an offence if the licensee fails to lodge a monthly return as required under section 188 (section 189(1)).

Clause 190. Audits

This clause establishes that the Commission may request an audit from a wagering licensee on a range of matters, including the licensee's financial statements and accounts, their data security systems, or wagering control system. Any audit must be carried out by an auditor registered under the *Corporations Act 2001* (Cth) or any other person who is qualified and acceptable to the Commission. An audit must be lodged with the Commission within 90 days of the audit request, and the Commission has the power to seek further information in regards to a matter related to the audit. A licensee must provide said information within the time frame stipulated by the Commission.

Clause 191. Producing records and other documents

This clause establishes that the wagering licensee must provide any document or other record related to the business when requested by the Commission, Director or a wagering inspector.

Clause 192. Failure to produce records and other documents

This clause establishes an offence for a wagering licensee who fails to comply with a request issued under Clause 191. It is an offence of strict liability, has a maximum fine of 35 penalty units and does offer a defence provision.

The physical fault element is that a wagering licensee fails to comply with a request made under section 191 (section 191(1)).

Division 8 Offences related to wagering

Subdivision 1 Conduct by licensees

Clause 193. Prohibited or restricted wagering

This clause creates an offence for a wagering licensee who conducts wagering on a race or sporting event that is prohibited under Clauses 165 or 168. It is a strict liability offence with a maximum penalty of 2,500 penalty units and does provide a defence provision, of which the defendant has the legal burden of proof.

The first physical fault element is that the person is a licensee (section 193(1)(a)).

The second physical fault element is that the person conducts wagering (section 193(1)(b)).

The third physical fault element is that the wager is on a contingency that is prohibited or restricted under section 165 or 168 (section 193(1)(c)).

The fourth physical fault element is that the wager contravenes the prohibition or restriction (section 193(1)(d)).

Clause 194. Misleading wagers prohibited

This clause creates two offences for a wagering licensee to offer a wager that resembles a lottery, or where the outcome of the wager is determined by deriving the result from numbers digits, or symbols and does not enable the customer to use skill or judgement to make a selection. The maximum fine for both offences is 2,500 penalty units and both offences are strict liability.

The first offence relates to the licensee offering a product or service that is likely to lead a customer to believing they are playing a lottery, or are being invited to play a lottery.

The first physical fault element is that the person is a betting exchange licensee or sports bookmaker licensee (section 194(1)(a)).

The second physical fault element is that the person conducts wagering (section 194(1)(b)).

The third physical fault element is broken down into two subsections, with the first being that the wagering is likely to lead a potential customer to believe on reasonable grounds that the wager is a ticket in a lottery (section 194(1)(c)(i)).

The second subsection is that the wagering is likely to lead a potential customer to believe on reasonable grounds that the wager is an offer or invitation to enter or participate in a lottery (section 194(1)(c)(ii)).

The second offence relates to the licensee using numbers, digits, or symbols derived from numbers, digits, or symbols that form part only of one or more sporting events, or where the customer cannot use their skill, knowledge, or judgement to pick a winning result.

The first physical fault element is that the person is a wagering licensee (section 194(2)(a)).

The second physical fault element is that the person conducts wagering (section 194(2)(b)).

The third physical fault element is that winning outcome of the wager consists of numbers, digits or symbols derived from numbers, digits or symbols that form part only of one or more sporting events (section 194(2)(c)).

The fourth physical fault element is that the wager does not enable a potential customer to use judgement or skill in the selection of the winning outcome (section 194(2)(d)).

There are some wagers which are exempt from this clause, and that is a wager such as a mystery wager on a race or sporting event where the combination in the wager relates directly to outcomes of identified sporting events or races.

This clause also establishes a power for the Commission to declare a wager, either on application or on its own initiative, to be exempt from the listed offences if satisfied that the wager is not misleading or an abuse of a sporting event. Nothing in this clause prevents a person conducting a lottery or an internet game pursuant to the *Gaming Control Act 1993*.

This clause reflects existing licence conditions put in place following the Supreme Court action undertaken by Lottoland Australia Pty Ltd following the Commission's establishment of those licence conditions. Effectively, it prevented Lottoland from using results from the financial indices and turning them into lottery numbers on which wagers were subsequently resulted.

Clause 195. Offences related to accounts

This clause creates an offence for a sports bookmaker or betting exchange licensee where they accept a wager from a person for whom they have not opened an account, or where the person has not been identified in accordance with Clause 183. This is a strict liability offence with a maximum penalty of 2,500 penalty units.

The first physical fault element is that the person is a betting exchange or sports bookmaker licensee (section 195(1)(a)).

The second physical fault element is that the person accepts a wager from another person (section 195(1)(b)).

The third physical fault element is that the person does not comply with section 183(1), (2) or (3) (section 195(1)(c)).

Clause 196. Not issuing receipt for wager

This clause creates an offence for a wagering licensee not to provide a receipt for a wager they have accepted. It is a strict liability offence with a maximum penalty of 2,500 penalty units, but does provide a defence provision of which the defendant bears the burden of proof.

The first physical fault element is that the person is a wagering licensee (section 196(1)(a)).

The second physical fault element is that the person accepts a wager from another person (section 196(1)(b)).

The third physical fault element is that the person does not issue a receipt to the other person in accordance with section 184 (section 196(1)(c)).

Clause 197. Not recording wager

This clause establishes that it is an offence for a wagering licensee not to record a wager they have accepted. It is a strict liability offence with a maximum penalty of 2,500 penalty units, but does offer a defence where the defendant bears the burden of proof.

The first physical fault element is that the person is a wagering licensee (section 197(1)(a)).

The second physical fault element is that the person accepts a wager from another person (section 197(1)(b)).

The third physical fault element is that the person does not keep a record of the wager in accordance with section 185 (section 197(1)(c)).

Clause 198. Offence relating to audits

This clause establishes that it is an offence for a wagering licensee not to conduct an audit when requested by the Commission. It is an offence of strict liability and has a maximum penalty of 100 penalty units.

The first physical fault element is that the person is a wagering licensee (section 198(1)(a)).

The second physical fault element is that the person receives a request from the Commission under Clause 190 to conduct an audit (section 198(1)(b)).

The third physical fault element is that the person fails to cause an audit to be made, or to lodge the results of the audit, in accordance with that section (section 198(1)(c)).

Subdivision 2 Unlawful wagers

Clause 199. Unlawful wager

This clause establishes what an unlawful wager is. Essentially, if the wager is not made through a licence holder, is on an event not approved by the Commission or prohibited or restricted by the Minister, falls outside of the rules for novelty wagers or is prohibited by a direction, it would be declared unlawful. The Commission may also declare a wager unlawful if it is satisfied that the wager was made in relation to an event not fairly or lawfully conducted, or the result was not what was legitimately expected if all steps in holding the event, or the declaration of its results, were honestly and fairly conducted or declared.

Clause 200. Offence related to unlawful wager

This clause creates an offence whereby a person wagers with another person and the wager is unlawful. It is a strict liability offence with a maximum penalty of 215 penalty units, and a defence provision is provided but the defendant bears the burden of proof.

The first physical fault element is that a person intentionally wagers with another person (section 200(1)(a)).

The second physical fault element is the wager is unlawful (section 200(1)(b)(ii)).

Clause 201. Soliciting unlawful wagers

This clause creates an offence if a person solicits money or valuables from another person and intends to use that money or valuable, to engage in unlawful wagering. This offence has a maximum penalty of 215 penalty units.

The physical fault element is that the other person uses money or valuables obtained from the first person for unlawful wagering (section 201(1)(b)).

Clause 202. Agreement relating to unlawful wager

This clause provides that any agreement with regards to an unlawful wager has no effect, and no action or proceeding may be commenced to recover something owed over the unlawful wager.

Clause 203. Disposition of property as result of unlawful wager

This clause establishes that a disposition of property in relation to an unlawful wager has no effect except under the circumstances outlined in the clause. This clause has been retained from the *Unlawful Betting Act 1989* which was repealed when this Act commenced.

Subdivision 3 Other conduct**Clause 204. Contravention of code of practice**

This clause creates an offence for a person to intentionally contravene a code of practice. It is a strict liability offence, includes a defence provision and has a maximum penalty of 1,000 penalty units.

The first physical fault element is that the person intentionally engages in conduct (section 204(1)(a)).

The second physical fault element is that the conduct contravenes a code of practice approved by the Minister under section 13 (section 204(1)(b)).

Clause 205. Contravention of Commission's direction

This clause creates an offence for a person to intentionally contravene a Commission direction. It is a strict liability offence, includes a defence provision, and has a maximum penalty of 2,500 penalty units.

The first physical fault element is that the person intentionally engages in conduct (section 205(1)(a)).

The second physical fault element is that the conduct contravenes a direction of the Commission made under section 50(1), 168(1), 182(2), 214(1), 224(2)(b), 226(2)(b) or 255(1) (section 205(1)(b)).

Clause 206. Occupier conducting or allowing unlawful wagering

This clause creates an offence for an occupier of a place if the occupier conducts wagering that is contrary to this Act. Strict liability applies to the first and third physical fault elements, and the maximum penalty is 20 penalty units.

The first physical fault element, to which strict liability applies, is that the person is an occupier of a place (section 206(1)(a)).

The second physical fault element is that the person intentionally conducts or allows wagering in that place (section 206(1)(b)).

The third physical fault element, to which strict liability applies, is contrary to this Act or the wager is an unlawful wager (section 206(1)(c)).

This offence is a carry over from the repealed *Unlawful Betting Act 1989* and is unlikely to be triggered given most of the wagering is now done via digital platforms. Having said that, it could be used if a person is conducting unlawful wagering on racing events.

Clause 207. Invitation to place of unlawful wagering

This creates an offence for a person to invite members of the public to a place to conduct wagering, and that wagering is contrary to this Act. It is an offence of strict liability, with a maximum penalty of 10 penalty units.

The first physical fault element is that the person invites members of the public to a place to conduct wagering (section 207(1)(a)).

The second physical fault element is that the conduct and wagering is contrary to this Act or the wager is an unlawful wager (section 207(1)(b)).

Clause 208. Wagering on trial

This clause establishes that it is an offence for a wagering licensee to conduct wagering on the outcome of a trial, and it is also an offence for a person, who is not a wagering licensee, to place a wager on a trial.

The first offence involves a wagering licensee conducting wagering on a trial, and it is a strict liability offence with a maximum penalty of 50 penalty units.

The first physical fault element is that the person is a wagering licensee (section 208(1)(a)).

The second physical fault element is that the person conducts wagering (section 208(1)(b)).

The third physical fault element is that the wagering is on the outcome of a trial (section 208(1)(c)).

The second offence relates to a person placing a wagering on a trial. It is a strict liability offence, with a maximum penalty of 20 penalty units.

The first physical fault element is that the person conducts wagering (section 208(2)(a)).

The second physical fault element is that the wagering is on the outcome of a trial (section 208(2)(b)).

Part 7 Remedial powers

This Part deals with the powers granted to the Commission to address actions, behaviours, and harms associated with wagering (or preventing such actions, behaviours and harms), including making determinations about people a licensee may be associated with, as well as identifying key person licence positions.

Division 1 Voiding and validating wagers**Clause 209. Power to declare wager void**

This clause establishes a power for the Commission to declare a wager, or a series of wagers, void. The declaration will likely come as a result of an investigation of a complaint lodged, and where the Commission has determined that the wager/s should not have been accepted by the licensee for the reasons referenced in this clause.

This power will generally be used in cases of a customer displaying red flag gambling behaviours (behaviours associated with problem gambling) which the licensee failed to recognise or failed to act upon. A decision notice is to be provided to the parties to the wager/s, and a licensee must refund the amount of the wagers declared void. A licensee may seek a review of the decision under the *Northern Territory Civil and Administrative Tribunal Act 2014*.

This clause has been included to address the current shortcomings in the *Racing and Betting Act 1983* whereby the Commission is declaring such wagers as unlawful. While not challenged,

the declaration of a wager as unlawful, when made on an approved event with a licensed wagering operator, is problematic.

Clause 210. Power to declare wager valid

This clause establishes a power for the Commission to declare a wager, which has been rejected or voided by a licensee, to be a valid wager and should have been accepted. The declaration will likely come as a result of an investigation of a dispute lodged and where the Commission has determined, that the wager/s, should have been accepted by the licensee.

This power will generally be used where the licensee has relied on their terms and conditions to void a wager or have not settled a market correctly. A licensee is required to pay out a wager that was previously void and can seek a review of the decision under the *Northern Territory Civil and Administrative Tribunal Act 2014*.

Division 2 Prohibiting and closing accounts

Clause 211. Prohibiting opening of account

This clause provides a power to the Commission to issue a written notice to a sports bookmaker or betting exchange operator not to open an account for a person named in the notice. The licensee must not open an account following receipt of the notice, and the person named can seek a review under the *Northern Territory Civil and Administrative Tribunal Act 2014*. This type of notice is likely to be provided all NT licensed sports bookmakers and betting exchange operators.

This power has been included to allow the Commission to help a person who refuses to accept they have a wagering related issue, and should not be wagering, and have not taken steps to self-exclude, from opening further accounts with other licensed operators.

This Commission may reach this determination through the person displaying red flag gambling behaviours or the person shows no understanding of how wagering works. It is likely that such a decision would be made following investigations of disputes lodged by the person, in which none fall in favour of the person, and they demonstrate little to no knowledge of how wagers are settled, the terms of a wager, etc. It would generally be used to prevent a person opening subsequent accounts with other licensees following the Commission's determination that the person should not be wagering.

Clause 212. Opening prohibited account

This clause establishes that it is an offence for a sports bookmaker or betting exchange licensee to open an account following the receipt of a notice issued, under Clause 211, from the Commission. This is a strict liability offence with a maximum penalty of 2,500 penalty units due to the serious nature of such a breach. There is a defence available but the defendant carries the burden of proof.

The first physical fault element is that the person is a sports bookmaker or betting exchange licensee (section 212(1)(a)).

The second physical fault element is that the person received a notice issued by the Commission under section 211, prohibiting the opening of an account for a specified person (section 212(1)(b)).

The third physical fault element is that the person opened an account for the person specified in the notice (section 212(1)(c)).

Clause 213. Power to close account

This clause establishes a power for the Commission to order a licensee to close the account of a person, either temporarily, or permanently. This power can be exercised on the Commission's own initiative or on application, and can be issued to a single or multiple, licensees. It is likely that if the person has one or more accounts, then a notice under this clause would be issued to each licensee holding an account, and a notice under Clause 211 would be issued to all other licensees to prevent the person opening further accounts.

A person who is the subject of the notice may seek a review under the *Northern Territory Civil and Administrative Tribunal Act 2014* within seven days of receiving notification. A licensee, on receiving the notification, must suspend the account and not close it if the person has sought a review under the *Northern Territory Civil and Administrative Tribunal Act 2014* until the matter has been heard and, if the notice is upheld, can then close the account.

The reason for this clause is similar to that in Clause 211, in that the person should be prevented from wagering because they display problem gambling behaviours or show a distinct lack of understanding on how wagering works, and have not taken steps to self-exclude. This power would likely be used in combination with the powers under Clause 211, especially where a decision is made to permanently close the account/s.

Division 3 Associated persons, arrangements and agreements

Clause 214. Direction to terminate association, arrangement or agreement

This clause establishes a power for the Commission to issue an order to a licensee to terminate an association, agreement or arrangement with another person regardless of whether said association, agreement or arrangement has been previously approved by the Commission. It is included so that the Commission may act when the other person has breached this Act, a condition of approval, or is considered no longer suitable to be an associate of the licensee, or in an arrangement or agreement with the licensee.

In considering taking a course of action, the Commission must consider if the other person is captured by the criteria contained in the clause.

Clause 215. Notice of proposed direction

This clause establishes that if the Commission wishes to exercise the power available under Clause 214, it must write to the licensee and the other person, advising them of its intention and invite submissions on the matter. Such submissions must be received within 14 days.

This clause has been included on the grounds of natural justice to allow the licensee and the other person to state their position on why the Commission should not issue an order for them to terminate their association, arrangement or agreement.

Clause 216. Issuing direction to terminate association, arrangement or agreement

This clause requires the Commission to consider any response generated by Clause 215 prior to deciding to issue the order to terminate an association, agreement or arrangement. If the Commission goes ahead and issues an order, a copy must be provided to the licensee and the other person. An order issued under this Division is not reviewable under the *Northern Territory Civil and Administrative Tribunal Act 2014*.

Clause 217. Compliance with direction

This clause requires that a licensee and person subject to an order issued under this Division has to terminate their association, agreement or arrangement, within 28 days of receiving the order, or a longer time period where granted by the Commission. Failure to terminate can result in a suspension of the licence until the association, agreement or arrangement is terminated, or for such other period determined by the Commission.

Division 5 Harm reduction**Clause 218. Prohibition orders**

This clause provides that a Local Court may issue an order to prevent a person from wagering, on the grounds that the person's wagering has impoverished or is likely to endanger the welfare of a person or persons.

This clause provides the Local Court can undertake any investigation necessary and issue a summons for the person to appear before it. An order may prohibit the person from entering licensed premises or a racecourse, and remains in place for a period determined by the Court. All hearings associated with this matter must not be open to the public.

It is not expected that this power will be exercised often, especially for digital wagering. It is a clause that reflects past days of standalone betting shops but could be exercised to prevent a person attending a racecourse and wagering with an oncourse bookmaker or through a totalisator.

Clause 219. Promotion of safer wagering

This clause allows the Director and Commission to undertake activities to promote safer wagering to selected audiences or the general public. The activities may range from publishing appropriate materials to holding public or private forums.

Part 8 Complaints, investigations, disciplinary action and hearings

This Part deals with the powers provided to the Commission to resolve complaints made against licensees and other persons regulated under this Act. It sets out the steps to resolve a complaint and what actions the Commission may take, including taking disciplinary action against the licensee or person. It provides for the Director and inspectors to undertake investigations, on behalf of the Commission, into the complaint, the holding of hearings by the Commission into a complaint or for disciplinary matters, and that certain decisions made by the Director and Commission may be reviewable under the *Northern Territory Civil and Administration Act 2014*.

Division 1 Complaints**Clause 220. Making complaints**

This clause establishes that a person may make a complaint to the Commission regarding a suspected breach of this Act, the regulations or a code of practice or rules established under this Act, or the licensee's handling of a wager. The clause sets out how the complaint must be lodged with the Commission.

Clause 221. Lodging complaints

This clause provides that a customer with a complaint regarding an on-course bookmaker must make it to the steward of the racecourse the on-course bookmaker is standing at. Any other complaint is to be lodged with the Commission and must be done so within 14 days of the event the complaint concerns.

This clause provides that the Commission may accept a complaint after the 14 day period if it determines that circumstances warrant it; however, cannot accept a complaint over an event that occurred more than 2 years prior.

Clause 222. Investigation of complaint to Commission

This clause establishes that the Director, on behalf of the Commission, is responsible for the investigation into a complaint lodged. The Director may refuse to investigate the complaint if the complaint falls under certain criteria. Where an investigation is to be carried out, submissions from the parties are invited and must be lodged within any timeframe specified by the Director. Investigations of wagering disputes are carried out by wagering inspectors.

The power for the Director to refuse to investigate a complaint has been included to ensure resources are not wasted on a complaint (involving a wager generally) that has no chance of success due to, generally, the customer having little understanding of how a contingency was settled or where the customer did not read the licensee's terms and conditions of the wager.

Clause 223. Action after investigation

This clause establishes the required actions of the Director following an investigation into a complaint. The Director must prepare a report for the Commission. A report to the Commission is to summarise the findings of the investigation and include all evidence submitted by the parties and any discovered by the inspector carrying out the investigation. The report must include any recommendations in relation to the investigation, such as further examination of the licensee's actions, as well as a proposed resolution of the complaint.

Clause 224. Action by Commission in relation to complaints

This clause establishes the actions of the Commission following the receipt of a report into an investigation of a complaint, by the Director. This clause provides that the Commission may take a range of actions, including taking no action, issuing a direction, reprimand, declaration that a wager is void/valid, entering an enforceable undertaking or taking disciplinary action against the licensee. These actions may be done on the strength of the report and accompanying papers; however, the Commission also has the power to hold a hearing to resolve the dispute. Unless a hearing is to be held, the Commission is required to give each party a decision notice.

While the Director is responsible for investigating a wagering complaint, the Commission has the final say on the resolution of it. Depending upon the nature of the complaint, resolution may be settled by a delegate of the Commission.

Division 2 Other investigations

Clause 225. Director's investigation

This clause establishes that the Director, on behalf of the Commission, may carry out an investigation of a licensee or person regulated under this Act with regards to a possible breach or offence committed, and compile a report for the Commission's consideration.

Clause 226. Action by Commission in relation to investigation

This clause establishes what actions the Commission may take after receiving a report in connection to an investigation carried out under Clause 225. The clause requires the Commission to issue a decision notice to the parties involved.

Division 3 Disciplinary action

Clause 227. Grounds for disciplinary action

This clause establishes the reasons that disciplinary action may be taken against a licensee or racing club, and that such action may be taken at anytime after the events that constitute grounds for taking the action.

Clause 228. Disciplinary action

This clause establishes the type of disciplinary action the Commission may take against a licensee or racing club. Actions range from issuing a reprimand, to suspending or cancelling a licence or registration. The Commission may establish conditions in relation to the action.

Clause 229. Monetary penalties

This clause relates to the issuing of monetary penalties under this Act. It provides that the maximum amount the Commission can issue, is 1,000 penalty units. Where an offence provides for a higher monetary penalty, legal action will be required to be undertaken.

Any fine issued by the Commission is a debt due to the Territory and must be paid within 28 days, or longer where granted by the Commission.

Monetary penalties are the primary penalty used in the wagering industry, mainly due to the impact a licence suspension would have on a wagering business.

Clause 230. Limit on monetary penalty

This clause provides that a monetary penalty cannot be issued if an infringement notice has been given for the offence in question, or prosecution action is being undertaken. This falls away if the notice or prosecution is withdrawn.

Division 4 Hearings

Clause 231. Commission hearings

This clause establishes that the Commission may hold a hearing to resolve a complaint or where there are grounds for taking disciplinary action against a licensee or other person regulated under this Act, and that two or more related matters may be jointly heard.

Clause 232. Notice of hearing

This clause establishes that the Commission must provide notification to the parties regarding the hearing, and must provide details of when and where. The hearing cannot be held within ten days of this notification unless urgent circumstances justify it.

Clause 233. Participation at hearing

This clause establishes that each party to the hearing has a right to participate and be legally represented. A party may be represented at the hearing by a legal practitioner or have the support of another person, but that other person cannot represent them. The hearing is designed for each party to provide their side to the matter along with any appropriate evidence.

Clause 234. Power to issue summons

This clause establishes that the Commission has the power to issue a summons to a person to appear before it at a hearing. The summons must state the time and place, and what is expected of the person, e.g. present evidence or provide material pertinent to the subject of the hearing.

Clause 235. Power to deal with contempt

This clause grants the power to the Commission to order a person to leave a hearing if that person is displaying contempt (Clause 5). The hearing may continue in the person's absence.

Clause 236. Conduct of hearing

This clause establishes the manner under which the Commission may conduct a hearing, including that it must comply with the rules of natural justice, and act as quickly as possible, allowing for appropriate consideration of the matter before it. A hearing is not open to the public, unless the Commission decides otherwise.

Clause 237. Record of hearing

This clause establishes that the Commission must keep a record of the evidence given and submission made at a hearing but is not required to keep a transcript.

Clause 238. Decision

This clause establishes the actions required by the Commission, following the hearing of a disciplinary matter. A decision notice must be provided to the parties, and a decision can be reviewed under the *Northern Territory Civil and Administrative Tribunal Act 2014*, including the person who laid a complaint. The Commission must publish a notice of the action taken against a licensee.

Division 5 Review by NTCAT

Clause 239. Review by NTCAT

This clause establishes that certain decisions made by the Commission or Director may be reviewed under the *Northern Territory Civil and Administrative Tribunal Act 2014*. The decisions able to be reviewed are provided by the clause and include, *inter alia*, decisions relating to licence applications, disciplinary action and wagering disputes. An application for a review must be made within 14 days of the party receiving the decision notice.

A qualifying criterion for reviews of decisions on complaints involving wagers has been included (prescribed by regulation) to prevent anyone not happy with a decision of the Commission to seek a review, especially customers. In acknowledging the resources required by the Tribunal in undertaking a review of the decision, it was felt that it was appropriate for a criterion to be included because, '*punters being punters*' would likely see any negative decision by the Commission reviewed.

The qualifying criteria has been included in the regulations to allow for easier amendment should it prove necessary.

Clause 240. Grounds of review

This clause provides the grounds for a review under the *Northern Territory Civil and Administrative Tribunal Act 2014* and reflects the operation of similar NT tribunals, e.g. reviews undertaken by the Agents Licensing Board under the *Agents Licensing Act 1979*. This clause has been included to prevent vexatious submissions for a review simply because the person did not agree with the decision made.

Clause 241. Stay of operations of decision

This clause provides power to the tribunal established under the *Northern Territory Civil and Administrative Tribunal Act 2014* to grant a stay of a decision that it is to review. The tribunal may decide how long the stay is granted for as well as any conditions that apply. This clause also contains a list of decisions that are automatically stayed if a review is to be carried out.

Part 9 Regulatory compliance

This Part deals with matters relating to regulatory compliance by licensees, and includes a range of powers available to an inspector to be able to ensure compliance is carried out. This Part captures inspections of premises, seizures of things found during an inspection, the ability of the Commission to immediately suspend a licence that has been issued under this Act, as well as the entering into enforceable undertaking for alleged contraventions against this Act.

This Part also covers offences related to inspectors and compliance, and provides other powers to ensure compliance of this Act

Division 1 Inspections

Clause 242. Entry and inspections by inspector

This clause establishes a power for a wagering inspector to enter and inspect any premises related to the operation of the business of the licensee, whether that is in the NT or not. This clause lists the reasons as to why an inspector may enter the premises. It is a condition of licence that inspections can be carried out of any and all premises the licensee uses or operates.

The reason for including premises outside of the NT is to acknowledge that many of the NT licensed sports bookmaker and betting exchange operations have premises interstate that are part of the business, e.g. data centres, head office etc, and it is important that these premises can be entered and inspected under the same conditions as a premise in the Territory.

Clause 243. Residential premises

This clause establishes that, despite the powers granted to an inspector under Clause 250, an inspector cannot enter or inspect residential premises, except under the circumstances listed in this Act. In wishing to access premises that are or appear to be residential, the inspector must show their identification, provide a reason as to why entry is necessary and let the occupier know they can refuse the inspector entry.

Clause 244. Powers of inspector

This clause outlines the actions a wagering inspector may exercise, including during an inspection. It is drafted to allow the inspector to seek from a licensee, or other person, information, document or thing that may be pertinent to an investigation, and makes it clear that the powers are able to be used even when an inspection is not being conducted. During an inspection, a licensee, or any other person present, must comply with any reasonable request made by the inspector in undertaking the inspection. This clause also provides that the inspector may exercise as much force as considered necessary to undertake the inspection.

Clause 245. Assistance

This clause provides that an inspector may take a person to assist them in undertaking an inspection. If requested, the person must provide anyone who asks, their name and their role in the inspection.

The reason for this clause is to allow the inspector to bring a person who may be an expertise in a field not related to the inspector's responsibilities, e.g. a technician to assist in inspecting data centres or the hardware of a wagering control system.

Clause 246. Personal electronic devices

This clause establishes that there is no power under this Act for an inspector to seize a personal electronic device, or require a person to provide information or answer questions about said device, unless the inspector has obtained a search warrant.

Division 2 Seizures

Clause 247. Power to seize evidence

This clause establishes that an inspector may seize an item from a place being inspected, where the inspector believes the item is evidence of an offence against this Act or to prevent the item being destroyed or lost or continue to be used to create offences against this Act. This clause also provides any item listed in a search warrant can be seized.

Clause 248. Receipt for seized things

This clause provides that a receipt must be provided for any item that is seized under Clause 247. This clause lists the details that must be included on the receipt, and that it may be left in there if no one is present to accept it. This clause also provides that a receipt may not be given if it is not practicable or the condition, value or nature of the item seized makes it unreasonable to do so.

Clause 249. Powers related to seizures

This clause establishes an inspector's powers in relation to seizures, including requiring a person to take a specific action. Such an action must be in written form, and the person is required to comply.

Clause 250. Offences related to seized things

This clause sets out three offences in relation to a seized item. The first offence relates to a person failing to comply with an instruction from an inspector in relation to a seized item; this is one of strict liability and has a maximum penalty of 100 penalty units or six months imprisonment.

The first physical fault element is that the person is in control of a seized thing (section 250(1)(a)).

The second physical fault element is that the person is required by an inspector to do something under section 249(1)(d) (section 250(1)(b)).

The third physical fault element is that the person fails to comply with the inspector's requirements (section 250(1)(c)).

The second offence relates to a person interfering with a seized item. Strict liability applies to the first and third physical fault elements, and there is a maximum penalty of 100 penalty units or six months imprisonment.

The first physical fault element, to which strict liability applies, is that the inspector restricts access to a seized thing (section 250(3)(a)).

The second physical fault element has two subsections and is when the person intentionally tampers or interferes with (under subsection one) the thing (section 250(3)(b)(i)) or is when the person intentionally tampers or interferes with (under subsection two) something restricting access to the thing (section 250(3)(b)(ii)).

The third physical fault element, to which strict liability applies, is that the person does not have the inspector's approval to engage in that conduct (section 250(3)(c)).

The third offence relates to a person interfering or tampering with a seized item or obstructing an analysis of the item. Strict liability applies to the second fault element, and there is a maximum penalty of 100 penalty units or six months imprisonment.

The first physical fault element is if the person intentionally tampers or interferes with a thing (section 250(5)(a)).

The second physical fault element, to which strict liability applies, is that the conduct obstructs and analysis of the thing under this Act (section 250(5)(b)).

Clause 251. Analysis

This clause provides a power to the Director to undertake an analysis of a thing taken by an inspector under this Part. It requires that the Director obtains a certificate of the result following the analysis, that that a person must not interfere or obstruct the analysis of a thing.

Clause 252. Return of seized things

This clause requires the Director to return a seized thing when requested to do so unless the matters contained in this clause are evident. If the Director decides not to return a seized thing, a decision notice must be provided to the person allowing them to seek a review under Clause 239.

Clause 253. Forfeiture of seized things

This clause provides that a seized thing is forfeited to the Territory if any of the conditions contained in this clause are apparent. Where the forfeiture is based upon the Director having reasonable grounds that the forfeiture is necessary as the seized thing may be used to commit an offence against this Act, a decision notice must be provided to the person who made the request for the seized thing back.

Clause 254. Access to seized things

This clause provides that a person may seek to access a seized thing, and that the Director may grant permission if the Director feels it is not impracticable or unreasonable to do so.

Division 3 Immediate suspension of licence

Clause 255. Direction for immediate suspension

This clause provides the Commission with the power to immediately suspend a licence that has been issued under this Act. The Commission may do so where it believes that there is a significant risk to the public interest. A direction is to be provided to the licensee, and is reviewable under Clause 239. The licence remains suspended during any period that the licensee seeks a review unless the powers granted to the NTCAT under Clause 241 are exercised.

Division 4 Enforceable undertakings

Clause 256. Enforceable undertaking

This clause provides that the Commission may enter into an enforceable undertaking with a person where the person is alleged to have contravened the Act. The Commission may include terms and conditions on the undertaking, including time limits. The undertaking may be initiated by the person, or the Commission.

Clause 257. Acceptance of undertaking

This clause provides that an undertaking may be accepted by the Commission after the prosecution for an alleged offence has commenced. The clause sets out the criteria under which an undertaking must be considered, and requires there must be benefits to the racing or wagering industry and the community of doing so. A decision by the Commission not to accept an offer of an undertaking by a person is not reviewable under Clause 239.

Clause 258. Effect on prosecution and disciplinary action

This clause provides that once an undertaking is in effect or has been completed, no prosecution or disciplinary action may be commenced against the person, and any that have commenced must be stopped as soon as possible. Further, the entering of an undertaking is not an admission of guilt by the person. Prosecution or disciplinary action may be recommenced if a person fails to comply with the undertaking.

Clause 259. Undertaking is enforceable

This clause identifies when an undertaking takes effect.

Clause 260. Variation or withdrawal of undertaking

This clause provides that a person may vary or withdraw from an undertaking, provided approval is granted by the Commission. Further, an undertaking must not be varied to capture an alternative contravention.

Clause 261. Order regarding contravention of undertaking

This clause provides a power to the Commission to seek a Local Court order against a person who contravenes an undertaking. The clause outlines the orders the Court may consider, and nothing in this clause prevents the prosecution of the alleged contravention or offence.

Clause 262. Publication of undertaking

This clause requires that the Commission publish any undertaking it enters into.

Division 5 Other powers**Clause 263. Conduct inquiries**

This clause provides that the Director may, on behalf of the Commission, carry out inquiries or investigations that are necessary to allow for the execution of the powers and functions of the Director and Commission. This ties in with the premise that the Commission will focus its efforts on determining matters brought before it following the Director carrying out an investigation or inquiry.

Clause 264. Other powers to detect non-compliance

This clause provides that an inspector may purchase a product or service from a licensee that is contrary to the licensee's licence for the purpose of investigating non-compliance with this Act. Basically, it allows the inspector to act as a normal customer and seek to purchase something that the licensee should not be selling or providing as it is contrary to this Act or the conditions of the licensee's licence.

In undertaking this action, the inspector does not need to identify that they are an inspector, but also cannot do anything to encourage the licensee to provide the product or service. Evidence obtained is not admissible in a criminal prosecution but may be used by the Commission in determining whether to issue an immediate suspension of the licence (under Clause 255) or to locate other evidence which may be used in a criminal proceeding.

Clause 265. Power to require information

This clause allows the Director or Commission to issue a written notice to a person, requiring them to give information, a document or a thing where that information, a document or a thing (e.g. CCTV footage or the like) is relevant to a possible contravention of this Act, or will assist the Director or Commission with compliance of this Act. The clause outlines the contents of such a notice and that the receiving person must comply with it.

Clause 266. Offence of failing to give information

This clause establishes an offence for a person who fails to comply with a notice given under Clause 265. It is a strict liability offence with a maximum penalty of 35 penalty units. A defence provision is included.

The first physical fault element is that the person is given a notice under section 265 (section 266(1)(a)).

The second fault element is that the person has or is capable of giving the document, information or thing required by the notice (section 266(1)(b)).

The third physical fault element is that the person fails to comply with the requirement of the notice (section 266(1)(c)).

Clause 267. Authority to prosecute

This clause provides that the Commission may request that the Director begin prosecution action for an offence against this Act. As an example, this may be a case where the Commission feels a monetary fine in excess of what they can issue (1,000 penalty units) is warranted.

Division 6 Offences related to compliance**Clause 268. Offence of licensee failing to comply with Commission's direction**

This clause creates an offence for a licensee who fails to comply with a request issued by the Commission. This is a strict liability offence with a maximum penalty of 50 penalty units or imprisonment for six months. A defence provision is provided and the defendant has the burden of proof.

The first physical fault element is that the person is a licensee or an agent or employee of the licensee (section 268(1)(a)).

The second physical fault element is that the person is given a direction by the Commission under section 50(1), 168(1), 213(1), 214(1), 224(2)(b), 226(2)(b) or 255(1) (section 268(1)(b)).

The third physical fault element is that the person fails to take all reasonable steps to ensure that the direction is complied with (section 268(1)(c)).

This clause also provides that the inspector may seek an investigation under Clause 225 if the licensee fails to comply with a direction issued by the inspector.

Clause 269. Offence to fail to comply with reasonable direction

This clause creates an offence if a person does not comply with a request made by an inspector under Clause 244. This is a strict liability offence with a maximum penalty of 50 penalty units.

The physical fault element is that the person failed to comply with a reasonable direction given to the person by an inspector under section 244(1)(e), (f), (g) or (h) (section 269(1)).

This clause also provides that a prosecution must not be commenced unless the person given the direction was not advised that failure to comply with it is an offence, and the person was not given the opportunity to comply.

Clause 270. Providing false information to inspector

This clause creates an offence for a person to intentionally provide false information to an inspector when the inspector is acting in their official capacity. This is a strict liability offence, with a maximum penalty of 50 penalty units or imprisonment for six months. A definition of '*acting in an official capacity*' is provided under this clause.

The first physical fault element is that the person intentionally gives information to another person (section 270(1)(a)).

The second physical fault element is that the other person is an inspector (section 270(1)(b)).

The third physical fault element is that the information is false in a material particular and the person is reckless in relation to that circumstance (section 270(1)(c)).

The fourth physical fault element is that the inspector is acting in an official capacity and the person has knowledge of that circumstance (section 270(1)(d)).

Clause 271. Obstruction of inspector

This clause provides that it is an offence for a person to obstruct or hinder an inspector when they are executing their powers or functions under this Act, and the person knows the inspector is undertaking a power or function provided by this Act. It is a strict liability offence with a maximum penalty of 50 penalty units. A definition of '*acting in an official capacity*' has been included.

The first physical fault element is that the person intentionally obstructs another person (section 271(1)(a)).

The second physical fault element is that the other person is an inspector (section 271(1)(b)).

The third physical fault element is that the inspector is acting in an official capacity and the person has knowledge of that circumstance (section 271(1)(c)).

Part 10 Other offences

This Part deals with matters relating to offences relating to information required and used under this Act, children and wagering, contempt for the Commission or Racing Appeals Tribunal, and failure to comply with a summons.

Division 1 Offences related to information

Clause 272. Offence to disclose confidential information

This clause creates an offence for a person to intentionally disclose confidential information that the person has come across while exercising a power or performing a function under this Act. Subsection (3) of this clause provides a list of other persons/entities that, if the information is disclosed to them, the person is not guilty of committing this offence. Strict liability applies to the first physical fault element of the offence (there are five) and the maximum penalty is 200 penalty units or imprisonment for two years. A defence provision is included.

The first physical fault element, to which strict liability applies, is that the person obtains information in the course of performing a function connected with the administration of this Act or exercising a power under this Act (section 272(1)(a)).

The second physical fault element is that the information is confidential and the person is reckless in relation to that circumstance (section 272(1)(b)).

The third physical fault element is that the person intentionally engages in conduct (section 272(1)(c)).

The fourth physical fault element is that the conduct results in the disclosure of the information and the disclosure is not authorised under subsection (3) (section 272(1)(d)).

The fifth physical fault element is that the person is reckless in relation to the result and circumstance referred to in paragraph (d) (section 272(1)(e)).

Clause 273. Misleading information

This clause creates an offence for a person to intentionally provide a document or information to the Director, the Commission or an inspector, that they know is misleading. There are four fault elements, and strict liability applies to the second element. The maximum penalty is 200 penalty units, and there is a defence provided where the misleading information is drawn to the attention of the Director, the Commission, or the inspector, or the person giving the document or information, provides further information to correct the misleading information or document. A definition of '*acting in an official capacity*', has also been included.

The first physical fault element is that the person intentionally gives a document or other information to another person (section 273(1)(a)).

The second physical fault element, for which strict liability applies, is that the other person is the Director, the Commission, an inspector (section 273(1)(b)).

The third physical fault element is that the document or information is misleading and the person has knowledge of that circumstance (section 273(1)(c)).

The fourth physical fault element is that (d) the Director, Commission, inspector or a police officer is acting in an official capacity and the person has knowledge of that circumstance (section 273(1)(d)).

Clause 274. Falsely representing to be an inspector

This clause establishes that it is an offence for a person to knowingly represent themselves as an inspector, through words or conduct, when they are not an inspector. The maximum penalty is 50 penalty units.

The first physical fault element is the person intentionally represents, by words or conduct, that the person or another person is an inspector (section 274(a)).

The second physical fault element is that the person knows the representation is false (section 274(b)).

Clause 275. Offences about misrepresentation of identity

This clause establishes three separate offences related to a person misrepresenting their identity in order to make a wager. These offences have been created to hopefully dissuade persons from attempting to circumvent exclusions placed on them (whether by themselves or the licensee or Commission). Each offence carries a maximum penalty of 100 penalty units.

The first offence relates to a person intentionally making a wager and misrepresenting their identification to do so. As an example, this may be where a person has provided a false name when making a wager.

The first physical fault element is that the person intentionally makes a wager (section 275(2)(a)).

The second physical fault element is that the person intentionally misrepresents the person's identity to a licensee or the licensee's employee at the time of purchase (section 275(2)(b)).

The second offence relates to a person providing a document or information to when making a wager, where that document or information could be construed as identification, and the document or information is false regarding the person's identity or belongs to another person. This offence relates to a person providing false information when placing a wager, or pretending they are a different person by offering up someone else's identity documents. Once again, this is a tactic that a self excluded person may attempt in an effort to place a wager.

The first physical fault element is that the person intentionally presents a document or information to make a wager (s275(3)(a)).

The second physical fault element is that the document or information could reasonably be taken to be a form of identification of the person and the person has knowledge of that circumstance (section 275(3)(b)).

The third physical fault element is the document or information is fictitious or false in respect of the person's identity or relates to another person's identity and the person has knowledge of that circumstance (section 275(3)(c)).

The third offence relates to a person providing their identification to another person, and that other person using the identification to make a wager contrary to this Act.

The first physical fault element is that the person intentionally provides a form of the person's identification to another person (section 275(4)(a)).

The second physical fault element, for which strict liability applies, is that the other person uses the identification to misrepresent the other person's identity to make a wager contrary to this Act (section 275(4)(b)).

The third physical fault element is that the person is reckless in relation to the circumstance in paragraph (b) (section 275(4)(c)).

Division 2 Offences related to children

Clause 276. Prohibitions relating to children

This clause provides that children are prohibited from wagering under this Act, as well as being employed by a holder of a licence issued under this Act. Despite this, a licensee may seek approval from the Commission to employ a child to undergo employment training.

Clause 277. Wagering with children

This clause establishes that it is an offence for a licensee to intentionally accept a wager from a child. It is a strict liability offence, with a maximum penalty of 2,500 penalty units but does provide a defence for which the defendant has the evidential burden.

The first physical fault element is that the person is a wagering licensee (section 277(1)(a)).

The second physical fault element is that the person intentionally conducts wagering with another person (section 277(1)(b)).

The third physical fault element is that the other person is a child (section 277(1)(c)(i)) or is acting on behalf of a third person who is a child (section 277(1)(c)(ii)).

Clause 278. Employing children

This clause establishes that it is an offence for a wagering licensee to employ a child in the business operated under the licence, except if the approval of the Commission is granted. It is a strict liability offence, with a defence provided (where the defendant has the legal burden of proof), and has a maximum penalty of 250 penalty units.

The first physical fault element is that the person is a wagering licensee (section 278(1)(a)).

The second physical fault element is that the person employs a child in the operations under a licence (section 278(1)(b)).

The third physical fault element is that the person does not have permission from the Commission under subsection 276(3) (section 278(1)(c)).

Clause 279. Child's misrepresentation of age

This clause establishes that it is an offence for a person to supply identification to a child to allow that child to make a wager. The maximum penalty is 50 penalty units. The offence is against the person providing the identification, not the child.

The first physical fault element is that the person intentionally provides a form of the person's identification to a child (section 279(a)).

The second physical fault element is that the child intends to use the identification to misrepresent the child's identity or age to make a wager (section 279(b)).

The third physical fault element is that the person is reckless in relation to the circumstance in paragraph (b) (section 279(c)).

Division 3 Offences related to proceedings

Clause 280. Contempt

This clause creates an offence for a person to show contempt to the Commission, the Racing Appeals Tribunal, including the Secretary of the Tribunal or a panel of the Tribunal. The maximum penalty is 100 penalty units. What constitutes contempt is outlined in Clause 5.

The first physical fault element is that the person intentionally engages in conduct (section 280(a)).

The second physical fault element is that the conduct constitutes contempt of the Commission, the Tribunal or a panel of the Tribunal and the person is reckless in relation to that circumstance (section 280(b)).

Clause 281. Failure to comply with summons

This clause creates an offence for a person to fail to comply with a summons that is issued under this Act. It is a strict liability offence, has a defence provision (for which the defendant bears the evidential burden), and has a maximum penalty of 50 units.

The first physical fault element is that the person is given a summons under this Act (section 281(1)(a)).

The second physical fault element is that the person fails to comply with the summons (section 281(1)(b)).

Part 11 Criminal responsibility and evidence

This Part deals with matters relating to criminal responsibility under this Act, evidence that may be used to prove alleged offences, and other related matters such as self-incrimination and time limitations.

Division 1 Criminal responsibility

Clause 282. Criminal responsibility of individual for employee or agent

This clause provides that a physical element of an offence attributed to the employee or agent of an individual must be also attributed to the individual if the employee or agent was acting in accordance with their employment or their authority. If intention, knowledge or recklessness is a fault element, this also is attributable to the individual if the individual expressly, tacitly or impliedly authorised or permitted the commission of the offence.

Clause 283. Criminal responsibility of executive officer of body corporate

This clause establishes that an executive officer of a body corporate is responsible for an offence against this Act committed by the body corporate. There is a defence provision included but the defendant carries the burden of proof. The clause outlines a number of things that a court may consider in deciding if the defendant took reasonable steps to prevent the offending. This clause does not effect the liability of the body corporate. A definition of '*executive officer*' is included.

Clause 284. Multiple contraventions

This clause provides that where two or more contraventions of this Act arise out of the same set of circumstances, it may be dealt with as one offence, or separate offences.

Clause 285. Continuing offences

This clause provides that a court which finds a person guilty of an offence against this Act may levy a penalty of 10% (or less) of the maximum monetary amount of the offence against the person, where the person continues to commit the offence they were found guilty of. The penalty levied is for each day the offence continues.

Division 2 Evidence

Clause 286. Hearsay evidence

This clause establishes that something heard by an inspector while executing a search is admissible in evidence in a prosecution for an offence against this Act, where made in a statement. This clause sets out the weight that may be applied to the statement of the police officer.

Clause 287. Averments in complaints

This clause sets out that an averment made in a complaint or information as evidence of the fact that a person was or was not a licensee, a licence was or was not subject to a condition, premises were or were not licensed, or that a specified transaction was or was not a wager.

Clause 288. Evidentiary certificate

This clause provides that a certificate signed by the Director or the Chair of the Commission is evidence that the person referenced in the certificate was or was not, as the case may be, a licensee under this Act at the time specified in the certificate.

Clause 289. Possession of acknowledgement of wager

This clause provides that anything that may reasonably be taken as acknowledgement of a wager is evidence that the wager exists, and that acknowledgement means the holder is entitled to payment of money upon the occurrence or performance of a contingency. Further, the holder of the acknowledgement is presumed to be the person in possession of the acknowledgement. The clause provides that the acknowledgement does not have to relate to any particular contingency.

Clause 290. Evidence that place used for wagering contrary to Act

This clause provides that a place is considered to be being used for unlawful wagering if an inspector is prevented, obstructed or delayed by a person in getting into that place, and the place was fitted with something such as an alarm that provides a warning that someone is entering, or something that would conceal or destroy any evidence that unlawful wagering was taking place.

Clause 291. Notices at place

This clause provides that where a document contains a notice relating to wagering, and was displayed at a place, it is evidence that it was displayed with the approval of the owner or occupier of the place.

Clause 292. Person present at place of wagering

This clause provides that where there is evidence that a person was at a place where unlawful wagering was occurring, it is evidence that the person was there to partake in unlawful wagering, or was a party to the organisation or management of unlawful wagering, or was using something connected to unlawful wagering.

Clause 293. Evidence of wagering contrary to Act

This clause sets out things or actions that are evidence that a person was engaged in unlawful wagering. It includes where a person was offering or negotiating odds, or provided a document indicating where a wager, or with whom, it could be made. If the document is found at a place, it is considered evidence that the owner and occupier are allowing the place to be used for wagering, and are conducting wagering in the place and that any person found at the place is engaged in wagering. This evidence is not required to have occurred in front of a police officer or inspector.

Clause 294. Evidence of receipt of money

This clause provides that any evidence offered in a proceeding against this Act that a person received money for the purpose alleged is evidence that the money was asked for or solicited by the person, and was received by the person for fee, commission, reward, share or interest.

Clause 295. Procuring wagers

This clause provides what is considered evidence that a person is taking part in the managing of unlawful wagering occurring at a place. It includes that a person knowingly took part in getting people to the place to undertake the wagering, and they gave out tokens, or credits or cheques used for wagering, both receiving and settling wagers, and that the person supervised unlawful wagering.

Clause 296. Evidence of giving, receiving or paying money or other valuable thing

This clause provides that the giving, receiving or paying money or other valuable thing is evidence of the commission of an offence against this Act by a defendant if the court is satisfied that the defendant, or a person on behalf of the defendant, received the money or valuable thing and there are suspicions that this Act has been contravened due to the circumstances of the payment or receipt of the money or valuable thing.

Division 3 Related matters

Clause 297. Client legal privilege

This clause provides that a person does not have to provide a document or information if that document or information is subject to client legal privilege.

Clause 298. Self incrimination

This clause provides that a person cannot hide behind the fact that the person providing a response, document or information under this Act would incriminate themselves and be penalised, as a reason for not providing that response, document or information but, if they do, it is not admissible as evidence against the person in a civil or criminal proceeding, except where the proceeding relates to an offence in which the inaccuracy or deceptive nature of the response, document or information is relevant.

Clause 299. Protection from liability

This clause provides that a member of employee of the Commission, the Director, an inspector or a member of the racing Appeals Tribunal is not civilly liable for something they did, or failed to do, when they are acting in good faith while carrying out their responsibilities under this Act. Despite an individual not being liable under this clause, it does not prevent the Territory or the Commission or Tribunal as a whole from being liable for what the individual did, or failed to do.

Clause 300. Limitation periods

This clause establishes that a prosecution of an offence may not be brought against a person if two or more years have passed since the conduct at the centre of the alleged offence occurred.

Clause 301. Protection of witnesses

This clause provides certain powers to a court in protecting a witness with regards to an offence committed against this Act. The powers available include conducting all or part of a proceeding in a closed court, excluding a person from being present for a part or whole of a proceeding, restricting information or preventing access to certain parts of the proceeding, or related documents.

Part 12 Other matters

This Part deals with the documents prepared for this Act, the Regulation making powers and legislative review.

Division 1 Miscellaneous matters**Clause 302. Codes, guidelines and rules not required to be numbered**

This clause establishes that a number of documents prepared under this Act, which are used for the regulation of the racing and wagering industries, do not need to be numbered under section 57 of the *Interpretation Act 1978*. This clause has been included to allow for the efficient amendment of documents, such as codes of practices, without the need for legal drafting or gazetting. It allows the Director and Commission to act quickly and respond to any issues or changes in national legislation that may occur or apply to either industry.

Division 2 Regulation-making power**Clause 303. Regulations**

This clause provides that the Administrator may make regulations under this Act. Regulations may be made regarding the powers and duties of the Director, Commission or an inspector, a number of

matters dealing with licences issued under this Act, advertising, disputes and racecourses, and fees, taxes and levies.

The regulations may also prescribe a fee for an offence and provide for infringement notices and payment of a prescribed amount instead of a penalty that may otherwise be imposed.

Division 3 Review of Act

Clause 304. Review of Act

This clause provides that the Act must be reviewed by the Minister within 3 years of commencement to determine if the policy objectives of the Act remain valid and the terms of the Act remain appropriate to secure the objectives. A report on the outcome of the review is to be tabled in the Legislative Assembly within 12 months after the review is completed.

Part 13 Repeal and transitional matters for the Racing and Wagering Act 2024

This Part provides for repeals of legislation and transitional matters

Division 1 Repeals

Clause 305. Acts repealed

This clause provides that Acts specified in the Schedule are repealed. This includes the *Racing and Betting Act 1983* and the *Unlawful Betting Act 1989*, with the *Racing and Betting Act 1983* being replaced by this Act, and identified provision of the *Unlawful Betting Act 1989* being captured in this Act.

Division 2 Transitional matters

Clause 306. Definitions

This clause identifies definition pertinent to the transitional matters captured under this Division.

Clause 307. Licences

This clause provides that a licence issued under the repealed Act continues under this Act, and is subject to the conditions established on the licence, except where that licence condition would conflict with this Act.

Further, any licence that is due to expire on 30 June 2024 is deemed to continue for a further 10 days despite the expiry of its term. This clause has been included to allow for processing of certain licence types that all have the same expiry date.

This clause references the licence issued under the repealed Act that is held by the holder of a licence issued under the Totalisator Licensing and Regulation Act 2000, in as much as the licence continues to be subject to the powers and functions of the Director of Totalisator Licensing and Regulation. This clause has been included to allow UBET NT to continue to operate their sports bookmaker licence under the new act, in the same manner as the repealed Act.

Clause 308. Annual fee

This clause provides that the holder of a betting exchange or sports bookmaker licence must pay an annual fee applicable to the licence within 30 days if the fee has not already been paid.

Clause 309. Applications

This clause provides that an application for a licence, which was lodged with the Commission prior to the repealing of the *Racing and Betting Act 1983*, must be determined in accordance with that Act, and not this Act.

Clause 310. Racing Commission

This clause provides that the Racing Commission under the repealed Act continues as the Racing and Wagering Commission after commencement and that a member of the Commission under the *Racing and Betting Act 1983* continues to hold office under this Act, under the same terms and conditions of their appointment. A person who is the Chair of the Commission may continue to hold that position for a period of six months following commencement, after which they will be required to comply with the requirements of section 19(2). In other words, the current Chair may continue to hold that position until the need for the Chair and Deputy Chair to be admitted to the legal profession for at least five years, for a period of six months.

Further, matters already under consideration and yet to be determined by the Commission are to be determined under the repealed Act.

Clause 311. Racing Appeals Tribunal

Similar to Clause 311, this clause provides that the Racing Appeals Tribunal under the repealed Act, continues as the Northern Territory Racing Appeals Tribunal following commencement and that members holding office prior to the commencement of this Act continue to hold office under the same terms and conditions of their appointment under this Act. Further, matters already under consideration and yet to be determined by the Tribunal are to be determined under the repealed act.

Clause 312. Inspectors

This clause provides that an inspector appointed under the *Racing and Betting Act 1983* before the commencement of this Act is taken to be appointed under this Act in accordance with any terms and conditions that apply to their appointment. An identity card issued under the repealed Act, is taken to be one issued under this Act.

Clause 313. Codes of practice

This clause establishes that a code of practice established under s148A of the *Racing and Betting Act 1983* and in place immediately before the start of this Act continues to comply after commencement as if it had been established under Clause 13 of this Act.

Clause 314. Novelty event guidelines

This clause provides that any Commission established novelty guidelines under the *Racing and Betting Act 1983*, immediately before the commencement of this Act are to apply as if they were rules established under Clause 166.

Clause 315. Appeals

This clause provides that an appeal against a Commission decision that has commenced in the Local Court at the time this Act commences is to be determined under the *Racing and Betting Act 1983*, as if that Act had not been repealed.

This clause also provides that if a person, immediately before commencement of this Act, had a right to appeal a Commission decision under the *Racing and Betting Act 1983*, that person may appeal, under this Act, to the NTCAT, following the commencement of this Act.

Clause 316. Wagering control system

This clause provides that a wagering control system, which was required immediately before the commencement of this Act, as a condition of a licence under the *Racing and Betting Act 1983*, is taken to be approved by the Director under Clause 163.

Clause 317. Transitional regulations

This clause provides that a regulation may provide for a matter of a transitional nature because of the enactment of this Act or otherwise to allow and facilitate transition from the operation of the *Racing and Betting Act 1983* to this Act. Any retrospective operation cannot apply earlier than the day of commencement of this Act and it must not operate to disadvantage a person by decreasing rights or imposing liabilities. This section and any regulation made under it expires 1 year after commencement.

Part 14 Consequential amendments

This Part contains 13 Divisions and contains consequential amendments to 13 pieces of legislation arising as a result of references or interaction with the *Racing and Betting Act 1983*.

Division 1 Associations Act 2003**Clause 318. Act amended**

This is a standard clause which provides that this Division amends the *Associations Act 2003*.

Clause 319. Section 6 amended (Secrecy)

This clause omits reference to the Racing Commission and the *Racing and Betting Act 1983*, and inserts reference to the *Racing and Wagering Act 2024*, the Director of Racing and Wagering, and another person as required in the in section 6(3)(vii) of the *Associations Act 2003*.

Division 2 Criminal Code 1983**Clause 320. Act amended**

This is a standard clause which provides that this Division amends the *Criminal Code 1983*.

Clause 321. Section 1 amended (Definitions)

This clause amends the definitions section to update the terminology in relation to the changes required following the commencement of this Act.

Clause 322. Part VII, Division 5A replaced

This clause repeals Part VII, Division 5A of the Criminal Code, and inserts a new Part VII, Division 5A. This new part essentially removes references to the term 'bet' and 'betting' and replaces them with 'wager' and 'wagering', as well as including that a 'contingency' (a specific event or condition that occurs for the wager to be successful) may be captured under this Part.

This Part deals with the possible corruption of an event or contingency, including where such corruption results in a financial advantage or disadvantage, as well as encouraging a person to engage in that type of conduct. This part includes offences involving conduct that corrupts an event or contingency.

Division 3 Fines and Penalties (Recovery) Regulations 2001**Clause 323. Regulations amended**

This is a standard clause which provides that this Division amends the *Fines and Penalties (Recovery) Regulations 2001*.

Clause 324. Schedule 1 amended

This clause provides that this new Act, the *Racing and Wagering Act 2024*, is included in Schedule 1 of the *Fines and Penalties (Recovery) Regulations 2001*.

Division 4 Gaming Control Act 1993**Clause 325. Act amended**

This is a standard clause which provides that this Division amends the *Gaming Control Act 1993*.

Clause 326. Section 54 amended (Unlawful Games)

This clause provides that the terms identified in section 54(5), with reference to subsection (4)(a), have the same meanings as 'race club', 'race meeting', 'race meeting' and 'racecourse' (respectively) as found in section (4) of the *Racing and Wagering Act 2024*.

Division 5 Northern Territory Civil and Administrative Tribunal Regulations 2014**Clause 327. Regulations amended**

This is a standard clause which provides that this Division amends the *Northern Territory Civil and Administrative Tribunal Regulations 2014*.

Clause 328. Schedule amended

This clause provides that the reference to the *Racing and Betting Act 1983* in the Schedule is amended to *Racing and Wagering Act 2024*.

Division 6 Return to Work Regulations 1986**Clause 329. Regulations amended**

This is a standard clause which provides that this Division amends the *Return to Work Regulations 1986*.

Clause 330. Regulation 3A amended (Definition of worker)

This clause provides that the reference to the *Racing and Betting Act 1983* in regulation 3A(1)(b) is amended to the *Racing and Wagering Act 2024*.

Division 7 Sale of NT TAB Act 2000**Clause 331. Act amended**

This is a standard clause which provides that this Division amends the *Sale of NT TAB Act 2000*.

Clause 332. Section 4 amended (Definitions)

This clause provides that the definition of 'Commission', is removed from section 4 of the *Sale of NT TAB Act 2000*.

Clause 333. Section 9 repealed (Purchaser to be granted licence under Racing and Betting Act 1983)

This clause provides that section 9 of the *Sale of NT TAB Act 2000*, is repealed.

Division 8 Serious Crime Control Act 2009**Clause 334. Act amended**

This is a standard clause which provides that this Division amends the *Serious Crime Control Act 2009*.

Clause 335. Section 6 amended (Definitions)

This clause provides that the references to the *Racing and Betting Act 1983* under subsections (i) and (j) of the term 'prescribed activity' in section 6 of the *Serious Crime Control Act 2009* are replaced with the reference to the *Racing and Wagering Act 2024*.

Division 9 Sheriff Regulations 1967**Clause 336. Regulations amended**

This is a standard clause which provides that this Division amends the *Sheriff Regulations 1967*.

Clause 337. Regulation 5 amended (Mode of sale)

This clause provides that the words 'registered for betting' in regulation 5(1) of the *Sheriff Regulations 1967* are replaced with the words 'licensed for racing and wagering'.

Division 10 Taxation Administration Act 2007**Clause 338. Act amended**

This is a standard clause which provides that this Division amends the *Taxation Administration Act 2007*.

Clause 339. Section 3A amended (Taxation law)

This clause provides that the *Racing and Wagering Act 2024* and the *Totalisator Licensing and Regulation Act 2000* are included as a taxation law under section 3A of the *Taxation Administration Act 2007*.

Division 11 Totalisator Licensing and Regulation Act 2000

Clause 340. Act amended

This is a standard clause which provides that this Division amends the *Totalisator Licensing and Regulation Act 2000*.

Clause 341. Section 3 amended (Interpretation)

This clause provides new definitions that pertain to the country race meet totalisator licence to help distinguish it from the primary totalisator the legislation covers.

Clause 342. Part 3A inserted

This clause provides that a country race club may obtain a licence to run a totalisator at a race meeting the club holds. This section sets out that commission may be deducted, and that it is required to be retained by the licensee.

Division 12 Totalisator Licensing and Regulation Regulations 2000

Clause 343. Regulations amended

This is a standard clause which provides that this Division amends the *Totalisator Licensing and Regulation Regulations 2000*.

Clause 344. Regulation 10 inserted

This clause provides that a new regulation, which captures the rate of commission that must be kept in regards to the operation of a country race meet totalisator, be inserted to the *Totalisator Licensing and Regulation Regulations 2000*. The rate of commission is 14.5%.

Division 13 Repeal of part

Clause 345. Repeal of part

This is a standard clause that repeals this Part the day after the *Racing and Wagering Act 2024* commences.

Schedule. Repealed Acts

This Schedule sets out the legislation that will be repealed under this Bill.