



# LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

15<sup>th</sup> Assembly

## LEGISLATIVE SCRUTINY COMMITTEE

### Public Briefing Transcript

#### Inquiry into the Racing and Wagering Amendment Bill 2026

12.15 pm, Tuesday 24 March 2026

Litchfield Room, Level 3, Parliament House

**Members:** Mrs Oly Carlson MLA, Chair, Member for Wulagi  
Mr Clinton Howe MLA, Deputy Chair, Member for Drysdale  
Justine Davis MLA, Member for Johnston  
Mr Chanston Paech MLA, Member for Gwoja  
Mrs Laurie Zio MLA, Member for Fannie Bay

**Witnesses:** *Department of Tourism and Hospitality*  
Melissa Garde: Executive Director, Liquor, Racing and Gaming  
Shaun Cox: Senior Policy Officer, Licensing NT

**INQUIRY INTO THE RACING AND WAGERING AMENDMENT BILL 2026**  
**Department of Tourism and Hospitality**

**Madam CHAIR:** On behalf of the committee, I welcome everyone to this public briefing into the Racing and Wagering Amendment Bill 2026.

I welcome to the table to give evidence to the committee from the Department of Tourism and Hospitality Melissa Garde, Executive Director, Liquor, Racing and Gaming; and Shaun Cox, Senior Policy Officer, Licensing NT. Thank you for coming before the committee. We appreciate you taking the time to speak to the committee and look forward to hearing from you both.

This is a formal proceeding of the committee and the protection of parliamentary privilege and the obligation not to mislead the committee apply. This is a public briefing and is being webcast through the Assembly's website. A transcript will be made for use of the committee and may be put on the committee's website. If at any time during the hearing you are concerned that what you will say should not be made public, you may ask the committee to go into a closed session and take your evidence in private.

Could you please each state your name and the capacity in which you are appearing.

**Ms GARDE:** Melissa Garde, Executive Director, Liquor, Racing and Gaming.

**Mr COX:** Shaun Cox, Senior Policy Officer, Licensing NT.

**Madam CHAIR:** Thank you.

My name is Oly Carlson; I am the Member for Wanguri and the Chair. Online I have the deputy, the Member for Drysdale, Clinton Howe. Also online is the Member for Gwoja, Chansey Paech. In the room I have Mrs Laurie Zio, Member for Fannie Bay; and Ms Justine Davis, Member for Johnston.

Ms Garde, would you like to make an opening statement?

**Ms GARDE:** I am going to hand over to Shaun for that one.

**Mr COX:** Thank you, Madam Chair.

Just by way of background for this Bill, the *Racing and Wagering Act 2024* was commenced on 1 July 2024. It replaced legislation that had been in place for the previous 40 years and, consequently, was a significant piece of drafting work. In acknowledgement of that, at the time it was determined that a technical review of the Act would commence after it had been in operation for a period of 12 months. Part of the amendments proposed by this Bill is related to that technical review.

While that technical review was being carried out, there was also a review into the Northern Territory racing industry—that is, thoroughbred racing and greyhound racing. As a result of that review, the majority of this Bill is related or tied up with that review.

There are also a couple of other amendments related to the Northern Territory Racing and Wagering Commission and the membership of that, and that was as a result of an external review carried into the commission membership earlier this year.

**Madam CHAIR:** Thank you for that. I will now open up the floor for some questions.

**Mrs ZIO:** Hi, thank you for your opening statement. That covered, for me, why the Bill is required.

What consultation processes were undertaken during the drafting of this Bill?

**Mr COX:** With regard to the technical review, the key stakeholders were consulted—that is, basically, the wagering industry and the racing industry. With the racing review, it was pretty much the same body of stakeholders that were consulted in relation to that. Wagering and racing go hand in hand, so basically all the wagering operators that are licensed in the NT, all the race clubs, TRNT, the Racing and Wagering Commission themselves—or the Racing Commission, as they were known back then—and individual bookmakers that work out of Fannie Bay.

**Mrs ZIO:** As you said, there are some technical and industry review recommendations that were brought in. Which changes have the strongest racing and wagering sector support? What outcomes do you anticipate in the next 12 months, post-commencement?

**Mr COX:** The primary change that the Bill introduces is, basically, the governing or running of the racing industry in the Territory. At the moment we have a body, TRNT, that runs the thoroughbred racing, and we have the commission that regulates greyhound racing. Following the review that was conducted on it, it was recommended that those two bodies be revoked and we create a new entity to run both industries. It is anticipated with that transpiring there will be improved governance and, hopefully, increased participation, sponsorship and revenue generated.

The biggest change from this Bill is the fact that rather than having separate bodies regulate the two different codes of racing, it will be brought under one umbrella. That entity, which will be known as Racing NT, will be charged with having a more business-focused outcome on running the racing industry in the Territory.

**Mrs ZIO:** Is that something that is replicated in other jurisdictions?

**Mr COX:** It varies from jurisdiction to jurisdiction, and it depends on the size. In New South Wales and Victoria, they have a number of what we call up here race control bodies. A race control body basically assumes the responsibility for running a certain number of clubs and the day-to-day operations of that racing. In Victoria they have a couple of those, and the same in New South Wales. Whilst it is similar, due to our small size the clubs are not as big and we do not need multiple race control bodies like they do down south.

**Madam CHAIR:** With clause 21, the Bill seeks to allow the minister to make a charter setting out the rights and responsibilities of a race control body. The Bill also requires the minister to give notice of the making of the charter in the gazette. The explanatory statement states that the charter must be published in the gazette. Can you clarify the intention of the Bill? Will the charter be published in the gazette?

**Mr COX:** That is the intention, yes. The idea of a charter is to ensure that the new race control body, Racing NT, operates to achieve the outcomes that were identified as a result of the review. Because of the possible need to adjust the charter as we move forward, it was recommended during the drafting process that the gazette notice be used as opposed to, say, a schedule in the regulations or embedding it in the Act itself. It provides a little bit of flexibility if we need to, after a period of operation, adjust the charter or make changes where necessary as a result of Racing NT running the industries.

**Madam CHAIR:** Clause 22—the Bill seeks to provide the Director of Racing and Wagering the power to issue directions to race control bodies. The Bill also seeks to create a strict liability offence for failure of a race control body to take all responsible steps to comply with a direction issued by the director with a maximum penalty of 50 units. Can you explain the rationale for the offence being a strict liability offence?

**Mr COX:** I am not 100% sure, to be honest.

**Madam CHAIR:** You can take it on notice.

**Mr COX:** Yes. That was provided by the original drafting of the Act we did in concert with the offences with the department of the Attorney-General. Unfortunately, I am not a lawyer, so I am not 100% sure on the strict liability, but the actual change for the director issuing the direction and the subsequent offence is tied to the removal of the racing responsibilities from the commission.

**Mrs ZIO:** I do not know if we need to take this one on notice. I would assume that if something is strict liability then it is on the staff that are in that to know what the legislation is, know what their responsibilities are and know exactly what the role requires. That is why it is being made a strict liability. If you are in a role like that, you need to know what rules are around and then make decisions based on those rules. You cannot say, 'I didn't know'. You cannot say, as a senior policy officer or an executive director, 'Sorry; I didn't know that existed.' You have to know. I think that is why strict liability is inserted in there.

**Mr COX:** I also believe, from my basic understanding, the offence has occurred or not occurred; there is no grey area. It has happened or it has not happened, but that is only in my limited understanding.

**Mrs ZIO:** Yes. It would be that it is not a defence to say, 'I didn't know'. That is probably why that is there. If you want to, you can put it on notice, but I am not sure that you need to.

**J DAVIS:** Thank you both for being here.

Under this Bill, there are significant functions being removed from the commission and given to the director; is that right?

**Mr COX:** That is correct.

**J DAVIS:** Can you talk through what those functions are and what the intent of that is?

**Mr COX:** Currently, the commission for the racing industry is the overarching authority. It has the powers to take action against a race control body. For instance, at the moment for thoroughbreds that is Thoroughbred Racing NT. If Thoroughbred Racing NT step out of line, the commission has powers to direct them to take an action and things of that nature.

As part of the review of the racing industry, it was recommended that all those powers be removed from the commission. Originally, the idea was to have those powers vested in the race control body that was eventually appointed—in this case, Racing NT. However, that would have left no overarching mechanism to take action against Racing NT should they step out of line or fail to meet the requirements of the Act or their constitution. It was then determined that the best position was the Director of Racing and Wagering so that there remains an overarching authority to be able to issue a direction or take action against a race control body.

**J DAVIS:** Where is the appropriate oversight and accountability for the director, now having those expanded roles?

**Ms GARDE:** As the director is appointed by the minister, there would be some sort of overarching role to ensure that the director does not overstep their powers when it comes to regulating Racing NT as the new race control body.

**Mr COX:** The responsible minister has the power to also direct the director to take an action. If Mel acted in a manner towards Racing NT that was not proper, then the minister would have the overarching authority to redirect her to change that action or take a particular action. That power exists at the moment; the minister has the power to direct the Racing Commission and the Director of Racing and Wagering in their duties.

**J DAVIS:** In relation to conflict of interest I have a few questions. What kinds of conflicts are captured? Are indirect interests and associations included or only direct interests? This is under clause 11, I think.

**Mr COX:** It has expanded to cover direct and indirect conflicts that would impact on the person doing the role as a member. Currently under the Act it is restricted to a matter that the commission is considering, so if a member has a conflict of a matter they are determining—say, a complaint or a licence application—they are basically removed from that equation; they do not get papers or anything like that. With this change, it expands that to include their overall role as a member of the commission. It expands. Rather than limiting to just a particular matter, it is their role as a whole with regard to if they had relationships with somebody who worked in a wagering operator or things like that.

**J DAVIS:** When do those conflicts need to be disclosed? Is it at the time of appointment?

**Mr COX:** Yes. They have 10 days from appointment to advise the minister, and current members I think have around that period or maybe a little longer.

**J DAVIS:** In terms of not grandfathering, but current members will need to do that as well.

**Mr COX:** Yes, that is right. It applies to current members as well as any new members appointed.

**J DAVIS:** Are gifts and benefits required to be disclosed?

**Mr COX:** Yes.

**Ms GARDE:** The Racing and Wagering Commission, soon to be known as the Wagering Commission, is doing a lot of work behind the scenes developing a gifts and benefits policy and a code of conduct that will be up on their website shortly, open and transparent so that everyone can see exactly the processes they need to comply with.

**J DAVIS:** Sorry; when you say open, will that be public?

**Ms GARDE:** Yes, it will be published on their website. We are doing a bit of work with DCDD at the moment, but they are unfortunately held up with the floods. As soon as everything quiets down, we will be able to commence that work again.

**J DAVIS:** Are commission members able to have wagering accounts in other jurisdictions?

**Mr COX:** Yes. The Bill basically proposes that they cannot have an account with an operator that is licensed under the Act. Theoretically, they could have an account with a Victorian operator or a WA operator. That is primarily because they have no influence over the regulation of that particular operator. That is why it is limited to an operator that is licensed under the Northern Territory legislation.

**J DAVIS:** So no influence over that specific operator, but certainly an industry interest.

**Mr COX:** I guess being a member of the commission they have that interest anyway, but a member of the commission here—apart from perhaps alerting a regulator of another jurisdiction to a matter that has come to their attention—would have no power to make a determination or even lodge a complaint or anything against an operator. That is entirely up to that jurisdiction's regulator.

**J DAVIS:** Sure; thank you.

**Mrs ZIO:** The Bill sets out the actions the Director of Racing and Wagering may take following the investigation of a complaint relating to a racecourse licence and requires the director to issue a decision notice to parties of the complaint. The explanatory statement states that the provision of a decision will allow the parties to a complaint to seek a review of the director's decision by NTCAT, but it does not specify the legislative authority for that. Can you clarify the legislative authority for parties to a complaint to seek a review of the director's decision, please?

**Mr COX:** That is related, as I understand it, to the broad reference to the *Racing and Wagering Act* as a whole under the NTCAT legislation. Under the NTCAT legislation, there is a reference to the *Racing and Wagering Act* that allows certain decisions identified in the *Racing and Wagering Act* to be reviewed by the tribunal. That will fall under that particular reference.

**Mrs ZIO:** If we go to clause 9, what efficiency gains does the expanded delegation power in section 17 deliver, and how did the old regulation delay this determination?

**Mr COX:** I might let Mel answer this; she is more familiar with the delegations.

**Ms GARDE:** Under the current Act, only certain powers can be delegated by the Racing and Wagering Commission to delegates within Licensing NT. This will allow increased delegation, so it is not prescribed particularly by legislation. The Racing Commission will be able to delegate any of their powers or functions to staff within Licensing NT.

**Mr COX:** The current powers and functions that are prescribed, we found once the Act got underway, were limiting with regard to what the delegate could sign off on. As a result of that, that meant more matters were having to be presented to the commission for a determination. This allows to free up those particular powers so that we can improve efficiency so that matters that a delegate can determine based on their skills and experience and whatever expand, so less things have to go to the commission, which basically speeds up the whole process in determining.

There are still obviously serious matters that the commission will determine, but it is the smaller matters, the simple straightforward disputes and the like, that can now be made at the delegation level.

**Mrs ZIO:** New sections 19A to 19C strengthen integrity. Can you tell us quickly how this addresses review findings and builds community confidence in the committee's decisions?

**Mr COX:** We briefly touched on the prohibition of holding a wagering account with an NT licensee. That obviously means that, from a public perception point of view, there can be seen to be no conflicts with regard to a decision being determined by the commission. For instance, say it was against Sportsbet; if a member held a Sportsbet account, there could be an argument that they might be biased. Therefore, the removal of the ability for a commission member to hold an account with an NT licensee removes that perception that there could possibly be bias.

That came about as a review into the commission members. That is one of them.

There is a link between racing and wagering. It was determined that, once again from a perception point of view, the ownership of any racing animal—a thoroughbred horse or a greyhound—there should not be that ownership by a commission member.

Lastly, that is the conflict of interest where it is now broadened to cover their role as a member as opposed to just a matter being determined by the commission at the time.

**Mrs ZIO:** The Schedule to the Bill seeks to omit the phrase ‘any complainant and’ from section 226(3). Can you explain the effect of this amendment?

**Mr COX:** They are references tied to the director and the commission. Unfortunately I do not have the Act in front of me, so I am not 100% familiar with that particular provision. Can I come back to you on that one?

**Madam CHAIR:** Member for Fannie Bay, are you happy to put that on notice?

**Mrs ZIO:** Yes. Would you like me to repeat the question?

**Madam CHAIR:** Please.

**Mrs ZIO:** The Schedule to the Bill seeks to omit the phrase ‘any complainant and’ from section 226(3). Can you explain the effect of this amendment?

I do not have any other questions.

**Madam CHAIR:** I will just check in with the Members for Drysdale and Gwoja; any questions?

**Mr PAECH:** No, thank you.

**J DAVIS:** Under section 44, you have clarified that there is a strict two-year time limit on lodging complaints and no option for extension. Was any consideration given to extending that timeframe to reflect what happens in other jurisdictions?

**Mr COX:** The reason for the amendment in this Bill was basically to clarify that—it was always the intention under the original drafting of the Act that there was a maximum two years to lodge a complaint. That was based upon experiences of the commission at the time under the old Act and the types of disputes that they got and the reasons behind the length of delays.

It varies between jurisdictions. When we went out originally for consultation on the drafting of the Act, it varied between a six-month limit and a three-year limit. We erred on the side of two years.

This Bill clarifies that, and that will definitely be a matter that when we do an evaluation of the complete Act in 2027 we will look into and work out—the disputes we received, the timeframes involved, the number of disputes received that fell outside of that timeframe and also at the time what other jurisdictions have moved to.

**J DAVIS:** Do you have evidence up until this point—what you just outlined in terms of disputes received, the timeframes and those that fell outside the timeframes? Is that data that you hold?

**Ms GARDE:** With the new Act we only have about 18 months’ worth of data anyway because this was a new provision introduced on 1 July 2024.

As it currently stands, we can accept a complaint outside the timeframe of 14 days. We are extending that out to 60 days.

There is still an ability for the Racing and Wagering Commission to request an investigation of the director should it not be the result of a complaint. It is not always a complaint that drives an investigation; it can be driven from a request from the commission as well.

**J DAVIS:** I am interested in when you were talking about that two-year time limit being put in place in response to what was experienced previously, when complaints came in and how long they took to deal with. I am interested in seeing that data and wonder if it is available anywhere. It may precede the current version of the Bill, or the Act this is amending.

**Ms GARDE:** I could definitely have a look for you. Our system is a lot more robust since this new legislation came into place. I cannot promise I will have that data, because it is not a question we may have asked at the time, but I can have a look into it for you.

**J DAVIS:** Specifically what I am interested in is the data that you referred to, Shaun—the data that was relied on to put that two-year timeframe in place for complaints. Is that clear enough, Mel?

**Ms GARDE:** Yes.

**J DAVIS:** Thank you.

Does this Act also change the time limit on commission memberships?

**Mr COX:** Yes. This Act introduces a maximum six-year term, whether that is served consecutively or not, unless the minister feels there are special circumstances that the person should be allowed to go beyond the six years.

**J DAVIS:** What might they be?

**Mr COX:** I guess the thing with the Territory is that we have a small population obviously. I guess it may be at a point where if we have a member or a number of members who have reached their six years and we say, 'You can't be a member anymore', that possibly could leave us with a very inexperienced commission moving forward from that time, so it may be that there is an argument that a member be extended for a short period of time to allow a bedding-in process for new members. It gives us a bit of flexibility to ensure that we have not a fully green commission, but also recognising that people come and people go and we might not necessarily get applicants for any vacancies or the like.

**J DAVIS:** You have amended the eligibility criteria for membership as well. Could you speak briefly to that?

**Ms GARDE:** Under the current Act, the Chair, Deputy Chair and one other member must be a legal practitioner which requires you to hold a practising certificate under the *Legal Profession Act*. Changing the word to 'lawyer' allows someone to be a member who has the expertise, knowledge and five years' experience without having to hold that practising certificate. It aligns with the Liquor Commission, for example, where it is only a requirement to be a lawyer.

**J DAVIS:** Also no longer required to possess skills or experience tied to the industry; is that right? I am just reading from ...

**Mr COX:** That would be the racing industry.

**J DAVIS:** Sorry; the racing industry.

**Mr COX:** The current commission members were chosen on their experience in racing and wagering, and because all the racing responsibilities are being removed we are removing that requirement.

**J DAVIS:** Thank you. I have no more questions.

**Madam CHAIR:** That concludes the session today. Thank you very much, Melissa and Shaun, for your time.

---

The committee suspended.

---