

NORTHERN TERRITORY

# WAGERING COMMISSION

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## COMMISSION CHARTER

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## 1. Purpose and Application

This Charter establishes the governance framework for the Northern Territory Wagering Commission (the Commission) constituted under Part 2, Division 2 of the *Racing and Wagering Act 2024* (the Act).

The Charter is intended to promote accountability, transparency and integrity in the Commission's regulation of the Northern Territory's wagering industry. The Northern Territory is the licensing jurisdiction for the majority of Australia's online wagering operators, and the Commission's regulatory decisions have national significance for the integrity and consumer safety of online wagering across Australia.

This Charter applies to all members of the Commission, including the Chair, Deputy Chair and all appointed members, and should be read in conjunction with the Act, the Racing and Wagering Regulations 2024, any applicable codes of practice, and any wagering guidelines made by the Commission under section 42 of the Act.

## 2. Establishment and Legal Authority

The Commission is established under section 14 of the Act. It is an independent statutory body responsible for the regulation and oversight of the wagering industry in the Northern Territory.

Following commencement of the *Racing and Wagering Amendment Act 2026*, the Commission's functions are focused on the wagering industry. Responsibility for the regulation and oversight of the racing industry is vested in the Director of Racing and Wagering (the Director).

The Commission is subject to ministerial direction under section 12 of the Act.

## 3. Functions of the Commission

The functions of the Commission under section 15 of the Act, as amended, are:

- (a) to control, supervise and regulate the wagering industry;
- (b) to monitor compliance with the Act as it relates to the wagering industry and take disciplinary action and other measures to enforce the provisions of the Act governing the wagering industry;
- (c) to carry out any other functions conferred on the Commission under the Act or any other law of the Territory.

## 4. Powers of the Commission

The powers of the Commission under section 16 of the Act, as amended, are:

- (a) to request the Director to investigate or research matters relating to the administration or operation of the Act as it relates to the wagering industry;
- (b) to determine applications for licences and to issue those licences in accordance with the Act;
- (c) to determine positions or functions that require a key person licence;
- (d) to give directions to wagering licensees and control bodies for sporting events;

- (e) to make guidelines for the effective regulation of the wagering industry;
- (f) to issue rules for novelty wagers, declare sporting events and prohibit contingencies in relation to a sporting event;
- (g) to enter into agreements, memorandums of understanding and other arrangements with national and international regulators of, and authorities in, the wagering industry;
- (h) to determine complaints, and take disciplinary action, in relation to wagering;
- (i) to hold hearings into wagering-related matters and establish procedures and rules for those hearings;
- (j) to direct wagering licensees to implement consumer protection and harm minimisation measures related to the wagering industry;
- (k) to provide educational and informative materials to wagering licensees and the public regarding the operation of the Act as it relates to wagering and compliance with the provisions of the Act governing wagering;
- (l) any other power given to the Commission under the Act.

The Commission may delegate any of its powers and functions in accordance with section 17 of the Act.

## **5. Composition and Appointments**

### **5.1 Membership**

The Commission consists of a Chair, a Deputy Chair and such other members as appointed by the Minister under section 18 of the Act. The Chair, Deputy Chair and at least one member must be a lawyer within the meaning of the *Legal Profession Act 2006*.

### **5.2 Eligibility**

Members must satisfy the eligibility requirements set out in section 19 of the Act. A person is not eligible for appointment if the person has, at any time within the previous two years, been an officer, member or employee of a wagering licensee.

### **5.3 Term of office**

Members are appointed for terms of up to three years and are eligible for reappointment. However, unless there are exceptional circumstances, a person cannot be reappointed if the reappointment would result in the person holding office for more than six years in total, whether or not through consecutive terms.

## **6. Integrity and Conduct of Members**

Given the function and role of the Commission, and its national regulatory significance, the highest standards of personal and professional integrity are expected of all members.

### **6.1 Wagering accounts**

Under section 19A of the Act, a member must, within five business days after appointment, close each account held with a Northern Territory wagering licensee, and must not open or hold any such account during their term of office.

## **6.2 Ownership of racing animals**

Under section 19B of the Act, a member must, within 20 business days after appointment, sell or otherwise dispose of each racing animal (and each interest in a racing animal) owned by the member, and must not acquire a racing animal or interest in a racing animal during their term of office.

## **6.3 Disclosure of interests**

Under section 19C of the Act, a member must within 10 business days after appointment give the Minister written notice of each direct or indirect interest that conflicts or may conflict with the member's functions. Any subsequently acquired conflicting interest must be disclosed within five business days. This obligation does not extend to interests arising from the supply of goods or services available to the public on the same terms and conditions.

## **6.4 Conflict of interests**

In addition to the statutory disclosure obligations, members must comply with the conflict of interest provisions in section 28 of the Act. Where a member has a material personal interest in a matter before the Commission, the member must disclose the nature of the interest at a meeting of the Commission, must not be present during deliberation on the matter, and must not take part in any decision of the Commission in relation to the matter.

## **6.5 General conduct expectations**

Members must at all times:

- act honestly, in good faith and in the best interests of the effective regulation of the wagering industry;
- exercise their functions and powers with reasonable care and diligence;
- not improperly use information obtained through their role as a member;
- not improperly use their position to gain an advantage for themselves or any other person, or to cause detriment to the Commission or the Territory;
- maintain the confidentiality of Commission deliberations, except as required or permitted by law;
- comply with all applicable laws, codes of practice and Commission policies.

## **7. Post-appointment Obligations**

Under section 40 of the Act, as amended, for a period of one year after a member's appointment ends, the former member must not work for a wagering licensee (whether as an employee, contractor or otherwise) and no licensee may engage the former member during that period.

A corresponding six-month cooling off period applies to the Director and inspectors.

## **8. Meetings and Decision-making**

### **8.1 Meeting procedures**

Meetings of the Commission are governed by section 25 of the Act. The Chair may convene meetings as necessary for the proper discharge of the Commission's functions. A quorum consists of the number of members prescribed by regulation.

## 8.2 Decision-making principles

In exercising its functions and powers, the Commission will:

- make decisions based on the evidence and material before it;
- afford procedural fairness to all parties affected by its decisions;
- give reasons for its decisions where the Act requires a decision notice;
- act consistently and proportionately in its regulatory approach;
- have regard to the national implications of its regulatory decisions, given the concentration of online wagering operators licensed in the Northern Territory;
- consider the objects and purposes of the Act, including consumer protection and harm minimisation.

## 8.3 Records

The Commission must keep records of its meetings in accordance with section 26 of the Act, including accurate minutes of proceedings and decisions.

## 9. Relationship with the Director

The Director has primary responsibility for regulating the racing industry and for supporting the Commission's regulatory functions in the wagering industry. The relationship between the Commission and the Director is complementary and interdependent.

In particular:

- the Commission may request the Director to investigate or research matters relating to the wagering industry (section 16(a));
- the Director investigates licence applicants and assesses applications for determination by the Commission (section 30A(h));
- the Director investigates complaints about licensees and other wagering matters for determination by the Commission (section 30A(i));
- the Director prosecutes offences against the Act, including on behalf of the Commission (section 30(c));
- the Director oversees the Racing and Wagering Fund (section 30(f)).

The Commission and the Director should maintain regular communication to ensure effective coordination. The Commission will establish protocols for referral of matters, sharing of intelligence and joint operational planning where appropriate.

## 10. Wagering Guidelines

The Commission may make guidelines under section 42 of the Act for the operation and administration of the Act as it relates to the wagering industry. Guidelines may address applications for licences, compliance and enforcement, and complaints and disciplinary actions.

All guidelines made by the Commission must be published. The Commission will ensure that guidelines are developed through a process that includes, where practicable, consultation with affected parties and regard to national regulatory standards and intergovernmental agreements.

## **11. Complaints, Investigations and Disciplinary Action**

### **11.1 Complaints**

Complaints in relation to wagering matters may be lodged with the Commission under section 221(2) of the Act. The Director may investigate complaints on behalf of the Commission under section 222(1)(b). The time limit for lodging a complaint is 60 days after the complainant became aware of the matter, with provision for the Commission to allow a later time up to two years after the matter occurred.

### **11.2 Investigations**

The Director may investigate a licensee on behalf of the Commission under section 225A. On completion, the Director prepares a report and gives it to the Commission for determination.

### **11.3 Disciplinary action**

The Commission may take disciplinary action against a licensee under section 228(2) of the Act, including cancellation or suspension of a licence, amendment of licence conditions, disqualification from holding a licence, issue of a formal warning, requirement to change business practices, and imposition of a monetary penalty.

### **11.4 Grounds for disciplinary action**

Under section 227(1A), grounds for disciplinary action against a licensee include giving incorrect or misleading information in an application, no longer being eligible or competent to hold the licence, contravening the Act or any other wagering law (including laws of a State, another Territory or the Commonwealth), failing to pay a fee or levy within the required time, contravening a licence condition, contravening an enforceable undertaking, or failing to pay a previously imposed monetary penalty.

## **12. National Regulatory Significance**

The Northern Territory is the licensing jurisdiction for the majority of Australia's online wagering operators. The Commission recognises the trust placed in it by Australian governments, consumers and the wagering industry to maintain regulatory standards of the highest order.

In fulfilling its national regulatory role, the Commission will:

- actively participate in national regulatory forums and intergovernmental processes relating to wagering;
- maintain cooperative relationships with interstate and Commonwealth regulators, including through memorandums of understanding and information-sharing arrangements (section 16(g));
- have regard to the National Consumer Protection Framework for Online Wagering and any successor frameworks;
- ensure that the Territory's regulatory settings remain consistent with or exceed national standards for consumer protection and harm minimisation;
- monitor and respond to emerging risks in the online wagering environment, including risks relating to money laundering, match-fixing and problem gambling.

## **13. Consumer Protection and Harm Minimisation**

The Commission has power under section 16(j) to direct wagering licensees to implement consumer protection and harm minimisation measures. The Commission will exercise this power proactively and in line with evolving national expectations and evidence-based best practice.

The Commission will ensure that its regulatory approach addresses:

- responsible advertising and promotion of wagering products;
- self-exclusion programs and their effective implementation;
- deposit limits, loss limits and activity statements;
- protections for vulnerable persons, including minors;
- inducement and bonus bet regulation;
- the adequacy of licensee responsible gambling programs.

## **14. Hearings**

The Commission has power under section 16(i) to hold hearings into wagering-related matters and to establish procedures and rules for those hearings. The Commission will ensure that hearing procedures are consistent with the principles of natural justice and procedural fairness.

## **15. Reporting and Accountability**

The Commission must prepare an annual report in accordance with section 27 of the Act. The annual report will be tabled in the Legislative Assembly and will include information on the Commission's regulatory activities, licensing decisions, complaints and disciplinary actions, and any significant policy or operational matters arising during the reporting period.

The Commission's decisions are subject to review by the Northern Territory Civil and Administrative Tribunal (NTCAT) under section 239 of the Act.

## **16. Review of this Charter**

This Charter will be reviewed at least annually by the Commission to ensure it remains current and fit for purpose. Amendments to the Charter require a resolution of the Commission.

The Chair is responsible for ensuring that members are aware of and have access to this Charter and that new members are provided with a copy upon appointment.