



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**STANDING COMMITTEE ON THE INTEGRITY COMMISSION AND
STATUTORY OFFICE HOLDERS**

(Reference: [Inquiry into the Electoral \(Gambling Industry\) Amendment Bill
2026](#))

Members:

MS E LEE (Chair)
MR A BRADDOCK (Deputy Chair)
MR T WERNER-GIBBINGS

PROOF TRANSCRIPT OF EVIDENCE

CANBERRA

THURSDAY, 10 SEPTEMBER 2026

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Secretary to the committee:
Ms A Lee (Ph: 620 70524)

By authority of the Legislative Assembly for the Australian Capital Territory

Submissions, answers to questions on notice and other documents, including requests for clarification of the transcript of evidence, relevant to this inquiry that have been authorised for publication by the committee may be obtained from the Legislative Assembly website.

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Amended 20 May 2013

The committee met at 9.33 am.

BLUNT, MS CATHERINE, Co-convener, Active Democracy Bean

CLIFTON-BASSETT, MS JANE, Co-convener, Active Democracy Bean

TAIT, DR PETER, Convener, Canberra Alliance for Participatory Democracy

THE CHAIR: Good morning, and welcome to the public hearings of the Standing Committee on the Integrity Commission and Statutory Office Holders for its Inquiry into the Electoral (Gambling Industry) Amendment Bill 2026. The committee will today hear from community and advocacy groups, the sponsor of the bill Mr Thomas Emerson MLA and the ACT Electoral Commission.

The committee wishes to acknowledge the traditional custodians of the land we are meeting on, the Ngunnawal people. We wish to acknowledge and respect the continuing culture and the contribution they make to the life of the city and this region. We also acknowledge and welcome other Aboriginal and Torres Strait Islander people who may be attending today's event.

This hearing is a legal proceeding of the Assembly and has the same standing as the proceedings of the Assembly itself. Therefore today's evidence attracts parliamentary privilege. The giving of false or misleading evidence is a serious matter and may be regarded as contempt of the Assembly.

The hearing is being recorded and transcribed by Hansard and will be published. The proceedings are also being broadcast and are web-streamed live.

When taking a question on notice, it will be useful if witnesses use the words "I will take that question on notice". This will help the committee and the witnesses to confirm questions taken on notice from the transcript.

Now that formalities are done, we welcome our first witnesses, Canberra Alliance for Participatory Democracy and Active Democracy Bean. Please note that as witnesses you are protected by parliamentary privilege and bound by its obligations. You must tell the truth. Giving false or misleading evidence will be treated as a serious matter and may be considered contempt of the Assembly.

As we are not inviting opening statements, we will now proceed to questions. Mr Tait, in your submission you say that you support the proposed amendments because, as you state, it will help remove undue influence from politics in the ACT. What evidence do you have that there has been undue influence from the gaming industry specifically and specifically in ACT politics?

Dr Tait: Charles Livingston and his research group at Monash have done some research into this, and they have published on the influence that the gambling industry or the gaming industry has had over politicians in the past. There is circumstantial evidence around what happened to Andrew Wilkie's proposed reforms under the Gillard government, and more recently there has been the current federal ALP's response to Peta Murphy's report on gambling, which suggests that there is influence happening behind the scenes there. In terms of the ACT specifically, I am not aware of any evidence, but I think it is reasonable to say that if the gaming industry is

influencing politicians at a federal level, they are also going to be doing that at a state and territory jurisdictional level.

THE CHAIR: Any follow-up on this? Actually I have got a question for Active Democracy Bean before I move on. I suppose this is a question now to you, Ms Clifford-Bassett and Ms Blunt. In your submission you say:

The ACT Labor party has a unique structural connection to gambling revenue through its ownership of the Canberra Labor Club group and associated entities like the 1973 Foundation.

If you can expand on that part of your submission.

Ms Blunt: Basically, I have got this information from looking at research which was done by the ABC. It basically looked at all the states and showed which states and which parties were getting political donations from the gambling industry. This was done I think in 2023 or 2022. I just zeroed in on the ACT, and the quote was—I think I have put it there:

Nowhere in Australia is the flow of gambling losses to political parties more extreme than in the ACT.

I guess we all know that there are Labor clubs here in the ACT, which are directly owned by Labor. I found it a little bit harder to find more detailed information about Foundation 1973, but what I understand is that that was set up from the funds which were obtained from the sale of some of the other Labor clubs and that the interest from that is then used to support Labor Party activities, but I am not an expert on that. That is what I understand.

THE CHAIR: You referenced some ABC research back in 22 or 23. You might not have that in front of you now, but would you be able to provide that to the committee when you go back?

Ms Blunt: Certainly. I have got the link there. I have got the link to it.

THE CHAIR: That would be great.

Ms Blunt: It is the website. It is actually in our submission. The link is there, so you can check it out for yourself.

MR BRADDOCK: Mr Tait, just in your submission you emphasised the importance of close associates in the scope of banned donation. Can you elaborate on why you see this as being important?

Dr Tait: If we think about influence and how influence works, it is not necessarily directly from person A to person B. It might be through person C or D to person B. All avenues and pathways of influence need to be worked out. I think we know that commercial entities influence politicians and politics and government through direct donations, through gifts and making spaces available and also by mounting political campaigns. In terms of indirect influences, particularly gifts and entities and political campaigns will often run in parallel to the direct donation from the entity itself.

MR BRADDOCK: This should have been a supplementary to Ms Lee's question, but to Active Democracy Bean: in terms of you raising your concerns about the gambling industry having an influence on democracy, do you see the free room bookings being provided by those entities as also being part of the problem?

Ms Blunt: It was in the bill. I do not really know very much about that, to be honest. I cannot imagine it is used a lot, but then if you are changing a bill, why not include everything with it? That would be my answer to that question.

MR BRADDOCK: Mr Tait, you obviously have something to say.

Dr Tait: Building on this, I think that is one of the gifts-and-influence type of ways that commercial entities use to influence political decision-making—through free rooms, free drinks, taking people out to dinner, that sort of thing.

MR BRADDOCK: Would you have any issue if political parties paid the full commercial rate for the spaces in those facilities?

Dr Tait: It would be less construable as being undue influence.

MR WERNER-GIBBINGS: I will start with Mr Tait—a quick question. There wasn't anything in the Murphy report—we are talking about federal politics—that suggested there was evidence of political parties being influenced by gambling entities, and it did not make any recommendations.

Dr Tait: Correct.

MR WERNER-GIBBINGS Using that analogy, you are stretching that towards more that there is not evidence in the ACT, but some of the commentary in the Murphy report is being used to intuitively suggest that political parties and people involved in politics could or might be being influenced by the gambling industry in the ACT. Whether or not there is evidence, it is worthwhile coming down hard on that regardless. Actually, in the absence of evidence, it is using that intuitive feel to come down hard on what hasn't been demonstrated.

Dr Tait: Yes. I think the ABC report that Cath referred to and the amount of money that is flowing from clubs and the 1973 Foundation into the ALP is suggestive that there is a strong connection there. I think that lack of evidence is not the same as evidence of lack.

MR WERNER-GIBBINGS: It is helpful for legislation.

Dr Tait: We need to be trained to minimise the undue influences that might adversely affect good government in the ACT, and so these amendments move the guidelines, if you like, to stricter control.

The other issue around good government—and the perception of influence is important. If the public perceives that members of parliament and the Assembly are being influenced by commercial entities, that helps to corrode trust in the political

process. It is really important that it not only is squeaky-clean but looks squeaky-clean. I think in terms of that there may not be evidence but we know that this is how large commercial entities seek to influence political processes, it is possible. I think it is the possibility that that loophole needs to be closed so that the public can have confidence in what our MLAs and our Assembly are doing.

MR WERNER-GIBBINGS: I did a self-assessment, a self-analysis. I think the closest that I would come in a personal capacity and indeed a political capacity in terms of regular interaction with the gambling industry would be through my involvement with my children's sports clubs, which are sponsored by or part of Tuggeranong Vikings. Problematic?

Ms Blunt: The thing with that, Mr Werner-Gibbings, is that basically that is how the clubs justify the amount of money that they get from the public and gambling: by the amount of money that they pass on to clubs. It is my understanding that that is not huge. We know that Australia is I think one of the top countries in the world for losses through gambling—it is extraordinary. I will just directly answer your question with that. Obviously, they get that money, and probably it is not okay. It would be very nice if we had enough funding for clubs so that we did not have to accept money from a club who actually gets most of its money through losses that people make. We know the effect of that on the community is terrible.

I wonder if I could just come back to your question with Peter. Can I just clarify that: we know with the Murphy report that there is strong community support for those limitations on gambling advertising. Why isn't the government doing it? Why isn't it?

MR WERNER-GIBBINGS: Are you talking federal government?

Ms Blunt: Yes. You were just saying—

MR WERNER-GIBBINGS: Do you want me to add to that?

Ms Blunt: No, I don't. I am just saying that you were saying that there is no evidence in the Murphy report that says about the influence on politics, but we can actually see it. I think the community can see it. We can all see it.

MR WERNER-GIBBINGS: The other question I had, being now—reasonably recently—a member of the Assembly, was around personal interactions and potential for influence with gambling industries. Is going to meetings of the Tuggeranong sub-branch of the Labor Party once a month, held in the Burns Club—and events that CAPaD or Active Democracy Bean holds in the Irish Club in Weston—problematic? Are the events you hold influenced by the gambling industry? Or do you pay commercial rates to hold it at the Irish Club?

Ms Clifton-Bassett: It is a good point, Mr Werner-Gibbings.

MR WERNER-GIBBINGS: That is the thing, because that is how I would be influenced.

Ms Clifton-Bassett: Okay. In terms of available facilities for events in the ACT, there

are very few. Even if we go to the public libraries, we pay a fee—albeit a smaller fee as a community group.

MR WERNER-GIBBINGS: You would be speaking on behalf of all sub-branch members of any party, with what you are saying here. That is exactly what they would feel, in terms of the difficulty of finding events to hold small meetings.

Ms Clifton-Bassett: Yes. The answer would be—feel free to add, Cath—ideally, we would not be. We are not paying. The Irish Club provides us access to their room as part of the social licence for running the club and, I guess, having their poker machines. Ideally, we would not be doing that.

MR WERNER-GIBBINGS: Absolutely. But am I, or are you being influenced by the gambling industry, by holding events at the Irish Club or when I go to a Tuggeranong sub-branch meeting at the Burns Club? Are we complicit?

Ms Clifton-Bassett: I can see what you are trying to do there.

MR WERNER-GIBBINGS: It is the point of the legislation.

Ms Clifton-Bassett: I think it is part of a whole web of connections that ultimately does corrupt government. I do not think we, individually, are, at Active Democracy Bean.

Ms Blunt: We are not government. We are not making decisions about whether there should be limits on gambling and cards and things. We are not in that position, Mr Werner-Gibbings. I do not think it is an equal kind of a thing that you are putting through, there.

MR WERNER-GIBBINGS: What the legislation is, is to any sort of event that holds political communication. Most—99 per cent—of sub-branch members are not in government when they have meetings about political issues in and around their local area, or talking about the ACT, or talking about whether or not the utility of community councils in the ACT would be worthwhile and how that might impact people. Your meetings, our meetings would be covered, and also, potentially, multicultural meetings. If a multicultural group wanted to have a meeting in a club and talked about the impact of multicultural facilities or multicultural policies on them, it would be covered.

THE CHAIR: We will take that as a comment. Mr Braddock has a supplementary.

MR WERNER-GIBBINGS: Are these sorts of organisations big enough to cover the financial impost?

Ms Blunt: I think there is a little bit of a twist in the thing there, in the sense that we are not making government policy. You people are, and we are not. It would be ideal—I think Jane had a very strong thing about gambling and not wanting to have something in a place where there is a gambling venue. It is just very, very hard to do that. We do not have any government money at all, and I guess we do not consider ourselves political. We are supposed to be neutral. We are neutral. So, perhaps, rather

than get into an argument, our point is that we are not making decisions about gambling.

Ms Clifton-Bassett: I just wanted to add to the earlier question about evidence, and just point out that the ACT government already made changes to limit gifts to political entities for developers in 2021, and foreign entities in 2023. And I suspect that the evidence bar would be very similar with this gambling issue. I am happy to stand corrected on that. But I think what Cath was saying is, really, there is a pub test here. And what Peter was talking about is confidence in the integrity of the political system.

I have to tell you, I have spoken to many, many people about this issue, and it is kind of considered a no-brainer. Of course, the system will be tainted if an entity as large as the gambling industry is funding the political system. I would argue that for the same—

And by the way, I understand that the government also, at the time that it made those other changes for developers and foreign entities, committed to include donations from gambling entities. So, that conversation has already been had and agreed to. The government just needs to follow through on it.

THE CHAIR: Thank you. Mr Tait, you had something to add?

Dr Tait: I think Jane and Cath have said it. It is a different kettle of fish, whether it is a political party getting a gift of space to meet in, versus a community group getting a gift of space. CAPaD has been arguing for some years that it would be really good, in the ACT, if the government provided places where community groups could—free of charge, or for a very little charge—be able to hold these sorts of meetings. The fact that those places are limited means that community groups will often have to use clubs.

MR BRADDOCK: This has been a fast-moving discussion. Mr Tait, you might be in a position or not to answer this question, but is it true that the legislation as currently presented covers any meeting of political communication? Or is it more about those political entities and their close associates, as to whether they are actually caught up in the legislation's remit?

Dr Tait: I do not know.

MR BRADDOCK: Okay. That is a question for another witness. Apologies.

THE CHAIR: My question just follows up in relation to the broader concept, Mr Tait, that you put in your submission about undue influence. Is it the gaming or gambling industry, in particular, that you are concerned about? Because, obviously, there are many ways in which members of the community, in whatever industry, seek to influence a government and their decisions.

Dr Tait: CAPaD bases its position on this around several Public Health Association of Australia policy positions. There are three in particular. There is the one on gambling and health, which documents that gambling is bad for health and social wellbeing, and suggests that we need to ease political, economic and cultural

obstacles to harms caused by gambling.

There is the commercial determinants of health policy, which specifically talks about controlling marketing of products and services that damage health, including but not limited to tobacco, alcohol, ultra-processed foods and gambling services.

And then the good governance for the public's health policy talks about limiting the legality of making donations to political parties and candidates, to people on the electoral roll or permanent Australian residents—which means that commercial entities should not be allowed to be making those sorts of donations. Again, it is both around the practical influence that is had by doing this, and the perception of influence which is corroding trust and confidence in good democratic government.

MR BRADDOCK: I will not say it is the sole reason, but one of the reasons the clubs or the gambling entities do provide this facility use, either at a discount or a free cost, is because of the community contribution scheme, in terms of they are regulated to provide it. Is that a conflict of interest in terms of, essentially, as part of the regulation of the industry they are providing a free service to political parties?

Dr Tait: I think it comes back to what Cath was saying before, in that if it is a community group, that is one kettle; if it is a political party, it is a different kettle. It is that perception of the capacity to influence that is important.

MR WERNER-GIBBINGS: I will ask the same question again but from a different angle. I do push back on the idea that a member of a sub-branch is not a member of a community group. They are very definitely members of the community, who are very interested in how their community is travelling and who have ideas that they would like to discuss and push forward. I think the definition of a community group is joining a party sub-branch. That is comment.

But in the bill, in my understanding—and if it is wrong, I also apologise—hypothetically, all in-kind donations to political groups from community clubs that also operate poker machines being charged at commercial rates would mean that organisations such as yours would need to pay for space to meet together or hold constituent meetings, or just to gather collectively when they are talking about political things. How would this rule, if not changed, affect your organisation or other similar groups that have an interest in politics but are not large or well funded?

Ms Blunt: I think, for us, if that was the case, we would find a way around it, Mr Werner-Gibbings. That is what we do. It is very interesting. And I think, actually, as a result of a submission that we put to the libraries, they are now including community groups as qualifying for free. We had a meeting with our elected federal member last year and we had to pay 200 bucks to hold our meeting. We do not get any government funding. We are just us; we are nothing, type of thing. We do not have any money, basically. We get donations from people who attend our gatherings. And they were charging us the same as World Vision or whatever; you know, classing us as an organisation. Now they have got a category of community groups, it is free. So, I think we would get probably less people to our gatherings, in a way, but we just have to abide by it. I think, yes, it would affect us, for sure. People like to have a drink. They like to have a meal after.

MR WERNER-GIBBINGS: And it would be after-hours as well.

Ms Blunt: After our gathering, and it is more work for us having to provide that, if we hire a community library room, or whatever, in the evening—which you can do. But it would affect us, I would say.

THE CHAIR: We will just take one last comment from Mr Tait and then we do have wrap up.

Dr Tait: I was just going to say, we know that commercial entities who have harmful effects into health and wellbeing use things like providing free—gift spaces—stuff for community groups—I cannot think of the word—as a way of, if you like, whitewashing what they are doing, to make themselves more socially acceptable. I have had a long experience in Alice Springs of the joint space defence facility there and the “good work” that the Americans do in the town of Alice Springs, which is really about smokescreen, as in, “We are good guys. Like us.” I think gambling, tobacco, alcohol industries do the same work. They do stuff to influence people thinking they are not as bad as they really are. Governments need to be careful of this.

THE CHAIR: Thank you. On behalf of the committee, I thank you for your attendance today. I do not think you took any, because you confirmed that it is the same ABC in the—

Ms Blunt: It is, yes. Just click the link. It will be there.

THE CHAIR: Sorry, I had it printed, so I did not realise that there is a link. I have to go back to the online version. Thank you for providing us with your evidence today. I really appreciate it.

SHANNON, MR CRAIG, Chief Executive Officer, Clubs ACT

THE CHAIR: We welcome Mr Craig Shannon from Clubs ACT. Please note that as a witness, you are protected by parliamentary privilege and bound by its obligations. You must tell the truth. Giving false or misleading evidence will be treated as a serious matter and may be considered contempt of the Assembly. Did you have an opening—you mentioned you might have had something? Just for the record, we confirm that you have circulated to the committee a document titled *Clubs ACT supplementary submission*. Did you want to talk to that first?

Mr Shannon: Yes, I will, if you are happy to. I prepared a supplementary submission on the basis that I had had an opportunity prior to today to read through all the other submissions that have been published, and also to clarify a couple matters from our submission that have been better informed by some of the submissions—particularly from the bill mover, Mr Emerson. I thought it might be useful for the committee's benefit if I provided some further detail in support of our submission.

THE CHAIR: Okay. Thank you. Mr Shannon, one of the things that you mentioned in your original submission is your concern that the bill would capture not-for-profit clubs, representative bodies, close associates and, potentially, ordinary community room use. You go on to say that the bill would also risk capturing individuals and organisations whose connection to gaming revenue is indirect, community-based or incidental. Can you please provide for the committee the practical impact that this bill would have on your members, especially those that are in the not-for-profit club and community group category?

Mr Shannon: Certainly, and I think it is interesting to refer to the previous three speakers in regard to their own submissions today, which captured a lot of the concerns we have raised in our submission in terms of a lack of meeting facilities across the ACT. I think it is an important distinction to also make, in terms of evidence that was just given, that we are not just talking about political parties. We are also talking about independent candidates. It is one thing for a political party to muster a capacity to pay for facilities for meetings, but we often have individual independent candidates who do not necessarily have the same infrastructure, and we would see them disadvantaged in terms of the scope of this bill.

If I can give you a quick snapshot, a quick list, if you want, of some of the concerns that we have raised in terms of this. Clubs would become prohibited donors regardless of their conduct under this bill. Free or discounted political meeting facilities could become unlawful gifts. Longstanding meeting arrangements could become more expensive, or cease.

Restrictions would reach into the personal lives of club officers, including board members and, potentially, senior management employees. Board recruitment could become harder.

Some club-supported organisations could also be captured—and I think Mr Werner-Gibbings referred to some of the sporting club exposures potentially in that, and that is certainly referred to in our submission. Clubs ACT, my organisation, could become captured through its membership income.

Clubs would face additional compliance costs. Relatively modest transactions could create serious legal exposure, and uncertainty could discourage lawful community engagement.

And I think it is also important to refer to one of the points that came up just prior to my attendance, in terms of the developers' exclusion that had been referred to by one of the previous witnesses. Under those provisions, there are not-for-profit exclusions in that, and I think that is a very important distinction to make.

In terms of our evidence particularly, I am here to talk to you on behalf of the not-for-profit club industry. I think in the context of that, I should also address—while I am not here to advocate necessarily on their behalf—the statement was just made that the Labor Clubs are owned by the Labor Party, and they are not owned by the Labor Party, and this nuance—and this concerns me about a number of the submissions that I read through for today.

I understand organisations or individuals do not like gambling, but we are not here to discuss gambling per se. We are here to talk about the political framework and the engagement framework that has an association with facilities where gambling takes place. I particularly resent, sometimes, the definition of clubs as "the gambling industry". No-one refers to us as "the sports industry" even though we are the largest organised primary component of the community sporting sector in the ACT. But you never hear us referred to as the sporting industry. Not all of our clubs have poker machines, as you would be well aware, and they only contribute a part of the operations for our clubs.

I should put on the record that the Canberra Labour Club is a company limited by guarantee. It is not owned by the Labor Party. It is owned by the members of the Labor Club, and it was set up by members and non-members of the Labor Party originally. I think that distinction is important.

THE CHAIR: Thank you.

MR BRADDOCK: Mr Shannon, do you understand what the actual control arrangements are for the Labor Club? Who appoints its directors?

Mr Shannon: Under the constitution, I believe there have been some recent changes to that constitution. I am not sure what the detail of those are. But it is a combination of—I can give you a breakdown, I do have it: there are ordinary members, life members and associate members of the Labor Club. And my understanding is associate members do not vote; that life members and ordinary members of the Labor Club's membership actually vote for those. I think the Labor Party also selects a number of directors, but I am not sure anymore whether that is a majority.

MR BRADDOCK: Do you know the exact number of the directors that are appointed by the Labor Party?

Mr Shannon: Not off the top of my head. As I said, I know there have been some recent changes through the constitution, so I am not sure about the detail of that. But

the organisation is registered under the associations of the company limited by guarantee provisions. It is not a dividend entity of the Labor Party.

MR BRADDOCK: Thank you. Going to the room hire for free, or for discount underneath the community contribution scheme, I just wanted to check: why are clubs not advocating for those rooms to be hired out at their full rate, that is, the commercial rate? Why are they so keen to provide them at a discount rate?

Mr Shannon: Our members see it as part of their social licence—as far as my discussions with members go—in terms of having a range of organisations that meet at their sites, or their facilities. And that has been a longstanding practice. It is not just political parties; there is a significant number. And many of our clubs provide facilities in excess of their mandatory requirement, in terms of community support or the community obligations, and it is part of the social licence process and being part of the community. A lot of sporting clubs meet free within facilities provided by clubs. So, it is not just political parties.

MR BRADDOCK: I know this is a hypothetical but, should this bill pass, do you accept that a political party that is paying full room hire at the advertised rate would not be receiving a gift in-kind under the legislation?

Mr Shannon: I believe if they were given a room for a meeting for free then it would be captured by this bill, if that is your question. Yes.

MR BRADDOCK: My question is if they were paying the full rate for the room, they would not be receiving a gift. Is that a correct statement?

Mr Shannon: That would probably be a correct statement, yes.

MR BRADDOCK: Thank you.

Mr Shannon: But again, I make the point that I am concerned that it is not just political parties we are talking about. I think the Democracy for Bean group, I think, who were just here previously, they do meet for free, I understand, in a club facility. And it is not appropriate, just because they may not have a candidate currently elected anywhere, to say that they are not influencing government policy when they are a political organisation set up for the purposes of influencing government policy. I do not understand how that distinction can be relevant to this debate about the bill.

MR BRADDOCK: Are they a registered political party?

Mr Shannon: I cannot vouch for that. I have no idea.

MS VASSAROTTI: I just had a supplementary in terms of the in-kind gifts. Is it fair to say that they are generally counted as a community contribution under clubs' obligations?

Mr Shannon: I believe so. Not just—

MS VASSAROTTI: Yes, it is put in that bucket of a contribution that is part of the

requirement for clubs, recognising sometimes they go beyond the—

Mr Shannon: I am about to say, most clubs do, beyond their requirements.

MS VASSAROTTI: Is that the case that most clubs do?

Mr Shannon: As far as I am aware. That certainly used to be the case. There is a minimum requirement, as you would be aware, under the act, for community contributions. But as far as I am aware, a meeting facility would be a gift in-kind for the purposes of that disclosure.

MS VASSAROTTI: And usually gifts in-kind to political parties would be identified by the clubs as that community contribution?

Mr Shannon: Yes, and our submission, as you would be aware, certainly supports the transparency of the disclosure. Our argument is not in terms of disclosure. I think, again, referring to my previous colleagues who gave evidence here, there is no evidence supporting the nature of the concerns raised by this bill that have been articulated in support of it. They admitted that themselves. I think it is also worth noting on the public record that the ACT has had a reduction of poker machines of over 30 per cent since 2015, unlike any other jurisdiction. So, I am not sure if the undue influence is perceivably—

MS VASSAROTTI: Although, if I can follow, given that you have brought that up, I would also note that gambling revenue over the last financial year—money that has been taken in from pokies—actually, last year, was \$202.6 million, which is actually the highest it has ever been. In fact, what we are seeing under the current arrangements is that there is more money being lost by the community by pokies than ever before. So, while there might be a reduction in machines, we are actually seeing an increase in losses.

Mr Shannon: And then you should distinguish, obviously, turnover compared to losses. They are not necessarily the same thing either.

MS VASSAROTTI: Yes, that is right. We are talking about revenue. So, that is the money that people are losing.

Mr Shannon: That may indicate, I would think, that the community, no matter how many restrictions are put on, are choosing the way they want to entertain themselves, if that is the case. But the point is still there that we are one of the jurisdictions where government policy has significantly impacted on the regulation of poker machines in the ACT despite the gifts in-kind, or otherwise, that are available to the political interests in the ACT.

MR WERNER-GIBBINGS: This is gift-in-kind related as well. Within the submission: “Clubs in the ACT that provide access to their rooms for free or reduced fee on a nonpartisan, request basis.”

Mr Shannon: Yes.

MR WERNER-GIBBINGS: So, a group says, “Can we please have a room?”

Mr Shannon: Yes.

MR WERNER-GIBBINGS: And clubs go, “We have a room available.”

Mr Shannon: That is right.

MR WERNER-GIBBINGS: That is very important, presumably, for many community groups. But are you confident in your role, and in the conversations you have, or can you foresee the possibility or accept the possibility, that clubs providing room hire—which is a gift in-kind not a campaign donation—might that influence political decisions?

Mr Shannon: My personal view is I have never seen any circumstances where I thought that applied, even prior to my role in this organisation. As a member of the community, I have been to any number of political meetings around clubs at the ACT level—not just from one political party; from a multitude of political parties. I think rarely have I ever seen even a representative of the club in those rooms. I think you referred to your own meetings at the club in Tuggeranong. I am not sure how many times you have ever seen a representative in that room of the club, or any of the poker machine organisations, or otherwise. I doubt that they are even in attendance. So, to the extent that the gambling hungover is not present in the moment in those environments, I think, is a distinction that is well worth considering. And I am not aware of any influence in-kind impacting on any political discourse in this town.

MR WERNER-GIBBINGS: I am actually very worried about the chilling effect this might have on an organisation like the Tuggeranong Community Council.

Mr Shannon: Well, I am certainly concerned about, particularly, small sporting groups. Because the bill threshold is over 50 per cent of their income, if it was derived from—for instance, one of our clubs with poker machines, they would potentially be captured by this bill in terms of the restrictions on their own management and office bearers.

MR WERNER-GIBBINGS: This is a slight extension of the previous question. If the territory passed this legislation, because there appears to be a real identifiable set of evidence about the influence or how that is being perceived or infiltrated, it is challengeable. And then the territory would have to prove that the ban is proportionate to the risk.

Mr Shannon: Yes.

MR WERNER-GIBBINGS: Specific examples of influence from the gambling industry. Could a court make that conclusion? In the same way, like property developers, that is a high risk of political influence, and that legislation has not been challenged.

Mr Shannon: Yes.

MR WERNER-GIBBINGS: Can a case be made?

Mr Shannon: I think some of this comes down to some of the confusion of the drafting of the bill too, because some of these answers that you are asking are not necessarily clear. I think that has been addressed by the submission from the ACT government and even the Electoral Commission, potentially.

We have certainly called for an exemption for not-for-profits, which I think is fundamental. I have attached to the document I have just circulated to you earlier a copy of our own policy in regards to political disclosure and donations. We certainly believe there should be disclosure of gifts in-kind or otherwise, and we think that meets an important test in terms of public confidence in the electoral process across the ACT.

But we are concerned about the scope for third parties and clubs, themselves, to be scooped up under the provisions of this bill, and impacting on their capacity to provide facilities across the ACT.

MS VASSAROTTI: I just wanted to step back a little bit. I know there have been lots of conversations about the in-kind issue, but I wanted to pick up on a couple of things that you said in relation to your opening statement, Mr Shannon, particularly this discussion about whether or not some of these club groups should be categorised as “the gambling industry”. And certainly, this is something that you have picked up in your submission, particularly talking about some of the larger groups that are picked up within Clubs ACT. We look at Labor Club group, the Hellenic Club, the Vikings Club group that operate gambling venues over more than one venue. In terms of a proposition that these are not gambling entities or part of the gambling industry, I am just interested to understand how you think that that proposition stands up when you look at, particularly, the revenue bases that are pulled out of these.

Mr Shannon: I think it is quite obvious why it stands up, Ms Vassarotti. Vikings group are a good example, and I think I should draw the distinction from your comment there, that they do not provide gambling facilities; they provide facilities in which gambling does occur. They also provide food and beverage facilities. They provide meeting facilities. They provide sporting facilities. Vikings, for instance, operates Vikings Park, sitting right next door to their club. They fund over 50 different community sporting groups in the Tuggeranong valley, and yet you do not call them a sporting organisation; you call them a gambling organisation.

MS VASSAROTTI: But the majority of their revenues come from gambling.

Mr Shannon: You are stating that as a fact, and if that is the current—Well, could I point out that they have run three years’ worth of deficits. So, I do not know what profiteering you think they might be making out of gambling per se, but they derive revenue from a number of different sources, and they also operate a multitude of venues as well. I am not necessarily sure, off the top of my head, where the predominance of their revenue base comes from. I am not disputing they do generate a lot of revenue from poker machines.

MS VASSAROTTI: Significant revenue.

Mr Shannon: But that does not by definition make them a gambling organisation if a predominance of their organisational activity is outside of that framework.

MS VASSAROTTI: I think there is a reasonableness argument, though, in terms of, particularly when you look at the level of revenues, that it is perfectly reasonable to be calling big entities that are deriving significant revenues out of gambling to be called the gambling industry.

Mr Shannon: What we do know is that GGR—gross gaming revenue—across the ACT contributes about 3 per cent of the surpluses for the industry. It is not rivers of gold necessarily in terms of the operation of those facilities.

And we certainly welcome the Assembly funding clubs to do things that gambling does otherwise support. But the budget capacity for that to happen, particularly in regards to meeting and sporting facilities, does not seem to be there. I refer to the report that came in recently from the Assembly in regards to sports facilities, the role that clubs play across the ACT and the need for more funding in those areas. So, yes, if the government was prepared to offset the revenue available from gambling to club venues, many of them would either reduce or remove that dependence.

MS VASSAROTTI: Just picking up on that, the impact on gambling revenues has actually seen institutes such as yourself being quite forward-leaning, in relation to trying to impact on gambling policy and revenue. And so, the key question that I really wanted to understand, particularly over the last decade, is: has Clubs ACT or any of your members been registered as a related entity, in relation to political parties?

Mr Shannon: Clubs ACT has not, certainly in my tenure. I am not aware of that being the case.

MS VASSAROTTI: Can you take that on notice? Are you are able to—?

Mr Shannon: I am happy to take that on notice.

MS VASSAROTTI: Because I am fairly sure at least in 2016 it was.

Mr Shannon: Yes, in fact I think—that is what I am saying, in my tenure, which is not going back as far as 2016. I believe, around that 2016 period, there was a registered political party associated with Clubs ACT, but that ceased and, in fact, the attachment of the document there of the Clubs ACT policy from 2020 changed the nature of that sort of political engagement.

MS VASSAROTTI: It has not been a registered entity since this time?

Mr Shannon: Not since 2020.

MS VASSAROTTI: And have yourself or other members of Clubs ACT attended conferences or other activities of political organisations?

Mr Shannon: I certainly have attended a number of those opportunities, and I know

at least one of my other board members has. We buy tickets to events from time to time, to attend fundraising functions or otherwise.

I think, if you look at the disclosures in the last five years we have, in cash terms, only put, I think under \$5,000 or around \$5,000 or \$6,000 worth over the five years I have been in the role into individual events where tickets have been sold, as a fundraising event or otherwise.

I do attend meetings of political organisations across the spectrum, often on an invite basis, to discuss club industry policy, not just in regards to—and if you look at the list of submissions we have tendered in my tenure in this role, we have covered everything from sporting facilities, social cohesion, the night-time economy. The scope of matters that we discuss is well beyond just the remit of gambling. In fact, I would love to spend a lot less time talking about gambling in comparison to the other matters, but it is a hot topic for parliamentary debate, as you know. So, we do do it.

THE CHAIR: We are out of time. On behalf of the committee, Mr Shannon, thank you for attending and giving evidence today. I think you have taken one question on notice.

Mr Shannon: Yes.

THE CHAIR: If you could please provide the answer to the committee secretary within five business days of receiving the uncorrected proof from Hansard.

Mr Shannon: And if I can provide you the written statement I was going to give, but due to the lack of time—

THE CHAIR: Yes, we can certainly take that on board. Thank you for tabling that. We appreciate it.

HAQUE, MR ARIF, Canberra Multiculture Community Forum
KRISHNAMURTHY, MR RAVI, President, Australian Multicultural Action Network
NWAObI, MS SHADE, Canberra Multiculture Community Forum

THE CHAIR: We welcome witnesses from the Canberra Multicultural Community Forum and the Australian Multicultural Action Network. For the *Hansard* record, please state your name and the capacity in which you appear.

Mr Haque: Arif Haque, chair of Canberra Multicultural Community Forum.

Ms Nwaobi: Shade Nwaobi, member of the CMCM, Canberra Multicultural Community Forum.

Mr Krishnamurthy: I am Ravi Krishnamurthy. I am the president of the Australian Multicultural Action Network. Thanks for the opportunity.

THE CHAIR: Please note that as witnesses you are protected by parliamentary privilege and bound by its obligations. You must tell the truth. Giving false or misleading evidence will be treated as a serious matter, and you may be found in contempt of the Assembly. I note that, Mr Haque, you have got a brief opening statement.

Mr Haque: Thank you, Chair and members of the committee, for the opportunity to present evidence today. I speak on behalf of the Canberra Multicultural Community Forum, the peak body representing more than 110 multicultural organisations across the Australian Capital Territory. At the outset I wish to affirm CMCF's unequivocal commitment to public integrity, campaign finance transparency and robust safeguards against political corruption. We hold no partisan alignment, nor do we appear today to defend commercial gaming interests. Our evidence centres on a fundamental principle of sound legislative drafting. Integrity interventions must be precisely targeted and proportionate, ensuring they do not inadvertently dismantle the essential civic infrastructure of our territory.

Our central concern lies in the bill's failure to distinguish between commercial gambling corporations and mutual not-for-profit community clubs. These entities possess fundamentally distinct mandates. Commercial gambling operators exist to extract profit for private shareholders, while not-for-profit community clubs exist to reinvest operational revenue back into the local community. For Canberra's multicultural communities this distinction is vital to our social survival.

We are presenting this evidence at a time of growing complexity and vulnerability. Across the broader public landscape we are witnessing an increase in political rhetoric challenging multiculturalism and questioning the place of culturally diverse communities. When social cohesion comes under pressure, the real-world consequence for multicultural Canberrans is a sharp rise in anxiety, social retreat and mental health strain, particularly among elderly migrants, refugees and young people trying to navigate their identity.

In this environment community clubs are far more than function rooms; they are safe,

neutral, low-barrier havens. They are among the few physical spaces where community members can gather with dignity, support one another, preserve their cultural heritage and access informal peer support networks. They provide the protective social infrastructure that actively buffers our communities against isolation, hostility and despair. If electoral law treats these non-profit institutions as indistinguishable from commercial casino operators, the collateral damage will fall directly on these very community networks.

This brings us to the core statutory question before this committee: should a not-for-profit community institution be classified as a prohibited donor under electoral law solely on the basis of its licensing classification rather than its corporate character, revenue reinvestment model and public benefit mandate? CMCF submits that a licensing classification should not serve as a blunt proxy for political integrity risk. There is a profound regulatory distinction between a commercial corporation seeking policy concessions for commercial gain and a mutual non-profit deploying venue revenue to sustain social cohesion and community protection.

We urge the committee to recommend a targeted, objective exemption for genuine not-for-profit community clubs strictly conditioned on non-profit status and verified community reinvestment while retaining absolute prohibitions on commercial gambling operators and preserving full transparency requirements. Refining the bill in this manner does not create a regulatory loophole; it sharpens the instrument. It ensures the law effectively targets political corruption without dismantling the physical spaces that protect our multicultural community from social isolation and division.

THE CHAIR: The first question will be asked by the Deputy Chair Mr Braddock.

MR BRADDOCK: My question is to Mr Krishnamurthy. You mentioned in your submission that culturally and linguistically diverse communities may experience additional harms or concerns about gambling. Can you provide a bit more detail about that?

Mr Krishnamurthy: From the CALD as well as from the CARM community, I just want to raise few things here, because, as I always mention in these inquiries, people come from all walks of life and people go through different types of trauma before they migrate to a new country. Migration is chosen as an option for some, but for many it is a must, and they move to a different country. When they do arrive in a new country, they try to settle down with their family and then they go through lots of other issues as well.

When it comes to gambling, we always hear that gambling is just a symptom. It is not that people really want to get into gambling and start doing things—the way it is happening. But it does remain as a hidden long-term issue which is not just affecting an individual; it does affect the whole family and partly the society as well. We know that. There are different cultures where people do not talk about it because that cultural stigma which comes with individual communities and not seeking help early is a bigger issue. We have seen that in the community, and we are still seeing it.

Language barrier is something that we talk about when it comes to CALD, and it does

really affect them, because there is a lot of information in the support facilities which are available from the ACT Gambling and Racing Commission and all other jurisdictions—different information. It is not actively reaching the CALD community members, and this is causing financial harm.

Someone settles in a new country when they can focus more on and channel their money into settling their family and putting kids—the food and schooling and all that—but when the stress builds up, then they look for a vent and they look into a situation where they can use the money somewhere else, which affects them individually, their family and the society. That leads to mental health issues and all different problems. That is what I briefly mentioned in my submission.

Also I just want to mention here that mainstream services may not always feel culturally accessible for these members, because families may seek help only when the harm becomes very significant and it is open and they are, I would say, caught. The focus needs to be more into the prevention because if we can prevent the harm even before it reaches the community to that extent, then we can stop the crisis. These are all the points I just want to mention here.

MR BRADDOCK: I have just got one supplementary. Mr Haque, you mentioned in your opening statement that these clubs provide a safe space for people to attend events with dignity. They definitely have that community value, but do you also acknowledge that there are some from your community who experience harm as they go into those spaces and they are not necessarily safe for them?

Mr Haque: Well, that is a loaded question. Any place can give harm, especially for multicultural community members. But these places that the clubs provide are actually protected spaces—put it that way. You are referring to, I presume, the gambling side of the issue; am I correct?

MR BRADDOCK: Yes.

Mr Haque: How do you stop gambling? People take flutters every week on the TattsLotto, people take a flutter on the races—even the footy is every week. It is not only the clubs that are providing that space; it is outside as well. You cannot escape the gambling issue. It is around you everywhere you go. You cannot isolate it. To put the blame on the clubs I think is a bit disingenuous, I'm sorry. But gambling is everywhere. It is part and parcel of our life.

MR WERNER-GIBBINGS: Just regarding what you have spoken about on the harm that can be felt by or how it affects culturally and linguistically diverse communities, which is not disputed—this inquiry is about a specific bill before this Assembly—do you feel that culturally and linguistically diverse communities are more at risk from the issues referred to in this bill?

Mr Krishnamurthy: I think it is not very specific about CALD, but culturally and linguistically diverse communities are increasing in the territory, overall in Australia and everywhere in the world, including here in the territory. There is a strong presence of CALD members, which is increasing due to immigration. When it comes to this specific bill, I think we do talk about the political donations and integrity in

decision-making and that sort of thing. I think it is discussed in this bill, which I am well aware of, but we have taken the opportunity to provide this submission. The key part that we have mentioned in the submission is that we do need strong support where gambling harm in particular impacts the CALD communities, because I am from a CALD organisation where we have 30 different community members that have provided input for this particular submission to us in our association. That is why we have mainly focused on the CALD and what the impact is of gambling on them, and we have requested an opportunity here. The whole bill, I do understand, is not just about the CALD communities and necessarily how they are affected, but we do want to bring this to the attention of the committee here to tell you directly how this is impacting the CALD members.

MR WERNER-GIBBINGS: For CMCF, on page 2 in your submission, the observation is that the bill:

... risks creating an unintended narrative that community clubs are equivalent to commercial gambling operators whose primary purpose is profit maximisation.

That was reflected I think in your opening statement. It goes on to say that this:

... overlooks the unique role clubs play in supporting multicultural communities ...

Could you please tell us about the type of club that would be impacted by the bill as it currently stands and what the consequences to multicultural communities might be?

Mr Haque: Perhaps how I should go and respond to that is—I should look at it from the other end—as to what the clubs are providing for us at the moment. The clubs are providing for us a space to gather—in Canberra it is a different jurisdiction to New South Wales, which is what everyone compares it to. Canberra is restricted in its availability of space for use for the community. We are always struggling to find a space. The clubs provide that facility for us, and they provide a safe space as well in the sense that it is regulated and it is available for us—sometimes not gratis but at a discount maybe.

The clubs at the moment have got issues with—I will give an example: the seniors. Whether it is the seniors in Chinese community, the Bangladesh community or the Indian community—whatever communities—they do not go out, they do not have an opportunity to mix with people and hardly do they get a chance to get together and exchange social good things, to put it that way. Recently CMCF has approached the clubs and asked them if we can use their facilities on a fortnightly or weekly basis for gatherings of these Chinese, Bangladesh and Indian community seniors. I am targeting the seniors at this stage. Of course, that has happened, to the point that now we have got I think around 300 seniors that will be frequenting the clubs either on a weekly basis or a fortnightly basis to use the facilities to get together. Remember, these people do not get out much. They do not get an opportunity to get out much because of either restrictions on transport or distance, which is one of the other things, and the clubs are all over Canberra. They provide a venue for them to get together and meet on a regular basis.

Mental health is one of the issues that the clubs indirectly address, and that is a huge thing, because these senior people are lonely and do not get to meet their peers at all sometimes; months and months go by. I know of actual cases where some of them do not even go shopping because they do not have transport, so they rely on others to bring the shopping to them. They have not been out of the house for weeks, and this opportunity of meeting at a place provided by the clubs is an actual escape for them, because others can come and pick them up, they transport-share and they meet on a weekly or fortnightly basis now. This is one of the issues that we have addressed.

Your question was about which clubs will be affected. I cannot answer that question about which clubs will be affected because we have just started this year on this program, and it has become very successful not only for us, the community, but also for the clubs as well, because now the clubs are opening up.

I will give you an example. They are changing their menus to accommodate the people. In fact tomorrow afternoon I am meeting with one of the clubs. I am taking a couple of people with me from the seniors club who are going to actually help the club to develop a new menu and also get the ingredients, because this club is extremely white—let's just put it that way. They have actually said, "We're white," because I told them the food is not going to be very attractive to that community. They said, "Help us. Help us with the menu. Can you help us with the menu?" That is what we are doing tomorrow.

THE CHAIR: My question was actually taken by Mr Werner-Gibbings. It was about unintended consequences, which you mentioned. Noting the time, is there anything else further that you wanted to add to expand on that point?

Mr Haque: Gosh.

THE CHAIR: The unintended consequences and the impact on your members.

Mr Haque: Put it this way, Chair: we have just started using the facilities, because we are desperate for space, and the clubs are spread all over. The other advantage is that—Canberra being north and south, such a wide distance apart—in one of the cases that we have had the north people have to come to the south side every week or every fortnight, and that got a bit overbearing for them, so now we have got a place in the city where they can all come together and gather and meet on a weekly or fortnightly basis. Another consequence: this club happens to be a bowling club, so that provides additional exercise and movement and I suppose competition as well for them. They are the other consequences that you are talking about.

THE CHAIR: On behalf of the committee, thank you very much for attending and giving evidence today. I do not think you took any questions on notice.

Mr Haque: No.

Short suspension.

HALCROW, MR JEREMY, Co-Chair, Canberra Gambling Reform Alliance
SESELJA, MRS KATE, Co-Chair, Canberra Gambling Reform Alliance

THE CHAIR: We welcome witnesses from the Canberra Gambling Reform Alliance. Please note that, as witnesses, you are protected by parliamentary privilege and bound by its obligations. You must tell the truth. Giving false and misleading evidence will be treated as a serious matter and may be considered a contempt of the Assembly. As we are not inviting opening statements we will now proceed to questions, and the first question will be asked by committee member Mr Werner-Gibbings.

MR WERNER-GIBBINGS: Thank you very much, Chair. I have just one question—and it is a nice juicy one. The submission makes a case for banning donations to political parties on the grounds that this might—“might” being the operative—influence public policy. Walk me through the logical steps in how a community club that also operates gaming machines and gives free or reduced access on a non-partisan basis upon request to any group who asks—not just political parties, but organisations like community councils that talk about political issues or lobby government or some of the organisations we had before that talk about ways of reforming ACT democracy, regardless of political persuasion. Do all of those sorts of requests for meetings influence a political party, or only some, or none?

Mr Halcrow: If I misunderstand your question, please come back to me. CGRA would be strongly opposed to a carve-out for community clubs. The logic behind that is that the majority of the community harm caused by gambling comes from pokie machines that are, in the territory, exclusively operated by community clubs. Whether you want to call it the gambling industry, the gambling sector or the gambling ecosystem, the reality is that community clubs are an absolutely integral part of that. In fact, as I said, they are the main driver of harm from gambling in the ACT.

For that reason, it is not an ordinary consumer product and it is not an ordinary industry. As I said, it is associated with significant harm, including financial harm, mental health harm, suicidality et cetera—not only to individuals but also to their families and, indeed, the broader community. Reducing that harm depends on government regulation. Therefore, political donations are either a real or a perceived conflict of interest. Obviously, community clubs have an interest in ensuring that regulation to reduce harm is not enacted. If you are questioning me specifically about the meetings carve-out, I am happy to come back more on that picture.

MR WERNER-GIBBINGS: I am just trying to determine the impact the legislation as it currently is would have—and probably negative—in terms of the ability to host events or hold meetings for community councils, multicultural groups, political parties and sports clubs, which could all have the ability to attempt to try to influence political policy. That would be an intended consequence of this bill. That is not an unintended consequence. If those organisations are captured and required to pay full rate, then that is the point.

Mr Halcrow: Obviously, the amendment as currently drafted includes a capture for a pro bono meeting. We did discuss this with our CGRA members and we did not reach a consensus decision on that. It would be fair to say that a number of the service providers within our group had sympathy for the challenges in finding appropriate

venues for meetings. On the other hand, in my day job, I have operated community services in regional New South Wales, and it is absolutely true that in some rural communities the club is the only venue, and I do not think that can also be said for Canberra. Wherever there is a strong relationship between a political party and a club there exists the risk of a perceived or real conflict of interest. But, as I said, CGRA does not have a consensus position on the issue of a carve-out for meetings per se. Kate, did you want to add anything to that?

Mrs Seselja: I think there is a difference between political meetings and community meetings, and I think that is where it is getting kind of lost in translation.

MR WERNER-GIBBINGS: What is the difference?

Mrs Seselja: This is not about stopping communities. The purpose is to stop the conflict of interest that is happening between vested interests and political leaders. It is not about dragging communities into this space.

THE CHAIR: Ms Vassarotti?

MS VASSAROTTI: Thank you, Chair. Just picking up on that, I think the discussion that is happening is interesting in terms of who is captured or not in the meeting space. My reading of the legislation is that it is political entities and so people such as CAPaD would not be covered. I am particularly interested in getting your view on and your experience of the connection between donations—whether they be actual or in kind—by gambling entities and the influence in the political system. You might want to draw on 2024—as an example of this in terms of your engagement—when there was significant work to get some gambling reform and your experience of the lobbying activity of the gambling entities.

Mrs Seselja: Absolutely. The evidence of this relationship that exists is evident because we still currently have no safeguards around gambling products in the ACT. Had this relationship between the industry and people in positions of power not existed then that would not be the case; there would be clear action from a public health standpoint to protect consumers from harmful products. That has not occurred in the 10 years of advocacy that I have been involved in.

In 2014 it was heartbreaking to build a body of work and evidence to make the ACT have a safeguard system. It would have impacted the clubs' bottom line and so they rallied against it, and Canberrans lost. Thousands of Canberrans have been impacted by the lack of safeguards on pokie machines that have continued to be allowed to be accessed night and day. The human carnage, the fallout, is what I work in day in and day out—talking to people in rehabs, talking to people in jail, picking up broken families and talking to them about members who have taken their lives. This is absolutely serious. The relationship between the gambling industry and politics is not only an ACT thing but also federal.

Mr Halcrow: The ACT gambling sector is probably one of the least transparent in the country. I have had that feedback from those involved in regulating the sector interstate. A key policy goal for CGRA is improving transparency. We believe that the amendments to this bill are a step in the right direction in terms of improving

transparency and public integrity.

To your question, currently a lot of this space is very opaque regarding the influences behind the scenes that are leading to some of the, we would say, substandard and poor regulatory reforms. Kate has outlined the challenges that we have had to advocate for even modest regulatory changes to provide appropriate safeguards to Canberrans, particularly around pokie machines but also around the gambling sector in general.

MS VASSAROTTI: Thank you.

THE CHAIR: Mr Halcrow, you have just spoken about the key role of the alliance being about pushing for transparency around the actual regulation of this industry. But, in terms of this bill, do you have any evidence that you can assist the committee with about instances of undue influence in ACT government decisions?

Mr Halcrow: No; I could not speak to specific examples on the record.

THE CHAIR: Mrs Seselja, do you have anything?

Ms Seselja: No. I wish I could point to more evidence, but it is just so opaque. It is very hard to produce that evidence, but it is also hard to ignore the evidence of a lack of action in the space.

THE CHAIR: Thank you.

MS VASSAROTTI: I am interested in getting your perspective on how you see this bill providing greater protection to the community and reducing gambling harm.

Mr Halcrow: As I said earlier, there is a concern from our sector that there is material influence on political parties from the gambling sector. Some of that is known on the public record. In giving the community more confidence that decisions that the parliament is making is in the public interest, we would hope to see safeguarding measures put in place that would reduce harm. There are a range of key reforms that we would like to see. To take pokie machines for example, as I have already said, there is strong evidence through the Gambling Harm Prevalence Survey, the last one conducted in 2024, that the majority of harm is still coming from pokie machines.

There is a range of extremely modest reforms, not least seeing closedown periods for pokie machine venues of between midnight and 10 am. We know most of the significant harm occurs in the early hours of the morning. That sort of reform would not require any sort of technological impact. It is surprising to me that, despite commitments from previous governments in previous parliamentary terms, we have yet to see a seven-day-a-week closedown period for clubs. That is something that has been advocated not just in the ACT but also in other jurisdictions. Then there is a range of modest reforms such as breaks in play, load-up limits et cetera that have been well debated. Our view is that these amendments to the Electoral Act will have a material impact in seeing modest reforms enacted to reduce harm to the community.

MS VASSAROTTI: Thank you.

THE CHAIR: Thank you very much, Mr Halcrow and Mrs Seselja, for your evidence to the inquiry today.

Short suspension.

EMERSON, MR THOMAS, Member of the Legislative Assembly

THE CHAIR: We welcome Mr Thomas Emerson MLA, sponsor of this bill. Please note that as a witness—this time—you are protected by parliamentary privilege and bound by its obligations. You must tell the truth. Giving false or misleading evidence will be treated as a serious matter, and you may be considered in contempt of the Assembly.

MR PARTON: Mr Emerson, can I ask, please, in the context of the 2024 election campaign, did you receive a donation from the manager of a licensed club in the ACT?

Mr Emerson: I did not personally; Independents for Canberra did.

MR PARTON: Independents for Canberra, which was the party grouping that you were running, received a donation. This is from the manager of a licensed club. What was the monetary value of that donation?

Mr Emerson: I believe it was \$5000.

MR PARTON: Do you know how many pokie machines the relevant club operates?

Mr Emerson: Non-zero. I do not know.

MR PARTON: Sorry?

Mr Emerson: Yes, there are a number. I do not know how many.

MR PARTON: It is 31.

Mr Emerson: Thanks for asking.

MR PARTON: Given your position on donations from the so-called gambling industry, given that this would be one of the largest cash donations in the last two elections from an associate in the so-called gambling industry to a candidate and given your position in this space, surely you have given the money back, Mr Emerson. Have you refunded the money?

Mr Emerson: I have not refunded the money. I think the fact that I brought forward this bill is evidence that I am not influenced by the decision from someone who manages a club to provide a donation at the very early stages of the establishment of a new political party, which I ended up running as a candidate under. The fact that I am calling for significant reform in the gambling harm reduction space is also evidence that that has not influenced my decision-making processes as a member of the Assembly.

The question will be whether the Liberal Party, the Labor Party and other members of the Assembly will also decide to put the best interests of their constituents first and support the passage of this bill and support significant gambling harm reduction measures or indicate that they are in fact captured by vested interests, including

through the provision of donations from the gambling industry.

MR PARTON: Would this donation have been against the law if your bill passes?

Mr Emerson: Yes.

MR PARTON: As a consequence of this large cash donation, have you done the bidding of the evil gambling industry, Mr Emerson? Have your decisions been influenced by this gambling-tainted money?

Mr Emerson: No.

MR PARTON: Just to be clear, I do not have a problem with the donation. The only person who has a problem with the donation is the receiver of the donation.

Mr Emerson: What a sign of integrity.

MR PARTON: Again, as the bill is currently drafted, my understanding is that a casual kitchen hand who works a few shifts at the Raiders club would be excluded from participating in the democratic process.

Mr Emerson: Your understanding is false. The casual kitchen hand would need to have a controlling interest in the management of the organisation that was a gaming machine licensee in order to be captured by the bill. They do not, unless they are also a director of that entity with at least five per cent voting power.

MR PARTON: So it does not cover staff at all?

Mr Emerson: Not unless they have a controlling interest in the entity with at least five per cent voting power.

MR PARTON: My understanding was also that the voluntary vice president of the hockey club that received any community contribution from a licensed club would also be precluded.

Mr Emerson: No, that is not true. They would need to receive at least 50 per cent of their revenue from a gambling industry entity. If the licensed club had gaming venues, they would be captured; they would be a gambling industry entity, but not every club has gaming venues.

MR PARTON: I think that is it for me and that line of questioning, Chair.

THE CHAIR: I had a supplementary, but I might see how this plays out.

Mr Emerson: I just wanted to cover something before we continue, if that is okay. I would like to draw the committee's attention to a potential contempt of the Assembly. Standing order 278 reflects on the Assembly's power to adjudge and deal with contempts to provide reasonable protection for the Assembly and its committees and for members against improper acts tending substantially to obstruct them in the performance of their functions.

The Labor Party member of this committee has provided false information to witnesses about the nature of the bill, claiming multicultural groups and community organisations like Active Democracy Bean would be captured by it. The bill only captures donations to political entities defined on page 2. It does not capture donations, including providing free facilities use to community organisations, as witnesses have been led to believe by Mr Werner-Gibbings. His remarks have deliberately confused witnesses about the nature of the legislation and in doing so, I would argue, have substantially obstructed the committee's inquiry into the bill today. I ask the Chair to review Mr Werner-Gibbings lines of questioning and consider whether he is in contempt of the Assembly by misleading witnesses about the scope of the bill.

Specifically, Mr Werner-Gibbings indicated that the legislation applies “to any sort of event that holds political communication” and told witnesses that are not political entities that “your meetings would be covered”. He also said multicultural groups that wanted to have a meeting in a club and talk about the impact of multicultural facilities or multicultural policies on them would be covered and that an intended consequence of this bill would be to capture community councils, sporting organisations and multicultural groups. This is all completely false, and you only have to read to the second page of the bill to know as much, which I would hope all committee members will have done prior to this hearing. I hope the Chair of the committee will consider this closely.

Let's be clear: this bill not impose any restrictions whatsoever on community groups meeting in pokies venues for free or otherwise. It does not even prohibit political parties from gathering in meeting rooms provided by pokies venues. It just requires them to pay the club's standard commercial rates for doing so. As such, much of what has been heard in today's hearings so far does not pertain to what this bill actually does.

THE CHAIR: I will take that on board because I will need to review the *Hansard*, but thank you for bringing that to my attention.

I did have a supplementary just in relation to Mr Parton's. Mr Emerson, one of the things that you did confirm and actually initiated yourself was that despite the fact that you received probably one of the largest single cash donations from a licensed club, it has not affected your ability and has not had an undue influence on your decision-making in this place. Is it your standing that you are the only one who is able to make that distinction and everyone else is going to be at risk of being unduly influenced?

Mr Emerson: It depends on what they decide to do with legislation. In recent years multiple pieces of reform have been considered by members of this Assembly during my time—not during my time, prior to my time here—and I have not seen any of that legislation brought forward. The government has consulted on—

THE CHAIR: In relation to that then, you are talking about reform that has been proposed before your time here, and despite that and having that position, you still accepted that \$5000 donation knowing that you were going to come into this place and make the decisions that you do, because you have already been saying that you

were disappointed about some of the decisions that were made by members that were existing in the Assembly.

Mr Emerson: To answer your question about the influence on other members of the Assembly, I am not certain—I cannot be certain—that people have been influenced, but what I do know is that gaming revenue has increased year on year and gambling harm has increased year on year in our community. The ACT government has consulted on reducing bet limits on pokie machines, introducing load-up limits in 2023. Neither of those things have been done. The ACT government has consulted on restricting gambling advertising in the ACT and received incredibly strong support for that measure; it has not taken any action to do so. The ACT government has even drafted a piece of piece of legislation, a regulation, that would impose gaming room closures in the early hours of the morning—I understand 2 am to 10 am—which New South Wales and Victoria have both done. The ACT government has not issued that legislation or that regulation.

There are multiple pieces of reform that have been considered but not carried out by members of this Assembly. I think that is of concern, and it is clear based on the feedback that I have received in my consultation on this piece of legislation that Canberrans believe the reason that has occurred—or has not occurred—is because of the close relationship between political parties and gambling industry entities in this town.

THE CHAIR: Do you accept that there are multiple reasons and there are multiple stakeholder views that members of the Legislative Assembly take into consideration when considering their support and decision on any bill?

Mr Emerson: Yes.

MR BRADDOCK: Just for the benefit of the *Hansard*, I did in 2023 move a bill in this place to ban gambling donations. That did not receive the support of the Assembly.

Mr Emerson, just coming back to the High Court test for proportionality on the implied freedom, the gambling industry demands that we articulate how that industry in particular has a corrupting effect on politics so as to justify instituting the response. Can you reflect on how the gambling industry miss that threshold here in the ACT?

Mr Emerson: In late 2015—I will provide what I think is the strongest example here in the ACT—the Chief Minister was considering a move to allow pokie machines in the Canberra casino. The club saw this as a direct attack on them—an existential threat, if you will. The Raiders Group, which currently holds 606 gaming machine licences, which equates to 17 per cent of the total across the territory, hired a lobbyist to fight the casino bid. Clubs ACT then funded that lobbyist to register a new political party called Canberra Community Voters with almost \$200,000 in cash donations to run an attack campaign targeting the Chief Minister on matters of integrity and so on. Clubs ACT also spent \$56,000 on their own ads as part of that campaign. When none of Canberra Community Voters’ candidates were elected, the lobbyist who had been hired to represent the interests of clubs, who was literally the registered officer of the party, said, “The whole aim of this was to get a Liberal government. It wasn’t to get

any of our people elected.” This is a clear example of the body representing gaming machine venues in the ACT using political donations to support a self-serving campaign that sought not to improve democratic representation, not even to get candidates elected but purely to influence policy outcomes through a targeted personal attack on an elected representative whom they saw as a threat to their survival. By the way, the casino never got any pokies licences.

So you do not think gaming machine venues see a gaming reform minister with a PhD in gambling harm research as a threat to their survival? Will all of the clubs just roll over and let her implement sweeping reforms that risk destroying many of their members’ business models, as have been discussed this morning? I accept it is a different CEO. The current CEO is a life member of the Labor Party, so we might not see the same kind of an attack campaign on the Chief Minister, but that does not mean none of the clubs will do anything about it—or none of the gambling industry entities in this town. Policy should not be made on the basis of whomever happens to be in charge of one particular organisation at one particular point in time.

What this example shows is that gaming machine venues are willing to mobilise to protect their financial interests and to exert significant undue influence on our democracy as part of achieving their aims, and that is true regardless of the fact that they do not distribute profits to shareholders. Their directors of their boards are bound to pursue the best interests of the clubs that they work for or represent. Of course it is in the interests of those clubs for gaming machine revenue to continue increasing. In the last 10 years there have been over \$275,000 worth of cash and in-kind donations provided to the two major parties by gambling industry entities. I understand Clubs ACT in their submission asked for evidence of that. I would like to table this document, which is—forgive the roughness, because it is just our rough workings of that figure—is all based on disclosures on the Elections ACT website, and I think it could be helpful for the benefit of Clubs ACT if this could be published as well.

MR BRADDOCK: Just a supplementary: have you seen how the gambling industry’s federal influences spill over into the territory’s politics?

Mr Emerson: We have just seen the Australian Labor Party and the coalition federally agree to reforms that no-one supported in the gambling reform space except for the gambling lobby. I note that the Australia Institute in their submission notes the gambling industry donations to the Labor Party and the coalition at the federal level amount to almost \$10 million in the last five years, with analysis finding donations increase around election periods and policy discussions.

Those two entities agreed to a package of reforms that contradicted the recommendations of the multi-partisan parliamentary committee that recommended, for instance, a full ban on gambling advertising. The legislation that has been passed does not impose that full ban, which has huge majority support from across Australia, including here in the ACT, which my survey, which I have provided to the committee, also indicates.

So even if there was no evidence of gambling lobby influence here in the ACT—I have just provided you with a couple of examples—this would be enough to justify the bill’s passage on preventative grounds. The ACT government’s submission notes

that in *Spence v Queensland* 2019 the majority of the High Court noted that it is permissible for one Australian state to have regard to occurrences in another state to justify taking legislative action to address a risk of harm to its system of government. Presumably this extends to the federal level as well. I would love to see someone mount an argument in the High Court that there has been no government in this country whose decisions about gambling have been influenced by the gambling lobby, by donations from that lobby. I would imagine that such an argument would fail.

MR BRADDOCK: Just one quick clarification: is it your position that the racing industry is part of the gambling industry and just as problematic as the remainder of the gambling industry?

Mr Emerson: That is how the bill is defined. It is intended to be broad so as not to unfairly target any particular part of the industry but instead focus on any entity involved in gambling, given the public health crisis that we are seeing as a consequence of gambling harm across our country.

MR WERNER-GIBBINGS: Chair, just for your benefit, I accept Mr Emerson's comments about my interpretation of the impacts of his amendment, noting that the ultimate arbiter of the impact of a bill would be a judicial officer. If my interpretation is wrong down the track or even now, then I unhesitatingly apologise and withdraw those comments.

Speaking about judicial interpretations of the law, I think the strongest precedent for industry donation bans is the ban on property developers. New South Wales ICAC found that there was a heightened corruption risk for the property development sector influencing government planning decisions. In the High Court *McCloy v New South Wales* upheld the property developer ban, which was challenged because it was directed at a demonstrable risk of corruption and undue influence in an area of government decision-making that had been shown to be especially vulnerable.

If this amendment was challenged in court, the territory would need to demonstrate that the restriction is proportionate to the risk being addressed. Would you be able to point the territory to any comparable evidence and examples of influence or corruption arising from donations by the gambling industry, as described in the bill, in the ACT that would justify treating it in the same way as property developers?

Mr Emerson: Sure. I would like to see any evidence of property developers having influenced outcomes here in the ACT—specific evidence. I do not know that has been established, but—

MR WERNER-GIBBINGS: That is not my question.

Mr Emerson: —you pointed out rightly that it has been established in New South Wales. I think I have provided examples already to the committee of influence exercised by the gambling industry through political donations to achieve outcomes that were relevant to their viability, specifically in 2016.

The matter of free facilities use, of course, has been covered by the committee extensively this morning. Members of political parties are gathering in meeting rooms

provided for free by gaming machine venues to discuss their policies on matters like government regulation of gaming machine venues. That is a problem. I think the fact that ACT Labor does not see it as a problem and, according to their submission, wants a special carve-out to allow this practice to continue is itself a problem. It is exactly why people do not trust politicians.

The free facility use that is being provided is then used to help cover off on clubs' community contributions obligations. You have got the people responsible for regulating the industry saying, "Look, we understand this is a harmful industry. That's why you have to make community contributions, as a kind of offset for the harm that you're causing, and one of the ways you can do that is to provide your meeting rooms to us for free, and we're all okay with that." The solution to that problem is just to pay for the meeting rooms. ACT Labor receives \$287,000 per year in taxpayer funds to administer its party, which I would think would be sufficient to cover the cost of those meeting rooms. So, yes, I do think there is clear evidence of undue influence.

If you want to see another example of how closely the gambling industry is connected to political parties in the ACT, of course we have to look at the Canberra Labor Club, which was formed in 1979 by the executive trustees and members of the ACT branch of the Australian Labor Party. It currently has more than 400 pokie machine licences. That is almost 12 per cent of the total number in the ACT. It is listed as one of ACT Labor's associated entities, which means it is controlled by and/or operates for the benefit of the party, and it is still listed as such in annual returns that just went live a couple of days ago. You can learn more about its governance structure in the ACT Gambling and Racing Commission 2010 report on its investigation into possible breaches of the Gaming Machine Acts by the Canberra Labor Club in respect of the proposed sale of its clubs in 2009. I would also like to table this document for the benefit of the committee.

THE CHAIR: That is fine.

Mr Emerson: The report states that in May 2009 the Canberra Labor Club decided to sell its venues because the club was "operating in a different environment where gambling was considered by some to be a social harm" and that the continued ability to provide political donations was under increasing scrutiny. In June 2009 they found a buyer in the Tradies, but:

The National Executive of the Labor Party was concerned about the potential impact of the sale of the clubs on the party's capacity to campaign in future ACT and federal elections.

It is important to remember, of course, at that point Canberra Labor Club had been providing hundreds of thousands of dollars to ACT Labor to fund its campaigns every year. In July 2009 the National Executive directed the ACT ALP branch to do everything in its power to prevent the finalisation of the sale of the Canberra Labor Club. ACT Labor then issued a direction to the ALP-appointed directors of the Labor Club—six of the nine members of the board—to defer the finalisation of the sale of the Canberra Labor Club until further advice, and the deal was dead by the end of August. This is an example that shows intervention from the National Executive of the ALP is very possible if decisions are being taken or considered that the party

considers contrary to its self-interest, like, perhaps, deciding whether or not to support this bill.

The report I note was available on the gambling and racing commission's website until 2022, when the ABC included a link to the report in an expose entitled "How the gambling industry is pouring millions in political donations into party coffers". Within two days of that article being published the report had been pulled from the gambling and racing commission's website and is no longer available anywhere. What is going on there? Perhaps you can ask ACT Labor or the ACT government. I would hope that the committee would also publish that report.

MR PARTON: Mr Emerson, you indicated that the large \$5,000 donation from the manager of a licensed club was not a direct donation to you but that it was a donation to the party vehicle that you established to get yourself elected. In the lead-up to that donation being made, did you have any direct communication with the donor?

Mr Emerson: Yes; he was involved in helping volunteer and get the party established.

MR PARTON: So you were absolutely aware that the donation was coming to the party group that you established?

Mr Emerson: Yes.

MR PARTON: Why was he donating \$5,000 to your campaign?

Mr Emerson: I think he was tired of a long-term government and opposition that had not done enough to deliver for our community and hoped to see independent representation in the Assembly to push for issues for our community. I have not asked him but I would be confident he probably is not happy about this bill, which is evidence that his donation did not influence my policy positions.

MR PARTON: I held a community forum around sports grounds earlier in the year at the Southern Cross Club at Woden. We got 80 or so people in a room to have a conversation about an issue that was absolutely challenging the community. I attended the forum, as did the then sports minister, Ms Berry. The meeting room was provided for free, and it would have cost, I believe, around \$800. Given that both the Liberal leader and the Labor sports minister were there, who would you consider was being influenced unduly by that free hire? Was it me or was it the sports minister?

Mr Emerson: Were you hosting the forum?

MR PARTON: Yes. So it was me?

Mr Emerson: In that case, it was a free gift to you, which saves the Canberra Liberals \$800.

MR PARTON: Well, it would have been me that paid. I would have just had to fork it out from my wallet.

Mr Emerson: Okay; so it saves you \$800.

MR PARTON: My question to you is: is that really a threat to democracy?

Mr Emerson: Our Electoral Act defines gifts in kind as equivalent to gifts in cash. That is because if I can save you \$800, it is the same as giving you \$800, because that is \$800 you can spend elsewhere.

MR PARTON: Yet these sorts of forums have been held in community clubs since they existed in this town. They are the sorts of things that occur here. We had an exceptionally well-rounded conversation involving so many voices from the community. But I should have paid for a room at the Hyatt or paid for a room at the Realm or something to do that?

Mr Emerson: Or paid for a room at the community club.

MR PARTON: Just as well you are here to save democracy, Mr Emerson.

Mr Emerson: Hopefully you can support the cause, Mr Parton.

MR WERNER-GIBBINGS: So you bringing this bill forward despite the significant donation that you received from an associated entity person—

Mr Emerson: A close associate.

MR WERNER-GIBBINGS: —is evidence of you not being influenced?

Mr Emerson: That is one piece of evidence.

MR WERNER-GIBBINGS: The ACT Labor in government has delivered and is delivering gambling harm reduction reforms that the industry has strongly and publicly opposed. So that is not evidence that they are not being influenced?

Mr Emerson: ACT Labor has agreed to—

MR WERNER-GIBBINGS: Just the question.

Mr Emerson: I am answering the question.

MR WERNER-GIBBINGS: Okay.

Mr Emerson: ACT Labor has agreed to a timeline of reduction in electronic gaming machine numbers, which is not legislated beyond the current level. A reduction in gaming machine numbers so far—which is the only measure anyone could really point to that the clubs are not happy about—has been from around 5,000, which is among the highest per capita in the world, to 3,500 and has had zero impact on revenue or gambling harm. The ANU have done research to consider how long it would take for there to be an impact on the trajectory proposed by the government, which is another 500 licence reductions per term, and they have said that it would not be until you reach 2,000 gaming machines in the ACT, which would take another decade. So there has been no impact on the industry.

MR WERNER-GIBBINGS: How much impact will this bill have on revenue or gambling harm if that is the measure?

Mr Emerson: I would hope that the bill leads to meaningful measures.

MR WERNER-GIBBINGS: But how much? If it is at zero, would it be more than zero or hopefully?

Mr Emerson: This bill is not about reducing gambling harm; it is about reducing the influence of the gambling lobby on the decisions that we make in this building about gambling harm reduction measures.

THE CHAIR: Mr Braddock has a supplementary.

MR BRADDOCK: Ms Vassarotti, in questioning this morning, revealed that pokies revenue has increased to record levels under this Labor government. Is that an indication that the Labor government's regulation of the harm from pokies has been ineffective?

Mr Emerson: I think it is a clear indication. We have all the evidence in the world that gaming revenue has been increasing year on year. Gambling harm has been increasing year on year. The reported incidents of gambling harm in our community went up almost double in the last financial year. The clubs are saying they are concerned because there have been a reduction in the number of gaming machine licences from 5,000 to 3,500. I have never seen someone lining up for a pokie machine, and that is why that has not led to a reduction in gaming revenue. There are plenty of machines out there and still out there.

I asked the Minister for Gaming Reform about this, and she did not dispute the ANU's assessment that gaming revenue under that policy would not be affected by the reduction in machines until we hit 2,000 machines, which would be in a decade from now. She did not dispute the notion that gaming revenue is a clear indicator of gambling harm. I would love to see the evidence to the contrary: that there has been a reduction in harm in our community. All the data says there has been an increase.

There is significant community support for addressing that harm, which the results of my survey indicate clearly, as have multiple government consultation processes and polling exercises that have been carried out. Canberrans actually want action in this area, and there are clearly concerns that connections between gambling industry entities and political parties in this town are part of the reason that we have not seen action.

THE CHAIR: Mr Emerson, you earlier raised a point of order—for want of a better phrase—in relation to contempt, because you stated that Mr Werner-Gibbings had given false or misleading advice to witnesses that appeared earlier this morning—and, in particular, Active Democracy Bean. In terms of your bill, can you clarify for the committee why the difference in that you have now specifically said that groups like Active Democracy Bean are not going to be captured? Does it have to be a registered political party to be captured? If you are talking about undue influence in the political

process, where do you draw the line?

Mr Emerson: Page 2 of the bill defines a political entity. “Political entity” means a non-party MLA, a party grouping or a non-party candidate grouping, a non-party prospective candidate grouping or an associated entity, like the Canberra Labor Club.

THE CHAIR: Okay. We see a number of them coming up now that are the voices of movements that are clearly designed or established for the purpose of finding candidates to run. Where do they get captured, or are they?

Mr Emerson: Under this definition, unless they were to be considered a non-party prospective candidate grouping, which perhaps they could be, there is a valid question as to whether they would be captured under that definition.

THE CHAIR: So would Active Democracy be captured? You have just said that they are not.

Mr Emerson: They are not seeking to endorse candidates or run candidates in any elections.

THE CHAIR: But how do you know? You are talking about prospective candidates.

Mr Emerson: Active Democracy have not done any candidate search and has not indicated that they are endorsing candidates.

THE CHAIR: There are voices of groups then. Are they captured?

Mr Emerson: They could be captured under this definition.

THE CHAIR: It is your bill. Is it your intention for them to be captured?

Mr Emerson: I think under the definition of non-party prospective candidate grouping, there is a valid question there as to whether they would be captured. I am not concerned that any voices of groups would have a concern with being captured by this bill.

THE CHAIR: I am not saying you are; I am just trying to get clarification. If we are going to be debating this bill—and the whole point of this inquiry is to ensure that we have an informed decision so that we can debate it—we need to know who is going to be captured and make sure that the community is aware of how far a reach this bill is going to have. So that is my question.

Mr Emerson: My advice would be that any entity that is considering endorsing candidates or running candidates should consider themselves a non-party prospective candidate grouping or perhaps even a party candidate grouping and consider themselves as captured by this bill based on the drafting—which I will note reflects the definition of a political entity in the existing Electoral Act. This is not a new definition being asserted.

THE CHAIR: Okay. So if a community organisation that might not necessarily be

established for the purpose of running candidates but—as is the case in a free democratic world—end up finding people that they want to back, are they captured? If, as a community organisation, they all of a sudden go, “We think this candidate could be a good representative for us,” and then they end up endorsing them, are they captured?

Mr Emerson: I have not seen anyone do that. I do not know that that is a practice that these groups engage in, but I do not see how a group like that would be considered a non-party prospective candidate grouping.

THE CHAIR: I guess what I am trying to get at is: as you say that the whole purpose of the bill is to stamp out undue political influence from the so-called evil gambling industry—

Mr Emerson: Wait a second: “so-called evil gambling industry”? I have not said that they are evil.

THE CHAIR: There are so many community organisations, and many of them that have a very, very intimate participation in the political process. Where do you draw the line?

Mr Emerson: You draw the line at groupings that are running or intending to run candidates.

THE CHAIR: Do you understand where I am coming from when you say “prospective”? How does that—

Mr Emerson: Anyone is a prospective candidate.

THE CHAIR: That is exactly my point. You have just made my point—anyone.

Mr Emerson: That is how it is defined in the Electoral Act currently. So, if you think that is a concern—

THE CHAIR: As MLAs, do we not bring bills to make laws clearer and better? Is that not what you are trying to do?

Mr Emerson: If you are concerned with the definition of a prospective candidate, then—

THE CHAIR: But we are not talking about that; we are talking about this bill that you have put forward. So what is your intention? It is your bill.

Mr Emerson: You know full well that a candidate is not officially a candidate until the moment that they are declared a candidate, which will not be done—

THE CHAIR: That would be for every major party who has pre-selections way before we are officially candidates under the Electoral Act. Does that mean that they are not captured, then?

Mr Emerson: No; they are captured as prospective candidates. The reason that the existing act is drafted in this way is to capture candidates who have, for example, said in January, “I am running,” but they have not yet been officially named a candidate under the Electoral Act.

THE CHAIR: So they have to publicly announce that they are running? So that would label them a prospective candidate?

Mr Emerson: That would be a pretty clear indication that someone is a prospective candidate, but you are pointing to a concern that is not introduced by this bill.

THE CHAIR: I understand, but you can see my point. You have just said, “Well, anyone is a prospective candidate.”

Mr Emerson: Yes, but not under the Electoral Act. There is a clear difference between someone who has decided, “I am running” and they have indicated as much and they are telling people as much, and someone who has not.

THE CHAIR: So would it actually capture somebody who has been involved in any of these voices for people—have taken meetings in these rooms and have received it as a gift in kind from clubs—who had no intention of running and then, two months before the election, they are endorsed and nominated? Would they have to then declare? Would the gift in kind be illegal under your bill?

Mr Emerson: I think they would be required to return it if they were then later endorsed.

THE CHAIR: Are you going to return the money that you received—the donation?

Mr Emerson: Why?

THE CHAIR: Why? You received a benefit.

Mr Emerson: This will kick in on 1 July 2027.

THE CHAIR: I understand that. But I am just asking you as a matter of principle. You sit here and go, “Oh, look at me; I am not influenced. I am the only one who is not influenced by any of that.”

Mr Emerson: No; you said that, Ms Lee.

THE CHAIR: Are you going to return the money?

Mr Emerson: I am not going to return the money. It was given to the party that I ran under. It was not given to me directly.

THE CHAIR: Okay. So all the money that has been given to my party is not benefiting me, then; is that right?

Mr Emerson: That is not what I am saying, Ms Lee.

THE CHAIR: Okay. All right. Thank you. Are there any other questions?

MR BRADDOCK: We are out of time.

Mr Emerson: I am happy to stay longer. I understand ACT Labor were due to appear but are not appearing. So, if there are any further questions, I will be happy to answer them.

THE CHAIR: Mr Braddock, Mr Werner-Gibblings, Mr Parton?

MR WERNER-GIBBINGS: Just one, quickly. The ACT Labor submission states: “Public commentary in response to this amendment has suggested political organisations can meet in alternative venues”. And Mr Parton alluded that the cost for these rooms, or equivalent venues without gambling would be significant, and organisations may not have the capacity to pay. Where else, that is not a club or an expensive meeting space without gambling, would political organisation sub-branches meet?

Mr Emerson: I would encourage sub-branches to continue meeting where they choose to meet, and pay for the use of those meeting rooms.

MR WERNER-GIBBINGS: With what funds?

Mr Emerson: Well, as I said, ACT Labor receives \$287,000 in taxpayer funds every year—administrative funding to run its party.

MR WERNER-GIBBINGS: I am talking about all political sub-branches; all branches of all parties.

Mr Emerson: Well, I do not understand that the ACT Greens meet in any gaming venues. The Canberra Liberals receive \$230,000 in taxpayer funds for administrative funding to run their party, every year. I do not understand why that could not be an appropriate use to fund venue access, and in fact it would create a new revenue stream for gaming venues which are often calling for government support to diversify. So, I am confused as to why they are opposed to it, frankly.

MR BRADDOCK: Can I just check: if political entities were to pay the venue hire at the club's commercial rates, that would not be considered a gift in-kind under this bill?

Mr Emerson: No. And so we have inserted—even though meeting room use or free facility use is already considered a gift under the Electoral Act, if it is provided without due consideration, if it is provided at a free or discounted rate, and I believe the Electoral Commission put that in their submission—we have put in a specific definition of meeting room use to make abundantly clear that this does not apply to a meeting room that is usually free.

We do not want people to think that if the three of us go into a club for a drink and have a conversation, that that would be captured. That is not generally charged to

anyone as meeting room use. So, it is it is abundantly clear that this applies only to meeting rooms that usually attract a charge but are provided at a free or discounted rate.

MR BRADDOCK: Thank you.

Mr Emerson: But yes, sorry, to more clearly answer your question: if someone pays the normal rate, they are able to meet in that room—and that someone, as I have said at the beginning, is a political entity. Community groups that are non-political entities are able to continue receiving free or discounted meeting room use.

THE CHAIR: We have reached our time but, given that you have said that you are happy to stay, I am going to give you one last opportunity if you wanted to say anything at all.

Mr Emerson: Thanks, Ms Lee. I think we have covered off on some of the key issues. Ordinary community use of club rooms should not be covered by this bill, which I believe Clubs ACT's submission indicated, as did ACT Labor's. They suggested this bill would prevent community and grassroots organisations from accepting the free or discounted use of meeting and function facilities from any gambling industry entity. That is not true. That is not the case.

I think that one final point to touch on, because there has been conversation today about whether not-for-profit entities should be carved out. As members would know, in New South Wales they did that originally. So, they introduced the ban on donations from gambling industry corporations. I think it came into effect in 2011. And then they saw donations continuing to come in, and influence being peddled by not-for-profit gambling industry entities, and then expanded the ban to cover those entities as well, in 2023.

The submission from the ANU Centre for Gambling Research indicated a strong preference to ensure that we follow New South Wales—what they learnt there—and make sure that so-called not-for-profit entities are also covered by this bill. I do not see any argument for why clubs should be treated differently. What happens with the clubs' profits really has nothing to do with whether or not they seek to unduly influence political decision-making processes in their favour. The harm caused by gambling is not somehow lessened because the entity responsible for it does not distribute profits to shareholders—and, as I have said, club board members are required to act in the best interests of clubs, and for many that will involve maximising gaming revenue.

Again, the ANU submission said that:

The broader community functions performed by clubs and other organisations operating gambling facilities do not remove their commercial interest in the regulatory settings governing gambling.

And multiple submitters pointed to the fact that, of course, gambling is a significantly regulated industry, which is what makes it an appropriate target for a ban of this kind.

And I would hope—we have had heated hearings, and it is understandable—but I would hope that the committee would actually see that that is what Canberrans expect—86% of the people who responded to my survey said they supported the legislation—and actually act in accordance with what our community wants from their elected representatives. They just want to be confident that the decisions we are making in this place are aligned with their best interests.

And I get that we have had a back-and-forth about, you know, I am not purporting to be holier-than-thou, and I know that is how you have been attempting to paint me in the hearing—fair enough—but stepping back from the heat of the discussion which happens in political debates, this is something Canberrans want.

This is something Canberrans want their elected representatives to have the guts to do, and I just think it would be incredibly disappointing if a majority of the Assembly did not support this bill and, on the contrary, incredibly encouraging to Canberrans if the bill got up; if we all said in this place, “Look, fair enough, and maybe we are not unduly influenced, but we do not want to be and let’s make sure we are not. And any decision made from this point forward, we can all be confident—both as members of the Assembly and as a community—that it is made based on the best interests of our community.”

So, I do hope that the committee recommends the passage of this bill. If anyone has any concerns about technical changes or proposed amendments, I am open to considering them.

MR PARTON: Mr Emerson, you spoke earlier about what you declared was misleading evidence from Mr Werner-Gibbings regarding the intentions of, and the consequences of your bill. I would put it to you that some of your statements about your survey are somewhat misleading, because you speak of your survey as though it is, you know, a Demos poll or an extremely—Your survey is about as scientific as the One Nation modelling on superannuation, in that its reach is not representative of the Canberra community. And so, I would just suggest to you that it is not a scientific survey, and I am not sure that it should be referred to as such in hearings like this.

Mr Emerson: No, I do not believe I have referred to it as such. I think it is a fair point. Interestingly, I got a letter from Clubs ACT saying basically what you have just said—interestingly enough—and it is a fair point. I have communicated that it was a survey—

MR PARTON: Why do you find that interesting, Mr Emerson? What part of that do you find interesting?

Mr Emerson: I find it interesting that you have said to me exactly what Clubs ACT has said to me about the survey.

MR PARTON: Word for word, or—? I mean, is it possible that we have just assessed the same information and arrived at the same conclusion? Are you suggesting undue influence here? Is that what you are suggesting?

Mr Emerson: No. I am just suggesting that it is interesting.

MR PARTON: Right.

THE CHAIR: All right. Thank you. On that basis, I think I am going to call the meeting to a close. Mr Emerson, thank you very much for making a submission and appearing. I know you were “umming” and “ahhing” about whether you wanted to be on this side of the of the table, so thank you for that. I do not think you took any questions on notice. You tabled a few things, and thank you for raising that issue of the potential contempt. I will have to review that Hansard.

The committee will now suspend proceedings for a break and reconvene at 1 pm. As the committee will be meeting privately during that time, I ask witnesses and members of the public to please leave the room. Thank you.

Hearing suspended from 12.04 to 1 pm.

CANTWELL, MR DAMIAN, AM CSC, Electoral Commissioner, ACT Electoral Commission

SPENCE, MR ROHAN, Deputy Electoral Commissioner, ACT Electoral Commission

THE CHAIR: The committee will resume its hearing into the Electoral (Gambling Industry) Amendment bill, and we welcome witnesses from the ACT Electoral Commission. Please note that as witnesses, you are protected by parliamentary privilege and bound by its obligations. You must tell the truth. Giving false and misleading evidence will be treated as a serious matter and may be considered contempt of the Assembly. As we are not inviting opening statements, we will now proceed to questions. Although on saying that, we do have some time, so if you had something that you wanted to kick off with, that is fine as well.

Mr Cantwell: No, we are good to go, thank you.

THE CHAIR: Commissioner, I do not know if you caught some of the evidence from Mr Emerson earlier today, who, of course, is the sponsor of this bill. One of the topics that was discussed was in relation to whether proposed candidates, as he has contained in the bill, would be captured in relation to the provisions that he is proposing. He referenced the fact that that was a direct definition from how the Electoral Commission defines it. Would you be able to assist the committee with how the Electoral Commission defines a prospective candidate?

Mr Cantwell: If I understand the question correctly, it relates to whether someone who is intended to be a candidate or has subsequently gone to the point of nominating for an election, at which point they become subject to the requirements under the Electoral Act for disclosures of gifts and the like. And, if that is the case, then at the point that a candidate is nominated and has gone through that process, that is the point at which they become subject to the provisions required under the act. Is there any variation in that, Rohan?

Mr Spence: Yes, there is a prospective candidate, and the prospective candidate is defined, essentially, from when they publicly declare their intention to seek nomination. And so, that is always before the period of nomination.

THE CHAIR: Yes, and that is one of the things that we have always known in parties, is that you have got the pre-selection process, which is an internal party machination, and then, of course, you go on to the official nomination process and the declaration. So, for non-party prospective candidates, then, the test that you put as a commission is if they publicly announce their intention?

Mr Spence: Yes. If there is some form of public intention to commence, essentially, the activities of a candidate—and that might be in the creation of a website, it might be door knocking—that is at the point where some of those obligations of the Electoral Act come into play.

THE CHAIR: As current examples now, it would be Claire Miles in Canberra and also Jessie Price in Bean would—noting that they are not running in the ACT, but they have already gone out publicly and have Facebook profiles and the like?

Mr Spence: Under the act, that would be classified as a prospective candidate.

MR BRADDOCK: Just to clarify, for example, it might be like Voices of Belconnen, who do not have candidates yet, but they have announced their intention to look for candidates. Is that incorporated?

Mr Spence: Yes. So, there is a complexity here, and it was mentioned in the Electoral Commission's report as a recommendation in terms of a prospective political party, because sometimes it is unclear at what point an entity merges from a third-party campaigner into either a registered political party, or supporting candidates or being a vehicle for the creation of candidates who ultimately contest the election. It largely plays out in terms of funding disclosure; at what type of election return the entity needs to be submitting, whether it is a third-party campaigner that moves into a registered political party election return, or whether there is some mechanism in which to consider them a prospective political party and streamline that reporting process.

THE CHAIR: What are the criteria that you put on that, noting that it is a bit complex?

Mr Spence: At the moment, there is not one. There is no electoral mechanism of classifying a prospective party. So, at the moment, if they are expending \$1,000 or more within the capped expenditure period, they would be classified as a third-party campaigner and would be required to submit paperwork associated with that. And if they ultimately become a registered political party, then they would have to comply with those requirements and the expenditure caps, and all those elements that go along with it.

THE CHAIR: And so, in the instance of, now just on a flip side, One Nation, for example. They are an existing political party. They are not registered in the ACT but they have had a meeting—we saw in the media, they had a meeting—and I do not know what the circumstances of that meeting were, but if they were to get a free room hire from a club, would they be required to disclose that as a gift?

Mr Cantwell: They are not registered as an entity in the ACT. No.

THE CHAIR: So, no?

Mr Cantwell: They are not subject to the Electoral Act provisions in that requirement, unless there is something else in the act which would—

Mr Spence: Yes, if they were to expend \$1,000 or more in electoral matter—that is electoral matter within the definition of the ACT electoral—they would be considered a third-party campaigner until they became a registered political party.

THE CHAIR: They are still captured in the third-party campaign rules? Okay. Thank you.

MR BRADDOCK: I just want to check another assumption in terms of, under this

prospective bill, if venue hire was to occur at the full commercial rate for the club, would you interpret that as a gift in-kind or is that just irrelevant in terms of the purpose of the bill?

Mr Cantwell: If the value of the gift is assessed at—?

MR BRADDOCK: If they have paid the full commercial rate, that is, they have not received a discount or free room, would that be considered a gift in-kind or is that simply nothing?

Mr Cantwell: It is just an expense they have incurred in renting the facility for the purpose of whatever they are using it for.

MR BRADDOCK: It would not be captured by the ban on gifts?

Mr Cantwell: No.

MR BRADDOCK: Thank you. I just wanted to clarify that. Another thing I wanted to understand is: the Labor Club is registered as an associated entity of ACT Labor; am I correct in understanding that is required because the Labor Club is controlled to such an extent by the Labor Party, or operates at least significantly for the benefit of the Labor Party?

Mr Cantwell: Yes, I think we have defined it as the latter. That is, operates for the significant benefit of the said party, in this case Labor Party. I am pretty sure that is the way the act defines it.

Mr Spence: Yes. I am just finding the exact wording.

MR BRADDOCK: Is that because the club's governance documents identify that the club's main objective is to support the Labor Party?

Mr Cantwell: We can be specific about how we determined it to be the case, and I would ask Ro what steps we have taken or what actions we have taken to assure ourselves that that indeed is the purpose as defined by the act; that is, operates completely or to a significant extent for the benefit of the registered party, in this case the Labor Party. So, yes, at some point, that must have been the decision taken. That has been the case for something like—it has been in place for some time. I cannot recall if at some point in the past we have taken that decision and how we have assessed that, but that is clearly the case.

MR BRADDOCK: Under current legislation, before this bill may be considered, is there anything that would prevent the Labor Club from directing the proceeds from gambling activities to the Labor Party?

Mr Cantwell: Anything that would prohibit them from doing so? I do not know. I do not know enough of the proposed act to be able to answer that definitively.

MR BRADDOCK: No, but I am talking about under current legislation.

Mr Cantwell: Oh, okay. I do not believe there is.

THE CHAIR: I see Mr Spence shaking his head as well.

Mr Spence: Yes, there is nothing in the act that has any prohibition on what funds—

Mr Cantwell: —how they source their funds. No, that is true. There is nothing in the act.

MR BRADDOCK: Thank you.

MR WERNER-GIBBINGS: Thank you. This is a question with a bit of a preamble. The Electoral Commission submission states:

the current Act also contains specific provisions that exclude “free facilities use” from the gifts that must be disclosed through the regular disclosure regime. As a consequence, free facilities use currently remains a gift for the purposes of Part 14 but is not subject to the seven-day disclosure requirements that apply to other reportable gifts. Instead, it is disclosed through annual financial disclosure returns.

I am interested in the background of why the current exemption exists. Can you explain your position about what the changes are, and talk us through any impacts on the ACT Electoral Commission, in terms of admin and compliance monitoring, of having the use of facilities for dozens—if not more—of meetings reported, frequently?

Mr Cantwell: I think in answer to the first aspect, that is the historical reference to it, the submission outlines our understanding of that. Indeed, I think in 2015, where the Assembly decided to enact the current provisions, in that, whilst frequent, remaining a gift, the reporting requirements for those are annual as opposed to the more frequent occurrence. The purpose of the submission is, on that point by the commission, to highlight the historical reference for the consideration by the Assembly in this bill, and how it might impact those deliberations, rather than expressing a policy view of the gambling industry amendment bill.

Having said that, to your point about how it might impact us, we will enact—we expect we would be able to administer the reporting, should the act proceed as proposed, within the existing framework of reporting obligations and compliance checks. But that would be subject to some analysis at our end as to what additional work that would require. We have not done that work at this point in time, given that it is only under debate now.

It is, I think, though, likely that we engage the external consultant, as we currently do, to assist us in compliance checks in relation to property developers and foreign entities, that there will be some additional expense and some resources taken or required to enact that should this act pass as it is. I cannot express what that would be, but there would be an order of some additional resources we would have to consider, and budget for accordingly.

MR WERNER-GIBBINGS: From the commission's administrative and oversight

perspectives, does the current way of reporting gift in-kind donations, such as room hires, work well enough?

Mr Cantwell: Yes, it is administered under the current provisions, under an annual reporting arrangement, and it is incorporated in that current provision. If it changes, we will have to consider how that impacts upon us in an operational context; how it impacts the entities that need to report; and how we then do a compliance check against those reported receipts of such gifts. I think Ro could advise, otherwise, the committee, but I think it is working sufficiently well at this point in time, and we would have to take some analysis of how it might have to change if the provisions are changed as proposed by the act.

Mr Spence: The exemption for free facilities use, from my understanding, a long time ago was a reaction to the political entity is required to disclose these gifts within, at the time, longer time frames than currently exist. So, at the time, it was within 30 days of the end of the quarter—or the month, maybe. And it was a reaction to entities being unable to meet that requirement for free facilities use, to find the valuation and the details involved. And so, it was removed from the regular gift reporting; always considered a gift—stayed as a gift—but just required reporting in the annual return. It was a reaction to—an attempt to not have a lot of non-compliance because of timeframes. The commission's submission here is just really highlighting that historical background, and noting that current reporting time frames are seven days. Whether that has changed, we cannot comment on.

Mr Cantwell: Yes, that is right. The frequency of the reporting obligations has changed since the 2015 decision by the Assembly. Our purpose was simply to highlight that change. It may bear some context to the decision that you need to make around the bill.

MR WERNER-GIBBINGS: Thank you very much.

THE CHAIR: Commissioner, at the moment in relation to prohibited donors being mostly, you know, the property development and the foreign entities, what are the consequences in terms of if there is a breach? How does the commission deal with breaches?

Mr Cantwell: There are provisions made within the act for processes and penalties, but, as always, we seek to remind, inform, support, engage and then enforce. And, as we go through that process, and as we engage an auditor to assist us in those external audit compliance checks, we consider the results and take action accordingly. There have been instances where, of course, I have needed to write to parties and/or members and sought advice—ultimately a notice, in a more formal sense—as to why this has occurred and what actions might result, as a result of a confirmed compliance breach, and those provisions allowed it in the act. Each of those are considered on its own merits, of course, and circumstances vary by party and/or candidate submission, so I am careful to make sure that we are appraised of all the detail, that the person or entity that is responding or that provided the information has every chance to explain the circumstances.

THE CHAIR: In terms of the drafting of this bill, did Mr Emerson consult with you?

Mr Cantwell: Did he consult with you at the staff level, Mr Spence? No, I have not had any such consultation. Having said that, we often are involved in drafting of electoral reform matters, for which we are grateful in terms of having the opportunity to provide, as we are required to provide, by the act, advice to the Assembly on matters related to electoral matters. But on this occasion, no, I have not been consulted.

THE CHAIR: Thank you. Mr Braddock?

MR BRADDOCK: No further substantives.

MR WERNER-GIBBINGS: Likewise, thank you.

THE CHAIR: So, on behalf of the committee, thank you very much for coming and giving evidence. I do not think you took anything on notice at all. That being the case, I thank you for your attendance today. On behalf of the committee, I thank all our witnesses who have assisted the committee through this with experience and knowledge. We also thank broadcasting and Hansard for their support. If a member wishes to ask a question on notice, please upload them to the parliamentary portal as soon as possible and no later than five business days from today. This meeting is now adjourned.

The committee adjourned at 1.17 pm.