



**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

TUESDAY, 29 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.

WITNESSES

CHEYNE, MS TARA , Manager of Government Business, Attorney-General, Minister for City and Government Services, and Minister for Transport.....	49
CAMPBELL, DR JACOB , Acting Executive Branch Manager, Civil and Regulatory Law, Justice and Community Safety Directorate.....	49
HAIGH, MS KATHRYN , Deputy Director-General Justice, Justice and Community Safety Directorate.....	49

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Amended 20 May 2013

The committee met at 9.30 am.

CHEYNE, MS TARA, Manager of Government Business, Attorney-General, Minister for City and Government Services, and Minister for Transport

CAMPBELL, DR JACOB, Acting Executive Branch Manager, Civil and Regulatory Law, Justice and Community Safety Directorate

HAIGH, MS KATHRYN, Deputy Director-General Justice, Justice and Community Safety Directorate

THE CHAIR: Good morning and welcome to the public hearing 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 the ACT government.

The committee acknowledges the traditional custodians of the land we are meeting on, the Ngunnawal people. We wish to acknowledge and respect their continuing culture and the contribution they make to the life of the city and this region. We would also like to 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 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. Proceedings are also being broadcast and webstreamed live. When taking a question on notice, it would be useful if witnesses use the words, "I will take that question on notice." This will help the committee and witnesses to confirm questions taken on notice from the transcript.

We welcome Ms Tara Cheyne MLA, Attorney-General, and officials. 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. I will throw my first question to Mr Parton.

MR PARTON: Thank you, Chair. Minister, this government prides itself on implementing evidence-based policy, which I know suits your style and your political personality because you are a details nerd—and I say that with the greatest of respect.

Ms Cheyne: I feel the love.

MR PARTON: The government has previously justified banning political donations from property developers by pointing to evidence of corruption and undue influence, particularly the experience in New South Wales. I understand that we are assessing a bill that has been brought forward by an independent member but, nevertheless, are you able to identify any actual evidence that an ACT community club has used a political donation or in-kind support to improperly influence a government decision?

Ms Cheyne: Not that I am aware, Mr Parton. The explanatory statement really relies

on electoral integrity concerns, experiences in other jurisdictions, the relationship between industry funding and government regulation and examples of political donations. I certainly accept that submissions present different views, but those different views, I think, show the breadth in whether those materials actually establish the risk and whether they fully justify the scope of this bill. I think that I would say about any donation that evidence of a donation does not by itself establish that an identifiable decision was improperly influenced. But, when it came to property developers, obviously we had come to a different conclusion.

I think there is a relevant question for the committee about what evidence has been relied on to establish the relevant ACT-specific risk and whether that evidence has distinguished between cash donations, fundraising payments and in-kind contributions like free facilities use; and, if so, whether the remedies that this bill is purporting to have or to address are commensurate or proportionate to the risk. I do not think the government has formed a view on those questions and I think we will certainly be informed by the committee's conclusions.

MR PARTON: If the government cannot identify an actual case or empirical evidence of this occurring, is a complete prohibition necessary, in the view of the government?

Ms Cheyne: I need to be clear that we have not formed a final position on the bill. I think in the time available it will probably become obvious that, apart from the evidence question, there are a considerable number of drafting issues that I believe require clarification. Indeed, our submission goes to those. But I think the hearing on 10 September drew some of those out in particular, including ones that we had not identified. Indeed, how those drafting issues which require clarification are ultimately sought to be clarified by the committee and then clarified by the proponent of the bill would likely influence our position on the bill as well. We can certainly present where we think there needs to be some clarification, but there has not been a formally-defined government position as yet. This is pretty standard for us with private members bills.

MR PARTON: Minister, I started the line of questioning by referring to the banning of political donations from property developers. Not-for-profit corporations and incorporated associations are specifically excluded from the prohibited property developer provisions. Community clubs, of course, are also not-for-profit organisations, but this bill does not give them the same treatment. Are you concerned that not-for-profit organisations are treated differently simply because they operate gaming machines?

Ms Cheyne: To the extent that consistency can be achieved and be readily understood by the community and/or justified would assist. I think there is a broader question about third-party entities—as you said, not-for-profit organisations—and whether they are captured or not and at what point in time they become captured. Sorry; I am going broader than your specific question, but I think all of those are relevant considerations.

MR PARTON: The argument that has been put forward by some is that the not-for-profit clubs have a financial interest in government policy. But, surely, that cannot be the test, because universities, unions, charities, sporting organisations and

businesses all have financial or policy interests in decisions made by government. I do not fully understand what it is specifically about a not-for-profit community club that creates a political influence risk requiring a complete prohibition, when ultimately there is a range of businesses, organisations and individuals that participate in the democratic process in this way. To me, it does not seem to be a democratic solution to, one by one, weed these out. I am just wondering if there is a view. I understand you have not arrived at a final position, but you must have considered these matters.

Ms Cheyne: We have considered these matters. I think in many ways they are questions for the proponent to justify and to answer. But I agree that community clubs, industry bodies and gambling harm advocates—any stakeholder, really—can make representations to government. A donation does not give access to government. Anyone can make representations to government. I think that consultation and advocacy are very legitimate parts of policy development. Whether there is a particular decision that is involved, improper influence is a different question.

I could be cheeky, Mr Braddock, and refer to what modelling has been done—perhaps not so much what modelling has been done, but perhaps what the assessment is between the relationship, the intended integrity objective of this bill and the practical effects ultimately on individuals, smaller parties, candidates and, indeed, community participation. You will see in one part of our submission that we do think that there is a potential that the bill could prevent a candidate from financially supporting their own campaign. These are the things that we welcome the committee’s thorough examination of.

MR PARTON: Is the government aware of a single occasion—even a single occasion—where an ACT community club providing a meeting room to a political party, MLA or candidate has resulted in improper political influence?

Ms Cheyne: I cannot be definitive, Mr Parton. I wish I could be, but I do not have oversight over all clubs or gaming entities providing meeting rooms or what those purposes are for.

MR PARTON: But there is nothing that leads you to that conclusion?

Ms Cheyne: No, there is nothing that leads me to that conclusion. Without you leading me with the question, Mr Parton, I think I have a broader concern about the ordinary consideration for meeting facilities and how the use of meeting facilities is being defined, including “meeting room”—however defined—or “use of room for a meeting”, however defined, as it currently is written in the bill and then examples of things associated with the use of meeting facilities includes things like tables, chairs, food and drink. I do not think the bill yet properly distinguishes from or necessarily creates the distinction that is needed of, “What if you go to the Vikings and have a meeting just in a room—not a meeting room, but in a room where you are having a meeting—which could be on the floor with lots of other punters around you but you are meeting with Liberal members? Is that captured or not? At the moment, as the bill is drafted, I think that is unclear. These are where I think there are real consequences for the community. We need to understand exactly what we might or might not be agreeing to as parties and as independents when this gets debated, and they are not clear to me at this point.

MR BRADDOCK: Just to get to the bottom of what influence does or does not exist, does ACT Labor still appoint six out of the nine board members for the Canberra Labor Club?

Ms Cheyne: I am appearing as a member of the ACT government, not as the secretary of ACT Labor, which I am not. Questions can be put to the secretary of ACT Labor. I actually do not know. But, separately, it is improper for me to be speaking on behalf of ACT Labor. I am not in an ACT Labor—

MR BRADDOCK: That is interesting, because you always have the Labor logo at the bottom of your email. Am I to presume when you email that you do not speak for Labor?

Ms Cheyne: I do not have the ACT Labor logo on my email.

MR BRADDOCK: So you are not prepared to answer any questions about Labor?

Ms Cheyne: I would ask you to withdraw that please.

MR BRADDOCK: I will withdraw that. The Labor Club is not appearing in front of us, and I am trying to ask about the relationship between ACT Labor and the Labor Club. You are a member of the Labor Club; so I am asking why it is not possible for you to answer the question.

Ms Cheyne: Because of the capacity in which you have invited me to appear. As I understand it, I have been invited to appear as Attorney-General with responsibility for the primary legislation which this bill is intended to amend. If I am here as a Labor Party member, or a Labor Club member, as you said, that should be clear in my invitation, and I do not believe that that is the case. I certainly seek advice from the secretary or the chair. I am not trying to hide behind “government versus Labor”, but I think that there is a real distinction here. I am sure you can invite ACT Labor to appear or invite them again if that is the case. There is also nothing stopping you from putting further questions to them directly rather than through me.

MR BRADDOCK: We did invite them—and, sadly, they are not here.

Ms Cheyne: I have spoken to the secretary of ACT Labor and I understand that she welcomes any questions you may have.

MR BRADDOCK: Okay. In your capacity as Attorney-General, do you accept that there is nothing in this bill that would capture an ordinary employee of clubs in the scope of the donation ban? That has been a question of debate throughout the hearings.

Ms Cheyne: I do not think that that is clear. I understand the example that was in the committee hearing on 10 September, I think. Perhaps it was Mr Parton’s question about a waiter or a kitchen-hand who might be working in a club. I think that the definition of a “close associate” is pretty broad, and I think the five per cent threshold is lower than the corresponding threshold for ACT property developers. So I think that there is a potential that, for example, a volunteer director of a small community

club that has gaming machines could be captured.

I would note that the bill currently includes specified officers, related corporate bodies, persons with five per cent or more voting power, certain domestic partners and trust beneficiaries. I think that is pretty broad and also a significant burden on someone—likely the Electoral Commission—to be establishing what those relationships are. You could certainly see that in a tiny club you could be a kitchenhand but you could also potentially be on that board and have more than five per cent voting power. I think some further justification of who and what is included and why is required.

MR BRADDOCK: Where political entities paid for the commercial rates for those facilities that have been provided by the community club, would those be out of scope of the bill?

Ms Cheyne: My understanding from how the bill is presented is that, if there is a commercial payment made, that is no issue.

MR BRADDOCK: Okay. Just going back to the example you were using with Mr Parton where someone might be sitting in a let's call it the common area of the dining room, there is usually no commercial price attached to such a meeting. So why would that be included in the scope if it has no value and, hence, how can it be a donation or a gift in kind?

Ms Cheyne: Exactly. That is what the bill does not establish. Is ordinary consideration zero even if other commercial venues charge for the equivalent space? Does the analysis change if a room is ordinarily free for members but charged to non-members? Are food, drink and technical services valued separately or as part of a package? What if there is a commercially negotiated discount? Let's say a party is using a meeting room and they are paying for it but they have negotiated a discount or been offered a discount of, let's say 10 per cent, because they are meeting every single month—which would be usual in lots of different settings. Is that going to be a prohibited gift as well? Does the general services definition of “gift” apply where the new specific meeting facilities definition that this bill proposes does not establish an ordinary charge, which is the example that we are talking about. I do not think this is clear in how the bill is currently presented, and I think it needs to be.

MR WERNER-GIBBINGS: I have short questions that might be long answers. Should the bill pass in its current form?

MR PARTON: Get straight to the crux.

Ms Cheyne: I would refer perhaps to my previous answer—and I appreciate you were a few minutes late, Mr Werner-Gibbings: that we have not formed a final position on the bill. However, I think the ACT government's submission makes very clear—and I think my evidence in the last 20 minutes identifies—that there are some considerable drafting issues that require clarification. I would also think that we will be informed by the committee's conclusions and recommendations in settling our final position and indeed our government response and whether our position perhaps might be predicated on amendments being put forward or not. It remains to be seen but, in its current form, I think there are a lot of questions that need to be worked through before

a final position can be formed.

MR WERNER-GIBBINGS: Thank you. My next question was going to be, “What are the key drafting issues that you have identified,” but you have certainly touched on a few of them. Are there any more or key ones that you wanted to highlight as a final piece for the committee, or are you happy with what you have said so far?

Ms Cheyne: I think most of my concerns have been covered, except for two, including the “significant part” of a business involving gambling. Our submission goes to the point that there is no definition of what “significant part” means. It is proposed section 222KC(1)(d). There is no numerical or other definitive test of what “significant part” means. Is significance going to be assessed principally by revenue, by profit, staff, floor area, assets, business purpose or another measure like number of gaming machines. What if a business derives eight per cent of its revenue from gambling but 40 per cent of its profits? Is gambling then a significant part of its business? What if gambling occupies a really small part of its premises but it is its principal commercial activity? Is a supplier a prohibited donor because gambling-related equipment comprises a relatively small but profitable part of its operation? Those things, I think, need clarification, whether it is through guidance that is published or not. But we think the absence of a definition of “significant part” is a key issue.

While I think it is uncomfortable for anyone to relitigate or revisit where the conversation went with Mr Emerson in the last hearing. I think there is a real question about the classification of an organisation and the timing at which it may change from being an organisation that is a community advocacy organisation—Voices of Bean or Independents for Canberra or Voices for Indi—and then in that party or that organisation grouping a split emerges where a bit gets hived off and that becomes a party or the whole thing becomes a party. Let’s say a community movement receives \$10,000 in January and then they have a community consultation in March, they identify candidates in June and they register as a political party in August. Is that original contribution lawful? Would that money subsequently finance the party’s campaign? Is that a relevant question? Would the bill require the original donation to be returned, quarantined or disclosed?

I think that goes exactly to the heart of the issues that I think both you, Ms Lee, and Mr Parton, and I think, to an extent, yourself, Mr Werner-Gibbings, raised with Mr Emerson. What transpired after that is whether the activities of a particular organisation at a particular time satisfy the relevant definition at the time it receives a contribution or undertakes candidate selection activities but is not necessarily registered as a political party. Without reflecting on Mr Emerson’s motives or intentions, which I do believe were all good intentions, there was the identification of the gift, but the gift was to the organisation and they were not yet a party. Ms Lee, I think you posed an excellent question, which was: “So what if a gift is made to my party but that then funds my campaign? Does that not count either?” I think that needs to be worked through. The fact that Mr Emerson said no, it is not captured and then ultimately came to a different personal conclusion or at least removed himself from the retrospectivity or the debate about this question, I think warrants really close examination by the committee. Indeed, it is the committee that identified the issue in the first place.

MR BRADDOCK: You were talking about where a donation is provided to a community group who then, subsequently, down the track, becomes a party. How is that covered under existing legislation in terms of property developers and foreign donations?

Ms Cheyne: Good question. I will take it on notice.

MR WERNER-GIBBINGS: Is the Constitution dragged in or are there issues in and around this sort of thing? I am asking this now purely from an interested perspective. Could this bill, if it were to be challenged down the track, be challenged on constitutional grounds?

Ms Cheyne: We identified in our submission that we believe that the restrictions are likely to engage the constitutionally implied freedom of political communication. It is about whether the law burdens political communication, whether the purpose is legitimate and whether its provisions are reasonably appropriate and adapted to achieving that purpose. I obviously cannot give a definitive constitutional opinion. But I would note that there are some relevant High Court matters where there have been comparable sector-specific prohibitions. That does not automatically validate or invalidate this bill or determine the validity of this bill, but it may be something on which the committee wishes to receive its own legal advice. I will just check with my officials that I have not said anything wrong. I have said something wrong in the last half an hour, but not on that. So please clarify.

Ms Haigh: Thank you, Attorney. For the benefit of the committee, I want to ensure that the understanding is clear that, in relation to the definition of “free facilities”, that is, in how the bill is presently drafted, proposed to be deleted from the dictionary. It will be moved to remain in relation to foreign entities, but that definition of free facilities is being removed from the bill.

THE CHAIR: Mr Parton is visiting and so now there is a new procedure. Committee members, is there any objection to Mr Parton asking a question as a visiting member?

MR WERNER-GIBBINGS: No.

MR BRADDOCK: No.

MR PARTON: Thank you. Minister, I had two conversations with club CEOs in the last fortnight and both of these individuals told me, in somewhat different ways, that they were feeling quite weighed down by the public conversation inspired by the presentation of this bill and by some other things going on in the space. One said to me, “I signed up to do this job to help my community, but at some points in the last few months, I feel like a pariah.” Minister, would the passing of this bill demonise this entire, much-loved, not-for-profit community sector? Are you concerned by that sort of effect being conveyed?

Ms Cheyne: Sorry; could you say that last bit again, Mr Parton?

MR PARTON: Would the passing of this bill demonise this entire, much-loved,

not-for-profit community sector? Are you concerned by that sort of sentiment being conveyed? I am asking you for an opinion—so you can just reject me.

Ms Cheyne: I think that I would describe any concerns that are raised and put to you, privately or, indeed, in front of this committee as legitimate. I would not dismiss those. Whether I would go so far as to say “demonise”—I do not think it demonises. I think there is a genuine question about the objective to achieve a level of integrity regarding donations and improper influence. But I do not think that it is necessarily clear what the problem is that is trying to be solved. If we know what the problem is that is trying to be solved, then I think we can more adequately assess whether the bill is commensurate to that problem or not.

MR PARTON: Fair enough. Did she say anything wrong?

Ms Cheyne: Please correct me.

THE CHAIR: It would be a bit hard to go wrong on an opinion that you asked for.

MR PARTON: It would be.

Ms Cheyne: Yes; they probably cannot correct my opinion—“Just go for it, AG.”

THE CHAIR: We have now reached the end of our time. On behalf of the committee, I thank you for your attendance today, Attorney-General, and your officials. If you have taken any questions on notice, and I think you took one from Mr Braddock—

Ms Cheyne: I did, yes.

THE CHAIR: please provide your answers to the committee secretary within five business days of receiving the uncorrected, proof *Hansard*. On behalf of the committee, I thank our witnesses who have assisted the committee through their 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.

The committee adjourned at 10.01 am.