



Legislative Assembly for the
Australian Capital Territory

Standing Committee on the Integrity
Commission and Statutory Office
Holders

Submission cover sheet

Inquiry into the Electoral (Gambling Industry) Amendment Bill 2026

Submission number: 018

Submitter: Thomas Emerson MLA

Date authorised for publication: 1 September 2026



THOMAS EMERSON MLA

Ms Elizabeth Lee MLA
Chair
Standing Committee on the Integrity Commission and Statutory Office Holders
ACT Legislative Assembly
CANBERRA ACT 2601

By email: LACommitteeIntegrity@parliament.act.gov.au

Dear Chair

I write to provide a submission into the Committee's inquiry into my Electoral (Gambling Industry) Amendment Bill 2026 (the bill), in which I recommend that the bill be passed by the Assembly. This submission should be read in conjunction with the Explanatory Statement for the bill and my speech introducing the bill to the Assembly.

I thank the Committee for the opportunity to provide this submission, wherein I detail community concerns about the undue influence of the gambling industry on the political decision-making process.

Banning political donations from gambling industry entities is an appropriate next step for strengthening the ACT's electoral laws.

In the context of the growing public health crisis posed by gambling harm and its devastating impact on our community, removing vested interests from the political process by adding gambling industry entities to the list of prohibited donors under the *Electoral Act 1992* will provide an assurance to Canberrans that evidence-based gambling harm reduction measures will be supported by the ACT Legislative Assembly.

I urge the Committee to support the passage of this bill.

Warm regards

Thomas Emerson MLA
Independent Member for Kurrajong

24 August 2026

Independent Member for Kurrajong in the Legislative Assembly for the Australian Capital Territory
(02) 6205 1475 | emerson@act.gov.au | www.thomasemerson.com | GPO Box 1020, Canberra ACT 2601

PREAMBLE

On 19 August 2026, the Parliament of Australia passed a gambling reform package that has been criticised by experts, gambling harm reduction advocates, crossbench parliamentarians and even politicians from within the two parties that struck the deal to pass the reforms. They all agreed on one thing: the reforms are insufficient to address the level of harm being caused by gambling across our country. And many agreed that the reason they had been passed nonetheless was because of undue influence from the gambling industry.

Three years prior, late Labor MP Peta Murphy had chaired a multipartisan parliamentary committee whose landmark report on the harm caused by online gambling, *You win some, you lose more*, made 31 unanimously agreed, evidence-based recommendations for reform. The final package of reforms negotiated between the Albanese Government and the Opposition does not give effect to the vast majority of these recommendations, despite strong support from the crossbench for legislation doing exactly that. There will be no national regulator, as recommended in the Murphy Report, and only partial restrictions on gambling advertising has now been legislated — despite Peta Murphy's warning in her foreword:

"A phased, comprehensive ban on all gambling advertising on all media – broadcast and online, that leaves no room for circumvention, is needed. Partial bans on gambling advertising do not work."

[77 per cent of Australians support a full ban on gambling advertising.](#)

Australians are the biggest gambling losers in the world. Gambling harm is a public health crisis that devastates our communities – a fact that is backed by irrefutable evidence and tragic lived experience from across the country. The data backs the need for urgent and ambitious harm prevention reforms; experts back these reforms; the Australian public backs these reforms; and the crossbench has been campaigning hard for these reforms.

So why did the Federal Government and Opposition, who were elected to represent Australians and their best interests, vote for a *partial* ban last week?

Commentators widely agree that the major parties supported this watered-down reform not because it was in the public interest, but because it placated vested interests. Stronger laws did not pass because the gambling industry did not want them to pass.

Millions of dollars in donations from the gambling lobby to the major parties are central to how those vested interests exercise influence and persuade elected representatives to make decisions that are contrary both to evidence and to public opinion.

We cannot allow this to happen in the ACT.

With the reported number of gambling harm incidents across the ACT exceeding 72,000 in 2025–26 – an average of almost 200 per day – we need our elected representatives making decisions on gambling harm reforms that are based on the best available evidence, on public health advice, and on what our community wants.

We can take a strong step toward ensuring this occurs by banning political donations from the gambling industry. Doing so will remove the risk of undue influence in the consideration of gambling harm reduction measures, and will ensure vested interests are made secondary to the public interest.

New South Wales banned political donations from gambling industry corporations in 2010 and, in 2023, extended that ban to not-for-profit registered clubs whose operations include wagering, betting or other gambling. It is time for the ACT to follow suit.

2021 COMMITTEE RECOMMENDATION

The Tenth Assembly's Standing Committee on Justice and Community Safety inquired into the 2020 ACT Election and the Electoral Act and, in [its 2021 report](#), recommended that the "ACT Government explore options for banning donations from tobacco, liquor and gambling entities and associated industry representative bodies."

The Committee comprised the current Speaker of the ACT Legislative Assembly Mr Jeremy Hanson MLA, the current Minister for Gaming Reform Dr Marisa Paterson MLA, and the current Leader of the ACT Greens Ms Jo Clay MLA. I note there were no additional or dissenting comments made by any Committee Members with respect to this recommendation.

In its [response to the Committee's report](#), the ACT Government agreed in principle to the recommendation, stating that "Recognising and mitigating the risk of undue influence on the electoral process is central to maintaining the integrity and fairness of the Territory's elections. The Government has implemented legislative changes to ban political donations from property developers and will continue to consider banning political donations from other sources as necessary." It remains unclear if any further steps have been undertaken by the ACT Government to give effect to this recommendation.

This bill is aligned with the 2021 Committee recommendation. Tobacco and liquor industry entities are not included in the bill. This is not because I oppose their inclusion, but rather, because of the urgency of banning political donations from the gambling industry given the continually increasing levels of gambling harm in our community and the risk of promised reforms to address this harm being derailed by vested interests.

COMMUNITY SUPPORT

In mid-2026, I conducted a community survey to gauge Canberrans' perspectives on potential ACT-specific gambling reforms. The survey was open for six weeks and promoted on social media with paid advertising to ensure it reached a wide audience. 514 people responded to the survey, of which one per cent of respondents were aged 18 or under, 29 per cent were aged 19–39, 42 per cent were aged 40–59, and 28 per cent were aged 60 and above. A wide range of perspectives were captured through a range of yes/no questions and an open text question for providing further input.

83 per cent of respondents indicated they believe donations from the gambling industry influence the decisions politicians make about gambling reform. 86 per cent indicated they think we should get gambling money out of politics in the ACT.

These survey results show incredibly strong community support for the aims of this bill.

The next strongest responses were for mandatory gaming room closure from 2am to 10am (84 per cent, with 32 per cent calling for the measure to go further), a full ban on gambling advertising (82 per cent support) and mandatory breaks in play for poker machines (82 per cent support). While 75 per cent of respondents thought there should be fewer poker machines in the ACT, only 62 per cent indicated they would support a full phase out. This shows a level of nuance in the responses provided by the survey participants.

Some of the free text responses from survey respondents included:

"... the politicians are being paid off by gambling money. We need a law that prohibits any gambling-industry donation to a candidate or party."

"I would like to see a total ban on gambling industry contributions to any political party or campaign, because the money they give is a direct influence on policy..."

"If we are serious about harm reduction, the first step is to cut the flow of gambling money into politics – no more lobbyist gifts, no more party donations, no more sponsorship of community events that act as a back-door for influence."

"This has to stop – no more political donations from the gambling sector."

"The current system is a pay-to-play arrangement: gambling operators fund election campaigns, and in return they get softer regulations. Cut the money flow, cut the influence."

"A ban on all gambling-related political donations is essential."

"We can't trust policy on gambling harms when the same parties receive direct contributions from the clubs that profit from the machines. Lobbyists are essentially buying legislative leniency."

These responses show both a strong desire to see this reform implemented, and a clear community concern regarding the perception of gambling industry entities exercising undue influence on the political process. For transparency, I have included the survey results as an attachment to this submission (**Attachment A**).

HISTORY OF POLITICAL DONATIONS IN THE ACT

Public gift disclosures and annual returns on the ACT Electoral Commission's website provide some indication of the scale of cash and in-kind contributions made by gambling industry entities to political parties over recent decades.

ACT Labor was heavily funded by gaming revenue until the mid-2010s.

From 1994/95 to 2011/12, ACT Labor received hundreds of thousands of dollars every year from the Canberra Labor Club, a prominent gaming machine licensee in the ACT, peaking at \$1.08 million in 2011/12. In 2010, [the ACT had 5,084 poker machines](#) – the highest number of machines per capita in Australia. This was the same year that the New South Wales Parliament legislated a prohibition on political donations from gambling industry corporations, which came into effect in 2011.

ACT Labor also set up its property-investment funding vehicle, the 1973 Foundation, in 2010. From 2010/11 to 2013/14, the 1973 Foundation received almost \$6.5 million from the Canberra Labor Club. In 2011/12, ACT Labor started receiving annual contributions from the 1973 Foundation, often several hundred thousand dollars per year, peaking at \$1.95 million in 2023–24.

By 2014/15, ACT Labor and the 1973 Foundation were no longer receiving cash contributions from the Canberra Labor Club. It is unclear from the public disclosures on the Electoral Commission's website where its revenue has been directed since that time.

In 2015, the ACT Labor Government passed a package of legislative reforms to start reducing the number of gaming machines in the ACT.

The year 2016 saw the clearest example of political donations being weaponised by gambling industry entities in an attempt to influence policy decisions affecting gaming machine licensees in the ACT. In May 2016, the Chief Minister and Leader of ACT Labor, Andrew Barr MLA, proposed to allow Canberra Casino to access – for the first time – 200 of the Territory’s 5,000 electronic gaming machine licenses as part of a redevelopment deal. Clubs ACT, the industry association representing registered clubs in the ACT, [pushed back on this proposal](#), describing it as an attack on the club industry.

A new minor party, Canberra Community Voters, was registered shortly thereafter to [oppose Mr Barr’s proposal](#). Clubs ACT then [contributed \\$195,000 in cash donations](#) to the new party to run an attack campaign targeting Mr Barr as part of the 2016 ACT Election campaign. Clubs ACT also [spent \\$56,000 on their own advertisements](#) targeting the Labor Government.

When none of Canberra Community Voters’ candidates were elected, [its leader said](#), “The whole aim of this was to get a Liberal government. It wasn’t to get any of our people elected. It was to change the government.”

This is a clear and deeply concerning example of the body representing gaming machine licensees in the ACT using political donations to support a self-serving campaign that sought not to improve democratic representation, nor 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.

A safeguard against such conduct is both appropriate and necessary, which is what this bill provides.

Gambling industry entities have continued making cash and in-kind contributions to political parties in the ACT, and there have been multiple recent examples of gaming reforms being considered but not implemented by the ACT Government.

In 2022, the ACT Government [consulted on lowering bet limits on poker machines and introducing load-up limits](#) as a harm reduction measure. These reforms have not been implemented despite the listening report for that consultation finding “general support among most stakeholders for measures that will reduce harm from gambling on EGMs.” The Canberra Liberals received multiple cash donations from the gambling lobby, including Racing and Sports Pty Ltd and the independent peak body for Australian-licensed wagering service providers, Responsible Wagering Australia in 2022/23. In 2023, the Canberra Liberals Member of the Assembly’s Standing Committee on Justice and Community Safety then [dissented from the Committee’s report](#) which

recommended a ban on poker machines in Molonglo Valley and other undeveloped areas of the ACT.

In July–September 2024, the ACT Government [consulted on gambling advertising](#) and found “significant support for a total ban on gambling advertising,” with 97 per cent of survey respondents preferring the more restrictive of two proposed gambling advertising bans. No steps appear to have been taken to reform gambling advertising in the ACT since then.

In October 2024, Dr Marisa Paterson became the ACT’s Minister for Gaming Reform. Dr Paterson has an academic background in gambling harm research and, before entering politics, was the Director of the Australian National University’s Centre for Gambling Research. She has committed to introducing a range of significant gambling harm reduction measures within this term of government.

Gift returns on the Elections ACT website show the Canberra Liberals started receiving cash donations from Clubs ACT in September 2025 for the first time since the 2020 election campaign.

KEY DRAFTING DECISIONS

A prohibition of political donations from property developers and their close associates is already in effect in the ACT. This bill has been drafted to closely reflect the provisions in that prohibition, including in the penalties it imposes.

Gambling industry entity is defined so as to capture all gambling industry entities that have been licensed or granted approvals under ACT laws. The definition also captures any other individual or entity that carries on a business involving wagering, betting or other gambling, or manufacturing or supplying products or equipment used for wagering, betting or other gambling, as well as any entity that receives at least 50 per cent of its revenue from a gambling industry entity (such as an industry association). There are exemptions for entities whose only wagering, betting or other gambling activity involves an exempt two-up game (on ANZAC Day), an exempt lottery (like a fundraising raffle), or a lottery conducted for charitable purposes.

Like the property developer ban, the bill also captures close associates of gambling industry entities. One difference is in the voting power a person must hold in an entity considered a prohibited donor in order for that person to be considered a close associate. In the case of the existing property developer donation ban, the voting power is set at a minimum of 20%. In the case of the proposed gambling industry donation ban, the person’s voting power is set at a minimum of 5%. This drafting decision was made in

the interests of consistency with the definition of an 'influential owner' in Section 8 of the *Gaming Machine Act 2004*.

Another difference is that this bill establishes an offence for carrying out a scheme to avoid the ban on gifts given by or on behalf of gambling industry entities. This offence draws on the precedent set by Section 144 in the New South Wales *Electoral Funding Act 2018*, which establishes an offence with a maximum penalty of 10 years imprisonment if a person "enters into or carries out a scheme (whether alone or with others) for the purpose of circumventing a prohibition or requirement of Part 3 with respect to political donations or electoral expenditure". In my bill, however, the maximum penalty is 50 penalty units, imprisonment for 6 months or both – equivalent to the existing penalty in our *Electoral Act 1992* for giving or receiving a gift valued at \$250 or more from a prohibited donor.

CLOSING THE FREE FACILITIES USE LOOPHOLE

Every year, ACT Labor and the Canberra Liberals disclose many instances of free facilities use on their annual returns from gaming machine venues (often for branch meetings). The two major parties received at least \$276,415 worth of total cash and in-kind gifts from gambling industry entities from 2015/16 to 2025/26, a significant portion of which was received in the form of free facilities use.

Free facilities use is currently excluded from mandatory disclosure under the existing gift disclosure obligations for political entities. This bill removes that exemption, requiring political entities to disclose on their regular gift returns the use of meeting facilities when they are provided for free or at a discounted rate. Importantly, the bill makes clear that this is defined as a gift only when the use of those meeting facilities would ordinarily incur a cost. A room that never ordinarily incurs a fee is not captured.

The fact that parties may meet to decide their policy agenda on issues such as gambling reform in meeting rooms provided *for free* by venues that are predominantly funded by gambling would at best be perceived as a conflict of interest. At worst, it may explain why there has been minimal progress on gambling reform in the ACT to date.

Under the provisions in this bill, parties would still be able to use rooms in gaming venues for their events; they would just have to pay the market price for their use. It is worth noting that Members of the Legislative Assembly receive annual administrative funding allowances for the purposes of administering their offices. ACT Labor currently receives \$287,554 every year in such funding, and the Canberra Liberals get \$230,220. On the face of it, room hire seems to be an obvious and appropriate use of such funding.

Many of the amendments contained in this bill are minor technical amendments consequential to the inclusion of meeting facility use in the gift disclosure scheme, making clear that the value of free or discounted meeting facility use should be captured in calculations of the total gifts provided by a given individual or entity to a political entity.

RELEVANT HIGH COURT JUDGMENTS

Legislatures across Australia have imposed a range of restrictions on political donations, some of which have been subject to High Court challenges arguing they violate the implied constitutional freedom of political communication. No prohibition of the kind proposed by this bill has been deemed constitutionally invalid by the High Court of Australia.

The Parliament of New South Wales introduced a prohibition on political donations from property developers in 2009. The following year, this ban was extended to include tobacco, liquor and gambling industry entities, and close associates thereof. The property developer ban was unsuccessfully challenged in the High Court in *McCloy v New South Wales* [2015] HCA 34. The judgement started by clarifying that:

“The freedom under the Australian Constitution is a qualified limitation on legislative power implied in order to ensure that the people of the Commonwealth may “exercise a free and informed choice as electors.” It is not an absolute freedom. It may be subject to legislative restrictions serving a legitimate purpose compatible with the system of representative government for which the Constitution provides, where the extent of the burden can be justified as suitable, necessary and adequate, having regard to the purpose of those restrictions.”

The High Court went on to conclude that the prohibition on political donations from property developers was justified as suitable, necessary and adequate, and therefore did not impermissibly burden the implied freedom of political communication. Its judgment on this matter is summarised below:

“The provisions do not affect the ability of any person to communicate with another about matters of politics and government nor to seek access to or to influence politicians in ways other than those involving the payment of substantial sums of money. The effect on the freedom is indirect. By reducing the funds available to election campaigns there may be some restriction on communication by political parties and candidates to the public. On the other hand, the public interest in removing the risk and perception of corruption is evident. These are provisions which support and enhance equality of access to government, and the system of representative government which

*the freedom protects. **The restriction on the freedom is more than balanced by the benefits sought to be achieved.***

On the basis that the purpose of the prohibition was to reduce the risk of undue or corrupt influence, the High Court determined that the burden it imposed on the implied freedom of political communication was legitimate and justified.

In 2018, the Queensland Parliament passed laws similarly prohibiting property developers from making political donations. This prohibition was also upheld as constitutionally valid by the High Court in *Spence v Queensland* [2019] HCA 15.

These judgments set a clear precedent that targeted prohibitions on political donations from specific industries for the purposes of reducing the risk of undue influence or corruption — like the prohibition of donations from the gambling industry proposed by this bill — are consistent with the implied constitutional freedom of political communication, and that a High Court challenge to this ban would be unlikely to succeed.

As an aside, *Unions NSW vs New South Wales* [2013] HCA 58 and *Hopper vs Victoria* [2026] HCA 11 are instructive cases in gauging what forms of restriction on political donations may be deemed unconstitutional by the High Court. Importantly, neither involve targeted industry-specific prohibitions like those proposed by my bill.

CONCLUSION

This bill seeks to strengthen the integrity of our democratic system and reduce both the risk and perception of gambling industry entities inappropriately influencing political decisionmaking through cash donations and in-kind gifts. This legislative reform has strong community support, and the bill's passage would send a clear signal to Canberrans that their elected representatives are committed to considering any and all forthcoming gambling harm reduction measures free of undue influence from vested interests.

New South Wales set a precedent of prohibiting political donations from gambling industry entities more than 15 years ago, and strengthened that restriction three years ago. It is time for the ACT to follow suit.

I urge the Committee, and all Members of the Assembly, to support the passage of this bill.

RECOMMENDATION 1

That the Committee support the passage of the Electoral (Gambling Industry) Amendment Bill 2026 in its current form.

ACT Gambling Reform Survey - Thomas Emerson MLA

09 Jul - 16 Aug 2026

Poll results

Thomas Emerson's ACT Gambling Reform Survey (3/13)

509

1. Do you think we should get gambling money out of politics in the ACT?

Yes



No



Thomas Emerson's ACT Gambling Reform Survey (4/13)

507

2. Do you believe donations from the gambling industry influence the decisions politicians make about gambling reform?

Yes



No



Thomas Emerson's ACT Gambling Reform Survey (5/13)

5 1 2

3. Do you support a full ban on all gambling advertising?

Yes



No



Thomas Emerson's ACT Gambling Reform Survey (6/13)

510

4. Do you think there should be fewer poker machines in the ACT?

Yes



No



Thomas Emerson's ACT Gambling Reform Survey (7/13)

495

5. Would you support mandatory account-based cashless gaming for poker machines, where users must load funds into a personal club-based account before gaming?

Yes



No



Yes, but I think it should go further



Thomas Emerson's ACT Gambling Reform Survey (8/13)

5 1 1

6. Would you support introducing maximum loss limits of no more than \$100 per day for poker machines (noting users could choose to set lower loss limits)?

Yes



No



Yes, but I think it should go further



Thomas Emerson's ACT Gambling Reform Survey (9/13)

509

7. Would you support introducing mandatory breaks in play for poker machines at regular intervals?

Yes



No



Yes, but I think it should go further



Thomas Emerson's ACT Gambling Reform Survey (10/13)

512

8. Would you support mandatory gaming room closures from 2am to 10am?

Yes



No



Yes, but I think it should go further



Thomas Emerson's ACT Gambling Reform Survey (11/13)

509

9. Would you support lowering bet limits for poker machines?

Yes



No



Yes, but I think it should go further



Thomas Emerson's ACT Gambling Reform Survey (12/13)

506

10. Would you support fully phasing out poker machines in the ACT?

Yes



No

