

2026

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Thomas Emerson)

Electoral (Gambling Industry) Amendment Bill 2026

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(As presented)

(Thomas Emerson)

Electoral (Gambling Industry) Amendment Bill 2026

A Bill for

An Act to amend the *Electoral Act 1992*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

J2025-422

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

1 **1 Name of Act**

2 This Act is the *Electoral (Gambling Industry) Amendment Act 2026*.

3 **2 Commencement**

4 This Act commences on 1 July 2027.

5 *Note* The naming and commencement provisions automatically commence on
6 the notification day (see [Legislation Act](#), s 75 (1)).

7 **3 Legislation amended**

8 This Act amends the *Electoral Act 1992*.

9 **4 Offences against Act—application of Criminal Code etc**
10 **Section 3A, note 1, new dot points**

11 *insert*

- 12 • s 222KE (Ban on gifts given by or on behalf of gambling industry
13 entities—\$250 or more)
- 14 • s 222KG (Ban on acceptance of gifts given by or on behalf of
15 gambling industry entities—\$250 or more)
- 16 • s 222KH (Scheme to avoid ban on gifts given by or on behalf of
17 gambling industry entities)

18 **5 Definitions for pt 14**
19 **Section 198, definition of *free facilities use***

20 *relocate to section 222L (2)*

21 **6 Section 198, new definition of *political entity***

22 *insert*

23 ***political entity*** means—

- 24 (a) a non-party MLA; or
- 25 (b) a party grouping; or

- 1 (c) a non-party candidate grouping; or
2 (d) a non-party prospective candidate grouping; or
3 (e) an associated entity.

4 **7 Section 198, definition of *third-party campaigner*,**
5 **paragraph (a)**

- 6 *omit*
7 incurs
8 *substitute*
9 incurs the amount of

10 **8 Meaning of *gift*—pt 14**
11 **New section 198AA (1) (c) and (d)**

- 12 *insert*
13 (c) if the amount of an annual subscription for membership of a
14 party is more than \$250—the amount of the subscription that is
15 more than \$250;
16 (d) if the use of meeting facilities is given to a political entity for no
17 consideration or inadequate consideration, and consideration is
18 ordinarily given for use of the facilities (the *ordinary*
19 *consideration*)—the value of the ordinary consideration less any
20 consideration given for the use.

21 **9 Section 198AA (2)**

- 22 *omit*

- 1 **10 Section 198AA (3) (b)**
- 2 *omit*
- 3 of \$250 or less
- 4 *substitute*
- 5 if the amount of the subscription is \$250 or less;
- 6 **11 Section 198AA (3) (c)**
- 7 *omit*
- 8 if an annual
- 9 *substitute*
- 10 if the amount of an annual
- 11 **12 Section 198AA (4), new definition of *use of meeting***
- 12 ***facilities***
- 13 *insert*
- 14 ***use of meeting facilities*** includes the use of a room for a meeting
- 15 (however described) and anything associated with the use.
- 16 **Examples—things associated with use of meeting facilities**
- 17 tables, chairs, photocopier, microphone, computer, food, drink
- 18 **13 Records of gifts**
- 19 **Section 216A (2) (b), new note**
- 20 *insert*
- 21 *Note* **Amount**, for pt 14, includes value (see s 198).
- 22 **14 Section 216A (3), definitions of *gift* and *political entity***
- 23 *omit*

- 1 **15 Regular disclosure of gifts**
2 **Section 216B (1)**
- 3 *omit*
4 that, together with
5 *substitute*
6 and the amount of the gift, together with the amount of
- 7 **16 Section 216B (3), definitions of *gift* and *political entity***
8 *omit*
- 9 **17 Disclosure of gifts by non-party candidates**
10 **Section 217 (3)**
- 11 *omit*
12 the total of
13 *substitute*
14 the total amount of
- 15 **18 Restrictions on acceptance of gifts**
16 **Section 222 (1)**
- 17 *omit*
18 gift of
19 *substitute*
20 gift of an amount of

1 **19 Section 222 (3) and (4)**

2 *omit*

3 the total of

4 *substitute*

5 the total amount of

6 **20 Definitions—div 14.4A**
7 **Section 222B (1), definition of *political entity***

8 *omit*

9 **21 Sections 222F to 222I**

10 *omit*

11 the gift, together with

12 *substitute*

13 the amount of the gift, together with the amount of

14 **22 New division 14.4AA**

15 *insert*

16 **Division 14.4AA Gifts from gambling industry entities**

17 **222KA Application—div 14.4AA**

18 (1) This division does not apply to the following:

19 (a) a gift that is returned to the giver within 30 days after its receipt;

20 (b) a gift that is paid into a federal account as soon as practicable
21 after the gift is received.

1 (2) In this section:

2 *federal account*—see the *Commonwealth Electoral Act 1918*
3 (Cwlth), section 287.

4 **222KB Definitions—div 14.4AA**

5 In this division:

6 *gambling industry entity*—see section 222KC.

7 *gift* includes a loan, other than a loan given by a financial institution
8 on a commercial basis.

9 *Note* The definition of *gift* in s 198AA also applies to this division.

10 **222KC Meaning of *gambling industry entity*—div 14.4AA**

11 (1) In this division:

12 *gambling industry entity* means—

13 (a) an individual or entity that holds—

14 (i) a class B licence or a class C licence issued under the
15 *Gaming Machine Act 2004*; or

16 (ii) a casino licence granted under the *Casino Control*
17 *Act 2006*, section 21; or

18 (iii) a licence under the *Totalisator Act 2014*; or

19 (iv) a licence under the *Race and Sports Bookmaking Act 2001*;
20 or

21 (v) an approval under the *Pool Betting Act 1964*; or

22 (b) an entity that is a controlling body or approved racing
23 organisation under the *Racing Act 1999*; or

- 1 (c) an individual or entity that holds a licence issued under the
2 *Liquor Act 2010* (other than an off licence) and carries on a
3 business (whether or not for profit) at the licensed premises that
4 involves any wagering, betting or other gambling; or
- 5 (d) an individual or entity that carries on a business (whether or not
6 for profit), a significant part of which involves any of the
7 following:
- 8 (i) wagering, betting or other gambling;
- 9 (ii) manufacturing or supplying products or equipment
10 primarily used for the purposes of wagering, betting or
11 other gambling; or
- 12 (e) an entity that receives 50% or more of its revenue or other
13 income from 1 or more individuals or entities mentioned in
14 paragraphs (a) to (d); or
- 15 **Example**
16 industry association receiving membership fees from gaming machine
17 licensees that make up 50% or more of its income
- 18 (f) an individual or entity that is a close associate of an individual
19 or entity mentioned in paragraphs (a) to (e).
- 20 (2) However, an individual or entity mentioned in subsection (1) is not a
21 ***gambling industry entity*** if the only wagering, betting or other
22 gambling activity the individual or entity conducts is—
- 23 (a) an exempt two-up game under the *Unlawful Gambling Act 2009*,
24 part 4; or
- 25 (b) an exempt lottery under the *Lotteries Act 1964*, or a lottery,
26 scheme or competition that is exempt under the corresponding
27 provisions of a State law; or

- 1 (c) any of the following conducted for a charitable purpose:
- 2 (i) an approved lottery under the *Lotteries Act 1964*;
- 3 (ii) a lottery, scheme or competition approved under the
- 4 corresponding provisions of a State law.
- 5 *Note* **State** includes the Northern Territory (see *Legislation Act*, dict, pt 1).
- 6 (3) In this section:
- 7 **charitable purpose**—see *Unlawful Gambling Act 2009*, dictionary.
- 8 **close associate**, of an individual or entity, means—
- 9 (a) for an individual—
- 10 (i) any domestic partner of the individual; or
- 11 (ii) any body (whether or not incorporated) for which the
- 12 individual is an officer; and
- 13 (b) for an entity that is a body (whether or not incorporated)—
- 14 (i) if the body is a corporation—a related body corporate; or
- 15 (ii) an officer of the entity or a related body corporate; or
- 16 (iii) a person whose voting power in the entity or a related body
- 17 corporate is 5% or more; or
- 18 (iv) any domestic partner of a person mentioned in
- 19 subparagraph (ii) or (iii); or
- 20 (v) if the entity or a related body corporate is a stapled entity
- 21 in relation to a stapled security—the other stapled entity in
- 22 relation to the stapled security; and

- 1 (c) in any case—if the entity is a trustee, manager or responsible
2 entity in relation to a trust (whether or not the trust is a gambling
3 industry trust)—
- 4 (i) for a unit trust—a person who holds 5% or more of the
5 units in the trust; or
- 6 (ii) for a discretionary trust—a person who is a beneficiary of
7 the trust; and
- 8 (d) any other individual or entity prescribed by regulation.

9 ***gambling industry trust*** means a trust for which an individual or
10 entity holds a licence or carries on a business mentioned in
11 subsection (1).

12 ***officer***—see the [Corporations Act](#), section 9.

13 ***stapled entity***—

- 14 (a) means an entity the interests in which are traded along with the
15 interests of another entity as a stapled security; and
- 16 (b) for a stapled entity that is a trust—includes any trustee, manager
17 or responsible entity for the trust.

18 ***voting power***—see the [Corporations Act](#), section 9.

19 **222KD Ban on gifts given by or on behalf of gambling industry**
20 **entities—less than \$250**

- 21 (1) This section applies if—
- 22 (a) a gambling industry entity, or another person on their behalf,
23 (the ***giver***) gives a gift to a political entity; and
- 24 (b) the amount of the gift, together with the amount of any other gift
25 given to the political entity by the giver in the financial year, is
26 less than \$250.

1 (2) The giver must pay to the Territory an amount equal to the amount of
2 the gift.

3 (3) The amount payable under subsection (2) is a debt payable to the
4 Territory by the giver and may be recovered by a proceeding in a
5 court of competent jurisdiction.

6 **222KE Ban on gifts given by or on behalf of gambling industry**
7 **entities—\$250 or more**

8 (1) A person commits an offence if—

9 (a) the person is a gambling industry entity; and

10 (b) the person gives a gift to a political entity; and

11 (c) the amount of the gift, together with the amount of any other gift
12 given to the political entity by the person in the financial year,
13 is \$250 or more.

14 Maximum penalty: 50 penalty units, imprisonment for 6 months or
15 both.

16 (2) A person commits an offence if—

17 (a) the person gives a gift to a political entity; and

18 (b) the gift is given on behalf of a gambling industry entity; and

19 (c) the amount of the gift, together with the amount of any other gift
20 given to the political entity by the person on behalf of the
21 gambling industry entity in the financial year, is \$250 or more.

22 Maximum penalty: 50 penalty units, imprisonment for 6 months or
23 both.

24 (3) A person commits an offence if—

25 (a) the person asks another person (the *second person*) to give a gift
26 to a political entity on behalf of a gambling industry entity; and

- 1 (b) the second person gives the gift, or part of the gift, to the political
2 entity; and
- 3 (c) the amount of the gift, together with the amount of any other gift
4 given to the political entity by the second person at the request
5 of the person and on behalf of the gambling industry entity in
6 the financial year, is \$250 or more.
- 7 Maximum penalty: 50 penalty units, imprisonment for 6 months or
8 both.
- 9 (4) In this section:
10 *ask* includes cause, induce or solicit.

11 **222KF Ban on acceptance of gifts given by or on behalf of**
12 **gambling industry entities—less than \$250**

- 13 (1) This section applies if—
- 14 (a) a political entity accepts a gift given to it by or on behalf of a
15 gambling industry entity; and
- 16 (b) the amount of the gift, together with the amount of any other gift
17 given to the political entity by or on behalf of the gambling
18 industry entity in the financial year, is less than \$250; and
- 19 (c) the political entity has not taken reasonable steps to ensure that
20 the gift is not being given to it by or on behalf of a gambling
21 industry entity.

22 **Examples—reasonable steps**

- 23 1 giving potential donors written notice that donations from gambling
24 industry entities (including close associates) are prohibited
- 25 2 asking the person who gives the gift whether the person is a gambling
26 industry entity (including a close associate)
- 27 (2) The financial representative of the political entity must pay to the
28 Territory an amount equal to the amount of the gift.

- 1 (3) The amount payable under subsection (2) is a debt payable to the
2 Territory by the financial representative for the political entity and
3 may be recovered by a proceeding in a court of competent
4 jurisdiction.

5 **222KG Ban on acceptance of gifts given by or on behalf of**
6 **gambling industry entities—\$250 or more**

- 7 (1) A political entity commits an offence if—
8 (a) the political entity accepts a gift given to it by or on behalf of a
9 gambling industry entity; and
10 (b) the amount of the gift, together with the amount of any other gift
11 given to the political entity by or on behalf of the gambling
12 industry entity in the financial year, is \$250 or more.

13 Maximum penalty: 50 penalty units, imprisonment for 6 months or
14 both.

- 15 (2) Subsection (1) does not apply if the political entity takes reasonable
16 steps to ensure that the gift is not being given to it by or on behalf of
17 a gambling industry entity.

18 **Examples—reasonable steps**

- 19 1 obtaining a written declaration from the person who gives the gift about
20 whether the person is a gambling industry entity (including a close associate)
21 2 asking the person who gives the gift whether the person is, or is giving the gift
22 on behalf of, a gambling industry entity (including a close associate)
23 3 for a fundraising event intended to collect gifts from a large number of
24 potential donors, providing clear written notice to potential donors that
25 gambling industry entities (including close associates) are prohibited from
26 giving gifts to a political entity

27 *Note 1* The defendant has an evidential burden in relation to the matters
28 mentioned in s (2) (see [Criminal Code](#), s 58).

29 *Note 2* For recording and disclosure requirements in relation to the receipt of
30 gifts by political entities, see s 216A and s 216B.

- 1 (3) In deciding whether a political entity has taken reasonable steps under
2 subsection (2), the court must take into account the amount of the gift
3 accepted by the political entity.
- 4 (4) Subsection (3) does not limit the matters the court may take into
5 account.
- 6 (5) If a political entity contravenes subsection (1), the financial
7 representative of the political entity must pay to the Territory an
8 amount equal to the amount of the gift.
- 9 (6) The amount payable under subsection (5) is a debt payable to the
10 Territory by the financial representative for the political entity and
11 may be recovered by a proceeding in a court of competent
12 jurisdiction.

13 **222KH Scheme to avoid ban on gifts given by or on behalf of**
14 **gambling industry entities**

- 15 (1) A person commits an offence if—
16 (a) the person enters into or carries out a scheme; and
17 (b) the sole or dominant purpose of the scheme is to avoid the
18 operation of a provision of this division.
- 19 Maximum penalty: 50 penalty units, imprisonment for 6 months or
20 both.
- 21 (2) If a political entity accepts something because of a scheme mentioned
22 in subsection (1) that would otherwise have been a gift given by or on
23 behalf of a gambling industry entity, the financial representative of
24 the political entity must pay to the Territory an amount equal to the
25 amount accepted.
- 26 (3) The amount payable under subsection (2) is a debt payable to the
27 Territory by the financial representative for the political entity and
28 may be recovered by a proceeding in a court of competent
29 jurisdiction.

- 1 (4) In this section:
2 *scheme* includes any arrangement or understanding (whether express
3 or implied) or course of conduct (whether unilateral or otherwise).
- 4 **222KI Declaration that individual or entity not a gambling
5 industry entity**
- 6 (1) A person (the *applicant*) may apply to the commissioner in relation
7 to an individual or entity for a declaration that the individual or entity
8 is not a gambling industry entity.
- 9 (2) The commissioner may make a declaration if satisfied that it is more
10 likely than not that the individual or entity is not a gambling industry
11 entity.
- 12 (3) The commissioner must make a decision under subsection (2) based
13 solely on information provided by the applicant.
- 14 *Note* It is an offence to make a false or misleading statement, give false or
15 misleading information or produce a false or misleading document
16 (see [Criminal Code](#), pt 3.4).
- 17 (4) A declaration is in force for 12 months.
- 18 (5) A declaration—
- 19 (a) is conclusively presumed to be correct in favour of any person
20 for the purposes of a gift that the person makes or accepts while
21 the declaration is in force (even if the declaration is subsequently
22 found to be incorrect); and
- 23 (b) is not presumed to be correct in favour of any person who makes
24 or accepts a gift knowing that information given to the
25 commissioner, on which the declaration is based, was false or
26 misleading in a material particular.
- 27 (6) If the commissioner repeals a declaration, the commissioner must
28 give the applicant 7 days written notice before the repeal.
- 29 (7) A declaration is a notifiable instrument.

- 1 **23** **Definitions—div 14.4B**
2 **Section 222M, definition of *political entity***
- 3 *omit*
- 4 **24** **Amounts received**
5 **Section 232 (4)**
- 6 *substitute*
- 7 (4) For subsections (1) and (2), if the amount was received as a loan, the
8 return must state the information required by section 218A (2)
9 (Certain loans not to be received).
- 10 **25** **Dictionary, definition of *free facilities use***
- 11 *omit*
- 12 **26** **Dictionary, new definition of *gambling industry entity***
- 13 *insert*
- 14 *gambling industry entity*, for division 14.4AA (Gifts from gambling
15 industry entities)—see section 222KC.
- 16 **27** **Dictionary, definition of *gift*, new paragraph (ba)**
- 17 *insert*
- 18 (ba) for division 14.4AA (Gifts from gambling industry entities)—
19 see section 222KB; and
- 20 **28** **Dictionary, definition of *political entity***
- 21 *substitute*
- 22 *political entity*, for part 14 (Election funding, expenditure and
23 financial disclosure)—see section 198.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 11 June 2026.

2 Notification

Notified under the [Legislation Act](#) on 2026.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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