

**NORTHERN TERRITORY OF AUSTRALIA**

**LEGISLATIVE ASSEMBLY (DISCLOSURE OF INTERESTS) ACT 2008**

As in force at 30 November 2018

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 30 November 2018

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## LEGISLATIVE ASSEMBLY (DISCLOSURE OF INTERESTS) ACT 2008

### An Act to provide for the disclosure of interests by Members of the Legislative Assembly and for related purposes

#### 1 Short title

This Act may be cited as the *Legislative Assembly (Disclosure of Interests) Act 2008*.

#### 2 Commencement

This Act commences on the date fixed by the Administrator by *Gazette* notice.

#### 3 Definitions

In this Act:

***Assembly*** means the Legislative Assembly.

***Clerk*** means the Clerk of the Legislative Assembly.

***Committee of Members' Interest*** means a parliamentary committee (whether or not established under that name) assigned by resolution of the Assembly to act as the Committee of Members' Interests for this Act.

***member*** means a member of the Legislative Assembly.

***registrable interest*** means an interest or benefit designated as a registrable interest in the Schedule.

***related person***, of a member, means a person who is:

- (a) a spouse or de facto partner of the member; or

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- (b) a child of the member who is wholly or mainly dependent on the member for support.

*Note*

*This Act is closely modelled on resolutions of the House of Representatives for disclosure and registration of interests. However, a significant difference between this Act and the Commonwealth resolutions is that, in this Act, a de facto partner (including a same sex partner) is treated in the same way as a spouse.*

**required information**, for a registrable interest, means the information designated in the Schedule as required information for the registrable interest.

#### **4 Registration of members' interests**

- (1) Within 28 days after making and subscribing an oath or affirmation as a member, the member must give the Clerk a statement specifying:
  - (a) the member's registrable interests; and
  - (b) the registrable interests, of which the member is aware, of each related person of the member.
- (2) The statement must include interests held at the date of the member's election (or re-election) and alterations of interests that occurred between that date and the date of completing the statement.
- (3) A member must give notice to the Clerk of any alteration to the member's registrable interests, or those of a related person of the member, within 28 days after the member becomes aware of the alteration.
- (4) A statement of registrable interests, or a notice about an alteration to registrable interests, must:
  - (a) be in a form determined by the Committee of Members' Interests; and
  - (b) specify the required information for each registrable interest.

#### **5 Register of interests**

- (1) The Clerk must keep a register of interests disclosed under this Act.
- (2) The register is to be kept as directed by the Committee of Members' Interests.

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- (3) The register is to be available for inspection under reasonable conditions to be laid down by the Committee of Members' Interests from time to time.
  - (4) In determining conditions for inspection, the Committee of Members' Interests must give effect to the principle that the information recorded in the register should be generally available to the public unless there is good reason to restrict its availability.
  - (5) Despite subsections (3) and (4), the ICAC or a person authorised in writing by the ICAC, may inspect and take a copy of, or extract from, the register at any time.
  - (6) The ICAC may also inspect and take a copy of, or extract from, the register as kept by the Clerk for previous sessions of the Legislative Assembly, including the registrable interests disclosed by former members.

## **6 Contempt of Legislative Assembly**

- (1) A member commits a contempt of the Legislative Assembly if the member:
  - (a) knowingly fails to give to the Clerk a statement of registrable interests as and when required by this Act; or
  - (b) knowingly fails to give notice to the Clerk about any alteration to registrable interests as and when required by this Act; or
  - (c) knowingly gives false or misleading information to the Clerk in relation to registrable interests.
- (2) The contempt is to be dealt with under the *Legislative Assembly (Powers and Privileges) Act 1992*.

## **7 Transitional provision for commencement of this Act**

- (1) For each member, the Clerk must transfer to the register information given, under the *Legislative Assembly (Register of Members' Interests) Act 1982*, after 30 June 2008 by the member.
- (2) Within 1 month after the commencement, the Clerk must give to each member written notice about the information transferred to the register.
- (3) Within 2 months after the commencement, each member must give to the Clerk:
  - (a) a statement of registrable interests or a notice about an alteration to registrable interests, that complies with

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section 4(4), relating to the member's registrable interests and the registrable interests of which the member is aware for each related person of the member; or

- (b) a written notice stating no alteration is required to the member's registrable interests or the registrable interests of which the member is aware for each related person of the member.

*Note*

*After this process is completed, section 4(3) will apply to an alteration relating to the register.*

- (4) In this section:

**commencement** means commencement of this section.

**register** means the register mentioned in section 5.

## 8 Repeals

The following Acts are repealed:

- (a) *Legislative Assembly (Register of Members' Interests) Act 1982* (Act No. 49 of 1982);
- (b) *Legislative Assembly (Register of Members' Interests) Amendment Act 1987* (Act No. 10 of 1987).

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## Schedule

section 3, definitions *registrable interests*  
and *required information*

<b>Registrable interest</b>	<b>Required information</b>
Shareholding in a public or private company (including a holding company)	The name of the company
Interest as trustee or beneficiary in a family or business trust (but not an interest as a trustee in a trust in which neither the member, nor a related person to a member, is a beneficiary)	The name of the trust, the nature of its operation, the nature of the interest
Interest as owner of real estate	The location (suburb or area only) and the purpose for which it is owned
Registered company directorship	The name of the company
Interest in partnership	The name of the partnership, the nature of the interest, and the activities of the partnership
Liability	The nature of the liability and the creditor concerned
Bonds, debentures or similar investments	The nature of the investment
Saving or investment account	The nature of the account and the name of the bank or other institution concerned
Another asset (excluding household and personal effects) valued at over \$7,500	The nature of each asset
Gifts received since the date of the member's election and exceeding \$750 in value if received from official sources or \$300 in value if received from other sources (but a gift received by a member or a related person from a family member or personal friend in a purely personal capacity is not a	The nature and date of the gift and the person from whom it was received

registrable interest unless the member judges that an appearance of conflict of interest may be seen to exist

Sponsored travel or hospitality received since the date of the member's election and exceeding \$300 in value

The nature and date of the travel or hospitality and the name of the sponsor

Membership of an organisation where conflict of interest with a member's public duties could foreseeably arise or be seen to arise

The name of the organisation

Any other interest where a conflict of interest with a member's public duties could foreseeably arise or be seen to arise

The nature of the interest

Any other substantial source of income

The nature of the source of income



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## ENDNOTES

### 1 KEY

Key to abbreviations

amd = amended  
app = appendix  
bl = by-law  
ch = Chapter  
cl = clause  
div = Division  
exp = expires/expired  
f = forms  
Gaz = Gazette  
hdg = heading  
ins = inserted  
lt = long title  
nc = not commenced

od = order  
om = omitted  
pt = Part  
r = regulation/rule  
rem = remainder  
renum = renumbered  
rep = repealed  
s = section  
sch = Schedule  
sdiv = Subdivision  
SL = Subordinate Legislation  
sub = substituted

### 2 LIST OF LEGISLATION

***Legislative Assembly (Disclosure of Interests) Act 2008 (Act No. 34, 2008)***

Assent date 8 December 2008  
Commenced 12 August 2009 (Gaz S43, 12 August 2009)

***Independent Commissioner Against Corruption (Consequential and Related Amendments) Act 2018 (Act No. 3, 2018)***

Assent date 21 February 2018  
Commenced 30 November 2018 (s 2, s 2 *Independent Commissioner Against Corruption Act 2017* (Act No. 23, 2017) and Gaz S94, 30 November 2018)

### 3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22 of 2018) to: ss 1, 6 and 7.

### 4 LIST OF AMENDMENTS

s 5 amd No. 3, 2018, s 20