

NORTHERN TERRITORY OF AUSTRALIA

LEGISLATIVE ASSEMBLY (REGISTER OF MEMBERS' INTERESTS) ACT

As in force at 1 January 1992

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 January 1992

LEGISLATIVE ASSEMBLY (REGISTER OF MEMBERS' INTERESTS) ACT

An Act to relating to the establishment and maintenance of a register of interests of members of the Legislative Assembly, and for related purposes

Part I Preliminary

1 Short title

This Act may be cited as the *Legislative Assembly (Register of Members' Interests) Act*.

2 Commencement

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3 Definitions

In this Act, unless the contrary intention appears:

Assembly means the Legislative Assembly.

Clerk means the Clerk of the Assembly.

family, in relation to a member, means:

- (a) the spouse of that member; and
- (b) the children of that member who are wholly or mainly dependent on him for support.

financial benefit means:

- (a) the remuneration, fee or other pecuniary sum exceeding \$500 received by a member in respect of a contract of service entered into, or paid office held, by him; and

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- (b) the total of all remuneration, fees or other pecuniary sums received by a member in respect of any trade, profession or vocation engaged in by the member where the total exceeds \$500,

other than remuneration received by the member under the *Remuneration Tribunal Act*.

income source means:

- (a) a person or body of persons with whom a member entered into a contract of service or held a paid office; or
- (b) a trade, profession or vocation engaged in by a member.

member means a member of the Assembly.

Register means the Register of Members' Interests established under section 6.

return means a return in a form approved in accordance with section 5.

return period means the period of time between the making of successive returns.

spouse, in relation to a member, means a person, whether or not legally married to the member, who is living with the member as his or her spouse on a bona fide domestic basis.

Part II Disclosure of members' interests

4 Return to be submitted to Clerk

- (1) Except where the member has already under subsection (2) submitted a return in that year, a member shall, within 90 days after 30 June in each year, submit to the Clerk a return.
- (2) A person who is elected (other than re-elected) as a member shall, within 60 days after making and subscribing the oaths or affirmations as required by section 13 of the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, submit to the Clerk a return.

5 Form of returns

- (1) A return required by this Part to be submitted shall be in a form approved by the Speaker and shall contain:
- (a) the name and description of each company, partnership, association or other body in which the member holds or held during the return period, a beneficial interest;
 - (b) a concise description of each trust in which the member or his family holds or held during the return period, a beneficial interest;
 - (c) the address and description of all land in which the member has a beneficial interest;
 - (d) the name of each company or other body in which the member holds or held during the return period, an office of any kind;
 - (e) any other substantial interest of the member or of his family of which the member has knowledge, whether of a pecuniary nature or otherwise, and which the member considers might appear to raise a conflict between his private interest and his public duty as a member;
 - (f) in the case of a return of a member pursuant to section 4(1):
 - (i) where the member receives or is entitled to receive a financial benefit during any part of the return period – a statement of the income source of the financial benefit;
 - (ii) the source of all significant contributions made in cash or otherwise (other than a contribution by the Territory or a statutory authority of the Territory) to any travel beyond the limits of the Territory undertaken by the member during the return period; and
 - (iii) particulars of all gifts of or above, or in total of or above, the amount or value of \$500 received by the member during the return period from a person other than a person related to the member or his spouse; and
 - (g) in the case of a return of a member pursuant to section 4(2) or (3) – a statement of all income sources that the member has or expects to have in the period commencing on the date of the return until 30 June next following.

- (2) Nothing in this section shall require a member to disclose the amount of a financial benefit entered in the Register in relation to the member or a member of his family.

6 Register of Members' Interests

- (1) The Clerk shall maintain a Register of Members' Interests and shall cause to be entered therein, as soon as practicable after he receives it, all information submitted to him pursuant to section 4.
- (2) The Register shall be in a form approved by the Speaker and may consist of the returns submitted pursuant to section 4.

7 Change in information in Register

- (1) Subject to subsection (2), a member shall, within 60 days of any change occurring in relation to information in respect of himself or his family contained in the Register, notify the Clerk of such change and supply the Clerk with such detail as the Clerk requires to enable the Register to be amended in accordance with subsection (3).
- (2) Subsection (1) shall not require a member to notify the Clerk of any change in information contained in the Register which occurs after 1 April in each year.
- (3) Where the Clerk is notified in pursuance of subsection (1), he shall amend the Register accordingly.

8 Inspection of Register

- (1) A person may, during the normal business hours of the office of the Clerk, inspect the entries made in the Register in relation to a particular member and his family on providing to the Clerk the person's name and address.
- (2) The Clerk shall cause to be recorded in the Register, in such manner as he thinks fit but so that the information is readily available to any other person who later inspects the relevant entries, the name and address of each person who has inspected those entries and the date on which the inspection was made.
- (3) A person inspecting an entry in the register shall not provide to the Clerk as his name a name other than his full and correct name, or as his address an address other than his correct residential address.

Penalty: \$200.

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- (4) An offence of contravening or failing to comply with subsection (3) is a regulatory offence.

9 Restriction on publication

A person shall not publish or comment on information contained in the Register unless the information published constitutes a fair and accurate summary, or the comment is a fair comment, and it is published or made, without malice, in the public interest.

Part III Miscellaneous

10 Failure to comply with Act

A wilful contravention of a requirement of this Act is a contempt of the Assembly and may be dealt with accordingly.

ENDNOTES

1 KEY

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = Gazette	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2 LIST OF LEGISLATION

Legislative Assembly (Register of Members' Interests) Act 1982 (Act No. 49, 1982)

Assent date	22 July 1982
Commenced	29 October 1982 (<i>Gaz</i> G43, 29 October 1982, p 2)

Criminal Law (Regulatory Offences) Act 1983 (Act No. 68, 1983)

Assent date	28 November 1983
Commenced	1 January 1984 (s 2 s 2 <i>Criminal Code Act 1983</i> (Act No. 47, 1983), <i>Gaz</i> G46, 18 November 1983, p 11 and <i>Gaz</i> G8, 26 February 1986, p 5)

Legislative Assembly (Register of Members' Interests) Amendment Act 1987 (Act No. 10, 1987)

Assent date	25 June 1987
Commenced	25 June 1987

De Facto Relationships (Miscellaneous Amendments) Act 1991 (Act No. 82, 1991)

Assent date	24 December 1991
Commenced	1 January 1992 (s 2)

3 LIST OF AMENDMENTS

s 3	amd No. 82, 1991, s 11
s 4	sub No. 10, 1987, s 2
s 8	amd No. 68, 1983, s 118