

Serial 67
Legislative Assembly (Code of Conduct) Bill 2006
Ms Carney

**A BILL
for
AN ACT**

to provide for the adoption, and enforcement, of a Code of Conduct for Ministers
and Members of the Legislative Assembly and for related purposes

NORTHERN TERRITORY OF AUSTRALIA
LEGISLATIVE ASSEMBLY (CODE OF CONDUCT) ACT 2006

Act No. [] of 2006

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2006

AN ACT

to provide for the adoption, and enforcement, of a Code of Conduct for Ministers and Members of the Legislative Assembly and for related purposes

[Assented to [] 2006]
[Second reading [] 2006]

The Legislative Assembly of the Northern Territory enacts as follows:

PART 1 – PRELIMINARY MATTERS

1. Short title

This Act may be cited as the *Legislative Assembly (Code of Conduct) Act 2006*.

2. Definitions

In this Act:

"Clerk" means the Clerk of the Legislative Assembly;

"Committee" means the Legislative Assembly Disciplinary Committee;

"disciplinary complaint" means a complaint laid before the Legislative Assembly under section 11;

"Secretary" means the person assigned by the Clerk to be Secretary to the Committee.

PART 2 – CODE OF CONDUCT

3. Adoption of Code of Conduct

(1) The Legislative Assembly may, by resolution, adopt a Code of Conduct governing the conduct of Ministers and Members of the Legislative Assembly.

(2) The Legislative Assembly may, by resolution, adopt amendments to the Code of Conduct.

4. Publication of Code

(1) The Clerk must publish the Code of Conduct on the Legislative Assembly's website and in the *Gazette*.

(2) If the Legislative Assembly amends the Code, the Clerk must publish the amended text of the Code on the Assembly's website and in the *Gazette*.

PART 3 – DISCIPLINARY COMMITTEE

5. Establishment of Legislative Assembly Disciplinary Committee

(1) The Legislative Assembly Disciplinary Committee is established.

(2) The Committee is a parliamentary committee.

6. Composition of Disciplinary Committee

(1) The Committee consists of 6 Members of the Legislative Assembly appointed by resolution of the Assembly.

(2) Of the members of the Committee:

(a) 3 are to be appointed on the nomination of the Chief Minister; and

(b) 2 are to be appointed on the nomination of the Leader of the Opposition; and

(c) one is to be a member who is independent of the parties represented in the Government or the Opposition.

(3) If there is no member who qualifies for appointment under subsection (2)(c), the number of members to be appointed on the nomination of the Leader of the Opposition increases to 3.

7. Appointment of Committee

(1) The Legislative Assembly must appoint the members of the Committee

- (a) within the first 3 sitting days after the commencement of this Act; and
- (b) within the first 3 sitting days after each subsequent general election.

(2) A member of the Committee is appointed for a term ending at the time of the next general election for the Legislative Assembly.

(3) A member of the Committee may, however, resign by written notice addressed to the Speaker and may be removed from the Committee by resolution of the Legislative Assembly.

(4) The Legislative Assembly may, by resolution, fill any casual vacancy occurring in the membership of the Committee.

(5) If a member of the Committee makes, or is the subject of, a disciplinary complaint, and the Legislative Assembly decides to refer the complaint to the Committee for investigation, the Assembly must, by resolution, appoint some other Member of the Legislative Assembly (the "surrogate member") to take the member's place for the purposes of the investigation.

(6) A member appointed to a casual vacancy or to be a surrogate member must have the same nomination or qualification as the member whose place the appointee is to take.

8. The Chair

(1) The Legislative Assembly must appoint one of the members of the Committee to chair the Committee.

(2) The Chair is to preside at any meeting of the Committee at which the Chair is present.

(3) In the absence of the Chair from a meeting of the Committee, the members present will elect one of their number to chair the meeting.

9. Proceedings of Committee

(1) A quorum of the Committee consists of 4 members.

(2) A decision in which a majority of the members present at a meeting of the Committee agree is a decision of the Committee.

(3) The Clerk will assign a member of the Legislative Assembly's staff to be secretary to the Committee.

(4) The Secretary must keep proper minutes of the Committee's proceedings and decisions.

10. Evidentiary powers of Committee

(1) The Committee may, by summons signed by the Chair or the Secretary, require any person who may, in the Committee's opinion, be in a position to provide information on a subject under investigation by the Committee, to attend before the Committee to give evidence.

(2) The Secretary may, at the Committee's direction, administer an oath or an affirmation to a person attending before the Committee to give evidence.

(3) A person (the "witness") commits an offence if the witness, without reasonable excuse:

- (a) refuses or fails to attend before the Committee as required by a summons under this section; or
- (b) refuses or fails to take an oath or affirmation when asked to do so by the Committee; or
- (c) refuses or fails to answer truthfully, and to the best of the witness's knowledge, information and belief, a question put to the witness by a member of the Committee or put with the Committee's consent by a person whose conduct is under investigation by the Committee or some other person appearing before the Committee.

Maximum penalty: 100 penalty units.

PART 4 – PROCEDURE FOR DEALING WITH BREACHES OF CODE

11. Complaints of suspected breach of Code

(1) If a Member of the Legislative Assembly believes, on reasonable grounds, that a Minister or other Member has committed a breach of the Code, the Member may lay a complaint alleging a breach of the Code before the Assembly.

- (2) The complaint must:
 - (a) specify the provision of the Code alleged to have been breached; and
 - (b) state with reasonable particularity the conduct of the Minister or other Member alleged to have been in breach of the Code.

(3) A Member of the Legislative Assembly who lays a complaint against a Minister or other Member without having reasonable grounds for doing so commits a contempt of the Assembly.

12. Procedure of Legislative Assembly on complaint

(1) The Legislative Assembly must, within 3 sitting days after a disciplinary complaint is laid before it:

- (a) dismiss the complaint; or
- (b) refer the complaint to the Committee for investigation.

(2) The Legislative Assembly may, by resolution, extend the period of 3 sitting days referred to in subsection (1).

13. Investigation of complaint by Committee

(1) The Committee must:

- (a) investigate a disciplinary complaint referred to the Committee for investigation by the Legislative Assembly; and
- (b) report to the Legislative Assembly on the results of its investigation and, if it finds a breach of the Code established, recommend a penalty for the breach.

(2) The Committee may recommend penalties as follows:

- (a) that the Legislative Assembly reprimand the Minister or Member for the breach;
- (b) that the Legislative Assembly impose a fine not exceeding 50% of the annual base salary for a Member of the Legislative Assembly.

(3) If, however, the Committee finds a breach of the Code established, but considers the breach trivial, the Committee may recommend that no penalty be imposed.

14. Legislative Assembly to deal with report of Committee

(1) If the Committee finds a breach of the Code established, the Legislative Assembly must, within 3 sitting days after receiving the report, consider the Committee's report and recommendation.

(2) The Legislative Assembly may:

- (a) resolve to take no action for the breach; or

- (b) reprimand the Minister or Member whose conduct is the subject of the report; or
- (c) impose a fine not exceeding 50% of the annual base salary for a Member of the Legislative Assembly and fix a time for payment of the fine.

(3) A fine imposed under this section may be recovered as a debt due to the Territory.

15. Non-payment of fine

(1) If a Minister or Member fails to pay a fine within the time allowed by the Legislative Assembly, the Minister or Member is in contempt of the Assembly.

(2) The Legislative Assembly may, however, extend the time for payment of a fine.

(3) Proceedings for recovery of a fine as a debt are not affected by the imposition on the Minister or Member of a further fine or imprisonment for contempt of the Legislative Assembly.

16. Expiation of breach

(1) A Minister or Member may expiate a breach of the Code of Conduct by resigning from the Legislative Assembly.

(2) If a Minister or Member expiates a breach of the Code of Conduct by resignation from the Legislative Assembly, any fine imposed for the breach, and any fine or sentence of imprisonment imposed for non-payment of the fine, lapse.
