

REGISTRATION OF MEMBERS' INTERESTS

PART 1 – PRELIMINARY

Definitions

1. In this resolution, unless the contrary intention appears—

“**calendar month**” means a period commencing at the beginning of a day of one of the 12 months of the year and ending immediately before the beginning of the corresponding day of the next month or, if there is no such corresponding day, ending at the end of the next month;

“**child**”, in relation to a Member, includes an adopted child, a step-child or an ex-nuptial child of the Member;

“**Clerk**” means The Clerk of the Parliament;

“**committee**” means the Members’ Parliamentary Privileges Committee;

“**company**” means a company, whether a private company or a public company;

“**debenture**” includes debenture stock, bonds, notes and any other document evidencing or acknowledging indebtedness of a company in respect of money that is deposited with or lent to the company;

“**de facto spouse**” means a person who is living as the spouse or domestic partner of the Member although not legally married to that Member;

“**gift**” means—

- (a) the transfer of money, property or other benefit—
 - (i) without recompense; or
 - (ii) for a consideration substantially less than full consideration; or
- (b) a loan of money or property made on a permanent, or an indefinite, basis;

but does not include travel or accommodation provided by an airline under a commercial loyalty scheme.

“**joint venture**” means an undertaking carried on by 2 or more persons in common otherwise than as partners;

“**Member**” means a Member of the Legislative Assembly;

“**month**” means a calendar month;

“**nominee company**” means a company whose principal business is the business of holding marketable securities as a trustee or nominee;

“**officer**”, in relation to a company, means—

- (a) director or secretary of the company; or
- (b) any other person who is concerned, or takes part, in the management of the company;

“**partnership**” includes a joint venture;

“**private company**” means a proprietary company, whether incorporated in The Northern Territory or elsewhere;

“**public company**” means a company, other than a private company, whether incorporated in The Northern Territory or elsewhere;

“Register” means—

- (a) the Register of Members’ Interests; or
- (b) the Register of Related Persons’ Interests;

“related person”, in relation to a Member, means—

- (a) the spouse of the Member,
- (b) a child of the Member who is wholly or substantially dependent on the Member; or
- (c) any other person—
 - (i) who is wholly or substantially dependent on the Member; or
 - (ii) whose affairs are so closely connected with the affairs of the Member that a benefit derived by the person, or a substantial part of it, could pass to the Member;

“share” means—

- (a) a share in the share capital of a company;
- (b) stock;
- (c) a convertible note; or
- (d) an option;

“sitting day”, in relation to the Parliament, means a day on which the Parliament meets;

“sponsored travel or accommodation” means any travel undertaken, including accommodation incidental to the travel, or any accommodation benefit received, otherwise than in an official capacity, by the Member or a related person in respect of which a contribution (whether in cash or kind) to the cost of the travel (including incidental accommodation) or the accommodation is made by a person other than the Member or a related person but does not include travel or accommodation provided under a commercial loyalty scheme, or meals or sporting or cultural entertainment.

“spouse”, in relation to a Member, includes a de facto spouse of the Member;

“statement of interests” means—

- (a) a statement of interests (Member); or
- (b) a statement of interests (related persons);

“statement of interests (Member)” means the statement of a Member’s interests required to be given by the Member to the Auditor General under clause 5;

“statement of interests (related persons)” means the statement of the interests of a Member’s related persons required to be given by the Member to the Auditor General under clause 5;

“trade or professional organisation” means a body (whether incorporated or unincorporated) of—

- (a) employers or employees; or
- (b) persons engaged in a profession, trade or other occupation;

being a body the object, or an object, of which is the furtherance of its own professional, industrial or economic interests or those of any of its Members’;

“year” means period of 12 months commencing on 1 January.

Interpretation – terms relating to companies

- 2.(1) A person is taken to have a controlling interest in shares in a company if the person is able—
- (a) to dispose of, or to exercise control over the disposal of, the shares; or
 - (b) where the shares are voting shares – to exercise, or to control the exercise of, any voting powers attached to the shares.
- (2) The question whether a company is a subsidiary of another company is to be determined in the same manner as the question whether a corporation is a subsidiary of another corporation is determined for the purposes of the law of The Northern Territory.
- (3) A reference in this resolution to the holding company of another company is a reference to a company of which that other company is a subsidiary.

Interpretation – forms

- 3.(1) A reference to a form by number is a reference to the form so numbered in the Schedule.
- (2) Strict compliance with a form in the Schedule is not necessary and substantial compliance, or such compliance as the circumstances of a particular case allow, is sufficient.

Custody of Members’ Registrations of Interests

- 4.(1) The Auditor General is to be responsible for holding and secure custody of registrations of interests, and for providing access to Members’ registrations as prescribed.

PART 2 – STATEMENTS OF INTERESTS

Giving of statements

- 5.(1) In accordance with [*cl n of the Legislative Assembly [Members Code of Conduct and Ethical Standards] Act*] each Member shall within one month of making and subscribing an oath or affirmation as a Member, or 30 June of each year, provide to the Speaker, in a form determined by the Auditor General from time to time, a statement of—
- (a) the Member’s Registerable Interests as at the date of the election, or 30 June of the year in question, as appropriate;
 - (b) the Registerable Interests, of which the Member is aware, of related persons as at the date of the election, or 30 June of the year in question, as appropriate;
- (2) A Member must notify the Speaker in writing of any change in the interests given by the Member within one month of becoming aware of the change.
- (3) Where in any year there is no change to the interests last declared by the Member, the Member is required to advise the Speaker to this effect in writing within one month after 30 June each year.
- (4) A Member is required to include in a statement of interests of a related person, information about the person’s interests which are known to the Member.
- (5) A Member is not required to give, in any year, more than one statement of interests.

- (6) The Speaker shall convey a Member's statement of interests or information concerning the interests of a Member into the custody and control of the Auditor General upon receipt.

Form of statements and notice of change of details

- 6.(1) A statement of interests —
- (a) must be in accordance with the documentation requirements specified by the Auditor General; and
 - (b) is to relate only to interests held by the Member—
 - (i) the Member alone; and
 - (ii) the Member jointly or in common with a related person.
 - (iii)** related persons otherwise than jointly or in common with the Member.
- (2) The Auditor General may, in his or her sole discretion, prescribe the documentation requirements for statements of interests, and shall inform the Legislative Assembly of the prescribed requirements by 31 March each year.

Disclosure of interests

7. A statement of interests required to be given by a Member must contain the following information—
- (a) in respect of any company in which the Member or a related person is a shareholder or has a controlling interest in shares—
 - (i) the name of the company;
 - (ii) where the shareholding or interest constitutes a controlling interest in the company – details of the shareholdings of the company in any other company;
 - (iii) where the shareholding or interest is held in a private company, the details of the investments or beneficial interests of the company, but the value of those investments or beneficial interests need not be disclosed;
 - (iv) the date of commencement of the interest; and
 - (v) where the shareholding or interest is held in a private company that is the holding company of another company—
 - (1) details of the investments or beneficial interests of the holding company, but the value of those investments or beneficial interests need not be disclosed;
 - (2) the name of any company that is a subsidiary of the holding company;
 - (3) the name of any company that is a subsidiary of any company that is the holding company's subsidiary; and
 - (4) the details of the investments or beneficial interests of those subsidiary companies, but the value of those investments or beneficial interests need not be disclosed;
 - (b) in respect of any company of which the Member or a related person is an officer—
 - (i) the name of the company;
 - (ii) the nature of the office held;
 - (iii) the date of commencement of the interest; and

- (iv) the nature of the activities of the company;
- (c) in respect of any family or business trust or nominee company in which the Member or a related person holds a beneficial interest—
 - (i) the name or a description of the trust, or the name of the company, as the case requires;
 - (ii) the nature of the activities of the trust or company;
 - (iv) the nature of the interest;
 - (v) the date of commencement of the interest ; and
 - (vi) details of the investments and beneficial interest of the trust, but the value of those investments or beneficial interests need not be disclosed.
- (d) in respect of any family or business trust in which the Member or a related person is a trustee—
 - (i) the name or a description of the trust;
 - (ii) the date of commencement of the trust relationship; and
 - (ii) the nature of the activities of the trust;
- (e) in respect of any partnership in which the Member or a related person has an interest—
 - (i) the name or a description of the partnership;
 - (iii) the nature of the activities of the interest;
 - (iv) the date of commencement of the partnership; and
 - (iii) the nature of the interest;
- (f) in respect of any real estate in which the Member or a related person has an interest—
 - (i) the location of the relevant property (by reference to suburb or area);
 - (ii) the approximate size of the property;
 - (iii) the purpose(s) for which the property is used, and is intended to be used;
 - (iv) the date of commencement of the interest; and
 - (iv) the nature of the interest;
- (g) in respect of any liability (excluding department store and credit card accounts) of the Member or a related person or a trust of which a Member or a related person is a beneficiary or a private company of which a Member or a related person is a shareholder—
 - (i) the nature of the liability;
 - (ii) the date of commencement of the liability, and
 - (ii) the name of the creditor concerned;unless—
 - (i) it arises from the supply of goods or services supplied in the ordinary course of any occupation of the Member or business of the trust or private company in which the Member or related person has an interest which is not related to the Member's duties as a Member of the Legislative Assembly; or

- (ii) the debt is for an amount of \$10,000 or less;
- (h) details of any debenture or similar investment held by the Member or a related person;
- (i) in respect of any savings or investment account of the Member or a related person held with a bank, building society, credit union or other institution—
 - (i) the nature of the account; and
 - (ii) the name of the institution concerned;
- (j) gifts valued at more than \$500 from one source, or where two or more gifts are made from one source during the return period exceed, in aggregate, \$500 provided that a gift received by a Member, the Member's spouse or dependent children, from family members need not be registered unless the Member judges that a conflict of interest may be seen to exist;
- (k) in respect of any sponsored travel or accommodation received by the Member or a related person—
 - (i) the source of the contribution concerned;
 - (ii) the date(s) of the travel; and
 - (ii) the purpose of the travel.
- (l) any other source of income over \$1000 per annum received by—
 - (i) the Member or a related person; or
 - (ii) a private company, or a trust, in which the Member or a related person holds an interest;or where the income is under \$1000 and the Member judges that a conflict of interest may be seen to exist;
- (m) details of any other asset of the Member or a related person the value of which exceeds \$10,000, other than—
 - (i) household and personal effects;
 - (ii) a motor vehicle used only or mainly for personal use; and
 - (iii) personal superannuation or similar entitlements;
- (n) the name of any political party, trade or professional organisation of which the Member or related person is a Member, or the name of any other organisation of which the Member is an officeholder or financial contributor donating \$1000 or more in any single calendar year to that organisation;
- (o) any other interest (whether or not of a pecuniary nature) of the Member or a related person—
 - (i) of which the Member is aware; and
 - (iii) that raises, appears to raise, or could foreseeably raise, a conflict between the Member's private interest and his or her duty as a Member.
- (p) in respect of any interest which the Member has declared in a previous statement and has disposed of in the reporting period:
 - (i) the date of the disposal of the interest;
 - (j) the method of disposal of the interest; and
 - (ii) the name of the person or entity which acquired the interest.

Questions concerning statements

- 8.(1)** If a question relating to whether a matter should or should not be included in a statement of interests is raised by a Member with the Auditor General, the Auditor General shall resolve the matter with the Member, taking into account any resolution of the Legislative Assembly affecting the matter.

PART 3 – REGISTERS

Keeping of Registers

- 9.(1)** The Auditor General shall keep, in such form as the Auditor General considers appropriate—
- (a) a Register of Members’ Interests; and
 - (b) a Register of Related Persons’ Interests.
- (2)** As soon as practicable after receiving a statement of interests made by a Member, the Auditor General must—
- (a) in the case of a statement of interests by a Member – enter in the Register of Members’ Interests the relevant details contained in the statement; and
 - (b) in the case of a statement of interests by a related person – enter in the Register of Related Persons’ Interests the relevant details contained in the statement.
- (3)** As soon as practicable after receiving a notice of change of information under subclause 5, the Auditor General must make such alteration to the information entered in the relevant Register as is necessary to reflect the change.

Custody of Registers

- 10.** The Auditor General is to have the custody and control of—
- (a) each Register;
 - (b) each statement of interests received by the Auditor General under clause 5; and
 - (c) any notice of change of interests received by the Auditor General.

Tabling of Register of Members’ Interests

- 11.** As soon as practicable after—
- (a) the first sitting day of each Parliament; and
 - (b) the 30th day of June in each subsequent year during the life of that Parliament;
- the Speaker must cause a copy of the current Register of Members’ Interests to be laid before the Legislative Assembly.

Publishing of Register of Members’ Interests

- 12.** The Register tabled in accordance with 11(a) above shall be immediately published as a Parliamentary paper.

Inspection of Registers

- 13.(1)** The Auditor General must, at the request of a person, permit the person to inspect the Register of Members' Interests during normal business hours of the office of the Auditor General.
- (2)** The Auditor General must, on request, make the Register of Related Persons' Interests available to—
- (a) the Speaker;
 - (b) the Chief Minister;
 - (c) any other Leader in the Legislative Assembly of a political party;
 - (d) any independent Member of the Legislative Assembly; and
 - (e) the Clerk of the Parliament.

PART 4 – COMPLIANCE MEASURES

Claims by Members

- 14.(1)** A Member may make a claim against another Member that the other Member has failed to comply with the requirements relating to the disclosure of a relevant interest.
- (2)** The claim must be made in writing to the Speaker.
- (3)** The Speaker must give copies of a claim to the Member to whom it refers, and to the Auditor General, as soon as practicable.

Consideration of Claims

- 15.(1)** The Auditor General must consider each claim referred by the Speaker and, for that purpose, may—
- (a) give each Member concerned the opportunity to be heard; and
 - (b) obtain information from such other persons, and make such inquiries, as the Auditor General thinks fit;
- after which the Auditor General may—
- (c) make a report to the Legislative Assembly; and
 - (d) with the report, identify findings of fact, and any recommendations in relation to the matter which the Auditor General considers appropriate.
- (2)** A report under clause 15(1) may not be made unless—
- (a) the Auditor General has given the Member against whom the claim has been made an opportunity—
 - (i) to be heard; and
 - (ii) to make written submissions; and
 - (b) the Auditor General has given the persons that the Member nominates a reasonable opportunity to provide information relevant to the claim.
- (3)** Parliamentary privilege applies to the making of a claim to the Auditor General under cl 14, information provided to the Auditor General under cl 15(2)(b), and a Auditor's General report made under cl 15(1).

Claims by Members of the Public

- 16.(1)** A person may make a claim alleging that a Member has failed to comply with the requirements relating to the disclosure of a relevant interest.
- (2)** The claim must be made in writing to the Auditor General.
- (3)** The Auditor General must, before taking any action in relation to the claim, inform the person in writing of the extent to which qualified privilege may apply to communication with the Auditor General.
- (4)** The Auditor General may require the person to provide—
 - (a)** details of their name and address;
 - (b)** details, or further details, of the claim; and
 - (c)** copies of any documents or other material in the possession of or reasonably available to the person which supports the claim.
- (5)** The Auditor General may refuse to take action or further action in relation to the claim if the person refuses or fails to comply with a requirement under subclause (4).
- (6)** If the Auditor General considers on reasonable grounds that there is evidence to support a claim, the Auditor General must give the details of the claim to the Member concerned.

Consideration of Claims

- 17.(1)** Where a claim is referred to it, the Auditor General -
 - (a)** shall request the Member concerned to provide a response to the claim; and
 - (i)** give the Member the opportunity to be heard;
 - (ii)** give other persons nominated by Member the opportunity to provide information; and
 - (iii)** make such inquiries as the Auditor General thinks fit.
- (2)** The Auditor General must make a report to the Legislative Assembly in respect of the claim—
 - (a)** if the Member concerned disputes the claim – on completion of consideration of the claim by the Auditor General;
 - (b)** if the Member confirms the allegation – on receiving notice to that effect; and
 - (c)** if the Member does not, within a reasonable period, respond to a request given to him or her under paragraph (1)(a) – on the expiration of the period.
- (3)** The Auditor General must, with the report, identify findings of fact, and any recommendations in relation to the matter which the Auditor General considers appropriate.
- (4)** The Auditor General may not, in the report, make a finding that is adverse to the Member concerned unless it has given the Member—
 - (a)** a copy of the claim and an opportunity to be heard in relation to the claim; and
 - (b)** a copy of the proposed report.

Explanatory Notes

18. The Auditor General may produce and publish explanatory notes, and engage in public discussion, concerning the objectives and procedures relevant to the information to be included in the Registers.

PART 5 – ENFORCEMENT

Effect of failure to comply with requirements

19. A Member who knowingly—
- (a) fails to give a statement of interests as required under subclause 5(1);
 - (b) fails to notify under subclause 5(2) a change of interests; or
 - (c) gives a statement of interests, or information, that is false, incomplete or misleading in a material particular;
- is guilty of a contempt of the Parliament and may be dealt with accordingly.



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