20 June 2002

Members' code of conduct will be first for Territory

The Government today moved to implement one of its key election promises to improve the standing of politicians with the introduction of the Territory’s first Code of Conduct for Members.

Chief Martin said the Members’ Code of Conduct and Ethical Standards would be created under a proposed new law to assist Members in meeting the general principles of ethical conduct relevant to their duties, functions and obligations expected of them.

Ms Martin said the proposed Code would improve the integrity of the Parliament by defining acceptable and unacceptable conduct for Members in office, and providing for disciplinary and other action in cases of non-compliance.

The guiding principles to be established in a new Act are integrity, accountability, responsibility and the public interest.

Specifically, the Code will among other things:

- Strengthen the Register of Members’ Interest procedures to better enhance public trust in the integrity of the Parliament and the decisions it makes.

- Require Members to identify relevant pecuniary and other interests, and those of family members, in an annual registration process to be accessible to the public. Failure to do so will be considered a contempt of the Legislative Assembly.

- Determine that a declarable interest must include any Member acting as a consultant, advisor, or advocate for any company or business interest, whether paid or unpaid.

- Require Members to undertake no other employment or business activity involving them in significant management responsibility while they remain in office.

- Prohibit Members from holding or continuing to hold a contract or like business arrangement for the provision of services to government bodies or the Legislative Assembly.

The new law will:

- Create offences and penalties in relation to prohibited or restricted conduct by Members, including certain conduct arising after they have left office.

The following provisions would be enshrined in law to ensure effectiveness over former Members:

- Members will be prohibited for a period of one year after leaving office to represent or take up employment, or a directorship with, or act as an advisor or consultant to, any company or business interest with which they had direct contact or involvement in their
capacity as and MP in their last 12 months of office.

- On leaving office, former Members are prohibited from taking personal advantage of official information to which they had privileged access as a Member.

- A Member shall not hold or continue to hold a contract for the provision of services to or for a government body, the public service or the Assembly.

- The Auditor-General may investigate a claim of failure to register a required interest.

"What we are proposing in our first year in office is a new standard for politicians in the Territory.

"The Code will set out specific procedures and forms of conduct in public office which will be required to be observed by all Members of the Legislative Assembly.

"There will be clear procedures to punish those Members who fail to observe the principles set out in the law and the Standards prescribed by the Code of Conduct.

"There will also be provisions enshrined in law to cover former Members to ensure they can’t seek financial or personal advantage from their previous position for a set time once they leave office.

"This will prevent the type of actions that have been criticised in the federal arena since the last election.

"I urge all Members to support the Code."

It is proposed the Code would be created with the enactment of the Legislative Assembly (Members Code of Conduct and Ethical Standards) Act. Rather than deal with wrongdoing after the event, the proposed Territory Code would encourage a proactive approach to ethics management.

This is designed to reduce the incidence of ethical breaches and provide a clear basis for community expectations of Members’ conduct in office.

Ms Martin said the Government this afternoon would seek to refer the draft Code and amendments to existing pecuniary interests legislation to the Standing Orders Committee of the Assembly for consideration and to report back in the October sittings.

The new Act is expected to be introduced into Parliament during the November sittings.