

Michael Tatham

From: Walsh, Christopher <christopher.walsh@news.com.au>
Sent: Tuesday, 13 June 2017 3:03 PM
To: Michael Tatham
Subject: Questions on Members Interests Forms error

Hi Michael,

Well, it appears an embarrassing stuff up on the Clerk's Office again. Why was the page where Gerry McCarthy listed his son's unit omitted from his Register of Members Interests?

And don't give me this stuff about it not being transferred to the online version. That was not there in the hard copy when I searched it on Dec 22.

How many other MLAs have pages missing from their Register?

Do you know how serious this is?

What is being done to fix this situation and why should the public have any faith in the record keeping of the Clerk's Office when this kind of bungle happens?

Do you accept responsibility for this? Or was someone else to blame?

What needs to be done right now to improve this system and is it to actually have someone who enforces the strict adherence of the Members Interests forms? Is it too much for the Clerk to do and if so, who should take over enforcing it?

That should be it but feel free to add any other comments. Will need answers ASAP for deadline.

Thanks in advance,

Chris

--

CHRISTOPHER WALSH
Political Reporter
News Limited

1 Printers Place McMinn Street Darwin NT 0800
GPO Box 1300, Darwin, NT 0801
T +61 8 8944 9852 M +61 427 429 982
E christopher.walsh@news.com.au
W NewsCorpAustralia.com

LEGISLATIVE ASSEMBLY OF THE NT
TABLED DOCUMENTS

Committee: *Estimates*
Paper No: *4.4* Date: *20/6/17*
Tabled By: *Speaker*
Signed: *[Signature]*

News Limited, a News Corp Company. Proudly supporting 1 degree, a News Corp Australia initiative.



This message and its attachments may contain legally privileged or confidential information. It is intended solely for the named addressee. If you are not the addressee indicated in this message or responsible for delivery of the message to the addressee, you may not copy or deliver this message or its attachments to anyone. Rather, you should permanently delete this message and its attachments and kindly notify the sender by reply e-mail. Any content of this message and its attachments which does not relate to the official business of the sending company must be taken not to have been sent or endorsed by that company or any of its related entities. No warranty is made that the e-mail or attachments are free from computer virus or other defect.

Michael Tatham

From: Michael Tatham
Sent: Tuesday, 13 June 2017 4:07 PM
To: 'Walsh, Christopher'
Cc: Gerry McCarthy; Kezia Purick
Subject: RE: Questions on Members Interests Forms error



Legislative Assembly of the Northern Territory

Dear Mr Walsh

Really? Does this weird aggressive approach of yours actually scare anyone?

Answers below

Regards

MICHAEL TATHAM
Clerk of the Legislative Assembly
Chief Executive, Department of the Legislative Assembly

GPO Box 3721 Darwin NT 0801 Level 3 Parliament House
Office: +61 8 8946 1450 Mobile: 0458228021 Email: michael.tatham@nt.gov.au
Website: www.nt.gov.au/lant

Use or transmittal of the information in this email other than for authorised Assembly business or NT Government business purposes may constitute misconduct under the NT Public Sector Code of Conduct and could potentially be an offence under the NT Criminal Code.

From: Walsh, Christopher [<mailto:christopher.walsh@news.com.au>]
Sent: Tuesday, 13 June 2017 3:03 PM
To: Michael Tatham
Subject: Questions on Members Interests Forms error

Hi Michael,

Well, it appears an embarrassing stuff up on the Clerk's Office again.

What stuff up has occurred in my office?

What do you mean by 'again'?

Why was the page where Gerry McCarthy listed his son's unit omitted from his Register of Members Interests? **The Register of Members Interests for the 13th Assembly was completed by every Member - the content is a matter for the Member**

And don't give me this stuff about it not being transferred to the online version. That was not there in the hard copy when I searched it on Dec 22. **Did you look at the entry for the 12th Assembly? It is in there. I just saw it myself. If you only looked for the 13th Assembly you would not see it. The entry for the 13th is what is on the website. This is the 13th Assembly. The Assembly resolved for the 13th Assembly Register to be tabled and uploaded. IN March 2018 an update version of the 13th Assembly Register will be tabled. In 2021 the Register for the 14th Assembly will be tabled., and so it continues....**

How many other MLAs have pages missing from their Register? **The Register, to my knowledge, has no pages missing.**

Do you know how serious this is? **The Role of Registrar of Members interests is a serious role and the Register is maintained seriously.**

What is being done to fix this situation and why should the public have any faith in the record keeping of the Clerk's Office when this kind of bungle happens? **No bungle has occurred in my office that I am aware of.**

Do you accept responsibility for this? Or was someone else to blame? **The Members are responsible for the entries they make onto the Register. The Register is for the life of the Assembly. If a Member has not duplicated an interest from a previous Assembly onto their declaration for the next Assembly then that is a matter for them.**

What needs to be done right now to improve this system and is it to actually have someone who enforces the strict adherence of the Members Interests forms? Is it too much for the Clerk to do and if so, who should take over enforcing it? **The Committee of Members' Interests is responsible for the directions as to how the Disclosure of Interests are to be administered pursuant to the legislation.**

That should be it but feel free to add any other comments. Will need answers ASAP for deadline. **I have no comments to add and am not aware of your deadline.**

Thank you once again for your continued courtesy and fair and balanced approach to seeking answers to questions about public administration.

Thanks in advance,

Chris

--

CHRISTOPHER WALSH

Political Reporter
News Limited

1 Printers Place McMinn Street Darwin NT 0800

GPO Box 1300, Darwin, NT 0801

T +61 8 8944 9852 **M** +61 427 429 982

E christopher.walsh@news.com.au

W NewsCorpAustralia.com

News Limited, a News Corp Company. Proudly supporting [1 degree](#), a News Corp Australia initiative.

News Corp Australia

This message and its attachments may contain legally privileged or confidential information. It is intended solely for the named addressee. If you are not the addressee indicated in this message or responsible for delivery of the message to the addressee, you may not copy or deliver this message or its attachments to anyone. Rather, you should permanently delete this message and its attachments and kindly notify the sender by reply e-mail. Any content of this message and its attachments which does not relate to the official business of the sending company must be taken not to have been sent or endorsed by that company or any of its related entities. No warranty is made that the e-mail or attachments are free from computer virus or other defect.

Michael Tatham

Subject: Questions on Members Interests Forms error

From: Michael Tatham
Sent: Tuesday, 13 June 2017 5:32 PM
To: 'Walsh, Christopher'
Cc: Gerry McCarthy; Kezia Purick
Subject: RE: Questions on Members Interests Forms error



Legislative Assembly of the Northern Territory

Dear Mr Walsh

I address your further questions below

Regards

MICHAEL TATHAM
Clerk of the Legislative Assembly
Chief Executive, Department of the Legislative Assembly

GPO Box 3721 Darwin NT 0801 Level 3 Parliament House
Office: +61 8 8946 1450 Mobile: 0458228021 Email: michael.tatham@nt.gov.au
Website: www.nt.gov.au/lant

Use or transmittal of the information in this email other than for authorised Assembly business or NT Government business purposes may constitute misconduct under the NT Public Sector Code of Conduct and could potentially be an offence under the NT Criminal Code.

From: Walsh, Christopher [<mailto:christopher.walsh@news.com.au>]
Sent: Tuesday, 13 June 2017 4:38 PM
To: Michael Tatham
Cc: Gerry McCarthy; Kezia Purick
Subject: Re: Questions on Members Interests Forms error

Thanks for the answers, Michael and your opinion of the questions.

For the record, every time I've reviewed the Register it had historical declarations dating back to the time the specific member was elected. So, if what you say is true, that now that is not the case, **Yes it is the case.** If you look in the folder for Mr McCarthy and look for the tab for the 12th Assembly then his 12th Assembly declaration is there. But that is now redundant because there was an election in August 2016.

I would recommend informing the members that historical declarations need to be updated by them. **Members are informed. I wrote to all Members of the 13th Assembly in September advising them of their duty to complete a Register.**

As shown in this instance, Minister McCarthy was not aware of the new policy, nor, I suspect, is any other member. **There is no new policy. The legislation is clear. See s.4 (2). The word 're-election' is the clue.**

I hope you might also send me a copy of the policy that states this change and when it took effect. **I have extracted the legislation below which has been in effect for eight years now. See the yellow highlight.**

If no such policy exists, why is the historical information no longer carried forward? Who made the decision to do that and why? **See above and below.**

Also, if questions scare you, Mr Clerk, I'd suggest a media training course which should be available through your employer and a refresher course on government transparency which I hear is in vogue now. **Excellent advice. The transparent legislation is available for anyone to read on the NTG website and to ensure super transparency section 4 is extracted below in a large print format.**

Thanks again,

Chris

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
- (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.

(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.

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*.

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*, 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 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).

Schedule

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

Registrable interest	Required information
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 registrable interest unless the member judges that an appearance of conflict of interest may be seen to exist)	The nature and date of the gift and the person from whom it was received
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	The name of the organisation

be seen to arise

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

Michael Tatham

Subject: Questions on Members Interests Forms error

From: Walsh, Christopher [<mailto:christopher.walsh@news.com.au>]

Sent: Tuesday, 13 June 2017 6:11 PM

To: Michael Tatham

Cc: Gerry McCarthy; Kezia Purick

Subject: Re: Questions on Members Interests Forms error

Thanks for this Michael. If this is the case, and has been for some time as you claim, why then did a donation made to the Minister in 2012 make it onto the 13th Assembly form?

Michael Tatham

Subject: Questions on Members Interests Forms error

From: Michael Tatham

Sent: Tuesday, 13 June 2017 6:18 PM

To: Walsh, Christopher

Subject: Re: Questions on Members Interests Forms error

Ask the member

It's their return

Read the law

Regards,

MICHAEL TATHAM

Typed on a tiny keyboard. May contain traces of typographical errors