

# MEMBERS OF PARLIAMENT (REGISTER OF INTERESTS)

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# Members of Parliament (Register of Interests) Act 2004

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# Members of Parliament (Register of Interests) Act 2004

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## TABLE OF AMENDMENTS

The Members of Parliament (Register of Interests) Act 2004 No 4 was certified on 21 May 2004 and commenced on 1 September 2004 (s 2).

| Amending Legislation               | Certified     | Date of Commencement                    |
|------------------------------------|---------------|---|
| Statute Law Revision Act 2011      | 15 April 2011 | Sch 1 clauses 114–115:<br>15 April 2011 |
| Revised Written Laws Act 2021 No 7 | 1 June 2021   | 1 June 2021                             |



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

Be it enacted by the Parliament of Nauru:

## PART 1 — PRELIMINARY

### 1 Short title

This Act may be cited as the *Members of Parliament (Register of Interests) Act 2004*.

[s 1 subst Act 8 of 2011 s 12 and Sch 1 clause 114, opn 15 Apr 2011]

### 2 Commencement

This Act came into effect on 1 September 2004.

### 3 Definitions

In this Act:

**‘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 or her 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 or paid office held, by him or her; and
- (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 *Parliamentary Salaries and Allowances Act 2008*;

[def am Act 8 of 2011 s 12 and Sch 1 clause 115, opn 15 Apr 2011]

**‘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 Parliament;

**‘Register’** means the Register of Interests established under Section 7;

[def am Act 8 of 2011 s 12 and Sch 1 clause 115, opn 15 Apr 2011]

**‘return’** means a return in a form prescribed under Section 6;

[def am Act 8 of 2011 s 12 and Sch 1 clause 115, opn 15 Apr 2011]

**‘return period’** means the period of time between the making of successive returns; and

**‘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 and whether or not of the same sex.





## PART 2 — CODE OF CONDUCT

### 4 Code of conduct for members

It is hereby declared that a member of Parliament is bound by the following code of conduct:

- (a) members shall:
  - (i) accept that their prime responsibility is to the performance of their public duty and therefore ensure that this aim is not endangered or subordinated by involvement in conflicting private interests; and
  - (ii) ensure that their conduct as members shall not be such as to bring discredit upon the Parliament;
- (b) members shall not advance their private interests by use of confidential information gained in the performance of their public duty;
- (c) a member shall not receive any fee, payment, retainer or reward, nor shall he or she permit any compensation to accrue to his or her beneficial interest for or on account of, or as a result of the use of, his or her position as a member;
- (d) a member shall make full disclosure to the Parliament of:
  - (i) any direct pecuniary interest that he or she has;
  - (ii) the name of any trade or professional organisation of which he or she is a member which has an interest; and
  - (iii) any other material interest whether of a pecuniary nature or not that he or she has,  
in or in relation to any matter upon which he or she speaks in the Parliament;
- (e) a member who is a Minister shall perform his or her public duty without fear or favour and in such manner as to ensure that neither he or she nor his or her family materially benefit from the exercise of his or her public duties; and
- (f) a member who is Minister is expected to devote his or her time and his or her talents to the carrying out of his or her public duties.

[s 4 am Act 8 of 2011 s 12 and Sch 1 clause 115, opn 15 Apr 2011]



## PART 3 — DISCLOSURE OF MEMBERS' INTERESTS

### 5 Return to be submitted to Clerk

- (1) Every member shall, on 30 June in each year or within 30 days thereafter, submit to the Clerk an ordinary return.

[subs (1) am Act 8 of 2011 s 12 and Sch 1 clause 115, opn 15 Apr 2011]

- (2) A person who is elected, other than re-elected, as a member shall, within 30 days after making and subscribing the oath or affirmation as required by the *Constitution*, submit to the Clerk a primary return.

[subs (2) am Act 8 of 2011 s 12 and Sch 1 clause 115, opn 15 Apr 2011]

### 6 Form of returns

- (1) A primary return required by this Part shall be in the prescribed form and shall contain:

- (a) 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;
- (b) the name of each company or other body in which on the date of the primary return the member held any office of any kind; and
- (c) the information as at the date of the primary return referred to in paragraphs (2)(c), (d), (e) and (h).

[subs (1) am Act 8 of 2011 s 12 and Sch 1 clause 115, opn 15 Apr 2011]

- (2) An ordinary return required by this Part shall be in the prescribed form and shall contain the following:

- (a) 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;
- (b) where the member holds or has held an office whether as director or otherwise in any company or other body, corporate or unincorporate, during the return period, the name of such company or other body;
- (c) 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 which exceeds \$500;
- (d) a concise description of each trust in which the member or the member's family holds or held, during the return period, a beneficial interest;
- (e) the address and description of all land in which the member has a beneficial interest other than by way of security for any debt;
- (f) the source of all significant contributions made in cash or otherwise, other than a contribution by the Public Service or the Parliament or an instrumentality of the Republic, to any travel beyond the limits of the Republic undertaken by the member during the return period;
- (g) 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 the member's spouse; and
- (h) any other substantial interest of the member or of the member's 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 or her private interest and his or her public duty as a member.

[subs (2) am Act 8 of 2011 s 12 and Sch 1 clause 115, opn 15 Apr 2011]

- (3) 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 the member's family.

[subs (3) renum Act 8 of 2011 s 12 and Sch 1 clause 115, opn 15 Apr 2011]

## **7 Register of Interests**

- (1) The Clerk shall maintain a Register of Interests and shall cause to be entered therein, as soon as practicable after the Clerk receives it, all information submitted pursuant to Section 5.
- (2) The Register shall be in a form approved by the Speaker and may consist of the returns submitted pursuant to Section 5.

## **8 Change in information in Register**

- (1) A member shall, within 30 days of any change occurring in relation to information in respect of the member or the member's 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.
- (2) Where the Clerk is notified in pursuance of subsection (1), the Clerk shall amend the Register accordingly.

## **9 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 or her 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 the Clerk 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 or her name a name other than his or her full and correct name, or as his or her address an address other than his or her correct residential address.

Penalty: \$500.

## **10 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.

Penalty: \$1,000.

## PART 4 — MISCELLANEOUS

### **11 Failure to comply with Act\***

### **12 Jurisdiction of the Supreme Court\***

### **13 Regulations**

The Cabinet may make regulations prescribing any matters or things authorised or required or necessary to be prescribed under this Act.

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\* Sections 11 and 12 of the *Parliament of Nauru (Register of Interests) Act 2004* (now cited as *Members of Parliament (Register of Interests) Act 2004*) were held by the Supreme Court of Nauru to be inconsistent with the Constitution and therefore invalid, and severed from the Act. See *In the Matter of Sections 11 and 12 of the Parliament of Nauru (Register of Interests) Act 2004* [2006] NRSC 11.

