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Register of Gifts to the Senate and the Parliament

Procedural Rules for the declaration and preservation of gifts received by senators for the Senate and the Parliament

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THE SENATE

REGISTRATION OF GIFTS TO THE SENATE AND THE PARLIAMENT

Resolution of the Senate, adopted 26 August 1997

The Senate resolves that the following procedures apply for the declaration by senators of their receipt of any gift intended by the donor to be a gift to the Senate or the Parliament:

- (1) (a) Any senator, including any Senate officer-holder and any senator who is a leader or a member of a parliamentary delegation, who in any capacity receives any gift which is intended by the donor to be a gift to the Senate or the Parliament must, as soon as practical, place the gift in the custody of the Registrar of Senators' Interests and declare receipt of the gift to the Registrar.
- (b) A gift is to be taken as intended to be a gift to the Senate or the Parliament where:
 - (i) the donor expressly states that the gift is to the Senate or to the Parliament; or
 - (ii) the identity of the donor, the nature of the occasion, or the intrinsic significance or value of the gift is such that it is reasonable to assume that the gift was intended for the Senate or the Parliament; or
 - (iii) the gift has a value in excess of:
 - (A) \$500 when given by an official government source, or
 - (B) \$200 when given by a private person or non-government body on any occasion when the senator is present in his or her capacity as a senator, Senate office-holder or delegation leader or member.
- (c) The Registrar of Senators' Interests is to maintain a public Register of Gifts to the Senate and the Parliament.

- (d) The Committee of Senators' Interests is to recommend to the President whether, and how, the gift is to be used or displayed in Parliament House, including in the office of any senator, or used or displayed on loan elsewhere, including in a museum, library, gallery, court building, government building, government office or other place.
 - (e) Where a gift given to a senator is intended to be for the Parliament, the President is to consult with the Speaker prior to agreeing to a recommendation of the committee as to its use, display or loan.
 - (f) Where the President disagrees with a recommendation of the committee, the President is to report the disagreement to the Senate, which may determine the use, display or loan of the gift in question.
 - (g) In making recommendations the committee is to take into account the intention of the Senate that gifts are to be used, displayed or loaned in a way which:
 - (i) reflects proper respect for the intentions of the donor and the dignity of the Senate or the Parliament;
 - (ii) recognises the interest of the public in gifts to the Senate or the Parliament; and
 - (iii) takes account of practical issues including space, custody, preservation and propriety in the use, display or loan of such gifts.
 - (h) Where a senator is uncertain of the nature of a gift the senator may request advice from the committee.
 - (i) Where a senator disagrees with the advice of the committee the senator is to report the disagreement to the Senate, which may determine the nature of the gift and its use, display or loan, if any.
 - (j) In paragraph (1) a reference to a gift to the Parliament includes a gift given to a senator for the House of Representatives.
- (2) This resolution applies to a gift received by the spouse, family member or staff member of a senator on any occasion when the senator is present in his or her capacity as a senator, Senate office-holder or delegation leader or member, as if the gift had been received by the senator.

- (3) The committee:
- (a) is empowered to consider any matter placed before it pursuant to this resolution, and for the purposes of this resolution the committee has the powers provided in the resolution of 17 March 1994 establishing the committee; and
 - (b) may make, and must as soon as practicable thereafter table, procedural rules to facilitate the operation of this resolution.
- (4) Any senator who:
- (a) knowingly fails to tender and declare a gift that is taken to be a gift to the Senate or the Parliament as required by this resolution; or
 - (b) knowingly fails to return to the Registrar a gift which it was agreed or determined the senator might use or display; or
 - (c) knowingly provides false or misleading information to the Registrar or the committee,

is guilty of a serious contempt of the Senate and is to be dealt with by the Senate accordingly, but the question whether any senator has committed such a contempt is to be referred to the Privileges Committee for inquiry and report and may not be considered by any other committee.

Explanatory Notes

1. On 26 August 1997, the Senate adopted new rules for the declaration by senators of gifts presented to them but actually intended or assumed to be for the Senate or the Parliament.
2. The new rules apply to all senators. However, they will mostly affect senate office-holders (for example, the President or the Deputy President) and senators who are leaders or members of parliamentary delegations travelling overseas.
3. It should be borne in mind by all senators that as a matter of history, culture and practice, and while respecting the traditions of other countries, Australia does not favour or encourage political gift giving or political gift receiving. There are, however, occasions of significance which governments, parliamentarians, parliamentary institutions or others may wish to mark by giving a gift to another Parliament. The Senate resolution and the procedural rules are designed to accommodate such occasions.
4. Any senator who receives a gift actually intended for the Senate (or the Parliament) must declare it to the Registrar within 10 days of receipt. A form is available for this.
5. The declaration will be placed in a Register of Gifts to the Senate and the Parliament.
6. If a senator's spouse, family member or staff member receives such a gift it is taken to be a gift received by the senator, who must declare it.
7. A gift is taken to be intended for the Senate (or the Parliament) if:
 - (a) the donor expressly states this intent, orally or in writing; or

- (b) the occasion and nature of the donation is such that it would be reasonable to assume the gift to be institutional rather than personal; or
 - (c) the Australian value of the gift is more than \$500 in the case of a gift from a government, or more than \$200 in the case of a gift from a private person or non-government source.
8. Uncertainty as to whether a gift is an institutional gift rather than a personal gift will be resolved by the Committee of Senators' Interests or the Senate.
9. In the first instance, a gift must be placed in the custody of the Registrar of Senators' Interests as soon as practicable after a senator receives it.
10. The Committee of Senators' Interest will recommend to the President how the gift is to be used or displayed in Parliament House, including in the office of a senator, or loaned for use or display elsewhere, for example in a museum or library etc. The Senate can also determine how a gift is to be displayed or loaned.
11. In taking such decisions, the President or the Senate are guided by the intention of the Senate that gifts are to be used, displayed or loaned in a way that:
- (a) reflects respect for the donor and the dignity of the Senate; and
 - (b) recognises the public interest in institutional gifts; and
 - (c) takes account of practical issues such as space, safety, preservation etc.
12. It is considered to be a serious contempt of the Senate to fail to declare and surrender an institutional gift in accordance with the Senate resolution.

PROCEDURAL RULES

DECLARATION AND PRESERVATION OF GIFTS RECEIVED BY SENATORS FOR THE SENATE AND THE PARLIAMENT

In accordance with the resolution of the Senate of 26 August 1997 about the declaration of gifts received by senators but intended for the Senate or the Parliament, the Committee of Senators' Interests has made the following procedural rules to facilitate the operation of the resolution.

Compilation of the Register

1. A senator who receives a gift intended for the Senate (or the Parliament) is to declare receipt of it to the Registrar of Senators' Interests by completing and signing the approved form. To preserve both an audit and an historical record of such institutional gifts, the form is to be completed in full. The form is to be returned to the registrar within 10 days of receipt of the gift.
2. The gift must be, as soon as possible, be placed in the custody of the Registrar of Senators' Interests until the President (or the Senate) on the recommendation of the committee, determines how the gift is to be used, displayed or loaned.
3. Where a Senator's spouse, family member or staff member receives such a gift on an occasion when the senator is present in his or her capacity as a senator, the senator is to declare receipt of the gift on the approved form as if it had been received by the senator. Paragraph 2 applies equally to such a gift.
4. Declarations of receipt of gifts will be placed in the *Register of Gifts to the Senate and the Parliament* in alphabetical order under the name of the senator receiving the gift.
5. The Register will also contain a chronological list of gifts received with the name of the recipient senator, the name of the donor, and a description of the gift and its current location.

Maintenance of the Register

6. The original copy of a senator's declaration of receipt of a gift to the Senate (or the Parliament) will be kept on a registry file. A clear copy, date stamped with the registry stamp, will be placed on the Register.

7. Declarations will become public from the date of receipt.
8. New declarations will be tabled in the Senate within six months of receipt, preferably in June and December.
9. The Registrar will write to the Parliamentary Relations Office (PRO) at least twice a year to remind PRO officers assisting senators on delegations and travelling abroad of the requirements of the Senate resolution. Senate officers who accompany senators overseas must familiarise themselves with the terms of the resolution and these procedural rules.
10. A declaration will remain on the register as long as the gift remains in the possession, custody or control of the Senate (or the Parliament). However, declarations in the name of senators who are former members of the Senate will be held in a volume of the register separate from the volume holding declarations of serving senators.
11. A signed statement by the Registrar of the current location of the declared gift will be displayed in the Register with each senator's declaration of receipt of a gift.
12. Superseded statements of location will be retained on file with the original copy of the declaration.

Conditions of public access to the register

13. Public access to the register is by appointment, generally between the hours of 10.00 am and 12.00 noon and 2.00 pm and 4.00 pm, Monday to Friday (public holidays excepted). Access is to be supervised.
14. Access is to the whole register including statements of location.
15. Inquirers may make notes. A photocopy may be supplied if requested. In all cases, a photocopy will be supplied only of a senator's complete declaration and not extracts. A copy of a declaration must be collected in person or can be sent by post in response to a written request. Note: If the amount of photocopying involved becomes excessive, the committee reserves the right to levy a charge for the provision of photocopies.

16. The following access records will be maintained: name of inquirer (and organisation, if relevant), date and time of inspection, and total number of pages photocopied.
17. Details from the register will not be provided over the telephone.

Preservation of gifts declared in the register

18. Before recommending to the President whether and how, a gift is to be used or displayed in Parliament House or used or displayed on loan elsewhere, the committee will, if appropriate, seek the advice of the Joint House Department on how best the gift might be physically preserved, and used, displayed or loaned.
19. A person or body (including a senator) to whom the President (or the Senate) grants the right to use or display a gift will give an undertaking to observe the appropriate duty of care and return the gift on request of the President to the custody of the Registrar.
20. When a senator who is using or displaying a gift ceases to be a senator, he or she must return the gift to the Registrar.

Explanatory notes

21. To assist senators the committee has prepared Explanatory Notes. These are for the guidance of senators and are not meant to be exhaustive. Particular attention is drawn to the following statement in the notes:

It should be borne in mind by all senators that as a matter of history, culture and practice, and while respecting the traditions of other countries, Australia does not favour or encourage political gift giving or political gift receiving. There are, however, occasions of significance which governments, parliamentarians, parliamentary institutions or others may wish to mark by giving a gift to another Parliament. The Senate resolution and the procedural rules are designed to accommodate such occasions.

22. It is for senators receiving gifts to bear in mind the requirements of the resolution and these rules and declare and surrender gifts that are intended to be institutional rather than personal.

THE SENATE

REGISTER OF GIFTS TO THE SENATE AND THE PARLIAMENT

SENATOR'S DECLARATION OF RECEIPT OF A GIFT INTENDED OR ASSUMED TO BE FOR THE SENATE OR THE PARLIAMENT

Senator's name:

State/Territory:

Gift received by:
(Self or spouse or family member or staff member)

Donor:
(Name and position)

Occasion:
(date, place and circumstances of donation)

Description of gift:
.....

The gift is taken to be a gift to the Senate (or the Parliament) because:
(there was a statement of intention by the donor or it is assumed from the circumstances of the donation or from the value of the gift (over \$500 from a government/official source, over \$200 from a non-government/private source)

.....
.....

Senator's signature: _____ Date: ___/___/___