

# PROCEDURAL RULES FOR DECLARATION AND PRESERVATION OF GIFTS

(Agreed to by Committee of Senators' Interests 15 May 2002;  
amended 9 February 2005)

On 26 August 1997, the Senate adopted new rules for the declaration by senators of gifts presented to them but intended **by the donor** to be for the Senate or the Parliament. 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.

It is the responsibility of senators to declare and surrender gifts that are intended to be institutional rather than personal. 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.

## Compilation of the Register

1. A senator who receives a gift intended **by the donor** 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 **28 days** of receipt of the gift.
2. 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.
3. The gift must, 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.
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 of a senator's declaration of receipt of a gift to the Senate or the Parliament will be kept on a registry file. A copy, date stamped with the registry stamp, will be placed on the register.
7. Declarations are 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 should familiarise themselves with the terms of the resolution and these explanatory notes.
- 9A. Any proposed changes to handbooks prepared by the Parliamentary Relations Office (PRO) concerning receipt of gifts by senators should be sent to the registrar, to enable consideration by the Committee of Senators' Interests.
- 9B. Any changes to these rules, or to Senate resolutions relating to declarations of gifts by senators, should be advised to the PRO as soon as possible after such changes are made.
- 9C. Senate officers who accompany senators overseas should familiarise themselves with the terms of the resolution and these explanatory notes.
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. 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.

## **Preservation of gifts declared in the register**

13. 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 Department of Parliamentary Services on how best the gift might be physically preserved, and used, displayed or loaned.

14. 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.