

## THE SENATE

### REGISTRATION OF GIFTS TO THE SENATE AND THE PARLIAMENT

#### Receipt of gifts – declaration

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 office 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 practicable, 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.
- (ba) In the absence of express intent, it will not be assumed that a gift was intended for the Senate or the Parliament where the gift has a value below the following thresholds:
  - (i) \$750 when given by an official government source; or
  - (ii) \$300 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.
- (bb) In the absence of express intent, it will not be assumed that a gift was intended for the Senate or the Parliament merely because the gift has a value above those thresholds.
- (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 may 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) When a senator who is using or displaying a gift ceases to be a senator, the senator may retain the gift:

- (i) if its value does not exceed the stated valuation limits of \$750 for a gift received from an official government source, or \$300 from a private person or non-government body; or
    - (ii) if the senator elects to pay the difference between the stated valuation limit and the value of the gift, as obtained from an accredited valuer selected from the list issued by the Committee for Taxation Incentives for the Arts. The Department of the Senate will be responsible for any costs incurred in obtaining the valuation.
  - (j) If the senator does not retain the gift in accordance with paragraph (i), the senator must return the gift to the registrar, who shall:
    - (i) dispose of it in accordance with instructions from the Committee of Senators' Interests, as set out in paragraph 1(d) of this resolution; or
    - (ii) arrange its donation to a nominated non-profit organisation or charity, at the discretion of the senator who has returned the gift and the Committee of Senators' Interests.
  - (k) Any senator subject to paragraph (j) must formally acknowledge relinquishment of the senator's claim to ownership of any surrendered gifts.
  - (l) 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.
  - (m) 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.

*(Agreed to 26 August 1997; amended 8 December 1999 and 15 September 2003.)*