

**Inquiry into the execution of search warrants by the AFP No. 2****TERMS OF REFERENCE**

1. That the Privileges Committee inquire into and report on the status of documents and other things the subject of claims of parliamentary privilege arising from the execution of various search warrants by the Australian Federal Police (AFP) issued on 25 June and 23 July 2020 on Mr John Zhang, then staffer of the Honourable Shaoquett Moselmane.
2. That the committee recommend to the House which of the disputed material falls within the scope of proceedings in Parliament by no later than 9:30 am on Wednesday 18 November 2020
3. That the committee, for the purposes of making its determination, have access to the relevant search warrants and the indexes of documents and other things in dispute prepared by the AFP and that the committee seek submissions from the Clerk of the Parliaments, Mr Zhang, Mr Moselmane and the AFP regarding the claims of privilege.
4. That, in recommending which documents are privileged, the committee apply the test used in the determination of the matters involving documents seized by the Independent Commission Against Corruption from the Honourable Peter Breen in 2003 and 2004, as amended by the Senate Privileges Committee in its Report 164, dated March 2017, entitled “Search warrants and the Senate”.
5. That in inquiring into the claims of privilege, the committee consider correspondence by Mr Zhang’s legal representative, dated 19 October 2020, and correspondence dated 14 October and 26 October from the Deputy General Counsel, AFP Legal, and any further material provided by either the AFP or Mr Zhang’s legal representative to the House during this inquiry
6. That, if a recommendation cannot be made on the basis of the index and submissions received, the committee be given access to the privileged material held in the custody of the Clerk of the Parliaments.
7. That the report to the House on the claims of privilege by Mr Zhang, contain a recommendation for terms of reference for the Committee to inquire into and report into outstanding issues raised in Chapter 5 of Report no 80 “Execution of Search Warrants by the Australian Federal Police”, and to related issues raised in correspondence to the Clerk of the Parliaments dated 15 October 2020 regarding the alleged seizure of material from Mr Zhang by the Australian Border Force in January 2020.

Committee membership

Hon Peter Primrose MLC	Australian Labor Party	<i>(Chair)</i>
Revd the Hon Fred Nile MLC	Christian Democratic Party	<i>(Deputy Chair)</i>
Hon Greg Donnelly MLC	Australian Labor Party	
Ms Cate Faehrmann MLC	The Greens	
Hon Trevor Khan MLC	The Nationals	
Hon Natasha Maclaren-Jones MLC	Liberal Party	
Hon Matthew Mason-Cox MLC	Liberal Party	
Hon Natalie Ward MLC	Liberal Party	