



## **Inquiry into the execution of search warrants by the Australian Federal Police No. 3**

### **TERMS OF REFERENCE**

- (1) That the Privileges Committee inquire into and report on the following matters arising from report nos. 80 and 81 of the committee relating to the execution of search warrants by the Australian Federal Police:
  - (a) the rights available to a staffer to make a claim of privilege over documents,
  - (b) the rights available to a member to make a claim of privilege over documents held by their staffer, regardless of any claims of privilege made by the staffer,
  - (c) the privileged status of translations of parliamentary proceedings, and the implications for members if such translations are not protected by parliamentary privilege
  - (d) the merits of adoption of a formal memorandum of understanding between the Parliament of New South Wales and the Australian Federal Police (AFP),
  - (e) the application of the current NSW Parliament Memorandum of Understanding with the ICAC to searches of members' homes or other locations outside of the parliamentary precincts, and to other statutory provisions for the compulsory production of documents and electronic records to the ICAC,
  - (f) remote searches and surveillance of members and staff by investigative agencies in circumstances where the parliament has not been made aware a search has been undertaken, including the experience of other parliamentary jurisdictions,
  - (g) the alleged seizure of material from Mr John Zhang by the Australian Border Force on 28 January 2020,
  - (h) any future claim of parliamentary privilege made by the parties the subject of the search warrants by the AFP and arising from the current or a related investigation, and
  - (i) any other related matter.
- (2) That, for the purposes of this inquiry, the committee have access to correspondence and submissions received during the committee's first and second inquiries into the execution of search warrants by the Australian Federal Police.

### **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 Fahrman MLC	The Greens
Hon Wes Fang MLC*	The Nationals
Hon Scott Farlow MLC	Liberal Party
Hon Shayne Mallard MLC**	Liberal Party
Hon Taylor Martin MLC***	Liberal Party

\* The Hon Wes Fang MLC became a substantive member of the committee on 23 March 2022 following the resignation of the Hon Don Harwin MLC on 23 March 2022.

\*\* The Hon Shayne Mallard MLC replaced the Hon Scott Barrett MLC as a member of the committee on 29 March 2022.

\*\*\* The Hon Taylor Martin MLC became a substantive member of the committee on 24 January 2022 following the resignation of the Hon Trever Khan MLC on 6 January 2022.