

**Inquiry into the execution of search warrants by the  
Australian Federal Police No. 5****TERMS OF REFERENCE**

1. That this House notes that:
  - (a) on 10 February 2023, the President referred to the Privileges Committee an inquiry into 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 and any incidental documents of Mr Moselmane relating to the investigation of Mr Zhang, as delivered to the Acting Clerk by the AFP on 3 February 2023, and
  - (b) the committee's report of 2 March 2023 on this matter entitled 'Execution of search warrants by the Australian Federal Police No. 4' indicated that in the time available, the committee had been unable to resolve the status of all the documents referred to it, and recommended that in the 58th Parliament the House refer a new inquiry to the Privileges Committee in relation to the remaining unresolved documents.
2. That the Privileges Committee further 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 AFP issued on 25 June and 23 July 2020 on Mr John Zhang, then staffer of the Honourable Shaoquett Moselmane and any incidental documents of Mr Moselmane relating to the investigation of Mr Zhang, as delivered to the Acting Clerk by the AFP on 3 February 2023.
3. That the committee recommend to the House which of the disputed material falls within the scope of proceedings in Parliament by no later than Thursday 24 August 2023.<sup>1</sup>
4. That the committee, for the purposes of making its determination, have access to the relevant indexes of documents and other things in dispute prepared by the AFP together with submissions to the previous inquiry regarding the claims of privilege by the Clerk of the Parliaments, Mr Zhang, Mr Moselmane and the AFP.
5. 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".
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.

**Committee membership**

Hon Stephen Lawrence MLC	Australian Labor Party	<i>(Chair)</i>
Hon Natasha Maclaren-Jones MLC	Liberal Party	<i>(Deputy Chair)</i>
Hon Wes Fang MLC	The Nationals	
Ms Sue Higgsinon MLC	The Greens	
Hon Cameron Murphy MLC	Australian Labor Party	
Hon Bob Nanva MLC	Australian Labor Party	
Hon Peter Primrose MLC	Australian Labor Party	
Hon Rod Roberts MLC	Independent	

<sup>1</sup> The original reporting date was 3 August 2023 (*Minutes*, NSW Legislative Council, 28 June 2023, p 253). The reporting date was later extended to 24 August 2023 (*Minutes*, NSW Legislative Council, 2 August 2023, p 313).