



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



HOUSE OF REPRESENTATIVES

COMMITTEES

Privileges and Members' Interests Committee

Reference

SPEECH

Tuesday, 11 October 2016

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

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Questioner
Speaker Burke, Tony, MP

Source House
Proof No
Responder
Question No.

Mr BURKE (Watson—Manager of Opposition Business) (12:03): Mr Speaker, I thank you for the consultations and the way that you have been deliberating over this issue of great significance to the House. I move:

that:

(1) the House Standing Committee of Privileges and Members' Interests consider the claim for privilege in relation to the material seized by the Australian Federal Police under a search warrant executed on the Department of Parliamentary Services at Parliament House on 24 August 2016 and which is subject of a claim of parliamentary privilege by the Member for Blaxland under paragraph 6.11 of the 'AFP National Guideline for execution of search warrants where parliamentary privilege may be involved' and make a recommendation to the House about its ruling on the claim;

(2) in considering the claim, the Committee shall have regard to the law of parliamentary privilege, including the *Parliamentary Privileges Act 1987* and any case law relevant to the interpretation of the Act;

(3) the Committee shall provide affected parties with the opportunity to make submissions on the claim of parliamentary privilege, including on the application of the law of parliamentary privilege;

(4) if the Committee is able to determine the matter without the material being examined, it shall accordingly make a recommendation to the House about its ruling on the claim;

(5) if the Committee is unable to determine the matter without the material being examined, it may engage expert assistance to examine the material and report to it on the claim of parliamentary privilege. The Committee shall then make a recommendation to the House about its ruling on the claim; and

(6) if the Committee approves the engagement of expert assistance to examine the material, the Clerk of the House shall make the material available to the expert/experts so engaged only for the purpose of their examination of the material, but otherwise the material shall remain in the custody of the Clerk of the House at all times until its disposition is determined by the House, and shall not be examined by the Committee.

Question agreed to.