

STATEMENT BY THE PRESIDENT

CLAIM OF PARLIAMENTARY PRIVILEGE OVER SEIZED DOCUMENTS – SENATOR CONROY

As President of the Senate, my role includes watching out for the institutional rights of the Senate and senators. I therefore wish to make a statement on a question of parliamentary privilege that has important ramifications for all senators and their capacity to function in this place.

Senators may be aware that on 19 May 2016 and 24 August 2016, officers of the Australian Federal Police executed search warrants at the Melbourne office of Senator Conroy, at the home of an Opposition staff member and on the Department of Parliamentary Services here at Parliament House, and seized certain material.

In accordance with the *AFP Guideline for Execution of Search Warrants where Parliamentary Privilege may be involved*, Senator Conroy claimed parliamentary privilege over the seized material which was delivered into the custody of the Clerk of the Senate, where it remains in sealed packages in the Clerk's safe. As required by the Guideline, Senator Conroy notified the AFP that he was maintaining his claim of parliamentary privilege over the documents.

As the Senate had been dissolved, Senator Conroy wrote to the Clerk in respect of both occasions, asking for her to arrange to have the matter placed before the Senate when it was reconstituted.

Senator Conroy also wrote to the Clerk, extending his claim of parliamentary privilege over any copies of material seized from his office and the home of a staff member that had been acquired by the AFP in searching other premises.

A background paper on the determination of claims of privilege following the execution of search warrants has been prepared by the Clerk for the information of senators. The paper includes analysis of the important institutional role played by the Privileges Committee in such matters.

I table copies of the correspondence from Senator Conroy, the AFP Guideline and covering memorandum of understanding, and the background paper by the Clerk.

It is now for the Senate to consider how to determine the disposition of the documents. As a first step, unless the Senate determines otherwise, I propose to facilitate discussions on a way forward and will confer with party leaders and other senators on a suitable time for those consultations to occur.