

# **Report of the inquiry into the status of the records and correspondence of members**

House of Representatives  
Standing Committee of Privileges

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Canberra

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## **Membership of the Committee**

**Chair**            Hon Alexander Somlyay, MP

**Deputy Chair**   Mr Rodney Sawford, MP

**Members**        Mr Kevin Andrews, MP  
                      Mr Michael Danby, MP  
                      Hon David Jull, MP  
                      Mr Robert McClelland, MP  
                      Hon Leo McLeay, MP  
                      Mrs Margaret May, MP  
                      Mr Paul Neville, MP  
                      Mr Bob Searcombe, MP  
                      Dr Andrew Southcott, MP

## **Committee Secretariat**

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## **Terms of reference**

On 31 March 1999 the House referred to the committee the following matter:

The question of the status of records and correspondence held by Members of the House of Representatives, with particular reference to:

1. the adequacy of the present position;
2. the question of whether additional protection could be extended to Members in respect of their records and correspondence; if so, whether those records and that correspondence should be subject to additional protection, and, if so, what the form and nature of such protection should be.







## List of recommendations

1. The Committee recommends that there should be no additional protection, beyond that provided by the current law, given to the records and correspondence of Members.
2. The Committee recommends that, at the discretion of the Speaker, the House may intervene to assert the protection of parliamentary privilege in court proceedings in which the records and correspondence of Members may reasonably be argued to fall within the definition of 'proceedings in Parliament' as contained in subsection 16(2) of the *Parliamentary Privileges Act 1987*.
3. The Committee recommends that a memorandum of understanding (MOU) be concluded between the Presiding Officers and the Minister for Justice on the execution of search warrants by the Commonwealth law enforcement agencies on Members, the employed staff of Members and Members' Parliament House and electorate offices. Such an MOU would not be intended to create any immunity or change to the existing law, but enable ground rules to be agreed to assist Members when dealing with these situations.
4. The Committee recommends that memoranda of understanding be concluded between the Presiding Officers and State and Territory Attorneys-General on the execution of search warrants by Commonwealth State and Territory police and other State and Territory law enforcement agencies on the electorate offices of Members. The Commonwealth Attorney-General should place this matter on the agenda of the Standing Committee of Attorneys-General as the coordinating body to obtain agreement for memoranda.
5. The Committee recommends that to assist members in dealing with issues that arise in relation to their records and correspondence there should be:
  - the development of a set of guidelines available to Members to assist them to consider the status of their records and correspondence and provide guidance to them as to how their records and

correspondence should be handled. The Committee will develop and issue draft guidelines for discussion;

- inclusion in the seminars for new Members and their staff of information about the status of Members' records and advice on how to handle such records; and
- the briefing of existing Members and their staff on the status of Members' records and advice on how to handle such records.