

Thank you Chair.

I would like to make a brief statement on the back of overnight media reporting of the Senate Committee of Privilege 174th Report into Parliamentary Privilege and the use of search warrants.

The AFP welcomes the final report from the Committee. I am pleased that the Committee confirms that the AFP's conduct was in accordance with the existing National Guideline and am further heartened by the Committee's finding that there was no intent on behalf of the AFP to not comply.

However, and not surprisingly I am disappointed with the criticisms of the AFP contained within the report, particularly the Committee's statement that there was an apparent failure to respect the work of the Parliament and that the National Guideline was an afterthought in our investigations.

For the record it remains my view, and as acknowledged in their report, that the AFP acted with good faith at all times in exercising our duty to investigate a criminal matter. Furthermore, at no point do I believe my members ever treated parliamentary privilege as an afterthought. I believe that the AFP took very deliberate steps prior to overt action to consider and plan for the application of a claim to parliamentary privilege.

I note that the committee report references a need to review the MOU and Guidelines, and the ambiguity that exists within the current framework. This is underway in conjunction with the Attorney-General's Department, the Department of Home Affairs and other partner agencies and is a very necessary step to ensure clarity. It is my view following the tabling of the 174th report that what is now also required is a more comprehensive review of how the criminal law intersects and balances with the expectations of the parliament surrounding the application of privilege – particularly given the how far the Senate considers the law of privilege extends. We will work with the Departments to consider this so that there can be no uncertainty or ambiguity for all parties.

As always, we will use this report and the findings of the committee to review our procedures and our current criminal investigations that we have underway to understand the effect of this report.

Thank you Chair.

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