



Tuesday, 20 January 2026

Committee Secretary
Senate Standing Committee of Privileges
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Committee Secretary,

Thank you for the opportunity to provide a submission to the Senate Standing Committee of Privileges on the Inquiry into Department of Parliamentary Services handling of documents and communications.

The Australian Federal Police (AFP) recognises the importance of parliamentary privilege and not improperly interfering with the business of the Commonwealth parliament and has robust governance in relation to matters involving parliamentary privilege. To ensure that parliamentary privilege is properly observed in investigations which may seek to obtain evidence that could be subject to parliamentary privilege, the AFP operates under the *Memorandum of Understanding on the execution of search warrants and use of covert investigative powers where parliamentary privilege may apply* (the MOU), signed in 2024 between the then Attorney-General and the Presiding Officers of the Senate and the House of Representatives. The MoU is operationalised through an *AFP National Guideline on investigations where parliamentary privilege may be involved*, which forms part of the AFP's professional standards framework.

The National Guideline ensures that AFP Appointees conduct investigations in a way that respects parliamentary privilege; gives an opportunity for claims of parliamentary privilege to be raised and resolved; and ensures that material subject to such claims is managed appropriately. Both the MOU and the AFP National Guideline have been tabled with the Parliament.

To further assist AFP members, the AFP has implemented a training package to ensure AFP members understand what is required under the National Guideline. Matters involving parliamentary privilege may also fall within the scope of the AFP's Sensitive Investigations Oversight Board, which ensures appropriate senior executive oversight of such investigations.

From time to time, the AFP may need to investigate alleged offences involving parliamentarians or their staff. This can potentially occur in a range of ways, for example, a parliamentarian could be an unknowing target of a suspect in a fraud, corruption, espionage or foreign interference investigation because of their position in parliament. The alleged offending conduct could also be wholly unrelated to the parliamentary duties of a staff member – for example, an assault. The AFP closely follows the requirements of the MOU and National Guideline when exercising police powers and ensures material is only collected in accordance with the established requirements. All information collected by the AFP is also stored in accordance with the Protective Security Policy Framework.

In addition, while recognising police investigations are inherently sensitive, the AFP provides a confidential report each year to the Presiding Officers which outlines the number of instances of the use of covert powers as outlined in the AFP National Guideline.

I trust this information is of assistance in outlining the AFP's processes and procedures as relates to parliamentary privilege.

Yours sincerely,

Ian McCartney APM
Deputy Commissioner Crime
Australian Federal Police