



PARLIAMENTARY CRIME AND MISCONDUCT COMMITTEE

Members present:

Mrs EA Cunningham MP (Chair)
Mrs JR Miller MP (Deputy Chair)
Mr PJ Dowling MP
Mr IS Kaye MP
Mr JM Krause MP
Ms J Trad MP
Mr PW Wellington MP

Staff of the Office of the Parliamentary Crime and Misconduct Commissioner present:

Mr P Davis SC (Acting Parliamentary Commissioner)
Dr K Mellifont SC (Counsel assisting the Acting
Commissioner)
Mr M Kunde (Principal Legal Officer)

Staff present:

Mr N Laurie (Clerk of the Parliament)
Mr S Finnimore (Committee Office Manager)
Ms A Honeyman (Acting Research Director)
Mr P Rogers (Principal Research Officer)

INQUIRY INTO THE CMC'S RELEASE AND DESTRUCTION OF FITZGERALD INQUIRY DOCUMENTS

TRANSCRIPT OF PROCEEDINGS

TUESDAY, 19 MARCH 2013

Brisbane

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Committee met at 12.56 pm

CHAIR: Good afternoon, ladies and gentlemen. I declare this public hearing of the Parliamentary Crime and Misconduct Committee open. On behalf of the committee I welcome Dr Kerri Mellifont SC, who is assisting the acting commissioner, Mr Peter Davis SC. I am Liz Cunningham MP, the member for Gladstone and chair of the committee. Mrs Jo-Ann Miller MP, the member for Bundamba, is the deputy chair. The other committee members are Mr Peter Dowling MP, member for Redlands; Mr Ian Kaye MP, member for Greenslopes; Mr Jon Krause MP, member for Beaudesert; Ms Jackie Trad MP, member for South Brisbane; and Mr Peter Wellington MP, member for Nicklin, who will join us shortly.

By resolution of the House dated 7 March 2013 the committee is tasked with inquiring into and reporting on (a) the CMC's incorrect classification of documents lodged with State Archives that were sourced from the Fitzgerald inquiry which were transferred to the State Archives from the CMC between 2007 and 2009 that necessitated urgent legislation being introduced and passed by the House on 7 March; (b) the CMC's failure to remedy the incorrect classification of the above documents in a timely and effective manner; (c) the destruction of records of the Fitzgerald inquiry; (d) the CMC's failure to account to the PCMC in a timely and effective manner in relation to the matters; (e) as to how the issues arising from the incorrect classification of documents can be remedied in the longer term, including whether some or all of those documents have to remain confidential; and (f) on any other matters and make any other recommendations the committee believes necessary to address issues raised in its inquiry. The resolution of the Assembly requires the committee to report by 5 April 2013.

Under the standing orders, witnesses may be accompanied by legal representatives. Whilst witnesses may confer with their legal representative to obtain advice on their rights, the legal representative is not a witness in this inquiry and may not address the committee.

I remind all of those participating today that these proceedings are similar to parliament to the extent that the public cannot participate in the proceedings. In this regard I remind members of the public that under the standing orders the public may be admitted to or excluded from the hearing at the discretion of the committee.

The committee has resolved that the whole of the proceedings of the committee may be broadcast online with the *Conditions for broadcasters and guidelines for camera operators*, which are available from one of the parliamentary attendants in the room. We have also resolved to allow the media to take continuous pool footage with the traditional conditions that apply. I ask that mobile phones or pagers be either switched off or switched to silent. Also, I should remind you that food and drink are not permitted in the hearing room. For the benefit of Hansard, I ask all witnesses to identify themselves the first time they answer a question when asked.

Welcome, Ms Wood, and thank you for your attendance today. I now invite Dr Kerri Mellifont SC to continue proceedings with the examination of Ms Wood.

Dr Mellifont: Madam Chair, prior to calling Ms Wood I call Clifford Kenneth Horwood, who is responding to a summons directed to the CMC. I ask that he be sworn or affirmed, please.

HORWOOD, Mr Clifford, Information Technology Manager, Crime and Misconduct Commission

Witness was affirmed—

Dr Mellifont: Thank you. Could you state your full name, please?

Mr Horwood: Clifford Kenneth Horwood.

Dr Mellifont: What is your current position?

Mr Horwood: I am the information technology manager at the Crime and Misconduct Commission.

Dr Mellifont: What section does that fall within at the CMC?

Mr Horwood: It is part of the information management directorate.

Dr Mellifont: Right. Are you here this morning because you were tasked with responding to a summons issued on 18 March 2013 seeking production of a copy of all documents in the 'In', 'Out' and 'Draft' email folders for Mr Duell's CMC email address for the period 1 February 2011 through 18 March 2013?

Mr Horwood: That is correct.

Dr Mellifont: And have you brought documents in response to that summons?

Mr Horwood: I have brought documents, yes.

Dr Mellifont: Are you satisfied at this stage that the documents you are producing are a complete response to the summons?

Mr Horwood: No, I am not. They are a partial response.

Dr Mellifont: Can you tell us where you are up to, please?

Mr Horwood: Okay. We received the summons yesterday afternoon and we ascertained that it was going to be in the order of 13,359 emails involved, just for the external emails. That represents a large number of emails. So what we have done is we have actually broken it up into the calendar years involved and we have produced initially the electronic copies of the emails on DVDs, which are with the paperwork at the back of the room. We have also produced the index file for each of those DVDs which list what the emails are, in 'from', 'to', 'subject' and 'date'. So far we have produced all bar the last, I am advised, 114 of those—in those indexes and on those DVDs. I am advised that we are working on those right at the moment. So they will be forthcoming as soon as we have burnt them to DVD as well. So that will increase the number from 13,359 to an extra 114 on top of that. What we have not produced is the full hard copy of each email and each attachment yet because we were getting all of the emails together and then starting a print job to actually do that.

Dr Mellifont: In so far as the records have been produced electronically on CD or DVD, are they in a format which can be text searched?

Mr Horwood: Yes, they are.

Dr Mellifont: And in respect of the additional 100 or so emails you have referred to, is there an estimate of time as to how long that will take?

Mr Horwood: We will have those to the committee this afternoon.

Dr Mellifont: Now, the documents are that which appear at the back of the room on the table. Can I ask that they be tabled, of course not for publication at this point in time.

CHAIR: Is leave granted? Leave is granted.

Dr Mellifont: That is document No. 70. I will also table the summons, if I might, please, of 18 March in respect of which these documents are responsive.

CHAIR: Is leave granted? Leave is granted.

Dr Mellifont: Might Mr Horwood be stood down on his undertaking to return as and when required?

CHAIR: On that undertaking, yes. Sorry, Mr Horwood?

Dr Mellifont: Is there something further?

Mr Horwood: There are actually two bundles of documents at the back of the room. One is in response to this particular summons of the 18th. The other bundle is in response to a similar thing—emails, and set up exactly the same way, in response to the summons of the 12th.

Dr Mellifont: Thank you. Can I also then table the additional bundle of documents not for publication in response to the summons of 12 March.

CHAIR: Not for publication?

Dr Mellifont: Yes.

CHAIR: Is leave granted on those terms? Leave is granted. It will be exhibit 72.

Dr Mellifont: In respect of that summons, is there anything outstanding—12 March?

Mr Horwood: I am not aware if there is anything more for that one. What I could say generally: the bundle just has the indexes and the printed copies of the emails and the attachments, for 12 March. But for 18 March I said at the beginning that that was for what I could describe as external emails. That is emails to and from external parties and the CMC. What that bundle does not yet cover is any internal-internal communications that may satisfy the summons.

Dr Mellifont: That is being followed up, though, I take it?

Mr Horwood: As soon as we get the last lot of the external ones done we move over on to the internal ones—internal to internal.

Dr Mellifont: And is it envisaged that they will be provided, at least in initial form, electronically in a text searchable fashion?

Mr Horwood: Yes, they will.

Dr Mellifont: Unless the committee has any further questions about the response to the summons, might Mr Horwood be stood down on that undertaking?

CHAIR: On your own undertaking to reappear if required you are stood down. Thank you, Mr Horwood.

Dr Mellifont: I recall Sidonie Larisse Wood.

WOOD, Ms Sidonie, Official Solicitor, Crime and Misconduct Commission

Dr Mellifont: Ms Wood attends this morning in company with Mr Cranny, solicitor, from Gilshenan & Luton. Mr Cranny seeks leave to represent Ms Wood in these proceedings.

CHAIR: Is leave granted? Leave is granted.

Dr Mellifont: Mr Cranny understands the normal rules which apply to legal representation in these types of proceedings.

CHAIR: That was made clear in the opening statement.

Dr Mellifont: Yes, thank you. Ms Wood, you are still under your former oath or affirmation. I am going to start, please, with your CV and then move to some specific documents. I will show you, please, this document, which is in tab 1 of the committee's bundle. This is a copy of your CV, Ms Wood?

Ms Wood: Yes, it is.

Dr Mellifont: Up to date until when? It may be to the current time. I am not sure.

Ms Wood: Well, May 2011 it says 'to present', which I think at the time was May 2012 because I was seconded for a year to the CMC—between those two periods of time.

Dr Mellifont: And do you remain seconded to the CMC or are you in a substantive position there now?

Ms Wood: I then applied for the job and it is my substantive position now.

Dr Mellifont: Okay. And when did it become your substantive position?

Ms Wood: June 2012.

Dr Mellifont: And we are talking about the job of official solicitor?

Ms Wood: Yes.

Dr Mellifont: May I please table that document? It has been redacted for the personal information which appears on the first page.

CHAIR: Is leave granted? Leave is granted. That will be exhibit 73.

Dr Mellifont: I am going to now show you, please, a position description, also at tab 1 of the committee's bundle. Is that the position description for the job you currently hold?

Ms Wood: Yes, it is.

Dr Mellifont: Okay. Can I understand, please, the hierarchy within the Legal Services Unit at the CMC? You see a reporting structure on page 3 of that document which has the official solicitor—that is your position—reporting to general counsel. Is that actually what the reporting structure is at the CMC now?

Ms Wood: Yes.

Dr Mellifont: And has it been for the last couple of years?

Ms Wood: Yes.

Dr Mellifont: As in from the time you were first seconded to the position?

Ms Wood: Yes. I understand before that the official solicitor reported to the executive manager, which I think at the time was Mr Rigby. However, they changed that to make an office of general counsel and the official solicitor was brought under that because, clearly, we have similar roles.

Dr Mellifont: Yes. Can you give me a sense of the size of the Legal Services Unit? If you can focus on the period 2011 to current.

Ms Wood: It is as is represented on page 3. There are three lawyers but generally the role of general counsel is to provide legal advice to the chairperson and the commission, mainly on legislation et cetera. My role and the deputy official solicitor's role is to conduct the litigation concerning the commission and providing legal advice to the individual units themselves often, for example the jurisdictional issues—'What is a unit of public administration?'; 'Is this particular body within our jurisdiction?'; 'What is the interpretation of 15B?'—those types of questions. So we would provide legal advices but the majority of our time—say 80 per cent—would be conducting litigation

for each of the units such as contempt matters in Crime, seizure applications in Crime, judicial reviews in Crime, Misconduct. Most of our work is QCAT, police misconduct reviews—those types of matters—and of course various applications.

Dr Mellifont: Who is currently the deputy official solicitor?

Ms Wood: David Caughlin.

Dr Mellifont: And under that position do you have senior lawyers and—no?

Ms Wood: That is us.

Dr Mellifont: No other lawyers?

Ms Wood: No.

Dr Mellifont: Paralegals or—no? Just the three of you?

Ms Wood: The three of us share an admin officer. He is AO2.

Dr Mellifont: Okay. And in terms of physical proximity, are you all located side by side in offices or roughly side by side?

Ms Wood: The deputy official solicitor is side by side with me and general counsel is a bit closer to the chairperson. So they are in one area and not too far away is us.

Dr Mellifont: Right. So how far are you from the chairperson's office?

Ms Wood: Six metres.

Dr Mellifont: Right. Okay. Can I table, please, that document?

CHAIR: Is leave granted? Leave is granted. Exhibit 74.

Dr Mellifont: Ms Wood, your solicitor has brought to my attention that there are three documents in respect of which you wish to volunteer some information to the committee before I start questioning you. Can I ask, please, that you be shown tabled document 43, which is tab 15 in the committee's bundle. Before you speak to any of these I will get the three placed before you. For the record, this is a document headed 'Note to file, from Sidonie Wood, date 29 May 2012, re Fitzgerald inquiry material'. The second document is tab 17 in the committee's bundle, handwritten file note dated 29 May 2012. The first words in the body are 'Confer Ross Martin'. So as to keep the record as clear as possible, can I ask that that be given a tabled document number now, please.

CHAIR: So this is item 17?

Dr Mellifont: Item 17.

CHAIR: Okay, item 17 in our folders. Is leave granted for it to be tabled? Leave is granted. It will become exhibit 75.

Dr Mellifont: And the third document is tab 18 in the committee's bundle—a file note dated 5/12. The first words are 'Confer RH'.

CHAIR: You would like that tabled?

Dr Mellifont: Yes, please.

CHAIR: Is leave granted? Leave is granted. It is exhibit 76.

Dr Mellifont: Now, you will understand, Ms Wood, that I—

Ms Wood: Excuse me. So No. 17 is correct, which is dated 29 May.

Dr Mellifont: Yes.

Ms Wood: However, the other document is dated 13 July.

Dr Mellifont: I will ask for the return of tabled document 76 and instead show you—she has that one.

Ms Wood: 13 July?

Dr Mellifont: Tabled document 44, file note 13 July 2012 which commences 'Confer Ross'. So that we are all on the same page, the three documents to which you wish to make some comment is the typewritten note to file 29 May 2012—

Ms Wood: Yes.

Dr Mellifont:—which is tabled document 43; the handwritten file note dated 29 May which has a '17' at the top and is tabled document 75; and tabled document 44 which is a file note of 13 July. Is that correct?

Ms Wood: That is correct.

Dr Mellifont: That is tab 24 in the committee's bundle. I am sorry; it is tab 23 in the committee's bundle. As smooth as silk; all right, away we go.

Ms Wood: For the sake of clarity, there is one matter I should note at the outset concerning the commission's documents produced to the committee under a summons of the 12th. Those documents included notes of mine that are presently here.

Dr Mellifont: Sorry, Ms Wood, you are going to have to speak up.

Ms Wood: Sorry, my apologies. Those documents included these notes of mine which form part of the collection of material that I have gathered during the conduct of my inquiries I made during May, or from May, at the request of the chairperson. I kept all my notes and various materials together in a bundle. It was an informal file of sorts in my office.

When the CMC decided to hold an internal review of this matter in early March this year, I was asked by general counsel to put together a memo for him explaining the steps that I took and the outcomes of my inquiries, and that became my memo dated 6 March. In the course of doing that memo for him, I reviewed my materials and put them in some shape. That process included rewriting some rough notes that I had made to make the file more comprehensible for those who would later review it for the purposes of that CMC internal inquiry or review.

I also typed up my handwritten notes of my discussion with Mr Duell on 29 May, again to make those rough handwritten notes more comprehensible. When the CMC's documents were later summonsed as part of this inquiry, those documents were included of course as part of the CMC's holdings in respect of this matter. I should stress that all of the documents produced are truthful and accurate, but I want to make it clear that some of them are of more recent origin although referring to matters that occurred last year.

Dr Mellifont: I want to go through some of that explanation, Ms Wood, and we will turn later to more substance in terms of content. Can I start by referring to the handwritten file note of 29 May, a document that has '17' in the top right-hand corner. Do you have that there?

Ms Wood: Yes.

Dr Mellifont: Do I understand the situation to be that in the course of the internal review by the CMC you wrote out this file note from some rough notes?

Ms Wood: Yes. I had a rough handwritten note that was reasonably legible. I could interpret it obviously. However, I did rewrite the version of the original so that essentially it made it more comprehensible to understand the conversation. Essentially it was a rewriting of that rough note, a replica save for a couple of words.

Dr Mellifont: Where is that rough note now?

Ms Wood: I discarded it when I wrote this note in its place.

Dr Mellifont: Why?

Ms Wood: At the time I was pulling this file together I had in my mind that it was for an internal review and that it replicated exactly the rough note. I was concerned that someone would not understand my notes and thought at least in this format it would be understandable or comprehensible that you could actually read the writing.

Dr Mellifont: What format was the original file note in?

Ms Wood: It was on a piece of paper that looked not dissimilar to that.

Dr Mellifont: You are holding up a hole-punched—

Ms Wood: Sorry, a white pad but in a small format.

Dr Mellifont: Like an A5 size?

Ms Wood: Mmm-hmm.

Dr Mellifont: Why not just attach that to your rewritten version?

Ms Wood: Well, in retrospect I should have and I regret that.

Dr Mellifont: Can I take you to the actual contents of the rewritten file note?

Ms Wood: Yes.

Dr Mellifont: Is this a letter-for-letter, word-for-word transcription of the original file note or have you changed the original file note in any respect—even if that means expansion of terms?

Ms Wood: I did. I expanded the term—for 'dissemination' I had just written 'diss'; 'surveillance', 'surv'; and 'surveillance material' and not 'surveillance material release'. The rest is a replica. So it was shorthand.

Dr Mellifont: Can we try and pinpoint the timing a little bit more? When was the internal review? When did it come to your attention?

Ms Wood: General counsel spoke to me late in the afternoon on 5 March and asked me to do a memo explaining my inquiries with Mr Duell.

Dr Mellifont: And when did you rewrite this file note?

Ms Wood: The morning of 6 March.

Dr Mellifont: Can I take you now, please, to the typewritten file note which has the date of 29 May 2012, which is tabled document 43 and No. 15 in the committee's bundle? When did you produce this document?

Ms Wood: A day later.

Dr Mellifont: A day later than 6 March?

Ms Wood: Yes, but it could have been a day later or two days later or three.

Dr Mellifont: So perhaps the 7th or perhaps the 8th of March?

Ms Wood: Yes.

Dr Mellifont: Will the computer show us when you produced it?

Ms Wood: Yes, they have a TRIM system of documents there.

Dr Mellifont: So we should be able to get the creation time and date from that system?

Ms Wood: Yes. It is possible that it could have been up to the 10th. I just remember it was after I put my file together I went back and thought I would give my account, you might say, of the questions I had asked and essentially my account of that interview to just make it comprehensible to anyone picking up the file. I just assumed general counsel would—

Dr Mellifont: Let's just go through some of that in detail. So this is a far more expansive note obviously than the handwritten version of 29 May?

Ms Wood: Yes.

Dr Mellifont: What were you taking this from?

Ms Wood: From those notes. So it was a version that I took directly from my handwritten notes. In other words, I had read the notes and then I did it by sections, what was said about dissemination, what the process was, how we classified the material, how the access material was decided, their delegation and authority. So, in essence, it was to assist someone to be able to interpret my fairly scrawly handwritten notes.

Dr Mellifont: So this is a construction from your memory produced at some stage after the 5th, perhaps up to 10 March, of events which occurred on 29 May 2012 or around that date; is that correct?

Ms Wood: My contemporaneous handwritten notes you have.

Dr Mellifont: Yes.

Ms Wood: So I read those.

Dr Mellifont: Yes.

Ms Wood: And so it was a construction of those original notes and my genuine recollection of the interview.

Dr Mellifont: All right. Did you have reference to any other documentation at the time you produced this note to file?

Ms Wood: No.

Dr Mellifont: You will accept, Ms Wood, on the face of this document because it is dated 29 May 2012 without any qualification that it was in fact produced in March that it gives the appearance of being a contemporaneous record?

Ms Wood: Yes, I acknowledge that. I should have made it clear on the face of the documents that it was a rewritten version of the handwritten notes by noting the date that it was typed. I should have done that.

Dr Mellifont: Had you been asked by anybody to make a note to file in respect of 29 May 2012?

Ms Wood: No, this was an informal file of mine in my office of just my inquiries.

Dr Mellifont: So is it fair to say that the production of this note was off your own bat?

Ms Wood: Yes.

Dr Mellifont: Given you understood there was going to be an inquiry into the subject matters relevant to 29 May?

Ms Wood: Yes.

Dr Mellifont: Can I ask you this: you were requested by general counsel, I think you said, to prepare a memorandum as to your recollection of the events on 5 March 2013?

Ms Wood: Yes.

Dr Mellifont: This is document 26 in the bundle, and I will ask that you be shown a copy. You have that in front of you, Ms Wood?

Ms Wood: Yes.

Dr Mellifont: Is that the memorandum you prepared for Mr Hutchings?

Ms Wood: Yes.

Dr Mellifont: It is dated 6 March 2013. Is that a correct date?

Ms Wood: Yes.

Dr Mellifont: Do you recall when that was provided to Mr Hutchings?

Ms Wood: Yes, about 10 o'clock in the morning.

Dr Mellifont: On 6 March 2013?

Ms Wood: Yes, and it was the cobbling together of various notes that I had on the file as well as my general recollection of the original interview I read. I didn't have the version of course here. However, it was more of an overview, you might say, of all the steps that I have taken and the events. So it was to be taken from go to whoa in terms of my involvement in the following up with Mr Duell.

Dr Mellifont: You said that you did not have this version of events here. What were you referring to?

Ms Wood: Sorry, the typed note to file on the 29th, I did that later. So this was typed from my general recollection and looking at the notes and copying that together and getting the file into shape less this.

Dr Mellifont: I am sorry, did you provide this to Mr Hutchings in hard copy or by electronic means?

Ms Wood: I think by both. I put a hard copy in his in box. He was not there at the time and I am pretty sure I would have sent an email as well. I do not recall the email, but no doubt I did.

Dr Mellifont: May I ask please that that document be tabled. We will return to it in due course.

CHAIR: Is leave granted? Leave is granted. That will be tabled document 77.

Dr Mellifont: Can I ask, please, you be shown document 27 in the committee's bundle? This is an email from yourself, Ms Wood, to Mr Hutchings 6 March 2013 at 11.33 am. Do you have that there?

Ms Wood: Thank you.

Dr Mellifont: You are familiar with that email stream?

Ms Wood: I am now, yes. I do recall it.

Dr Mellifont: So if we can work through what appear to be the events as disclosed in the email chain and I will ask you to fill in any gaps. You gave a copy of your memorandum to Mr Duell. Is that on the morning of 6 March 2013?

Ms Wood: Yes.

Dr Mellifont: And that is the memorandum that has just been tabled, that is 77—

Ms Wood: Correct.

Dr Mellifont:—the 6 March 2013 memorandum?

Ms Wood: I cannot—I do not have that in front of me.

Dr Mellifont: We will give you a copy of 26, please.

Ms Wood: I have made a little notation on mine, that is all.

Dr Mellifont: I am sorry, I did not hear that, Ms Wood.

Ms Wood: The little note—I just wanted to check the little notation is on the memorandum, this one here, on No. 26. I had provided Mr Duell, out of fairness I guess, to check the veracity of what I had attributed to him and advised Rob of that.

Dr Mellifont: Okay. So when you talk about your little note, you are talking about the 'Plus Rob H', which appears in the right-hand column of tabled document 77, which has got a 26 at the top right?

Ms Wood: That is correct, because the feedback from Mr Duell was—he had also requested an advice from Mr Hutchings. He had actually come into my office and told me that.

Dr Mellifont: Right. So you have shown Mr Duell a copy, asked him to check it. He did that and he said that he wanted to remove Jan's name as he had asked both general counsel for advice. He told you that?

Ms Wood: That is right.

Dr Mellifont: That was a conversation in your office?

Ms Wood: That is correct.

Dr Mellifont: And in consequence of him telling you that he had spoken with both counsel, you added in 'Plus Rob H'?

Ms Wood: I then consulted Rob to see if that was his recollection by email.

Dr Mellifont: Yes, all right. But before we get to that, did you add in the 'Plus Rob H' notation before you went to speak with Mr Hutchings?

Ms Wood: No.

Dr Mellifont: That occurred after Mr Hutchings—

Ms Wood: Yes.

Dr Mellifont: All right. I will come back to that. So you communicated that fact to Mr Hutchings as we see in the email?

Ms Wood: Mmm-hmm.

Dr Mellifont: And Mr Duell said that a further 741 pages of sensitive material remained on the QSA Fitzgerald files and he is unsure how they missed it. Is there a file note of your conversation with Mr Duell on that day, that is, 6 March 2013?

Ms Wood: No, and I was trying to capture that conversation pretty much by putting it in an email to Mr Hutchings.

Dr Mellifont: What are we talking in terms of gaps of time between conversation and that email of 9.46—minutes, hours?

Ms Wood: I think Mr Duell came almost straight away, say, within 15 minutes of me sending it to him.

Dr Mellifont: So we should have somewhere there an email from you to him attaching your memo of 6 March?

Ms Wood: Yes, yes.

Dr Mellifont: So he comes and talks to you about 15 minutes later and then you respond to Mr Hutchings with—you forward Mr Hutchings this email?

Ms Wood: I think I checked the file to see if that was right. In other words, I had access to my emails and—I think I have been given a summary from one of the TI lawyers Zora Valeska about

what general—she did research about what general counsel had provided advices about different semination of Fitzgerald inquiry issues and I think I trailed through that to see if that was correct, because she had attached, I think, the advice requests. I cannot recall, to be frank, but I think that is my recollection of why I took a little while—I did not want to necessarily speak to Mr Hutchings straight away. I thought I would check to see what was on the file.

Dr Mellifont: Okay. So you have some communication with Mr Duell, you are making some independent inquiries of the file and then you have your email to Mr Hutchings of 9.46?

Ms Wood: Mmm-hmm. And so I obviously had checked whether a general counsel was asked for that advice and I think I located it.

Dr Mellifont: You think you located that general counsel was asked?

Ms Wood: Mmm-hmm. But that does not necessarily mean they were. I needed to ask whether he saw that memo of request.

Dr Mellifont: I will come back to what it was that you might have looked at. Then we see, a couple of hours later, a further email to Mr Hutchings from yourself. So this is 11.33 am. You say, 'I should mention that I asked Peter Duell how confidential documents still remained after May 2012 when I spoke to him last.' When you speak there about 'having spoken to him last', what time—what are you talking about?

Ms Wood: Ten o'clock.

Dr Mellifont: Okay, that morning. 'He said he thought he had removed all the surveillance or sensitive material from the QSA accessible files by conducting a search for "confidential" or "in confidence" files and removing them from the 20-year files at the QSA.' Can you give us any more of the conversation that you had with Mr Duell at that point in time?

Ms Wood: Yes, it went something like, 'How come there's confidential files still there?' And he said, 'Well, this is how I removed them.' I was rather surprised, to be frank.

Dr Mellifont: He said, 'This is how I removed them'?

Ms Wood: Mmm-hmm.

Dr Mellifont: You felt surprised?

Ms Wood: Yes.

Dr Mellifont: When he said to you, 'This is how I removed them,' you record here 'conducting a search for "confidential" or "in confidence" files'. A search of what? Did he tell you?

Ms Wood: I had seen at that stage the spreadsheets with all the material there and some were identified with '*** confidential' or 'in confidence'. So the way he set about it—incidentally, he didn't go into this much detail—I no doubt think that he had a series number that was confidential material and he chose those series numbers. However, the way he explained it to me was he, like, did a Google search—typed in the word 'confidential' and those files were identified that way. I was a bit taken aback because clearly there are some files that have not got written on them 'confidential' or 'in confidence', but that is my interpretation of how he located those confidential files that we were concerned about.

Dr Mellifont: Sorry I am being slow about this, but I am just trying to get a sense of what he is telling you he is searching. Is he telling you he is searching some kind of internal CMC record, the Queensland State Archives record? What was he telling you that he had searched for 'confidential' or 'in confidence' files?

Ms Wood: I assumed that we had our own—as I have seen them—search—sorry, spreadsheets with all of the documents listed. As part of that listing there is a significant amount of listings that just have the word in capitals 'CONFIDENTIAL' and 'IN CONFIDENCE'. I may have interpreted this wrongly, but I understood that he would just conduct a search for those words. I am fairly sure I asked him how he did that and he just said, 'I just conducted a search for 'confidential' and 'in confidence' files. How he actually went about that I do not know. It may well have been that series numbers were attached to—that were identified as 'confidential' and 'in confidence'. That was my understanding at the time.

Dr Mellifont: I take it, therefore, that insofar as expressed words were used in terms of what he did, it was limited to something in the nature of, 'He conducted a search for "confidential" or "in confidence" files and removed them from the 20-year files of the QSA"?

Ms Wood: Mmm-hmm.

Dr Mellifont: Do you see earlier—in the earlier email of 9.46 he said to you, according to your email, 'A further 741 pages of sensitive material remained on the QSA Fitzgerald files and he is unsure how "they" missed it.' In the context of the conversation you had with Mr Duell who was he referring to?

Ms Wood: I gathered his staff. It was not him who did the search. They, that is his staff, did those searches.

Dr Mellifont: But he did not expand upon it apart from saying 'they' missed it?

Ms Wood: 'They did it.'

Dr Mellifont: Right. Apart from the one change that he brought back to you, that is in respect of having asked both counsel, did he make any other comment in terms of the accuracy or otherwise of your email—memo of 6 March 2013?

Ms Wood: No.

Dr Mellifont: All right. Do you see in the email at 11.33 am in this second paragraph—can you have a read of that to yourself, please? Insofar as it relays the conversation you had with Mr Duell, do you have any additional recollection of that conversation?

Ms Wood: No, I think that summarised the conversation.

Dr Mellifont: The part that starts, 'I find this hard to believe as they would be clearly marked as such', did you express that to Mr Duell in the conversation, or is this an opinion you are expressing to Mr Hutchings?

Ms Wood: That is an opinion I was expressing to general counsel.

Dr Mellifont: Your knowledge that exhibits would be clearly marked as exhibits, does that come from your general understanding from your litigation experience or from specific understanding with respect to Fitzgerald inquiry exhibits?

Ms Wood: I did not focus particularly on anything bar to glance at the spreadsheets and see how they were structured. I really just focused on the access period. But I got a gleaning look at—obviously there are exhibits, but my impression was it is hard to believe that with a public inquiry you do not have public exhibits—they are well marked—and public transcripts, and they are well marked. That is not difficult to find. Everyone knows one, two, three, four, five, six, seven and what their label is. I would have thought that you have X number of series of—I do not know about series, sorry—but X number of public exhibits and they are easy to locate.

Dr Mellifont: So your expectation, having had some experience in courtrooms and inquiries is that a simple physical examination of a document would reveal whether this was an exhibit number—given a public exhibit number or something else, for example, a document which never saw the light of day?

Ms Wood: That is right. However, I did notice they did not seem to group the public exhibits together in the spreadsheets I saw. It seemed to be exhibit and then other files and then another exhibit, which I found strange.

Dr Mellifont: You're talking—the document you're talking about having looked at was a spreadsheet.

Ms Wood: Yes.

Dr Mellifont: Right. What I'm suggesting is looking at the actual documents would have readily identified—

Ms Wood: Absolutely.

Dr Mellifont:—whether this was public or had never seen the light of day.

Ms Wood: I think it'd be obvious as anything.

Dr Mellifont: As night follows day?

Ms Wood: Yes. I have them clearly marked on the front, can't miss it.

Dr Mellifont: You made the observation to Mr Hutchings that—

If we intended only to provide these—

that is, public exhibits—

and transcripts—I would have thought these would be marked and easy to identify in their records. I will be interested to know—seeing you will see these at archives.

Mr Hutchings himself went out to the archives to your knowledge?

Ms Wood: Yes.

Dr Mellifont: Did he report back to you—not report; that is the wrong terminology given his position in the hierarchy, but he did tell you whether the documents were marked in such a fashion.

Ms Wood: No.

Dr Mellifont: Can I ask please that that document be tabled.

CHAIR: Is leave granted? Leave is granted. It will be document 78.

Dr Mellifont: Can I ask the document be returned to Ms Wood. I do have a couple more questions about it. Ms Wood, in the last line—last sentence rather on that page Mr Duell told you a further 741 pages of sensitive material remained.

Ms Wood: Yes, yes.

Dr Mellifont: Some information before the committee indicates that it's in the order of 7,341. Now, do you have a recollection now as to whether Mr Duell gave you a number in that order—741?

Ms Wood: It was very definite.

Dr Mellifont: Very definitely 741?

Ms Wood: Correct.

Dr Mellifont: Did not say something in the order of thousands?

Ms Wood: Absolutely not.

Dr Mellifont: Okay.

Ms Wood: May I mention a point he did raise which was he raised that number in relation to a destruction of records number to me.

Dr Mellifont: He raised what number, I'm sorry?

Ms Wood: That there were something in the range of 5,000 records that'd been destroyed of Fitzgerald inquiry type documents. He appeared to be more interested—obviously, it's a large number.

Dr Mellifont: When did you have that conversation?

Ms Wood: The same day.

Dr Mellifont: In the same conversation or at some other point?

Ms Wood: Yes. No, the same conversation. I didn't record it because—

Dr Mellifont: You didn't record it because?

Ms Wood: I didn't record it because I thought the sensitive documents that were still out there were fairly disconcerting.

Dr Mellifont: So just coming back to the chronology of events, you produced the memo of 6 March 2013 and then I take it, by a couple of hours later, it occurred to you on reflection that you ought to add these additional paragraphs by way of information to Mr Hutchings.

Ms Wood: By then I had heard that he was going to the archives to check and so I thought I should make those comments.

Dr Mellifont: Why is it then, having produced a memorandum of 6 March 2013 to Mr Hutchings in accordance with his request made of you of 5 March 2013 to effectively brief him as to what you knew of the matter, that there was any cause for producing the file note—the typewritten file note 29 May 2012—in the subsequent days?

Ms Wood: My understanding was that some people in the commission would review my file. I thought I should make it comprehensible that—my writing was fairly illegible and by not necessarily translating it exactly but essentially making it into a succinct—well, anyway, it was based on my handwriting. I thought it would be helpful.

Dr Mellifont: Was it communicated to anybody on that basis—that is, that you told Mr Hutchings, 'By the way, I've now gone back, thought about the 29th March, looked at my handwritten notes and I've constructed a more comprehensive file note'? Did you tell anybody about that during the time of the internal review period?

Ms Wood: No, but I knew my file would be used.

Dr Mellifont: Yes. I appreciate that.

Ms Wood: I think in relation to that particular file note, I intended it obviously to be signed that I had typed it that day so that it essentially reflected that it was—wasn't, sorry, contemporaneous. I'd done it though in, as most things, in a reasonable time frame and I obviously regret not noting that it wasn't contemporaneous.

Dr Mellifont: Can I take you please to the last of the documents you provided your earlier comment on. All right. So this is the file note of 13 July 2012 which has been tabled as exhibit 44 and it's 23 in the committee's bundle. How was this file note produced and when?

Ms Wood: This was rewritten from a large post-it note that I'd recorded during a matter that I had with Mr Martin at the end of that matter. It was another 329 I had a limited role in. I was drafting the legal processes at the time.

Dr Mellifont: All right, so an entirely unrelated conversation with Mr Martin?

Ms Wood: Yes.

Dr Mellifont: And you had a conversation with him at the end?

Ms Wood: Yes, and obviously it raised issues of it—'How's Fitzgerald material going?'

Dr Mellifont: So Mr Martin asks you—

Ms Wood: Mmm.

Dr Mellifont:—'How's Fitzgerald material going?'

Ms Wood: Yes.

Dr Mellifont: And then what happened?

Ms Wood: Well, I gave him an overview because I assumed he knew—in other words, my inquiries had, you know, close to had finished bar for checking the 65 RAP on the spreadsheets. So I pretty much reiterated, just in case it'd escaped his mind, what the situation was, which is that it was incorrect classification, that everything was fixed.

Dr Mellifont: All right. So let's just deal directly with the words of this file note which you transcribed from a post-it note. Where's the post-it note?

Ms Wood: I discarded it.

Dr Mellifont: Is it a direct transcription—letter for letter, word for word?

Ms Wood: No, I've added in some words to make it more comprehensible.

Dr Mellifont: Let's go through it, please, word for word and tell the committee what was there in the file note and what you have supplemented.

Ms Wood: It said—

Confer RM.

How's Fitz?

Dr Mellifont: So you've got—

Confer. Ross

Ms Wood: 'RM' I had written on my post-it notes—very small.

Dr Mellifont: So your post-it note would've said 'RM' and here you've written 'Ross'?

Ms Wood: Yes.

Dr Mellifont: We're talking about the same person. Okay. Next.

Ms Wood: And then the next line said—

How's Fitz?

Dr Mellifont: And now we've got—

How's Fitz material?

Ms Wood: Mmm.

Dr Mellifont: Okay.

Ms Wood: And then I'd written—

Fixed/mistakes/classifn

Brisbane

Spelt like that.

Dr Mellifont: And you replaced that with—

PD fixed issue 29th. Mistake re classifn—

Ms Wood: Of records.

Dr Mellifont:—'records'.

Ms Wood: So, in other words, that was my recollection of the conversation that I just reiterated—that the issue was fixed by Mr Duell. It was fixed on the 29th. Yes, the issue was a mistake of classification of sensitive material.

Dr Mellifont: And the next part please?

Ms Wood: So I was sort of a bit alarmed why he was asking and then I realised the last conversation I had with him I probably—I don't know how long before, but soon after I'd spoken to Mr Duell and did some follow-up I mentioned that I would need to have a look at the spreadsheets, and that was what was remaining of my task.

Dr Mellifont: Right. So in an earlier conversation you had said to Mr Martin that it had been fixed but that you needed to check the spreadsheets.

Ms Wood: I think I said that it'd been fixed. The dissemination was lawful. They were my two main concerns, or that was what I thought I'd been tasked with. But I said I had to ensure that with the access period being fixed it was recorded on our spreadsheets as well—in other words, that it'd been finished off, off from our end.

Dr Mellifont: And when you speak about 'our spreadsheets', can you state with as much clarity as possible what you're talking about there?

Ms Wood: Well, when I spoke to Mr Duell, I said, 'Can I have a look at them?'—the Fitzgerald listings—and he brought them up on his screen.

Dr Mellifont: Using what program?

Ms Wood: Excel. They looked like Excel spreadsheets.

Dr Mellifont: Right. Do you know whether it was an Excel spreadsheet within a particular database within use at the CMC? I'm trying to get a sense of what he's looking at on his computer when he's bringing up these spreadsheets to show you what these documents were.

Ms Wood: It looked voluminous. They looked tiny on the screen. I could see the columns. I could identify obviously names, I think they were, a few columns and then a description.

Dr Mellifont: So was it a program you were familiar with in your day-to-day running in your job?

Ms Wood: No, but it looked like a typical Excel sheet—Excel spreadsheet.

Dr Mellifont: So did you presume it to be a type of Excel spreadsheet that records management keep internally?

Ms Wood: Yes.

Dr Mellifont: Okay. All right. So you said to Mr Martin you needed to check the spreadsheets. Is that what you had in mind?

Ms Wood: Yes.

Dr Mellifont: And what were you going to check with your own eyes in that respect?

Ms Wood: I think I mentioned to Mr Duell as a follow-up, 'Can I also see,' because I could tell from his computer that would take me forever. I just wanted to check that the 65 years was recorded on their spreadsheets for the surveillance materials and I think I also asked, 'Can you actually identify the surveillance materials for me?' so that I could marry them up.

Dr Mellifont: Right. When was that conversation with Mr Duell in the time line?

Ms Wood: Just at the end of speaking to him at the meeting on the 29th.

Dr Mellifont: Right. And when was the conversation with Mr Martin where you had initially said, 'It's fixed but I need to look at the spreadsheets'?

Ms Wood: That's on the 13th, when I had another matter on.

Dr Mellifont: But—

Ms Wood: Sorry, somewhere in between—I think early June.

Dr Mellifont: Okay. Do I take it you endorsed that conversation with Mr Martin—I'm trying to get the sense of the reporting back, whether it's formal or informal to Mr Martin. After the period of the 29th/30th of May you come back, you have a conversation with Mr Martin at which point in time you say, 'It's been fixed. I've got to check the spreadsheets.' Is that just between the two of you that conversation?

Ms Wood: Yes, in his room.

Dr Mellifont: Any file note of it?

Ms Wood: No. I was pretty much giving him an update. I hadn't quite concluded, but I thought I'd say, 'It's fixed.' He said, 'Fix it.' It's fixed and it's lawful in respect of it wasn't a breach of section 61 or—

Dr Mellifont: So you had formed the view by at least that conversation that insofar as dissemination's required under the CMC Act it was lawful?

Ms Wood: Yes. He had the express authority of the chairperson, or acting at the time.

Dr Mellifont: And then you have a conversation with Mr Martin on 13 July 2012 at which point in time he asks you again—and I take it this prompts your recollection that you said you were going to check the spreadsheets.

Ms Wood: Yes, but I had actually, ironically, had an appointment to see Mr Duell on that day and I had cancelled, from memory. I had this particular pressing 329 matter that was rather large.

Dr Mellifont: What was the purpose of the meeting on 13 July 2012 with Mr Duell? What was the intended purpose?

Ms Wood: He could take me through the Excel sheets.

Dr Mellifont: Right. And was there any significance to that day, 13 July 2012?

Ms Wood: It was my birthday. No, not particularly. Why I had selected to meet Mr Duell, do you mean?

Dr Mellifont: Yes.

Ms Wood: I think from memory he sent me the invite. No, I think I was chasing it up and said in an email something like, 'Sorry, I've been waylaid. I've had some urgent matters. Can we meet ...' That might have been a few days before or—close to the 13th.

Dr Mellifont: All right. In any event, that meeting got cancelled with Mr Duell because of your urgent 329 matter?

Ms Wood: Well, I do not remember meeting with him.

Dr Mellifont: Do not remember meeting him?

Ms Wood: I do not, no. I may have, but I have no recollection of it.

Dr Mellifont: And this conversation with Mr Martin on 13 July 2012—do you have any sense of time?

Ms Wood: Yes, I had a meeting with him at about three o'clock, I think it was, and we met for about an hour.

Dr Mellifont: All right. Can you assist me with the rest of the note? I do not think we quite got to the end of how the note differs from your post-it note.

Ms Wood: I think the post-it note then said, 'Chase up Excel ASAP'.

Dr Mellifont: All right. And then what do we see under that?

Ms Wood: So then that little squiggle is a separate matter, meaning another thing I did on the follow-up.

Dr Mellifont: And what does that mean under that?

Ms Wood: Telephone out Peter Duell for a meeting. And then—I think that is the thing that I have added, which is the tick, because it is just a mental thing of 'yes, I've arranged the next meeting' or something. He said yes, I think, obviously. We had made another meeting. So I had cancelled—I am assuming I cancelled the 13th and then we made another meeting time later down the track.

Dr Mellifont: I will show you the next document, please—tab 24 in the committee's bundle. This looks to be an Outlook meeting appointment entry.

Ms Wood: That's right.

Dr Mellifont: And is that the meeting which had been planned but was cancelled?

Ms Wood: Yes, that's it. Yes, that's Peter Duell's office. And he is the organiser, so he would have sent me an invite and I would have accepted.

Dr Mellifont: Within the Outlook system that you use, is it ordinarily the case that the subject matter of the meeting is also recorded somewhere?

Ms Wood: Yes, it has to be. It has a section you fill in. I'm not sure whether if you do not fill it in it continues, but—

Dr Mellifont: So you would expect that kind of information to be preserved electronically?

Ms Wood: Yes. And it is here. It says 'Fitzgerald Holdings' up the top.

Dr Mellifont: That is the extent of what we would expect to see in terms of subject?

Ms Wood: Yes. So it has subject, location, the time that you put in that it starts and ends and who organised it and who accepts the invite.

Dr Mellifont: Thank you. Can I ask, please, that that document be tabled.

CHAIR: Is leave granted? Leave is granted. It is item 79.

Dr Mellifont: I will show you the next document, which is tab 25 in the committee's bundle. This is a meeting appointment, 26 July 2012, 3 pm, organiser Mr Duell. Sorry, Ms Wood. Do you have that document there?

Ms Wood: Yes.

Dr Mellifont: Is that the meeting planned for 26 July 2012?

Ms Wood: That is right.

Dr Mellifont: Is that your handwriting on that document?

Ms Wood: Yes, I think so.

Dr Mellifont: Okay. So you have got 'Confer PD, Excel spreadsheets' then an arrow to 'classification change to 65 years', 'file', 'discussed to send'—

Ms Wood: 'Surveillance Excel sheets'.

Dr Mellifont: All right. Tell us what that all means.

Ms Wood: I cannot recall meeting that day. I think I was busy so instead we had a discussion and I said, 'Look, why don't you just send them to me?'

Dr Mellifont: Send you what?

Ms Wood: I can't remember. I'm assuming I may have received some by then or have asked some by then.

Dr Mellifont: 'Some'. You are talking about Excel spreadsheets?

Ms Wood: Yes.

Dr Mellifont: Relating to surveillance?

Ms Wood: Yes. Well, related to the 65 years, I think.

Dr Mellifont: Right.

Ms Wood: So I wanted the surveillance reports and a '65' written next to it.

Dr Mellifont: Did you get that?

Ms Wood: No, I got two separate sheets. I think I got four altogether, but one with a blank—one with a '65' written in it and then one with what was highlighted I understood was sensitive files that may have been the surveillance material that was released and another spreadsheet that was an original CJC one with all the numbers of, like, the collections—like, exhibits and transcripts. So there was a large number of Excel spreadsheets.

Dr Mellifont: And who gave you those?

Ms Wood: Peter Duell sent them to me.

Dr Mellifont: Do you know when?

Ms Wood: I think that day, but I cannot recall.

Dr Mellifont: By email or in hard copy?

Ms Wood: By email. And he sent it with a link to Archives, because I think I also said, 'How do I know they are changed?', or something. 'How do I know they are changed in Archives?', I think. And he said, 'I'll send you a link.'

Dr Mellifont: Right. Can I please—

Ms Wood: I might add: where it says 'file', 'discussed', I cannot recall whether I had his file or he wanted the file. I know I asked for the file. How long I had it or the period that I had it I cannot recall, because I did have his file for a while.

Dr Mellifont: When you say 'his file', what are you speaking about?

Ms Wood: When we spoke he had a file with him and I checked the delegation, the letter that went off to say 'from 20 years to 65 years'. I think it was—I do not remember sighting the notice so I said, 'Can I just take your file?' I cannot recall what stage I had it and took it back, but obviously that was discussed briefly. I just wanted to check things off, basically.

Dr Mellifont: Yes. Having received the number of spreadsheets you have spoken of—

Ms Wood: Yes.

Dr Mellifont: And we will return to them after lunch—what process did you then undertake to satisfy yourself that sensitive material was back to 65 years?

Ms Wood: Well, my focus at the time was to check that the 20 years had changed to 65, so when I checked the Excel sheets I was looking for no 20 years, basically. So I was looking for 65 years RAP stated on the spreadsheets.

Dr Mellifont: And in respect of the spreadsheets you looked at, did any remain with a 20-year RAP? Was there any entry to indicate that things remained with a 20-year RAP?

Ms Wood: I do not recall seeing any 20-year RAPs there. But you have to understand that the spreadsheet that he sent me with the 65 did not have a lot of data and did not seem to have a lot of entries, whereas another spreadsheet had a lot of entries and seemingly a lot of sensitive material but did not have an access column but he had highlighted that they were surveillance—they were the surveillance—well, I assumed they were the surveillance reports that had been disseminated. Sorry, I use 'disseminated' probably wrongly there because, as a general rule, anything, say, for the functions of the CMC you need to get an authority for a dissemination. We have a dissemination policy et cetera, whereas he uses the word through the Public Records Act called 'transfer'. So there is apparently no need for a dissemination.

Dr Mellifont: You are talking about sending over to QSA—

Ms Wood: I think I was labouring under the impression that we had the 65-year—I thought we had the holdings at the CMC initially when I interviewed him briefly.

Dr Mellifont: So in May of 2012 you were under the impression that the Fitzgerald inquiry holdings which were the subject of the Krosch notification and the activity that occurred thereafter was all held in-house?

Ms Wood: He set me straight when I spoke to him in May, but I had a mental image of us having the Fitzgerald holdings. I do not know why.

Dr Mellifont: In terms of these spreadsheets he provided to you, I take it that they were somewhat confusing or at least not self-evident insofar as what you were seeking to ascertain; is that correct?

Ms Wood: Well, he had not joined the dots, which was: I had one sheet of sensitive material, or surveillance material, and on the other sheet I did not know what was what. So I had one sheet of 65 years but just had a simple one-liner because, obviously, it had lots of entries, whereas the other sheet was just what seemed to be the surveillance material. So it had not necessarily married them up. I say that on reflection, but at the time I assumed that the 65-year were the surveillance material and that he had highlighted them so I could get a good grip of what sort of data it was.

Dr Mellifont: You did not ask him to join the dots for you?

Ms Wood: I did myself. I assumed that the 65-year columns were surveillance reports and that he had just given them to me in a brief one-liner.

Dr Mellifont: And in retrospect have you ascertained the error in that assumption?

Ms Wood: To be frank, I have not been able to marry up if they are the same item or not because they do not have the same title.

Dr Mellifont: So still so this point in time you—

Ms Wood: Well, at the time I satisfied myself, but having gone back recently, of late, I have thought maybe they are not one and the same. But I do not know. In other words, I was trying to work out how 740 seemingly was not picked up.

Dr Mellifont: Seemingly sensitive material was not picked up?

Ms Wood: Mm.

Dr Mellifont: I just want to take you through a couple more documents before we break, if that is okay, Madam Chair. Can Ms Wood be shown, please, tabled document 26, which is comprised of tabs 2 and 3 in the committee's bundle. Ms Wood, these are two chronologies provided by the CMC to the committee in the course of this inquiry. I understand they are documents which you have had the opportunity to peruse in the last day or so.

Ms Wood: Yes.

Dr Mellifont: Are you familiar with those two documents?

Ms Wood: No. I am sorry, I have seen the first one.

Dr Mellifont: And the first one that you have there, does that have a No. 2 in the top right-hand corner or not?

Ms Wood: The second one has a No. 2 in the top right.

Dr Mellifont: So which one are you familiar with?

Ms Wood: The first one. Sorry, that is the one I was shown yesterday, I think.

Dr Mellifont: Thank you. Well, I can probably just draw your attention to the main difference with the one with the No. 2. That is, you will see there is an absence of the May entry.

Ms Wood: Yes. So that 'May' appears to accord to what I saw in a letter, which was a change from 14 or 15 to 17 series. I think it was 14. There were three left.

Dr Mellifont: So focusing on the document you have had the chance to have a look at in the last day or so, are there any points of disagreement you have with that chronology or the events reflected therein?

Ms Wood: Well, the first one does not include 29 May. That is all I can see.

Dr Mellifont: You see on the entries that on 19 September 2012 there is an entry there that the director of information management changed the RAP of specified items in series 18651 to 100 years in response to confidential surveillance documents being identified by an ex-CJC staff member, and then on the other version in response to identification by an archivist. Did Mr Duell ever bring to your attention that there was this further difficulty, which became apparent in September of 2012, that confidential surveillance documents were still in the public domain?

Ms Wood: No, he did not. I was very surprised to read it.

Dr Mellifont: Can I take you, please, to tabled document 6—tab 4 in the committee's bundle. This is the briefing note prepared by Mr Duell dated 7 March 2013.

Ms Wood: Sorry, may I just comment one more thing about this time line?

Dr Mellifont: Yes.

Ms Wood: Mr Duell would hardly report back to me. He is a senior officer that is defined in the act as a senior executive officer. He would probably unlikely be reporting to me. He might report to someone above him, but—

Dr Mellifont: But in no sense in the hierarchy were you a supervising or reporting officer of Mr Duell?

Ms Wood: He did know I was following up with the chairperson, so he might have thought, 'I should say this to Sidonie.' But I am not anyone in the hierarchy at all and I do not make decisions and I am not in management or executive.

Dr Mellifont: Thank you. I show you this other document, please, which is the briefing note. You have had a chance in the recent day or so to peruse that briefing note?

Ms Wood: Yes, I have.

Dr Mellifont: Are there any points of disagreement you have with what is reflected in that briefing note?

Ms Wood: Much of it I do not know about, so I cannot comment about a lot of that. Similarly for the time line. However, I did notice for 29 May the only reference is made to general counsel and not myself. That is not sinister, I do not think—

Dr Mellifont: Just in so far as its accuracy, you, too, made Mr Duell aware of Mr Krosch's concern? Is that what you are saying?

Ms Wood: Impliedly, because I said, 'I am following up from what Ross said. Can you take me through how you fixed the problem and how it came about?'

Dr Mellifont: Right. Any other points of disagreement or comment in respect of this document?

Ms Wood: I thought I recalled seeing in the letter that there were three sets of numbers. My maths may be wrong, but he says 'apply a 65 year RAP to 15 of the 17 series'.

Dr Mellifont: He talks about 14 of the 17 series. Sorry? You are speaking about the fourth paragraph down?

Ms Wood: Yes.

Dr Mellifont: Where he says, 'I immediately requested State Archives to apply a 65 year RAP to 15 of the 17 series'?

Ms Wood: Mm. My understanding was there were three series that he had not applied the 65-year RAP to.

Dr Mellifont: Right. Two paragraphs down you will see there has been a retraction and a request to apply to 14 of the 17 series. Does that accord with the numbers as you understand them?

Ms Wood: That is right.

Dr Mellifont: Anything else?

Ms Wood: No.

Dr Mellifont: Madam Chair, might that be a convenient time?

CHAIR: The hearing will resume at three o'clock.

Proceedings suspended from 2.20 pm to 3.15 pm

CHAIR: I call Dr Mellifont.

Dr Mellifont: Thank you, Ms Wood. Still under your former oath or affirmation, thank you, can I ask you please to have a look at this bundle of documents. It is tab 16 in the committee's bundle. Are they your notes?

Ms Wood: Collected backwards, yes. So it starts—the first page is 'Meeting re Fitz material'. And then—

Dr Mellifont: So these were produced to the committee under the summons. Where were they found in the CMC material?

Ms Wood: They were part of my file.

Dr Mellifont: All right. Now, in respect of your type written file note dated 29 May 2012, are they based on these—

Ms Wood: That is right.

Dr Mellifont:—notes. I see. Thank you.

Ms Wood: When I spoke to Mr Duell, I had a meeting with him, I wrote these as he spoke.

Dr Mellifont: Right.

Ms Wood: Contemporaneously.

Dr Mellifont: Thank you. I ask that those documents, those file notes, be tabled.

CHAIR: Is leave granted?

Dr Mellifont: We will put them in the correct order, I think. Are they now in the correct order, Ms Wood?

Ms Wood: No, that is backwards.

Dr Mellifont: Can you pop them in the correct order. Mine is only stapled. Let's use them.

CHAIR: Excuse me: is there a date that these notes were made?

Dr Mellifont: Not recorded on the face of the document. Ms Wood, when were these made?

Ms Wood: They are the notes I took on 29th May. They are undated. There is no specific date on them.

Dr Mellifont: 29 May 2012?

Ms Wood: That is right.

CHAIR: Is leave granted for them to be tabled? Leave is granted. They will be exhibit 80.

Dr Mellifont: I need to go back in time now to 2011, please. Can you be shown, from tab 6 of the bundle, a memorandum from Ms Valeska to yourself dated 1 September 2011. Document headed 'RTI REQUEST—BRIFMAN INTERVIEW TRANSCRIPTS'. Is that a document with which you are familiar?

Ms Wood: Back in September 2011 I probably was. I haven't read this for a while.

Dr Mellifont: All right. You can give yourself a minute or so to get the context. You will see that this is headed 'BRIFMAN INTERVIEW TRANSCRIPTS' and you may recall that there was a request by a journalist named Mr Condon for some documents in respect of a matter of Brifman. There is a fair bit there, obviously, Ms Wood. But you will see that it starts with—

You have asked for a memorandum setting out the outcomes of inquiries to date on this issue and consideration of whether the requested transcripts could be released to a requester.

Do you have a recollection of asking Ms Valeska to chase up some research and inquiries in respect of Mr Condon's request for the Brifman transcripts?

Ms Wood: No, and I am wondering whether I wasn't particularly involved specifically. I think with a related issue I said to Zora something along the lines of, 'Can you give me an advice what research you've done back then? I know you've been on the Brifman transcripts'. So I think I was asking this because maybe I got an inquiry about transcripts of Fitzgerald material.

Dr Mellifont: All right. So piecing it together as best we can, do you think you had a request for Fitzgerald material—not the Condon/Brifman request, but something else—and, therefore, asked Ms Valeska to provide you with—

Ms Wood: I said to her, 'Can you tell me what the outcomes were of your research when you did the Brifman transcripts?', so she's given me that advice, probably.

Dr Mellifont: You will see that the way in which this memorandum is expressed does not quite marry with that, Ms Wood, in that Ms Valeska says—

You have asked for a memorandum setting out the outcomes of inquiries to date on this issue and consideration of whether the requested transcripts could be released to a requester.

Perhaps it does match with that recollection. Do you know what matter it was that you were looking at?

Ms Wood: The only other matter I recall doing was Mr Krosch's initial request to the RTI coordinator, requesting some information about the Fitzgerald inquiry and the Kimmins inquiry. That was the first letter, I think, that I did with Mr Krosch.

Dr Mellifont: We will come to that in due course. For the record, that was tabled document 14. We move on. All right. I will move then, please, to tabled document 57, which is tab 8 in the bundle. You see that this is a series of emails in respect of the topic 'research request'.

Ms Wood: Yes.

Dr Mellifont: Are you familiar with this chain of emails?

Ms Wood: I am.

Dr Mellifont: Can you assist the committee with how this came about?

Ms Wood: Well, it looks the same date as the research—as the other memo. I think it was Mr Krosch's request for transcript material and Mr Kenzler had drafted an answer and I wanted to find out whether or not the answer was in the public domain or part of a public exhibit or a public transcript.

Dr Mellifont: Can I just take you to the middle emails, one from Ms Valeska and from Mr Kenzler. This is on page 3. You will see that it does seem to relate to the Condon matter, again. Is this making any sense to you?

Ms Wood: Yes. I had some involvement in working out whether or not those non-publication orders can be lifted. I say 'involvement' as in Zora had done the research and she was reporting to General Counsel at the time. He was doing an advice. I somehow got involved in that issue of whether or not non-publication orders could be lifted.

Dr Mellifont: To your recollection, is that the extent of your involvement at that point in time?

Ms Wood: Yes. I was assisting whether or not there was a final answer as whether or not you could release non-publication order exhibits.

Dr Mellifont: All right.

Ms Wood: The quick answer, I think we knew, was no, but we just wanted to get the background to that.

Dr Mellifont: And in respect of that endeavour, you tasked to Ms Valeska some responsibility with respect of researching on the point and coming back to you?

Ms Wood: I think it was General Counsel who was doing the advice, from memory. However—and that is where all this misunderstanding stems from. But—I do not mean his advice; I just meant people have misinterpreted his advice. That's my view. However—I mean leading to the two categories of documents.

Dr Mellifont: I will come to that in a minute. I will just show you, please, tabled document No. 7, tab 9 in the bundle. It is a memorandum to General Counsel through Peter Duell from Suzanne Sweeper regarding the access to the Fitzgerald inquiry records.

Ms Wood: Sorry, I have just realised my involvement here was that Mr Duell said that on my arrival at the CMC he raised this Matt Condon request for the Brifman transcript with me and I said something like, 'What are you talking about? There's an email stream of that'. He then goes to someone else, I think it is Rob Hutchings, and says, 'I came to see Sidonie when she arrived. It could've been Dominique Murphy, it could've been Jan. Anyway, can we have a response, please, to Mr Condon's request?' I think he started in 2010—yes, asking for the Brifman transcripts.

Dr Mellifont: Okay.

Ms Wood: Sorry.

Dr Mellifont: That's all right. I am just looking at tabled document No. 7. Is that a memorandum you've seen before?

Ms Wood: Yes.

Dr Mellifont: Is it a memorandum you saw roughly contemporaneous with 7th September 2011, to your recollection?

Ms Wood: Yes. Zora, again in her research, had given this, however—I just assumed it was a number of pages, about four or three? But I might be wrong.

Dr Mellifont: No, there is more to it. Your recollection of this memorandum is that it is a more extensive recollection?

Ms Wood: Mmm. She goes and gives advice about how many categories there are.

Dr Mellifont: Can I call for the tabled document version, please, No. 7. You have been provided with, I hope now, the complete version of that memorandum?

Ms Wood: That's right.

Dr Mellifont: Okay. So contemporaneous with it, roughly, is when you would have seen it?

Ms Wood: Yes.

Dr Mellifont: Okay. You said just before that you think that it was around this time that the whole misunderstanding as to the documents started?

Ms Wood: That's my theory.

Dr Mellifont: Okay. I don't want you to theorise about what other people might have thought or understood. What I do want to understand from you is that, at this point in time, September 2011, having seen this memorandum, having reviewed a number of emails, what was your understanding as to the nature of the Fitzgerald inquiry holdings at QSA?

Ms Wood: I think I was still under the misapprehension that we had the non-publication orders exhibits at the CMC. I think—I recall Zora saying, 'Yes, I'll get a copy of the Briffman transcripts from the archives.' We have archives. What she probably meant was the State Archives. I wasn't aware of that so—I thought we had all the secure type exhibits and transcripts still at the Brisbane

CMC, but that later became apparent when she pointed that out down the track. But I didn't see this memo for a while, not until, I think, started researching the Krosch issue and she raised that, 'Oh, I think I said in an email, "Do you have that memo?"', and then I looked at the memo, then looked at the advice and realised the information's not quite correct.

Dr Mellifont: When did it become first apparent to you that insofar as the Fitzgerald holdings were concerned there were documents which were the subject of non-publication orders, documents which were public in the sense of public transcripts and public exhibits and a third category of documents which were neither marked not for publication nor a public exhibit or transcript?

Ms Wood: I probably knew that forever. I would assume that. I mean, I didn't need to read it in a memo. I would know that there's public exhibits and public transcripts. I'd know there would be exhibits with a non-publication order and then in the Fitzgerald inquiry matter I would know there's another category which were all those—all that information that wasn't tendered.

Dr Mellifont: Do you recall ever having a conversation with anybody at the CMC arising out of the Krosch correspondence in May of 2012 when he made it clear that sensitive material had been publicly accessible? Do you recall having any conversation with anybody saying or discussing what sorts of things would have been before the Fitzgerald inquiry, categories of documents which would have informed the conversation?

Ms Wood: Yeah, no-one—no-one asked me, but I would have thought it's fairly logical.

Dr Mellifont: You thought it was obvious—too obvious to say?

Ms Wood: Absolutely. But it was only when I received this memo and then saw general counsel's advice about non-publication orders I could see where people had thought there was, for some strange reason, only two categories of documents.

Dr Mellifont: But this is—that must have been some time towards the end of 2011.

Ms Wood: To be frank, I read this at the time and thought they've got it wrong but I'm sure general counsel will set it straight. Because it says here most of the material was—related to the inquiry fall under 16 subsection 3 and that period is 65 years and then the remaining is non-publication orders. So she's only got two categories there. So I assumed in response that someone would point out there's a very big section there that she's not realised exists. But, no, I wasn't asked in advice.

Dr Mellifont: But why not volunteer it, Ms Wood? It was obvious to you that there was a misapprehension in these documents and obvious to you that there was communication as between records and LSU about the issue.

Ms Wood: Sorry, I probably only realised that at the point in time when we were told by Krosch that there were release of sensitive material. Zora did a lot of research. These two things came up—that is, general counsel's advice and this, and then I said to her, 'My take is for some reason they've decided to—they think there's non-publication orders and then just another category, you can send that out and just keep your non-publication orders and all sweet', but that's just a really strange interpretation.

Dr Mellifont: Certainly by late May 2012 it was perfectly apparent to you that there was a misconception that there are only two categories.

Ms Wood: Oh, it wasn't perfectly apparent. I was just putting two and two together.

Dr Mellifont: Well, obvious to you.

Ms Wood: I wouldn't say obvious because I don't know what these people really thought. I didn't speak to them—that is, Suzanne Sweeper or Peter Duell about—this is prior to the incident—about that issue. But, by the way, I had noticed that the advice was totally correct from general counsel. It's just if you put in one word, which I think was 'document', it looked like there was one category—that is, public exhibit—anything publicly available including exhibits and any other document. That was the first category, but that was, to me—maybe we can get to it another time, but it just seemed to me to be misinterpreted and that someone's looked at it and gone, 'Great, there's only two categories.' The way it actually was raised by me was by Zora's email that said, 'I will plagiarise general counsel's advice as follows: there are two categories of documents', and then I looked at it and went, she—well, with respect, there was a generalisation, that's not what he said. He said there are two considerations or something, but people, I think, assumed therefore, 'Oh, that's two categories, one stays and one goes'. And then I—that was my supposition how it could have been released.

Dr Mellifont: But a supposition that you came to at the time—that is, May 2012?

Ms Wood: Yes, I think very close to 29 May when we were figuring out how it could have happened.

Dr Mellifont: Yes, all right. I will come in time to the email trail. So just to put in context the next series of documents, Mr Krosch wrote to the CMC, he asked for certain documents arising in respect largely out of the Kimmins report?

Ms Wood: Mmm.

Dr Mellifont: And you were involved in a response to that?

Ms Wood: Mr Kenzler walked into my room and said, 'Can you send this.'

Dr Mellifont: Can you send what?

Ms Wood: It was a draft response to Krosch and that's the first letter which was just a draft letter setting out the answers to his queries. One was a Kimmins inquiry query and the other one was a Fitzgerald inquiry query.

Dr Mellifont: Query in respect of certain named persons.

Ms Wood: Mmm, and he was directing him to the appendix that said—showed you the list of witnesses. So, in other words, it was, although largely public accessible information, he was just pointing out what page of the public transcript it was on. My query to Zora, and she researched it for me, which was is everything in that letter publicly available.

Dr Mellifont: Yes, all right. So, let's have a look at, first of all, tabled document 58, please, tab 10 in the bundle. Is that the advice that Ms Valeska fed back to you in terms of the inquiry by Mr Krosch?

Ms Wood: That's it, mmm, and she's attached everything.

Dr Mellifont: Yes, all right. Can I show you, please, the next document which is tab 11 of the bundle. Is that the letter you just spoke of in terms of what Mr Kenzler asked you to sign?

Ms Wood: That's right.

Dr Mellifont: Can I table that document, please?

CHAIR: Is leave granted? Leave is granted. It will be document 81.

Dr Mellifont: Can I show you, please, the next document which is tab 12 in the bundle. You will see that this is an email chain. On the top of it is from Mr Kenzler to yourself, 24 May 2012 4.36 pm.

Ms Wood: Mmm.

Dr Mellifont: But what I want to take you to firstly is Mr Krosch's email to you of 24 May 2012 at 4.20 pm which for some reason is replicated in this email chain, but I don't think we need to worry about that. Specifically, he thanks you for your letter and the effort that went—and he appreciates the effort you put in. Sorry, the email is not directly replicated so we'll have to work on the second version. He says, 'I do a lot of work through archives around Australia and I was surprised to see all the Fitzgerald inquiry surveillance reports are accessible now. I am sure it was a 60 year access originally. I have had a look through them. Many of them are in my reports. I just hope the targets from that era don't realise the reports are there for them to inspect.' Is this the first inkling that you had that sensitive material was out in the public domain?

Ms Wood: Yes.

Dr Mellifont: Now, we see from this email chain that you forwarded it to Mr Kenzler?

Ms Wood: Mmm.

Dr Mellifont: And Mr Kenzler's response was, 'I was not aware of the extent of access to Fitzgerald inquiry material. I thought it was confined to exhibits tendered at the public hearing. I wonder if this was intended.' What was your immediate action in response to this correspondence?

Ms Wood: I think I then brought it to the attention of—I think I brought it to the attention of general counsel and possibly Ross Martin. I mean, if Russell Kenzler thought it shouldn't be released and he went by the spirit of the right to information laws and was very giving, I just think in general I thought it put me on high alert.

Dr Mellifont: To your knowledge Mr Kenzler actually had a fair deal of knowledge about the Fitzgerald inquiry; correct?

Ms Wood: Yes, and I think that's why I sent it to him first because he'd be the only person left at the CMC that would have an intimate knowledge of whether that's true. In other words, I didn't know the answer. I'm sure it had a 60 year access originally. Now they're accessible. So I was really inviting Russell to give that answer because he'd be the only one that would know whether it is a surprise or not or whether it might have been released for some time or—Russell would know these things.

Dr Mellifont: Right. And as you say the fact that he said—the fact that he queried it put you on high alert?

Ms Wood: Mmm.

Dr Mellifont: Did also the fact that Mr Krosch himself was talking about the fact that surveillance reports were accessible put you on high alert?

Ms Wood: Yes.

Dr Mellifont: And your work experience prior—and I don't mean as an unpaid person, but your work as a solicitor prior to coming to the CMC was in the field of criminal defence work?

Ms Wood: Yes.

Dr Mellifont: Correct?

Ms Wood: Mmm.

Dr Mellifont: And to some extent disciplinary matters with respect to representing police officers and the like?

Ms Wood: Mmm, yes.

Dr Mellifont: So you would have been well equipped with that experience to know that surveillance reports contain—often contain quite sensitive and potentially damaging material?

Ms Wood: I would have classified surveillance reports as a bit lower security than that. I've seen them at the CMC as well, and generally, yes, they're sensitive, but I would not have put it as high as that probably.

Dr Mellifont: You see Mr Krosch is talking about hoping the targets don't realise the reports are there. That might have put you on notice of the potential sensitivity as to the surveillance reports being in the public domain, I suggest.

Ms Wood: Yes.

Dr Mellifont: So as I asked you before, your immediate action subsequent to receiving this email and getting Mr Kenzler's response, I think you said that you think you raised it with Mr Martin and general counsel.

Ms Wood: Mmm, certainly general counsel.

Dr Mellifont: What do you recall of that?

Ms Wood: I think we had a discussion about it and whether or not—

Dr Mellifont: What do you recall of the discussion?

Ms Wood: Not a lot. It had kicked off and we had devised tasks to do to work out whether that was true or not.

Dr Mellifont: When you say it had kicked off, what do you mean?

Ms Wood: Well, we started investigating in a preliminary way: A, is he correct, is there sensitive material out there and, B, how did it occur if it did. That was the basis of our discussions and really my idea was, well, how could it be out there.

Dr Mellifont: Alarm I take it?

Ms Wood: Yes.

Dr Mellifont: Was this the first occasion that you were aware of in your time at the CMC where it became apparent that sensitive material had been released into the public domain?

Ms Wood: Yes, probably.

Dr Mellifont: I suggest to you in that respect it must have been reasonably a memorable event.

Ms Wood: I think so, yes.

Dr Mellifont: And if your reaction was one of alarm, what was general counsel's reaction to you when you brought it to his attention?

Ms Wood: I cannot recall that and I really cannot recall anything until the 29th. In other words, I recall discussing with Zora the day before saying 'get to'—giving her some tasks to do to try to—I think I said, 'Go down the archives', or something. We were just basically trying to work out whether or not it was true or not.

Dr Mellifont: Okay. I am trying to get a sense of when this quite serious issue of these documents being in the public domain was raised within LSU and/or raised with Mr Martin, whether that provoked a sense of urgency and alarm and immediate plan of action or whether it was simply, 'Oh well, let's work out slowly how to get through the process.'

Ms Wood: They were not my thoughts. I was alarmed. I went to general counsel, tried to get things happening basically.

Dr Mellifont: You do not have a recollection now as to whether at or around 24 May when this issue became apparent that was communicated direct to the chair?

Ms Wood: I do not have any notes of those days. I think we did discuss it a lot, but I cannot recall specifics. Certainly the chairperson was eventually briefed, but I do not know what day he was briefed. I think I actually ran it off and put it in his in box. That is my recollection.

Dr Mellifont: You are going to have to speak up, Ms Wood, I am sorry.

Ms Wood: Sorry. I think I ran off an email and put it in his in box, but that is a vague recollection.

Dr Mellifont: Ran off the email of Mr Krosch?

Ms Wood: Mmm-hmm.

Dr Mellifont: Right.

Ms Wood: I mean, Mr Martin had a certain familiarity, too, with the Fitzgerald holdings. So I thought he might also realise the urgency, which he did. I think there were discussions, from memory.

Dr Mellifont: Do you have a recollection of ever having a discussion with Mr Martin about the problem?

Ms Wood: No.

Dr Mellifont: It would have been around May.

Ms Wood: No.

Dr Mellifont: You spoke earlier today about Mr Martin saying to fix it.

Ms Wood: Mmm-hmm.

Dr Mellifont: When did that conversation occur and were you a party to it?

Ms Wood: Yes, I was a party to it.

Dr Mellifont: When? When did that happen?

Ms Wood: He just walked in my room and said, 'I want you to follow it up.' He seemed to have been briefed. He seemed aware that the material had been released, it was sensitive surveillance material, that it was a result of a mistake made in Records. So that had been dealt with is a good way to put it. Like, he had established all of those—that information I understood. So he was doing, 'Can you follow up and make sure it's fixed?' So I gather he had been told it had been fixed or was being fixed that day. So he had been briefed by someone.

Dr Mellifont: Did you have a conversation with Mr Duell and Mr Martin at the same time?

Ms Wood: Not that I recall. I just remember Mr Martin coming in my room.

Dr Mellifont: And giving you the precis you have just indicated, including that his understanding was that it was fixed?

Ms Wood: He said something like—I have recorded it on the paper—but something like 'Remove it? I.e. make sure the 20 years was removed.' That is my 29 May note. Because I realised things had moved on since my involvement—they came to work out what had happened I gather—I raised, naively I guess, 'How could they disseminate it? I did not see a section 62 dissemination,' and then, as I said, when I worked out with Mr Duell he does not need one, he has a delegated authority—

Dr Mellifont: When you say 'my involvement had moved on', what do you mean?

Ms Wood: We were trying to work out whether it happened, how it happened and the like, but when Mr Martin walked in my room he had said something—and I cannot recall exactly—but I could tell that he had been briefed about the matter by someone and they had established, yes, there was a release, that it was surveillance material. I cannot recall—it was just the context of him walking in and saying, 'Yes. Now can you follow it up and make sure it's fixed?' or something like that.

Dr Mellifont: So the direction to you was to follow it up and make sure it was fixed?

Ms Wood: Mmm-hmm.

CHAIR: We will need to adjourn for 10 minutes.

Proceedings suspended from 3.51 pm to 4.02 pm

CHAIR: Dr Mellifont?

Dr Mellifont: I omitted to tender the document, which is 25 in the committee's bundle. This is the meeting notation for 26 July 2012. May I ask that that be tabled, please?

CHAIR: Is leave granted? Leave is granted. It will be item 82.

Dr Mellifont: I also wish to table the bundle of emails, which is tab 12 in the committee's bundle. I have taken Ms Wood to some of the emails in that bundle so I will ask that after it is tabled it is returned to her.

CHAIR: Is leave granted? Leave is granted. It will be item 83.

Dr Mellifont: Ms Wood, so the instruction from Mr Martin to you was to make sure that it was fixed. Is that as I understood your evidence?

Ms Wood: He did not actually use those words. I think it was along the lines of 'remove it'.

Dr Mellifont: 'Remove it'?

Ms Wood: Mmm.

Dr Mellifont: Meaning?

Ms Wood: We did not know what the RAPs were at those stages so I do not think they—meaning get rid of the 20-year access period, make sure it was removed.

Dr Mellifont: Make sure it was removed?

Ms Wood: Mmm.

Dr Mellifont: Is that the extent of the instruction so far as you can recall it?

Ms Wood: They were fairly thin and then I raised, just from a lawyer's perspective, 'How were they released? Was it lawful release?' Because it seemed like the situation had been not sorted, but someone has obviously said that the restriction access period had been changed and so Ross's instructions to me was, 'Follow that up. IE check it is changed.' Then the other issue I raised I think initially thinking, 'What about a breach of the act? How did that—let's have a look at that.' I just suggested maybe it is a breach of 62. I might have raised 213. I did not know how it was being disseminated. I had no concept, of course, that we did not have the holdings, that they were in archives, that it was subject to the Public Records Act, but I eventually found that out.

Dr Mellifont: So you raised the notion with Mr Martin at that point in time that there might be the section 62 issue, there might be a section 213 issue?

Ms Wood: It might be unlawful, mmm.

Dr Mellifont: Did he tell you to do anything in respect of those periods?

Ms Wood: Mmm-hmm.

Dr Mellifont: What did he tell you?

Ms Wood: He said, 'Yes, follow that up.'

Dr Mellifont: Right. I want to take you to a series of emails, please. The first is tab 13 in the committee's bundle, which is tabled document No. 59.

Ms Wood: Can I mention a matter before that?

Dr Mellifont: Yes.

Ms Wood: In this exhibit 12—sorry, document 12, the last page, date 29 May at 10.13, that is the expression I was raising—that I did raise it with general counsel. What I say is—I flick him the

email from Mr Krosch and say, 'For your information see below'—the quote—I am surprised to see it available.' Then I write, 'So am I.' I think what has happened is that anything that was not subject to an NPO was disseminated to archives, including all the covert investigative material. 'I am unsure whether it's available.' So I am supposing this could have happened from looking at the previous Zora dump of information of pulling everyone's advices together.

Dr Mellifont: When you talk about 'Zora's dump of information', you are talking about her interrogation of the TRIM records—

Ms Wood: That is it.

Dr Mellifont:—and the production of an email to you together with a whole pile of attachments?

Ms Wood: Mmm.

Dr Mellifont: All right. You see that in that email of 29 May 2012 at 10.13 am where you say, 'I think what has happened is that anything not subject to an NPO was disseminated to archives including all the covert investigative material.' You are not limiting yourself there to surveillance.

Ms Wood: No.

Dr Mellifont: Do you accept that?

Ms Wood: Yes.

Dr Mellifont: So did you have in your mind at that point in time that not only did surveillance material go over to archives, but everything covert out of the Fitzgerald inquiry?

Ms Wood: I think that's what I thought at the time, yes.

Dr Mellifont: You see, you use that term again at 29 May 2012 at 10.40 am—I am sorry. I withdraw that. Seeing as we have this email chain open—and you will appreciate that there are a series of concurrent email chains. So this is not necessarily in strict chronological order. So it is going to be a little bit piece-y. You see that Mr Hutchings is inquiring of Mr Duell at that point in time, 'The attached email suggests that covert material is available publicly. Can we get to the bottom of whether this is correct?'

Ms Wood: Mmm.

Dr Mellifont: So by this point in time there are some direct communications as between Mr Hutchings and Mr Duell arising out of the Krosch email.

Ms Wood: Mmm.

Dr Mellifont: Is this how you recall things happening?

Ms Wood: Well, I am not aware of that email at the time of course. I obviously forward it to general counsel. We had had, I think, in the meantime a discussion on email between Zora, myself and Rob. We had some tasks. One of them was I had tasked Zora to ring Peter Duell and find out if that is the case and then we decided Rob would ring. Clearly, he came up after that I will assume.

Dr Mellifont: All right. You see that the top email chain there is 30 May 2012 and you are CC-ed into this email from Mr Duell to Mr Hutchings.

Ms Wood: Mmm.

Dr Mellifont: He says, 'As briefly discussed with Sidonie yesterday, the issue identified by Barry Krosch arose from a misunderstanding at our end.'

Ms Wood: Mmm.

Dr Mellifont: Did he tell you what that misunderstanding was?

Ms Wood: I asked, yes and his—yes, and it is in those written notes.

Dr Mellifont: Sorry, the bells are going.

CHAIR: We will adjourn for 10 minutes. I am sorry about this.

Proceedings suspended from 4.09 pm to 4.20pm

CHAIR: Dr Mellifont.

Dr Mellifont: Thank you. Ms Wood, we are at the email of 30 May 2012 and whether Mr Duell explained the misunderstanding. But we will come back to that, because we are going to

deal with your file note of 29 May in some detail. Can I ask, please, that you be shown the bundle at tab 13, which is tabled document 59? Again, it is an email trail. I want to start, please, at the bottom of the first page, which is an email from Valeska to yourself, 11.12 am on 29 May. She is confirming instructions—

Contact Registry to see when Fitzgerald stuff actually disseminated.

Contact State Archives, identify myself as CMC officer and request information on how the stuff came to be there and what kind of holdings we are looking at.

Anything else?

Were they instructions from you to her?

Ms Wood: There's an email that says that I saw her the previous night and that I told her that Rob and I wanted her to do those tasks. She then emailed Rob and said, 'Can you confirm my tasks?' So she seemed to be tasked by both of us.

Dr Mellifont: Right. And the notion I take it behind asking for those things to be done would be that it would give the opportunity to the CMC to actually eyeball what it is that was out at the State Archives; correct?

Ms Wood: That's right.

Dr Mellifont: And to satisfy yourself in terms of what was accessible in the public domain; correct?

Ms Wood: Yes.

Dr Mellifont: That was the rationale?

Ms Wood: That's right.

Dr Mellifont: The next email in that chain at 11.18 am, please, is from yourself to Ms Valeska where you say, 'Zora, await Rob's instructions'—and then you say, 'Peter Duell's email is peculiar—releasing "the bulk" of the Fitzgerald material without authorisation seems' odd. Do we expect, therefore, to be an email somewhere where Mr Duell speaks about having released the bulk—using those words, 'the bulk'? Perhaps if I can rephrase the question, Ms Wood.

Ms Wood: Sorry, a quick answer, I don't know where 'the bulk' came from.

Dr Mellifont: Okay. But you see you used it in quotation marks. Presumably, you are quoting words he has used and you have used it in the context of an email.

Ms Wood: Mmm.

Dr Mellifont: So perhaps it is self-evident, but it was a peculiar thing, you thought, for the bulk of the Fitzgerald material to be released without an authorisation; correct?

Ms Wood: I was under the guide that 62 applied—we needed a 62 dissemination.

Dr Mellifont: And then at the next email up at 11.19 Zora tells you she is holding off until further notice.

Ms Wood: Mmm-hmm.

Dr Mellifont: And then the next email up at 11.41 you are liaising with Mr Hutchings again about the issue of whether a dissemination was required under sections 55, 60 or 62.

Ms Wood: That's right.

Dr Mellifont: So at least something that was piquing your concern at this point in time was that there was a potentially unlawful dissemination of Fitzgerald inquiry material under the act.

Ms Wood: Yes.

Dr Mellifont: And, again, this is the email in which you use that word, again, 'covert'.

Ms Wood: Mmm-hmm.

Dr Mellifont: Do we take it your use of the word 'covert' extends beyond surveillance?

Ms Wood: I thought 'covert surveillance material' goes as a phrase, that surveillance is done covertly—at least that's how that expression is used within the CMC; that you get covert surveillance material. So I've used them interchangeably.

Dr Mellifont: Right. Okay. But you use it collectively in terms of being one category or thing?

Ms Wood: Yes.

Dr Mellifont: Okay. Can I take you, please, to tab 19 in the committee's bundle, which is tabled document 61? Now, this is an email from Ms Valeska to Mr Hutchings, CC to you, 8.52 am on 29 May 2012. Now, is this the email you have just alluded to in your evidence in terms of instruction being given to Ms Valeska?

Ms Wood: Mmm.

Dr Mellifont: And it is apparent from the face of the email that Ms Valeska is checking with Mr Hutchings as to what her instructions were.

Ms Wood: Mmm.

Dr Mellifont: And you will see the two dot points. Does that accord with your recollection of what she was told to do?

Ms Wood: I don't have a specific recollection, but I am sure I tasked her with something like that, from memory.

Dr Mellifont: The first one is call property. What is property?

Ms Wood: Property is another name for records—the information management department.

Dr Mellifont: Right. Now, you see that she has described it in the first line as—

As I was leaving last night, Sidonie indicated that you would both like me to follow up on the mystery of what records/documents the State Archives has with regard to the Fitzgerald inquiry (including covert documents) and who might have released them.

Her description there as it being a 'mystery' at that point in time, does that accord with how you viewed it at that point in time?

Ms Wood: I thought it was a level above that, which was it was there. Krosch seemed experienced in archives and identified there was something there. I think the mystery was how did it get there, but we need to see if it was there first.

Dr Mellifont: Right. Can I take you, please, to tab 20 in the bundle, which is tabled document 62. So again, this is piecing together the chronology. You will see at 8.53 am Mr Hutchings' response to Ms Valeska's query as to confirmation of instruction was, 'That's it Zora, thanks.'

Ms Wood: That's right.

Dr Mellifont: But the next email is from you, 8.54 telling her that either Rob or you would call Mr Duell first to see what he had disseminated.

Ms Wood: Mmm-hmm.

Dr Mellifont: So by this stage was it your view that it was Mr Duell who had disseminated the records to Archives?

Ms Wood: I thought that.

Dr Mellifont: Right. And was it your impression by this stage that that dissemination included such action that resulted in there being public access to the documents?

Ms Wood: That material could have been available for a long time. I didn't know. I thought the only person who knew was Peter Duell. Whether it had been available for a long time, short time—whether it was available, he would know that. That's his job.

Dr Mellifont: All right. And then Mr Hutchings responded in the next email offering to speak to Mr Duell.

Ms Wood: Yes.

Dr Mellifont: But do I take it that you were the person who ultimately spoke to Mr Duell on that day?

Ms Wood: No. There is an email that says 'as discussed'. That is from general counsel to Peter Duell. So he did ring him and they said something like, 'Can you get to the bottom of this?' That is that email.

Dr Mellifont: Yes, but did you also have a discussion with Mr Duell on 29 May 2012?

Ms Wood: Late in the day, after Mr Martin came in and said, 'Follow it up.'

Dr Mellifont: Right. And then you have Ms Valeska saying, 'Thank you both. Would someone let me know the outcome when done.'

Ms Wood: Mm-hmm.

Dr Mellifont: Right. Now, ultimately Ms Valeska did not go out to the archives to inspect the holdings as was the initial suggestion; correct?

Ms Wood: Yes.

Dr Mellifont: Why not?

Ms Wood: Because when Mr Martin came into my room it had been decided or worked out—or some briefing had occurred where he had discovered all of that information: yes, it was released; yes, it was surveillance reports; and, yes, Peter had inadvertently released it. That is the impression I got, because it had moved on—which is, 'Make sure it's fixed.'

Dr Mellifont: It had moved on in the sense that Mr Duell, the original error maker, it seems, informed somebody, whether it is Mr Hutchings or Mr Martin, that the problem had been fixed?

Ms Wood: Obviously there was a meeting, yes.

Dr Mellifont: And there was no independent investigation of the veracity of the information Mr Duell was providing to Mr Hutchings and Mr Martin; is that correct?

Ms Wood: That is correct. I was not part of the meeting, so I do not know if someone was tasked with that.

Dr Mellifont: May I take you, please, to tabled document 32, which is tab 21 in the bundle. Now, are you familiar with this email chain?

Ms Wood: I am now, yes.

Dr Mellifont: Starting with the one at the bottom of the page, please, which is an email from yourself to Ms Valeska, CC Mr Hutchings, 11.13 am on the 29th.

Ms Wood: Yes.

Dr Mellifont: So this is mid-morning on the 29th. And you are asking Zora, subject to Rob's instructions, to 'contact Registry to find out what Fitz Inquiry was released (obtain a list of docs) to Archives and when'. When you speak of 'Registry' there, where are you speaking of?

Ms Wood: In the CMC that is Property, Registry, Records. It is all one: Information.

Dr Mellifont: Sorry?

Ms Wood: It is called Information Management, with different sections.

Dr Mellifont: And when you were asking to obtain a list of documents, what were you envisaging you would get?

Ms Wood: Well, the documents that were released—the surveillance reports, a list of the names of the types of documents that were released—that Mr Krosch was referring to, I would assume.

Dr Mellifont: We see then at 11.40 am an email from Mr Hutchings to yourself and Ms Valeska stating—

I have spoken with Peter. I have forwarded the email to him and have asked him to investigate whether Mr Krosch's email accurately reflects what is available at State Archives.

I will let you know what he reports to me.

In the meantime Zora it may avoid wasted effort if we see what Peter has to say. I wouldn't do much yet. Have let the Chairperson know we are looking into the issue.

Did he report back to you? Did Mr Hutchings report back to you?

Ms Wood: I do not recall.

Dr Mellifont: Who was driving the inquiries in LSU on this day? Mr Hutchings or yourself?

Ms Wood: He is my line manager, so if he said to halt we would have.

Dr Mellifont: So ultimately Ms Valeska did not, so far as you are aware, contact Registry to get that list of documents that went to archives and when; is that correct?

Ms Wood: I never saw them. I never heard that she did it. She never replied and I gather from this email it was because 'let's see what Peter has to say first'.

Dr Mellifont: And do I take it that in terms of Mr Martin's request to you to follow up—and I am talking about removing the 20-year access—perhaps I will ask it in an open way. Precisely what steps did you take to undertake that follow-up directly requested by the chair of you?

Ms Wood: My understanding of my task was to ensure that the RAP period had in fact changed. He obviously had an undertaking from Mr Duell that it had occurred or was occurring or would occur immediately. So my task was to follow up—make sure it changed from 20 to 65.

Dr Mellifont: And when did you first take steps to undertake that follow-up?

Ms Wood: I contacted Mr Duell and had a meeting to find out whether he had done it or not.

Dr Mellifont: On 29 May?

Ms Wood: Mmm.

Dr Mellifont: We have your file note of that, but—

Ms Wood: Sorry, I guess the quick answer is: I saw the letter that was drafted or had been sent to Archives that had 'reverse that decision'. And I think I saw the notice, too, that accompanies the letter—on the back of it.

Dr Mellifont: When was the first time you saw that?

Ms Wood: That day. I just wanted proof that it had been done, that's all.

Dr Mellifont: Yes. It must have been apparent to you by Mr Martin's request to make sure it was done that, although he had been obviously briefed by information directly by Mr Duell or via somebody else, he wanted Mr Duell's assurance checked and checked by a lawyer. That must have been obvious to you.

Ms Wood: Yes.

Dr Mellifont: So in terms of seeking independently corroborative information that the 20-year problem had been sorted, you looked at that letter but beyond that there was nothing?

Ms Wood: Well, I spoke to him about it. I asked him. He said that, yes, he had changed it from 20 to 65 years. That is when I had the meeting. I checked his delegation from the file, ie was it lawful? I recall there was a file there. I looked at the file and obviously saw the letter—the notice had gone out—and followed up by saying, 'Can I see the spreadsheets with the amended RAP?' Then I would have been satisfied that the dissemination was lawfully done.

Dr Mellifont: We have been through the history before lunch in terms of the follow-up for spreadsheets which still remained outstanding, at least into July.

Ms Wood: Yes.

Dr Mellifont: Excepting that. Why not, in terms of making sure it was done, check with Archives? Why not take that step of checking with Archives, which was the original plan?

Ms Wood: Well, I simply relied on Peter Duell to do that. That was his job. That is my understanding of his role. I would have thought that is exactly what he would have done.

Dr Mellifont: Sorry, you would have thought what was exactly what he would have done—actually checked with Queensland State Archives?

Ms Wood: Yes.

Dr Mellifont: Did you ask him that?

Ms Wood: Well, he had sent the letter. I would have thought there was a follow-up as well. That would have been part of his role as the information director.

Dr Mellifont: Putting aside assumptions, I want to know what he did tell you he had done. Did he tell you he had independently verified with the QSA that everything was sorted?

Ms Wood: No.

Dr Mellifont: Can I take you, please, to tabled document 63—

Ms Wood: But I would not have thought, incidentally, that I had any reason to question he would not have. I just would have thought that was part of his role, to check those things.

Dr Mellifont: Except perhaps, Ms Wood, that Mr Martin was asking you to do an independent verification, wasn't he?

Ms Wood: Well, my understanding of my task was not to go to individual documents and check that they were 65 years—the specific documents. His instructions were just to make sure it was fixed, ie make sure that 20 years had been changed to 65. That was my understanding of my task as a lawyer.

Dr Mellifont: You referred before to Ms Valeska's collation of documents. I refer to tabled document 63, which is tab 22 in the committee's bundle. The first email in the chain is Valeska to Wood, 29 May 2012, 1.12 pm. Is this the bundle you are speaking about?

Ms Wood: Yes.

Dr Mellifont: I want to take you, please, to the last point of that email. I am sorry: perhaps to give you proper context, start at the bottom of page 1. Ms Valeska is saying to you—

Note—there are also:

- advice requests ...

And then at the next point—

Correspondence between RM, State Archives etc on imposition/lifting of restricted access periods.

I have not included these—please advise if you want them under separate email (I am concerned that you may begin to suffer from information overload).

Did you take 'RM' to mean records management?

Ms Wood: I can't recall, but she does say 'acting records manager' there next Suzanne Sweeper, so, yes, I would have assumed it meant 'records manager'.

Dr Mellifont: So Ms Valeska is directly pointing you to correspondence between RM and State Archives on precisely the topic you are looking at: imposition/lifting of restricted access periods. Did you ask to look at them?

Ms Wood: I looked at the act and that was very well explained in the act.

Dr Mellifont: You looked at, what, the Public Records Act?

Ms Wood: Mmm. That was what his delegation was under, or his authority.

Dr Mellifont: Yes, but in terms of actual correspondence as to what occurred, did you ask to have a look at these documents which had obviously been identified by Ms Valeska?

Ms Wood: No. I think I had seen them before.

Dr Mellifont: I am sorry?

Ms Wood: I think I had seen them before.

Dr Mellifont: Why do you think that?

Ms Wood: Well, they were advice requests to various units—for instance, the Matt Condon journalist one, the crime writer ones. They were the advices in relation to whether or not there should be a release of the NPOs and whatever. My understanding was that was the group of journalists that had been requesting, I guess, 65-year period documents.

Dr Mellifont: But can I ask you to focus on the second dot point, which is talking about lifting of restricted access periods. So we are talking about things like 20 years, 65 years; right?

Ms Wood: Mmm. I had seen that correspondence at some stage.

Dr Mellifont: Well, we are talking about specific terminology here: 'restricted access periods'. Why was it that you had some confidence, it seems, that you would have seen correspondence described in a generic way in this email—that you would have seen that correspondence before?

Ms Wood: I might have seen it since. I cannot recall, no. I cannot comment.

Dr Mellifont: So at this point in time you are not sure whether you would have seen such documents but you can say you did not ask Ms Valeska—

Ms Wood: I think I saw them later, yes. But I did not ask for them at that point in time. I saw them, I think, as part of Mr Duell's file. I think there was correspondence on there from Archives. There was a letter from Janet Prowse, from memory. I have actually recorded that in my handwritten notes.

Dr Mellifont: So you are talking about your meeting with Mr Duell on 29 May?

Ms Wood: Mmm. And he refers to that letter. And that was the force of why they wanted to lift, if that is what it is called—lifting of restricted access period. That was parlay momentum. I understood that Archives had made some request: 'We are getting lots of these requests. Can you do something about the public exhibits, public transcripts?', I think it was in relation to.

Dr Mellifont: So insofar as you believe you may have seen such documentation on Mr Duell's file, it was specifically in the context of public transcripts and public exhibits? Do I have that correct?

Ms Wood: Yes. That was my understanding. No doubt they had a lot of requests, I gather, from a range of people in the 65-year period as well.

Dr Mellifont: As I understand your evidence, Ms Wood, by this time—so by 29 May 2012—it was obvious or self-evident to you that people had been, at least in the past, talking about two categories of documents whereas your understanding was that there must have been more. Did you ever say to any of the people in the context of dealing with this issue when it came up, 'Look, does everybody get that there is this misconception coming out of the documents of two categories? Do we all understand that there is a whole pile more stuff out there?'—to correct what was obvious to you as a misconception? Did you ever raise that with anybody?

Ms Wood: I thought it was really well dealt with when the Suzanne Sweeper memo went to general counsel. General counsel answered it extremely well. There was a misinterpretation of that advice, I feel, where, because he had actually put (a) and (b), someone had thought, even though what he had written did not say that, 'There are two categories. One is non-publication order and the other is a group of documents that all go in one group.' How he described it was totally different, which was public exhibits and transcripts and other—he did not say 'documents' but others that did not have a restricted access period. So he was saying, 'That is a category of public exhibits and public transcripts that could be released under the 20-year period.' All he was saying was that there were not two categories—my understanding of his advice—but that 'you have asked me what is the law on non-publication orders'. He gave that.

The other question from the Suzanne Sweeper one was something along the lines of the 25-year restricted access period and he said, 'No. Only public exhibits and public transcripts.' He did not cover that third group but he, like me, would have assumed people—he did not assume anything. The way it was written was very well written. I just understood it that you could have misunderstood that there are only two categories, as I think I saw in Zora's email summarising it.

Dr Mellifont: Accepting for the moment that Mr Hutchings's advice is set out with such clarity of expression in terms of two categories, my question is: if you had perceived the possibility of a misconception or perceived the possibility of incorrect assumptions being made by non-lawyers interpreting that advice, why not raise it there and then?

Ms Wood: I did with Peter Duell, and he had it completely sorted. And it is in my handwritten notes, but he said, 'We thought there were two groups.' He said, 'There's two groups,' or two cases I think he called them: '(a) NPO/NPI', which stands for not for publication and not for inspection, and then he had '(b) normal'. So he was under the impression you did only have two categories. Then I said, 'Well, what went wrong?', knowing full well he had obviously got it wrong. He said, 'Oh, well, it was pointed out'—obviously by Ross, I gather, or Rob—'That there are other categories or other documents in the exhibits.' That is that third category that he was not aware of. But he was aware of it when I spoke to him, because he pointed it out to me, that he was now aware there was another group called 'other'. And I think, from looking at the spreadsheets, it is actually called 'documentation' in the spreadsheets; it is not called 'other'. But he had a complete handle on it.

Dr Mellifont: Mr Duell gave you the impression by 29 May he had a complete handle on it?

Ms Wood: Totally. It had obviously been explained that, 'Hey, there is this third category.' Sorry, that is my understanding.

Dr Mellifont: Can I take you now, please, to tabled document 43, which is tab 15 in the bundle. This is your file note dated 29 May 2012 but created some time in March 2013.

Ms Wood: Yes.

Dr Mellifont: Is there anything within this file note which is incorrect, to the best of your knowledge?

Ms Wood: Yes. The second paragraph, I got that wrong. It says, 'There are two main categories of'—sorry, there are two errors. The sentence before that says, 'The material included public exhibits, transcripts and a number of exhibits.' What I meant to say there is 'a number of non-publication order exhibits'. So before the last word 'exhibits' that should read 'non-publication order exhibits'. Then he went on to say, 'There are two main categories of docs, non-publication order exhibits (100 yrs) and normal access', which originally was 65 and had been reduced to 20. So I put '20' there but at that point in time it was 65. So I was just interpreting that he had reduced the normal access to 20, but I do not have any evidence of that.

Dr Mellifont: You see in the next paragraph—that is the paragraph that commences ‘I asked how the change in access period came about.’

Ms Wood: Mmm.

Dr Mellifont: You say, ‘He didn’t receive an advice from Rob.’

Ms Wood: Mmm. That is what he said. He said there was no advice forthcoming from any general counsel.

Dr Mellifont: In the following paragraph, you see the last sentence: ‘There was no corporate memory and these docs were unknown.’

Ms Wood: That is what he said.

Dr Mellifont: He said that to you?

Ms Wood: I am just repeating what he says, mmm. So his version—I guess my question, obviously, was something like, ‘How come you can’t identify these documents as being in the other category, ie sensitive?’ And he said, ‘There’s no corporate memory.’ That is my recollection. ‘These documents were unknown.’ That is, no-one knew when they looked at the document whether it was sensitive. Someone obviously knew and then that person left. I am totally interpreting what he meant by that.

Dr Mellifont: And did you accept that statement as the truth? When he said it to you, did you accept it or did you doubt it?

Ms Wood: Well, it just sounded lazy. Sorry, but it sounded like no-one had checked. You only have to go in there and read it. You can see whether it is sensitive, whether or not you know anything about the Fitzgerald inquiry, when you start reading the documents. But that is me. Maybe they—

Dr Mellifont: So by this point in time, having had this conversation with Mr Duell, having formed the view that a lazy approach had been taken to the issue, shouldn’t that have prompted you to then go and undertake the kind of check you thought he ought to have done in this task of making sure that it had gone back to 20?

Ms Wood: Well, according to my notes he had changed. He said that now he knows there is an ‘other’ group. He is aware of it. And he assured me that it was all fixed and I had no reason to disbelieve him.

Dr Mellifont: But did he tell you: ‘We have gone out now. We have looked at the documents. I can tell you we have sorted this out.’ Did he give you any impression that there had actually been a physical audit of the documents at State Archives so that he could satisfy himself as to what was out there in the public domain?

Ms Wood: Whatever he said was full of confidence and he sounded like he knew what he was talking about. So I did take it that he was full of knowledge of those matters now. I did not doubt that he—he sounded like he knew exactly what he was talking about.

Dr Mellifont: But that does not, with respect, answer my question. Did he tell you that there had been a physical audit done of the documents at Queensland State Archives?

Ms Wood: I did not ask that question.

Dr Mellifont: So insofar as what he did tell you, it was—

Ms Wood: He may have, sorry.

Dr Mellifont: It was essentially your impression that he now knew what he was talking about and he was full of confidence.

Ms Wood: Yes. He sounded very familiar with all the topics and the subjects, like he had just been given a lesson.

Dr Mellifont: What do you mean ‘like he had just been given a lesson’?

Ms Wood: Well, one moment he thought there were two categories and then he started talking about, ‘There is this “other” category and that is the sensitive materials’ et cetera. So he seemed to be going into that area a bit. Whatever he was saying convinced me that he knew what he was talking about.

Dr Mellifont: But it was in a generalised sense rather than a specific sense of ‘these are the precise steps I have now undertaken and I can assure you it has happened’?

Ms Wood: He said, 'It's all fixed. Yes, I've changed the RAP. Now we know there is an "other" category'—those types of things.

Dr Mellifont: So generalised statements—statements made with confidence but generalised statements?

Ms Wood: Yes.

Dr Mellifont: But—

Ms Wood: He is a man of what you might say is competence, thoroughness. He was well respected in the CMC in that regard. He was not one of those people you ever heard was a bit slack in a public sense.

Dr Mellifont: But how did that general reputation fit with your perception of laziness in the context of the statement that there was no corporate memory and these documents were unknown?

Ms Wood: Well, someone did not check them. I mean, you only had to look at them, I will assume, and you would know. I mean, it seems simple to me but I might be wrong. It might be incredibly—as they have said, it is 19,000 documents and it is not something you trot down and see all the time. I am not sure.

Dr Mellifont: It is self-evident, Ms Wood, that it did seem simple to you because that was your and Mr Hutchings's immediate response to the problem: go and look.

Ms Wood: Mmm. I would have thought he would have. I did not ask that question, but I took it for granted that that would be definitely what he would have done. I do not doubt that. And I do not know that he did not. He may well have. But it certainly was not my place to second-guess his performance, and I did not. I had confidence in his ability.

Dr Mellifont: But can I take that up for a moment. It was your place at that point in time to carry out the instructions of Martin, which were to verify that it had been done.

Ms Wood: He just said, 'Make sure it's fixed,' pretty much. So to me, my task was to make sure it went from 20 to 65 years. If the Director of Information Management told me that that had been done, there was no reason for me not to believe him.

Dr Mellifont: Can I take you to tab 18 in the bundle, which I believe is tabled document 76? This handwritten file note is one of yours, is it?

Ms Wood: That is right.

Dr Mellifont: It is dated May 2012 but we don't have a specific date.

Ms Wood: No.

Dr Mellifont: Is this the original or is this a rewrite?

Ms Wood: Yes, this is an original.

Dr Mellifont: Do you know when that meeting was?

Ms Wood: I think it would have had to have been the 29th but it could have been three days later or two days later.

Dr Mellifont: Why do you say that?

Ms Wood: Well it was May the 29th that I spoke to Peter. The email went to general counsel but said 'I spoke to Sidonie. All's fixed. It's an error from our side.' I think I then went into Rob's office, from memory, saying something like, 'We didn't have a brief meeting ,or something. Then I explained briefly from my analysis that it was an administrative error from Peter Duell's behalf of not classifying the documents correctly and I confirmed that I had looked at documents and the 20-year RAP had been lifted—sorry, changed, I should say.

Dr Mellifont: Can I take you to tabled document 77, which is your memorandum to Mr Hutchings dated 6 March 2013? It is tab 26 in the committee's bundle. Is there anything in this document which is incorrect?

Ms Wood: In the fifth paragraph where it says 'I checked his delegation', I meant to say 'under the relevant statutes'. In other words, the delegation signed by the chairpersons—I saw Robert Needham's and Martin Moynihan's, I think—and checked that accorded with the proper section in the Public Records Act. So that word should be 'under'. As indicated, he has asked both counsel as mentioned.

In the second last paragraph I say, 'I later advised General Counsel that the mistake that it was classified inadvertently had been promptly corrected ...' I only had a vague recollection of that. How much discussion we had about it I don't know. I just recall after looking at all those excel sheets having a short discussion about it.

Dr Mellifont: When you talk about having a look at all those excel spreadsheets, there were about three or four you talked about before lunch?

Ms Wood: About four, yes.

Dr Mellifont: What I want to take you to in this document is the last full paragraph on the first page—that is, the paragraph commencing, 'I also asked how the mistake was made.'

Ms Wood: That is right.

Dr Mellifont: You have stated—

In essence he said he signed off on the classification of documents to be released under the 20 year period. He showed me the EXEL spreadsheet of the many of the CMC Fitz documents and discussed how it may have been difficult to determine the confidentiality. His senior records officers (then Janet Legg and Suzanne Sweeper) were responsible for the lists of documents and the classifications for the modified access periods for the QCA and Peter had approved it.

Ms Wood: Essentially I was saying it's the senior officers that were in charge of actually identifying—that is my understanding—the actual documents and he'd signed the form. That is what he was saying.

Dr Mellifont: That is what he was saying to you?

Ms Wood: Mm-hmm.

Dr Mellifont: Now a request was made through Mr Cranny for you to locate the excel spreadsheet to which you refer in that paragraph. That request was made by me in the last couple of days and Mr Cranny provided me with a bundle of A3 spreadsheets. You are aware of that occurring?

Ms Wood: I am.

Dr Mellifont: Right. You hesitate?

Ms Wood: Well, I only saw it on the screen. So when I say that he showed me I am actually talking about during the discussion at the meeting with him. I received the excel spreadsheets by myself to figure out. There were two lots. In other words, the first lot I saw was on a computer screen, from memory.

Dr Mellifont: Yes, and that is the excel spreadsheet you refer to in this document?

Ms Wood: Mmm.

Dr Mellifont: And the second set is the documents you received by way of email some time later?

Ms Wood: Yes.

Dr Mellifont: And we spoke about that before lunch?

Ms Wood: Yes.

Dr Mellifont: What I want to hand to you is a photocopy of the bundle Mr Cranny gave me. Did you provide them to Mr Cranny to hand to me?

Ms Wood: Yes. Well, actually they came and got them from me. Essentially—

Dr Mellifont: I missed that, sorry.

Ms Wood: Mr Kunde got them from me.

Dr Mellifont: Oh, okay. In any event, they were handed over to the committee in the last day or so?

Ms Wood: Yes. Of all the spreadsheets I was sent on the 26th, this is the closest to what I saw and could have been it but I am not sure insofar as in column C it has 'access' and it is just blank so I thought that he hadn't filled out that section.

Dr Mellifont: To be clear, of the spreadsheets you were provided by email on 26 July 2012 by Mr Duell, that appears to be the closest—

Ms Wood: To what I saw on the screen.

Dr Mellifont: To what you saw on the screen back in 29 May 2012?

Ms Wood: That is right.

Dr Mellifont: Is that a printout of the documents you received by email on 26 July 2012?

Ms Wood: One of the four, yes.

Dr Mellifont: One of the four. Can I ask that that be tabled? Out of caution, can I ask that it be not for publication at this point in time because I cannot precisely say whether there is sensitive material in there?

CHAIR: Is leave granted? Leave is granted. This is not for publication. It is exhibit 84.

Dr Mellifont: Can I ask that Ms Wood be shown tabled document 25? Ms Wood, can I ask you to assume that that is a comprehensive printout of metadata of Fitzgerald inquiry holdings that was held at the Queensland State Archives?

Ms Wood: Yes.

Dr Mellifont: Can I ask you to flick to where there are some tabs on the right-hand side?

Ms Wood: Yes.

Dr Mellifont: To get a sense of the content of the metadata that was publicly accessible on the internet, can you have a look at a couple of pages? Have you seen that type of metadata before? Have you seen examples of that type of metadata for the Fitzgerald inquiry before?

Ms Wood: I think it is in one of—there are a couple there that are in one of the excel sheets I received, but I am not sure whether they are that sensitive but they are up there.

Dr Mellifont: Having perused a few pages of the metadata you would agree that it contains within it highly sensitive information; correct?

Ms Wood: Yes, definitely.

Dr Mellifont: Had you been aware at any point in time that that kind of data was publicly accessible through the Queensland State Archives that is precisely what you would have wanted to see shut down immediately?

Ms Wood: Absolutely. I would be distressed that that was available.

Dr Mellifont: Sorry, you are pretty distressed that that was available?

Ms Wood: If it was, yes.

Dr Mellifont: It was. Do you accept in hindsight that, if the steps that you and Mr Hutchings had initially suggested to Ms Valeska—that is, to go out to archives and see what was there—had occurred in May 2012, there would have been an immediate shutdown there and then of the type of information that was publicly accessible?

Ms Wood: If Zora had gone out there and inspected that and seen that, yes, we would have.

Dr Mellifont: Steps would have been taken immediately, wouldn't they, to shut it down?

Ms Wood: Yes. I would have thought, though, that the change of the RAP would have done exactly the same thing and that is the assumption obviously that Mr Martin, Mr Hutchings, me and obviously Mr Duell made, which is once the access period had changed from 20 to 65 years this wasn't available, assuming if it was at one stage.

Dr Mellifont: When you say you 'would have thought' that must be with current knowledge, Ms Wood?

Ms Wood: No, at the time that was the whole purpose of making sure the RAP had changed; that there wasn't any sensitive material available out there.

Dr Mellifont: Proceeding on assumptions that in terms of the file database that people are looking at in order to get to the actual documents would have been benign?

Ms Wood: Well, it was an assumption; I just had confidence in the person who was tasked that task knew what they were doing.

Dr Mellifont: It was an assumption that Mr Rigby would know not only what was there but what was publicly accessible by way of the database; is that what you are saying?

Ms Wood: I had no reason to doubt Mr Duell's ability, to be frank.

Dr Mellifont: Mr Duell, I am sorry. Can that document please be returned? Can I ask you to look at this document, please? For the information of the committee, in the last short break this file note was brought to my attention by the representative for the CMC. It is a handwritten file note of Brisbane

26 July 2012. Copies have been made and are being disseminated at the moment. It might be appropriate at this point in time in order to allow everybody the opportunity to read it for Ms Wood to be stood down. A copy has been provided to Ms Wood. Can I ask for a five-minute break before we proceed with the next witness, please?

CHAIR: Is leave granted? Leave is granted. We will adjourn for a short break.

Proceedings suspended from 5.15 pm to 5.47 pm

CHAIR: The hearing is resumed. I call Dr Mellifont.

Dr Mellifont: Thank you, Madam Chair. Ms Wood, what we propose to do is to stand you down until tomorrow. Can I ask, though, for this undertaking. As is apparent from your evidence earlier today, you have provided that large bundle—the A3 bundle—which is one of the spreadsheets which is attached, according to your evidence, to an email by Mr Duell to you on or about 26 July 2012. Now, whether or not that email and the other spreadsheets have already been provided under summons, what I am asking you to do between now and tomorrow when you return is to locate a copy of the email and any other spreadsheet which was attached to it and have that PDF-ed and scanned through via your solicitor to myself and my instructing solicitor. It is on that undertaking that Ms Wood be stood down. Are you prepared to give that undertaking?

Ms Wood: Yes.

Dr Mellifont: Thank you.

CHAIR: On the basis of that undertaking, you are stood down until tomorrow.

Ms Wood: Scanned and hard copy or just scanned?

Dr Mellifont: At least scanned so that we can have it as soon as possible. Feel free to bring the hard copy with you in the morning.

Ms Wood: I have a hard copy here now with me, if you want it.

Dr Mellifont: Very well. I will have it now, then. I will ask that Mr Cranny leave it with my instructing solicitor. Thank you.

CHAIR: You are excused until nine o'clock in the morning. Thank you, Ms Wood.

Dr Mellifont: I call Robert Hutchings and ask that he be sworn or affirmed.

HUTCHINGS, Mr Robert, General Counsel, Crime and Misconduct Commission

Witness was sworn—

Dr Mellifont: Could you state your full name, please?

Mr Hutchings: Robert Russell Hutchings.

Dr Mellifont: And are you currently the general counsel employed in the CMC Legal Services Unit?

Mr Hutchings: Yes.

Dr Mellifont: And for how long have you had that position?

Mr Hutchings: Since August 2011.

Dr Mellifont: Thank you for returning this afternoon. Given the time of day we will stand your evidence down to tomorrow on your undertaking to reappear. Is that convenient to the committee?

CHAIR: It is. Do you give that undertaking?

Mr Hutchings: I do.

CHAIR: You are stood down, thank you.

Dr Mellifont: I call Suzanne Sweeper. I am informed she will be a few minutes. Madam Chair, Ms Sweeper is on her way but I see that Mr Pollock is in the room. I call Mr Mark Pollock, please.

POLLOCK, Mr Mark, Solicitor, Crime and Misconduct Commission

Dr Mellifont: I ask that Mr Pollock be sworn or affirmed.

Mr Pollock: I have been sworn.

Dr Mellifont: You have been sworn? Thank you. You are under your prior oath or affirmation. Mr Pollock, do you have with you an original CMC file?

Mr Pollock: Yes, I do.

Dr Mellifont: And is that a file that you brought to the committee this afternoon?

Mr Pollock: It was delivered here to the precincts of parliament and I collected it from a person who dropped it off here.

Dr Mellifont: And who was that?

Mr Pollock: It was an administrative officer. I am not familiar with his surname. I know him as Scott.

Dr Mellifont: Very well. Prior to it being placed in the hands of the administrative officer, presumably for the purposes of transport to the committee, to your knowledge in whose possession was that original file?

Mr Pollock: I believe it was in the possession of Mr Peter Duell.

Dr Mellifont: And the basis of that belief?

Mr Pollock: Mr Warren Strange telephoned me a bit before the 3 pm resumption and advised me that he had had a discussion with Mr Duell about this particular file and on becoming aware of it I presume Mr Strange telephoned me to let me know that he was sending it down here.

Dr Mellifont: Did Mr Strange indicate to you whether or not Mr Duell had produced that file to him today?

Mr Pollock: Yes. Indeed, there is a note on the cover of the file which indicates that as well.

Dr Mellifont: Can I please have a look at the file and the cover note, please? For the record, there is a memorandum on the file from Mr Strange to Mr Pollock dated 19 March 2013 reading—

This is the file we just discussed on the telephone. Mr Peter Duell handed it to me at approximately 2.55 pm. He advised me that the yellow legal pad notes located in the file at the back are Sidonie's and may be relevant to evidence she has given today.

Can I indicate please for the record and to the committee that the file note to which I made reference just before the last break, which is the file note of Ms Wood dated 26 July 2012, formed part of a yellow/orange notebook which was, as I understand it, located within this file, not secured by the securing mechanism but loose. Documents within that notebook, the yellow file notebook, towards the back, as I understand it, have some information relating to an entirely irrelevant matter. The pages relevant to the file note were removed by me in the presence of Mr Diehm, senior counsel, for the purposes of copies for the committee. Copies have thus been provided. The bundle has been returned to the file. I formally request that this file be tabled and marked not for publication. I observe that it is the original file.

CHAIR: Is leave granted? Leave is granted. It is document 85.

Dr Mellifont: Mr Pollock, in terms of the narrative I have just relayed to the committee, do you have any observation in disagreement or do you have any additional comment to make?

Mr Pollock: No, I do not. I think in terms of the location of that yellow pad within the folder it might have been when it was delivered—at the back of the folder.

Dr Mellifont: And the point in time Mr Duell delivered it to Mr Strange, you believe the location was at the back of the folder?

Mr Pollock: I understand that to be—

Dr Mellifont: But still not secured by means of the securing device? Or you do not know?

Mr Pollock: I think it was in a plastic sleeve.

Dr Mellifont: What makes you think that?

Mr Pollock: I just have a recollection of seeing it in a—it might have been behind a plastic sleeve, but I think there is a plastic sleeve towards the back, near where it was inserted in there.

Dr Mellifont: Is the plastic sleeve itself within the securing device?

Mr Pollock: I do not know.

Dr Mellifont: In any event, you have not altered the file in any way?

Mr Pollock: No.

Dr Mellifont: Thank you. Might Mr Pollock be stood down on his undertaking to return as required?

CHAIR: Do you give that undertaking?

Mr Pollock: Yes.

CHAIR: Then you are stood down.

Dr Mellifont: I call Suzanne Sweeper and ask that she be sworn or affirmed.

SWEEPER, Ms Suzanne, Principal Information Officer, Crime and Misconduct Commission

Witness was affirmed—

Dr Mellifont: Could you state your full name, please?

Ms Sweeper: Suzanne Kathleen Sweeper.

Dr Mellifont: What is your current position of employment?

Ms Sweeper: Principal information officer, Crime and Misconduct Commission.

Dr Mellifont: And how long have you had that position for?

Ms Sweeper: Since January 2012.

Dr Mellifont: Thank you. Ms Sweeper, thank you for your attendance this afternoon. We propose to stand your evidence down, hopefully until tomorrow. So on your undertaking to return I ask for Ms Sweeper to be stood down.

CHAIR: Do you give that undertaking?

Ms Sweeper: I do.

CHAIR: Then you are stood down until tomorrow.

Ms Sweeper: Thank you.

Dr Mellifont: Madam Chair, might I suggest that the hearings for today are adjourned and we will recommence tomorrow morning at approximately 9 am.

CHAIR: These hearings are adjourned until approximately 9 am tomorrow in this chamber.

Committee adjourned at 5.58 pm