



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

THURSDAY, 21 MARCH 2013

Brisbane

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Committee met at 12.18 pm

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

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 representation. 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 this room. We have also resolved to allow the media to take continuous film footage with the traditional conditions that apply.

I ask that mobile phones and 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 witnesses to identify themselves the first time they answer a question asked of them.

The committee is assisted in its inquiry, as I said, by the Acting Parliamentary Commissioner Mr Peter Davis SC and Dr Kerri Mellifont SC. Dr Mellifont is absent at the moment. I now invite Mr Peter Davis SC to continue proceedings with the examination of Ms Mendelle, thank you.

Mr Davis: Thank you. I call Edith Mendelle.

MENDELLE, Ms Edith, Executive General Manager, Crime and Misconduct Commission

Witness was affirmed—

Mr Davis: Could you tell the committee your full name, please?

Ms Mendelle: Edith Mendelle.

Mr Davis: Have you been asked—what is your occupation, Ms Mendelle?

Ms Mendelle: Executive general manager at the Crime and Misconduct Commission.

Mr Davis: How long have you held that position?

Ms Mendelle: Almost two years.

Mr Davis: What was your position before that?

Ms Mendelle: I worked on a contract with the Department of Public Works in relation to a number of high profile projects that I led to their conclusion.

Mr Davis: Very well. Have you been asked to produce some documents, not under subpoena but voluntarily?

Ms Mendelle: I have indeed.

Mr Davis: Do you produce them?

Ms Mendelle: I do.

Mr Davis: Thank you. If they be just not tabled at this stage, but taken into the possession of the committee. Your role of executive—sorry, it was executive what?

Ms Mendelle: General manager.

Mr Davis: Your role as executive general manager, what does that entail?

Ms Mendelle: I lead and manage the strategy and support services function.

Mr Davis: What does that involve?

Ms Mendelle: I have a number of business units, including corporate governance, to ensure compliance with relevant legislation and reporting. I also look after the traditional corporate services business units, including information management. So that entails being—providing leadership, resolving issues such as staffing, budget or any emerging issues that arise.

Mr Davis: In the management hierarchy, to whom do you answer?

Ms Mendelle: I report to the chairperson.

Mr Davis: Mr Duell; do you know him?

Ms Mendelle: Mr Duell is the director of information management.

Mr Davis: Does he answer directly to you?

Ms Mendelle: He does.

Mr Davis: Very well. Just before we get to that, could you have a look at this document for me, please? Is that a CV of yours with some confidential information redacted?

Ms Mendelle: It is.

Mr Davis: Is the CV correct?

Ms Mendelle: It is.

Mr Davis: I will seek to table that CV.

CHAIR: Is leave granted? Leave is granted. It is tabled document 103.

Mr Davis: You are aware that this committee is investigating how certain documents became classified and then released to the public; you're aware of that?

Ms Mendelle: I am.

Mr Davis: When did you first become aware of this as an issue?

Ms Mendelle: Early March, 4th or 5th March.

Mr Davis: Of this year?

Ms Mendelle: That's correct.

Mr Davis: So you weren't involved in any issues in May or September of 2012?

Ms Mendelle: Not to my recollection and certainly not consistent with my records.

Mr Davis: Very well. Assuming that there was some difficulty with the classification of the documents, some issue had arisen, and that knowledge was with Mr Duell, what is the reporting arrangement as between you and he in relation to that?

Ms Mendelle: As he has direct authority to manage the requests and the classifications of the Fitzgerald inquiry records, in that particular capacity he reported directly to the chairperson, not to me, on that particular matter. Having said that, I would have expected to have been informed.

Mr Davis: Why?

Ms Mendelle: Because one of the areas that I manage is corporate governance, which includes risk management. We have a risk incident register which records incidents of risk, of high risk, that I need to attend to or that needs to be delegated to others to attend to.

Mr Davis: None of that works, of course, unless Mr Duell knows that he should report those things?

Ms Mendelle: That's correct.

Mr Davis: What protocols are in place that he would have known of to make him realise that he ought to have reported that?

Ms Mendelle: Everyone in my team is very well aware of the requirement to report on risks and to register that in the risk incident report.

Mr Davis: Did your team include Mr Duell?

Ms Mendelle: It does. In fact, reviewing that register certainly attests to typical information management risks being recorded.

Mr Davis: You say that everybody in your team is aware of that. How do you say that? How do you know that?

Ms Mendelle: Because I make very clear in various meetings that these are responsibilities that we need to adhere to. We have obligations under various legislation to manage risk and, as a member of the risk management committee, I am acutely aware of the need to ensure that my staff are fully informed.

Mr Davis: I appreciate that, but how did you do that?

Ms Mendelle: Through regular meetings, through training.

Mr Davis: What are these meetings? What's the training?

Ms Mendelle: We have various communications forums where we have communicated the various protocols we have in place to manage risks. We have a dedicated corporate governance adviser and it is her task to provide information at those forums.

Mr Davis: Who is the corporate governance adviser?

Ms Mendelle: Karyn Worth.

Mr Davis: These protocols, where are they? They're obviously written?

Ms Mendelle: They are. We have a risk management committee that minutes decisions and notes any business arising out of those discussions and we action those—action items and we report back as to what has been completed.

Mr Davis: But are there protocols that are available to somebody like Mr Duell to actually tell him when he does or does not have to report? You see, we are concentrating on what he knew.

Ms Mendelle: Well, as I mentioned earlier, the risk incident register has captured various risks and incidents that emanated from information management.

Mr Davis: So there is no protocol telling him when he should or should not report risk.

Ms Mendelle: Only through the training that we provide.

Mr Davis: Okay. What training do you provide?

Ms Mendelle: As I mentioned—

Mr Davis: Are these meetings?

Ms Mendelle: As I mentioned, at the various forums we present we provide information, we provide presentations in terms of what is available.

Mr Davis: Right.

Ms Mendelle: And those presentations are in PowerPoint presentations, which are kept in our records.

Mr Davis: So there are these presentations, which are obviously oral presentations, are they?

Ms Mendelle: PowerPoint presentations. So they are actual hard-copy documents and electronic documents that are available.

Mr Davis: So there are no written protocols, though, that support those training sessions?

Ms Mendelle: There are electronic copies as well as hard copies.

Mr Davis: The PowerPoints, you are talking about.

Ms Mendelle: That's correct. These are slides with instructions and information.

Mr Davis: Risk management policy. Do you have a written risk management policy?

Ms Mendelle: We have a risk management charter and we have risk management registers with instructions as to how to complete the register. I'm not at the moment aware of a risk policy, but we do have a risk management framework and a risk management charter.

Mr Davis: All right. Well, the risk management charter, is that available to all members—no, that's obviously a written document, a charter?

Ms Mendelle: Yes, it is.

Mr Davis: And is that available to people like Mr Duell?

Ms Mendell: Yes, it is.

Mr Davis: Has he read it, to your knowledge?

Ms Mendelle: No, I am not aware, I cannot speculate.

Mr Davis: Isn't it your job to make sure that he is aware of what's in it?

Ms Mendelle: I make people aware of the information that's available. We discuss various risk management issues regularly at the section managers meeting that we have on a monthly basis. Matters are raised during those meetings and certainly it is very clear at those meetings what the requirements are. I personally don't—

Mr Davis: What are the requirements?

Ms Mendelle: That risks are identified and recorded and managed.

Mr Davis: But it must be that risks are identified, ordered and managed in a particular way and that would be in the charter; is that right?

Ms Mendelle: Not in the charter, no.

Mr Davis: Where?

Ms Mendelle: The risk management committee meets regularly—

Mr Davis: No, no, no. Is there a central document which deals with risk management? The only one you have identified is the charter. Please stop talking about the committee, because Mr Duell doesn't attend those meetings, does he?

Ms Mendelle: No, he doesn't, but the minutes are—

Mr Davis: So he doesn't know.

Ms Mendelle: The minutes are available.

Mr Davis: Right.

Ms Mendelle: And through our intranet we always ensure that any new material that is posted on the intranet comes up as very clear so people know what's new on the intranet.

Mr Davis: Has Duell ever reported risk matters?

Ms Mendelle: He has reported it to me, which was then subsequently recorded in the risk incident register. So, for example, when we had had issues with our ICT infrastructure, he would report those directly to me and then I would notice that it went on to the risk register and various others—for example, when our telephone system was down and people couldn't call the CMC and, in fact, people called the PCMC, that matter was brought to my attention by Mr Duell and also—

Mr Davis: When was that?

Ms Mendelle: May I look at my notes, please?

Mr Davis: Certainly. What is that document that you are looking at? It is a folder of what? What have you brought with you?

Ms Mendelle: I have brought a folder of matters that I am aware of in case the PCMC would like that information to be clarified. As you must appreciate, I don't recall every single matter that I

need to deal with. So I brought my records in case it would assist the PCMC for me to answer a particular question that I may not recall.

Mr Davis: So what records are in there, though? What documents? Are they emails? Are they file notes? Are they diary entries? What are they?

Ms Mendelle: There are policies. I do have a briefing note since I have been made aware of the incident in May in 2012 and more recently in March 2013. I have requested a copy of that memorandum so I am aware of what transpired. So these are really to jog my memory. There is a copy of the CMC strategic risk register, which is quite extensive. There is also the risk incident reporting registers.

Mr Davis: Does it include a copy of the charter, the risk charter?

Ms Mendelle: No.

Mr Davis: Is that available? That would not be available on the internet, presumably.

Ms Mendelle: Not on the internet, no, but I can make that available.

Mr Davis: You can make that available?

Ms Mendelle: Yes.

Mr Davis: All right. So what seems to be the case is that there's this charter but there's no procedure in place to actually ensure that everybody has read it.

Ms Mendelle: Not apart from what I have already mentioned.

Mr Davis: When there is a risk management issue—when an event occurs—what is the procedure for reporting it?

Ms Mendelle: An email is generated to the person in charge of the risk register, which is Ms Karyn Worth, as I mentioned before, and then that is recorded in the register. It is brought to my attention. It is also brought to the attention of the risk management committee.

Mr Davis: Right. The protocols for that—that an email must be sent and must be sent to this lady Worth—where is all that written down?

Ms Mendelle: There would be instructions on the actual risk register itself. It is available on the intranet through our buttons—through a particular tab. So we have made it as easy as possible for people to report. So it is quite visible and, as I mentioned before, we did undertake training to make people aware of this particular process.

Mr Davis: Could the witness please see exhibit 6? It is actually items 2 and 3. Now, there are two documents there.

Ms Mendelle: Yes, there are.

Mr Davis: And if you look at each of them, you will see a heading 'Issue 1—Incorrect Restricted Access Period.' Do you see that on both of them? A heading?

Ms Mendelle: Sorry.

Mr Davis: Perhaps we have the wrong document. Can I have a look? Sorry, 26 is the exhibit number and it is documents 2 and 3 in the bundle that the committee has. This might be a bit easier now that I have given you right documents. You will see that there are two documents.

Ms Mendelle: Yes.

Mr Davis: And on the top of each of them it is headed, 'Issue 1—Incorrect Restricted Access Period.' Do you see that?

Ms Mendelle: Yes, I do.

Mr Davis: Now, just concentrate, please, on that part of each document—that is the table on the top of each document—and ignore the issue 2 table on each document; do you see that?

Ms Mendelle: Yes.

Mr Davis: Now, if you look at the issue 1 table in each document you will see that on one of the documents there is an entry in May and in the other there is not—May of 2012. Do you see that?

Ms Mendelle: I don't see anything mentioned about May.

Mr Davis: Give me the documents.

Ms Mendelle: The second page does have an entry for May.

Mr Davis: Good. That's the page I want you to concentrate on, okay? Could you just read the entries for May and September.

Ms Mendelle: 'Director Information'—

Mr Davis: No, just to yourself, sorry.

Ms Mendelle: I have concluded.

Mr Davis: All right. Now, have a look at the entry that you have just read, 29 May 2012 to 8 June 2012. That event, which is mentioned there, did you know anything about that in May and June 2012?

Ms Mendelle: Not to my recollection.

Mr Davis: All right. Have a look at the entry for 19 September. Did you know anything about that in September 2012?

Ms Mendelle: Not to my recollection.

Mr Davis: Is it your evidence that those two matters—the ones of May and September 2012—first came to your attention in March 2013?

Ms Mendelle: That's my understanding, yes.

Mr Davis: Very well. Just have a look at this document for me, please. This is item 6 in the committee's bundle and it is a transcript of 14 March 2013 before this committee and it is pages 46 and 47. Now, this is evidence that Mr Duell has given to the committee, Ms Mendelle.

Ms Mendelle: Yes.

Mr Davis: I would like you to read to yourself the passage which commences on page 46. You will see about a quarter of the way down there is a question by me—

We now get to September. Mr Krosch—

Do you see that?

Ms Mendelle: Yes.

Mr Davis: If you could read to yourself from there to over the page at 47 about halfway down you will see I say—

And only at these fortnightly meetings?

And Mr Duell says—

Correct.

Do you see that?

Ms Mendelle: Yes.

Mr Davis: Could you just read that passage to yourself and then tell me when you have read that, please?

Ms Mendelle: I have read it.

Mr Davis: The first thing I would like to ask you is this. Mr Duell speaks about having fortnightly meetings with you?

Ms Mendelle: That is correct.

Mr Davis: They do occur with him?

Ms Mendelle: They do occur.

Mr Davis: He says at the bottom of page 46 that there were not minutes kept of the meetings. Is that right?

Ms Mendelle: I took notes.

Mr Davis: The next thing he says is 'no, but she'—a reference to you 'took notes'?

Ms Mendelle: That is correct.

Mr Davis: So is he right about that?

Ms Mendelle: Yes.

Mr Davis: Those notes, are they handwritten or are they fed into a computer or what happens?

Ms Mendelle: They are handwritten and I retain them for my records. They are not verbatim.

Mr Davis: No, well, they are obviously just notes of the substance of the conversations you have had in meetings?

Ms Mendelle: That is correct.

Mr Davis: Is that fair enough to describe them?

Ms Mendelle: That is correct.

Mr Davis: Where are they?

Ms Mendelle: They are in my office in a highly protected filing cabinet.

Mr Davis: Very well. You are happy to produce those?

Ms Mendelle: Yes.

Mr Davis: Now, he says that he disclosed to you the issue which emerged in September, which was one of these reclassification problems. You do not recall that?

Ms Mendelle: I do not recall and my notes do not record it.

Mr Davis: You have looked at the notes, have you?

Ms Mendelle: Yes, I have.

Mr Davis: And the notes do not record it?

Ms Mendelle: No, they do not.

Mr Davis: You did not bring the notes of that meeting, though?

Ms Mendelle: I did not. If you specify—

Mr Davis: Have you seen this transcript before? Have you seen the transcript before?

Ms Mendelle: No, I have not.

Mr Davis: Were you aware of this evidence before?

Ms Mendelle: I was aware.

Mr Davis: So you were aware that Mr Duell had told this committee that he told you about the September problem and that you kept notes but you did not bring the notes?

Ms Mendelle: I was not requested to bring the notes.

Mr Davis: Well, you brought a whole stack of other stuff.

Ms Mendelle: That is to prompt my memory. Could you please specify which particular notes you want me to bring? There is a series of notes.

Mr Davis: Well, you would bring notes which you have made in your meetings with Mr Duell at any time after September—including September and thereafter of 2012, but you have checked those notes, anyway, have you?

Ms Mendelle: I did.

Mr Davis: And there is no definitely no note of a conversation such as Mr Duell has given evidence about?

Ms Mendelle: There is no reference.

Mr Davis: If Mr Duell had spoken to you in September or at any time thereafter concerning the wrong classification of Fitzgerald documents, is that the sort of thing you would have noted?

Ms Mendelle: Yes.

Mr Davis: Is it also the sort of thing that would have generated an entry in the risk register?

Ms Mendelle: Yes.

Mr Davis: Have you checked the risk register?

Ms Mendelle: Yes.

Mr Davis: Is there any entry in the risk register of this issue in September?

Ms Mendelle: No.

Mr Davis: And you have the risk register with you?

Ms Mendelle: I do.

Mr Davis: Very well. Could you return those documents, please, and I will show you this document, exhibit 6, which are the documents in 4 and 5 of the tabs. Have you seen those documents before?

Ms Mendelle: I have.

Mr Davis: When did you see those for the first time?

Ms Mendelle: Either 4 or 5 March this year.

Mr Davis: Well, the first one is dated 7 March?

Ms Mendelle: Early March—the last—

Mr Davis: And the second one is dated 13 March. So it is unlikely you saw either on the 4th or 5th; do you agree with that?

Ms Mendelle: I saw them together. They were given to me together in the most recent couple of weeks.

Mr Davis: You have had an opportunity to look at them?

Ms Mendelle: Yes, I have.

Mr Davis: And to consider them?

Ms Mendelle: I have.

Mr Davis: Is there anything in either of the two documents that you disagree with?

Ms Mendelle: To the extent that I know about it, no. It is not something that I investigated.

Mr Davis: Very well. If you have a risk management system, as you say that you have, obviously when a matter goes onto the register—so it is reported and it is entered into the register. That is how it works, isn't it?

Ms Mendelle: Yes.

Mr Davis: What happens then? It is reported to you I understand?

Ms Mendelle: Yes, it is reported to me. I would discuss it, investigate it, raise it with the Executive Leadership Group and seek a resolution.

Mr Davis: Very well. Are there any protocols written about that side of the process as to how it is to be handled once it is on the risk management register?

Ms Mendelle: Not that I am aware.

Mr Davis: Very well. The risk management arrangements that are within the CMC obviously do not just apply to you; they would apply to Legal Services Unit as well, presumably?

Ms Mendelle: It applies to the whole commission, yes.

Mr Davis: The Legal Services Unit does not answer to you though, does it?

Ms Mendelle: No, it does not.

Mr Davis: Very well. But to your knowledge there are no written protocols in relation to any of that other than the charter?

Ms Mendelle: At the moment I cannot recollect.

Mr Davis: Very well. They are the questions I wish to ask Ms Mendelle.

CHAIR: Thank you, Ms Mendelle. Can you just tell me, if you will, who is on the risk management committee?

Ms Mendelle: We have an external chairperson who has expertise in risk management

CHAIR: Who is that?

Ms Mendelle: Ms Marita Corbett from BDO Partners. There is a part-time commissioner, Judith Bell. There is the general counsel, internal auditor—

CHAIR: And who is that?

Ms Mendelle: Brendan Clarke. Obviously myself, Ms Karyn Worth, who is the corporate governance adviser. I cannot recall the others I am afraid.

CHAIR: There is another person?

Ms Mendelle: There would be a few. I am thinking of Mr Andrew Stapleton from the Electronic Collections Unit but I cannot be certain.

CHAIR: You meet how often?

Ms Mendelle: We used to meet monthly during—certainly during calendar year 2011—and then we reverted to quarterly meetings.

CHAIR: Do you deal with much business?

Ms Mendelle: I beg your pardon?

CHAIR: Do you deal with much business?

Ms Mendelle: Yes, we do. It is quite an extensive meeting. It is 2½ hours long. If I need to, I can call a meeting out of session.

CHAIR: Okay. Mr Davis has asked you to bring your notes from September and thereafter. Would you also be able to produce your notes from May 2012—between May 2012 and September?

Ms Mendelle: Yes, I can.

CHAIR: Thank you very much.

Mr DOWLING: Good morning, Ms Mendelle. Your areas of responsibility in part of your brief explanation of the role and the function you perform is that of governance; is that correct?

Ms Mendelle: Yes.

Mr DOWLING: And particularly in regards to Peter Duell. He is one of your subordinates, one of your employees who reports to you directly?

Ms Mendelle: That is correct.

Mr DOWLING: How was it possible that his authorities lapsed from July 2012 through October 2012—'11 sorry?

Ms Mendelle: I beg your pardon?

Mr DOWLING: How is it that his authorities to access the archives lapsed?

Ms Mendelle: I was not aware that it had lapsed. It certainly was not brought to my attention. I only heard about it recently.

Mr DOWLING: But surely with your role being in charge of the governance of the organisation, it is about all of those matters of detail and integrity and to ensure that all of these processes are followed and yet, clearly, this one fell through the cracks. I cannot understand it.

Ms Mendelle: I agree with your point. It is also that I cannot understand it. It was not brought to my attention and so, consequently, I was not alerted to the issue.

Mr DOWLING: Did you find out about it at the time, or is this news to you—

Ms Mendelle: It is news to me.

Mr DOWLING:—or has it come out since March—

Ms Mendelle: It is news to me.

Mr DOWLING:—since the beginning of this hearing?

Ms Mendelle: That is correct.

Mr DOWLING: So there was a serious breach in operational procedures inasmuch as the director of information could not actually perform the function that he was charged with because he did not have access, and at that time he bypassed you to get sign-off from the chair to re-engage it or to reinstate his authority and yet did not report to you when you meet fortnightly. Would you see that as quite a glaring oversight from someone in his position to not bring that to your attention?

Ms Mendelle: He had direct authority from the chairperson in this particular role. I cannot speculate why he did not report it to me.

Mr DOWLING: I will move to another matter now, that of Warren Strange whose authority to act as chair also lapsed for some period—I believe it was from late last year through until March when it was discovered—in spite of him acting in that role. Is that something that would come to you as the person responsible for governance again, or does the chair and acting chair authorities not fall under your watch? Do you only operate the governance role from that second tier or third tier of the organisation down, or is it the entire organisation?

Ms Mendelle: The due process for that particular matter was to ensure that the Legal Services Unit was managing those particular matters in a timely manner. Having said that, we did

have a director of the Office of the Commission role, who was specifically to look after the commission's governance activities, which this particular matter falls under. However, with the resignation of the person in that role and, subsequently, the abolishment of that position, it did fall through the cracks.

Mr DOWLING: When did that occur?

Ms Mendelle: The particular officer, I believe, resigned in November or December last year.

Mr DOWLING: That is fairly critical. I do not recall, what time did Warren Strange's authority lapse? I thought it was October/November last year.

Ms Mendelle: I do not know for sure, I am sorry.

Mr DOWLING: What I am hearing is almost some duplication as well. Your role is responsible for governance yet within another wing there are other governance roles and responsibilities. Do you think they have a charter? Do you think they have some structures in place that you might not? Are they operating in a similar—I do not know the words to use to be honest, Ms Mendelle, and I do not want to be insulting or hurtful, but it seems very ad hoc. It does seem that there is no proper process. Do you think the rest of the organisation has structures in place?

Ms Mendelle: We have a governance manual which outlines precisely the roles and responsibilities in relation to the chairperson, the part-time commissioners and the commission as a whole. So that is very clearly articulated. We have had previous governance reviews and recommendations which were adopted and that is also readily available. So certainly there would be visibility as to what the demarcations were.

Mr DOWLING: Just in regard to your risk folder or the alerts when things go wrong, you said you brought a folder there to prompt your memory in case we asked about them. I am not sure of the sensitivity of those risks and whether or not you can articulate them in this open forum, but I wonder if there is some way you can give me a bit of a flavour for what constitutes a risk. Are there items in there that are not hypersensitive that you can give me a one- or two-line response as to what the incident was? You mentioned the phones shut down at the CMC for some time—a technical failure obviously. What other sorts of things might flag a risk within the organisation that actually gets to you?

Ms Mendelle: Examples would include typically risks to our infrastructure such as, for example, the flooding of our basement, which also houses our main switch, thereby posing a risk to our power supply.

Mr DOWLING: Right. So flood. I presume that was back in the recent flooding in Brisbane, in the last two or three years?

Ms Mendelle: We also get flash flooding when there is a significant downpour. That occurred more recently.

Mr DOWLING: So it is a regular occurrence?

Ms Mendelle: It happens frequently.

Mr DOWLING: Yes.

Ms Mendelle: There is a sensitive matter that I cannot raise.

Mr DOWLING: Just go over those.

Ms Mendelle: A staff member would lose their security token and that would pose a risk in terms of access to our premises.

Mr DOWLING: I am wondering, Ms Mendelle, if it might be easier if that document were tabled and kept confidential—that the committee might be able to use that in their decision making.

Mr Davis: I was actually going to ask that the document not be tabled at this point but just taken into the possession of the committee.

CHAIR: Are you prepared to do that?

Ms Mendelle: Yes.

Mr Davis: For further consideration and then we can make submissions about it in due course.

CHAIR: Thank you.

Mr DOWLING: Thank you, Madam Chair. I have nothing further.

CHAIR: Member for Beaudesert?

Mr KRAUSE: Ms Mendelle, thank you for attending today. You said you have been in your role as executive general manager for about two years. I believe one of the areas of responsibility you referred to was compliance with legislation.

Ms Mendelle: That is correct.

Mr KRAUSE: Could you just give the committee a brief outline of what particular legislation your role is responsible for ensuring the CMC adheres to?

Ms Mendelle: Compliance with the Financial Accountability Act, the work health and safety legislation, the CM Act section 260 reporting requirements on our performance. Those are the ones that come to mind.

Mr KRAUSE: I will ask you whether you are responsible for ensuring compliance with the Right to Information Act.

Ms Mendelle: No, it does not.

Mr KRAUSE: And section 62 of the Crime and Misconduct Act relating to—

Ms Mendelle: No.

Mr KRAUSE: So your role is not responsible for adherence to that legislation but the director of information management, who is directly responsible for the release of documents or dealing with records, would need to be acting in compliance with the legislation, presumably. But you are not responsible for that?

Ms Mendelle: I am not responsible, but clearly every CMC officer needs to comply with the act if relevant.

Mr KRAUSE: So can I just ask, too: obviously Mr Duell was one of the people who directly reported to you in information management. What other officers in the CMC report to you and which sections are they responsible for?

Ms Mendelle: Excuse me for a moment. I need to confer with my lawyer. The manager of corporate governance reports to me. My finance manager, communications manager, human resource manager and the director of information management. He is my most senior officer.

Mr KRAUSE: In relation to the issue we are talking about, did Ross Martin or the acting chair, when Ross was on leave, ever speak to you about this matter?

Ms Mendelle: Not to my recollection.

Mr KRAUSE: Because we have testimony where Mr Duell and Ross Martin have said that they communicated about the issue. Did Mr Duell go over your head to talk to Ross about that issue?

Ms Mendelle: There are instances where, for example, my HR manager can go directly to the chairperson with sensitive information that I need not know about. In terms of Mr Duell, he had the authority to manage the Fitzgerald inquiry records. I would have expected to be advised so that I could manage any risks associated with it, but to my knowledge that was not communicated to me.

Mr KRAUSE: So if you are not responsible for governance under section 62 and the RTI and other legislation which applies to Mr Duell and records, who is? If you are not responsible for him being abreast of these requirements and his obligations, who is? Is anybody responsible for it?

Ms Mendelle: If I may answer the question, the RTI coordinator was under the corporate governance area, which reported in to me until the restructure that occurred with the appointment of the director of the office of the commission, and subsequently the RTI coordinator reported directly to the director of the office of the commission.

Mr KRAUSE: Okay.

Ms Mendelle: And currently the RTI function has been moved to the Legal Services Unit.

Mr KRAUSE: Okay. We will just talk about records management, then. You have made reference to the risk management charter. When Mr Duell commenced his role as director of information management, did he have to sign an acknowledgement that he has read the risk management charter or that he has read any other written documents that are in existence in relation to how that risk management works?

Ms Mendelle: Mr Duell started with the CJC/CMC some 15 years ago.

Mr KRAUSE: I understand that, but when he became the director of information management.

Ms Mendelle: Not that I am aware.

Mr KRAUSE: And when new people start in departments which are under your responsibility, are they required to read risk management documents and to acknowledge that they have read them? That is standard practice in many roles I have been in before this role—to acknowledge all the policies of the organisation upon commencement.

Ms Mendelle: We have a code of conduct which obligates CMC officers to be cognisant of the different policies and practices. Risk management is not isolated; there is a group of policies and procedures with which CMC officers are obligated to be familiar. We also undertake, as I mentioned earlier, appropriate training and refresher training and we also provide regular communication as to risk management issues.

Mr KRAUSE: But you have not answered my question. When a new employee commences—when they walk through the door on the first day—are they required to have all of this information disseminated to them and acknowledge that they have understood and read these documents?

Ms Mendelle: There is an induction package which contains the various policies but, as I mentioned, risk management is not singled out.

Mr KRAUSE: Is it included?

Ms Mendelle: Just general reference to policies—CMC policies and procedures, not risk management policies and procedures.

Mr KRAUSE: So risk management is not mentioned in their induction?

Ms Mendelle: Not in isolation, no.

Mr KRAUSE: What, is it blended in with everything else?

Ms Mendelle: We have a suite of policies and procedures that are extremely important and every one of them should be read.

Mr KRAUSE: I am just trying to get a grip on how employees at the CMC become educated in assessing risk and identifying risk, because Mr Duell has not, from your evidence, made any entries in the risk management register. He has not reported this to you. So as we understand it, he did not think there was any risk involved with what was going on. That may well be the case in fact, but I just wanted to understand what has led to this and what the policy of the CMC is in relation to dealing with this. You also mentioned there is no protocol or procedure for dealing with things which are then entered on the risk management register. Could you tell us why—how it works?

Ms Mendelle: May I correct my former statement. We do have a process that is documented that relates to our strategic planning, operational planning and business planning. Part of that process is to identify risks and to note the risks. We have a risk management framework that helps to identify and classify risks including the mitigating strategies established. So there are various levels of risk—

Mr KRAUSE: That is okay, and I understand where you are going with that. It all sounds preventative. But once a risk is identified, how do you deal with that to remove it? Is there a defined process?

Ms Mendelle: When there is a risk identified—and bear with me, I am trying to answer your question. When there is a risk identified and it is placed on a risk register at business unit level, operational level or strategic level, it is a requirement that mitigating strategies are put in place. We review the risk registers regularly and we determine at every single review whether the classification of that risk is appropriate, whether we have mitigated that risk, reduced that risk or eliminated that risk. That is done on a regular basis at various levels.

Mr KRAUSE: Would you be able to provide us with a copy of the risk management charter?

Ms Mendelle: Yes.

Ms TRAD: Sorry, what level is Mr Duell within the organisation?

Ms Mendelle: He is an SES 2.

Ms TRAD: An SES 2. Can you just give us a ballpark on what that salary would look like, please? I don't want his exact salary; I just want the bracket, I suppose. Less than \$150,000? More than \$150,000?

Ms Mendelle: I think around—that would be a ballpark—but I would have to check to confirm.

Ms TRAD: And in most organisations do you think that someone at an SES 2 level would require so much spoonfeeding in terms of understanding the policies and procedures in risk management?

Ms Mendelle: I would not expect that. On the contrary. If I may say, I consider Mr Duell a very competent operator. He has extensive experience in the industry and I respect his knowledge. I would just like to make that personal comment.

Ms TRAD: Okay. Thank you. I have no further questions.

CHAIR: Thank you, Mr Davis, do you have any further questions?

Mr Davis: A couple of things. Could you have a look at this document for me, please? Is that the risk incident register that you have produced?

Ms Mendelle: Yes, it is.

Mr Davis: Given that Mr Dowling asked some questions specifically about that document it is appropriate, in our submission, that that document be tabled but that it be marked not for publication.

CHAIR: Is that because of the sensitivity of the material that is in it?

Mr Davis: Yes. This witness has actually identified a couple of entries which are sensitive. The matter could be perhaps reviewed and some consideration given to lifting the non-publication order, but it should be put in place, in our submission, at the moment.

CHAIR: So the motion is that the document be tabled subject to, in the first instance, a non-publication order and that is to be reviewed by the committee. Those in favour? It is carried. It will be document 104.

Mr Davis: Ms Mendelle, you mentioned executive management meetings.

Ms Mendelle: Yes.

Mr Davis: Now, who attends the executive management meetings?

Ms Mendelle: Are you referring to the management meetings with my staff? With my managers? My immediate direct reports?

Mr Davis: No, you referred to executive management meetings, presumably at the highest level of the organisation.

Ms Mendelle: The executive leadership group meets weekly and the proceedings are minuted.

Mr Davis: Yes. Who attends them?

Ms Mendelle: The chairperson, the assistant commissioners of Crime and Misconduct, the manager of corporate governance and myself.

Mr Davis: And they are all minuted?

Ms Mendelle: And they are minuted.

Mr Davis: Now, at any of those meetings were the issues which we now know arose in May and September mentioned? You attended them all?

Ms Mendelle: I believe not.

Mr Davis: You attended them all, I assume?

Ms Mendelle: Yes, I do. My recollection is no and we have conducted investigations and to my knowledge that matter has not—was not recorded.

Mr Davis: Well, when you say you conducted investigations, that means that someone has looked at the minutes.

Ms Mendelle: That's correct.

Mr Davis: Very well. Thank you. That is all the further questions I have.

CHAIR: Thank you. You are stood down on your own undertaking to reappear if required. Will you give that undertaking?

Ms Mendelle: I do.

CHAIR: Thank you. Thank you, Ms Mendelle. Will we call Mr Strange?

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Ms Mendelle: I seek clarification in terms of the copies of the notes that you would like me to provide. Are they to be inclusive of all my meetings, or those specific to Mr Duell? Thank you.

Mr Davis: Just in relation to Mr Duell. We will take custody of those for the moment and give you a copy.

Ms Mendelle: Yes, I understand.

CHAIR: Mr Davis?

Mr Davis: Yes, I do not think Mr Strange has been sworn.

STRANGE, Mr Warren Geoffrey, Acting Chairperson of the Crime and Misconduct Commission

Witness was sworn—

Mr Davis: Yes, could you tell the committee your full name, please?

Mr Strange: Warren Geoffrey Strange.

Mr Davis: And what is your current position?

Mr Strange: Currently, I am acting in the role of chairperson of the CMC.

Mr Davis: How long have you been acting in that role? I know you have acted before in that role, but in this current tranche how long have you been acting?

Mr Strange: My current stint commenced on Friday, 15 March.

Mr Davis: Before that stint started, what was your role in the CMC?

Mr Strange: My substantive position is as the Assistant Commissioner, Misconduct.

Mr Davis: Now, you have had two periods of employment with the CMC, haven't you?

Mr Strange: Yes.

Mr Davis: When was the first one?

Mr Strange: The first period commenced in August 1992. I started as a base level legal officer and I held various roles over the years. I was an executive legal officer when I left in November 2004.

Mr Davis: And you then went to the Legal Aid office, didn't you?

Mr Strange: That's right. I worked—I had a position as the director of criminal law services there for five or six years.

Mr Davis: And when did you return to the CMC?

Mr Strange: Middle of June, 2010.

Mr Davis: Very well. Now, you are aware that this committee is engaged in an examination of the circumstances concerning the reclassification of certain documents from the Fitzgerald inquiry?

Mr Strange: Yes.

Mr Davis: When did you first become aware that this was a problem—not that the classification was occurring, but that it was a problem?

Mr Strange: In terms of recent events?

Mr Davis: Well, when did it first come to your knowledge that there was anything untoward about the classification?

Mr Strange: I think I first became aware that it was a problem, or there were problems, Tuesday, about a fortnight ago. That might have been Tuesday, 5 March.

Mr Davis: Very well. And then you appeared before this committee with Mr Martin shortly thereafter?

Mr Strange: Yes, events unfolded that afternoon. We began to have some preliminary appreciation of the problems, which also at that stage involved the apparent shredding of Fitzgerald inquiry records. I spoke that evening, or late in the afternoon, with the chairperson of the committee at the request of Mr Martin and, yes, I then was heavily involved in matters over the coming days after that.

Mr Davis: Very well. Now—

CHAIR: Excuse me if I can, there is just a procedural matter that I have overlooked. We have had a number of different solicitors and counsels representing and assisting the witnesses, but I do not believe your counsel assisting has actually sought leave.

Mr Strange: Right. I seek that leave. Appearing here with me is Mr Michael Copley, senior counsel.

CHAIR: Thank you. Is leave granted? Leave is granted. My apologies for the oversight, Mr Davis.

Mr Strange: Thank you, madam chair.

Mr Davis: Now, you have prepared a statement to assist the committee, haven't you?

Mr Strange: Yes.

Mr Davis: Do you produce that document?

Mr Strange: I do. I have the original signed copy here.

Mr Davis: Right. And that document is one that was signed by you on 20 March, which was yesterday?

Mr Strange: Yes.

Mr Davis: And that is a statement that was prepared by you with access to legal advice?

Mr Strange: Yes.

Mr Davis: And it is obviously a considered statement. It is one that you have taken some time to put together?

Mr Strange: Yes.

Mr Davis: Do you swear that everything contained in the statement is to the best of your knowledge true and correct?

Mr Strange: To the best of my knowledge, yes.

Mr Davis: I seek to table that document.

CHAIR: Is leave granted? Leave is granted. It is document 105.

Mr Davis: I may take you back to that statement shortly. Could the witness please see exhibit 21? That should be a letter from Steve Bishop addressed to you. Yes. Sorry, it is in the bundle at 6.

Mr Strange: It's a letter from Steve Bishop addressed to me.

Mr Davis: Very well. Do you recall receiving that letter?

Mr Strange: I don't recall seeing that letter until in recent days.

Mr Davis: Very well.

Mr Strange: I don't recall receiving it at the time of November 14, 2011.

Mr Davis: In the ordinary course, would it have come to your attention?

Mr Strange: Probably not. There are protocols within the office of the chairperson about handling incoming correspondence.

Mr Davis: What are they relevantly to this document?

Mr Strange: My understanding is that matters—letters—from members of the public where there is an existing file would ordinarily not come to the chairperson in the sense that many complainants will direct their correspondence to the chairperson and there needs to be a process of other people dealing with them. Letters like this would come in. They would be registered in the document management system. A search would be undertaken to identify if we have any holdings in relation to Mr Bishop. A file would be identified and it would be placed on the file and normally sent to the case officer. Letters addressed to the chairperson from senior public servants, senior police officers, members of parliament, those sorts of letters go directly to the chairperson. But I don't believe I have seen this and I haven't certainly noted the document.

Mr Davis: Very well. So to the best of your knowledge—and I appreciate you may have had some fleeting glance of the document at some stage—but to the best of your knowledge now, the first time you saw it was March of this year?

Mr Strange: Yes. I have at some stage had a look in brief detail through the material that has been provided to the committee, but I don't believe I have seen that before and my normal practice in either role—my substantive role or when I am acting as chairperson, particularly in that acting as chair role—once or twice a day I would meet with the executive assistant, Ms Viki Graham. We would do what we call an intray. We would go through the correspondence. I would look at each document. She would hand it to me and explain what it was. I would have a read of it and I would note on documents where they were to go. I would write a note to whoever was to receive the document and give them some instruction about a draft response, or something like that, date and sign the original document.

Mr Davis: Now, this document clearly enough calls for some sort of action in relation to documents that are classified. Do you see that?

Mr Strange: I'll just have a read of it. I haven't read the full detail of it. Yes, he's is certainly referring to a history of contact.

Mr Davis: Now, what you have told us then is that this document may not have come to your attention. It would be sort of sent sideways to somebody to deal with. So, presumably, it would go into the records management section—something like this?

Mr Strange: It would go to the case officer, yes. There is a file reference—the top reference is a file reference for an administrative file created in 2011. The second reference is a TRIM document management system reference, which is just the document number.

Mr Davis: And that file would be a records management file, would it?

Mr Strange: I understand it is, but that is only from recent knowledge.

Mr Davis: You understand it is, but you cannot tell that fact, for instance, from the file number?

Mr Strange: No, beyond the fact that it is an administrative file as opposed to—we have a different initial identifier for misconduct files, for instance.

Mr Davis: Very well. I will get that document back from you. Could the witness please see exhibit 18, which is document 7 in the bundle?

Mr Strange: Yes.

Mr Davis: This is an email from Mr Rob Hutchings, general counsel—

Mr Strange: Yes.

Mr Davis:—to Peter Duell. You obviously know Peter Duell?

Mr Strange: Yes.

Mr Davis: And to other people including you?

Mr Strange: Yes.

Mr Davis: Do you recall receiving this email?

Mr Strange: Yes, I recall reading it. It may not have been on that day that it was sent to me because I worked out yesterday that I had started Christmas leave on that Friday. But I read it around that time.

Mr Davis: Very well. I just want to take you through this document because it seems from your statement that you had a certain understanding of what was to be declassified and I assume—and perhaps I should not assume—that your understanding stems from this email?

Mr Strange: Yes.

Mr Davis: Yes.

Mr Strange: And this email, as is apparent from the face of it, followed a discussion that Mr Hutchings and I had had.

Mr Davis: What was that discussion? Where was it? Do you actually remember it? Do you remember where it was held, for instance?

Mr Strange: As chairperson there is a series of standing weekly meetings with other senior officers of the commission. They would ordinarily occur in the chair's office. One of those standing meetings was with Mr Hutchings, just an hour set aside each week. If we needed to catch up about issues the meeting would occur.

Mr Davis: So it was one of those meetings?

Mr Strange: I suspect it was. I could not be unequivocal about that.

Mr Davis: Were there notes kept of those meetings?

Mr Strange: I have no notes that I have been able to locate relevant to the meeting where we discussed these issues.

Mr Davis: Normally are notes kept?

Mr Strange: No. My normal practice in those sorts of meetings I may take a note if there was something that I needed to take on to another meeting or to talk to somebody else about. Otherwise, it would be a discussion, more of a catch-up about issues. I would not habitually take notes unless there was a particular need to jog my memory about something that I had to do later on.

Mr Davis: So we can take it also that there are no minutes generated by this sort of meeting?

Mr Strange: No, they were not formal meetings in the sense of any agenda or anything like that. It was just set aside to catch up and talk about issues if there was a need.

Mr Davis: Sometimes there are notes kept if there is something that has to be actioned? That is your evidence?

Mr Strange: My practice was to keep a work book, just a spiral binder, which I have for that—or at least part of that—period and I have found no note of this particular meeting.

Mr Davis: Can you now recall what the substance of your conversation was with Mr Hutchings about this topic?

Mr Strange: I can recall having a conversation with Mr Hutchings. It was about access to the material from the public hearings of the Fitzgerald inquiry. I learned that he had been—he had had earlier discussions with Judge Moynihan when he was chair.

Mr Davis: When you say you learnt about those discussions, did you learn about those discussions from Mr Hutchings during this conversation with him?

Mr Strange: Yes, I believe so. I have not had any discussions with Mr Moynihan directly about things—these issues.

Mr Davis: Very well. Do you remember anything else about the conversation relevant to the committee's determinations?

Mr Strange: We discussed the fact that we were both of a mind that the public transcript of the Fitzgerald inquiry held by the CMC—we thought that was a document, or I was told that was a document that was available to the public, at least from one other source. And it seemed to us to be a fairly straightforward issue that the CMC should not be withholding access of that record from interested members of the public given that it was a public record. There is an ongoing interest in the Fitzgerald inquiry. The material on our website about the Fitzgerald inquiry is one of the most visited pages. So I was aware of that.

Mr Davis: It is hardly surprising really, though?

Mr Strange: No, there is still a lot of public interest in it. Our discussion was around the public material from the hearings and really just making that available to the interested members of the public. We had a discussion around the transcript. We talked about the exhibits. Mr Hutchings told me, I think, he had had a discussion with Mr Russell Kenzler who at that time was our right to information coordinator, an officer who had been with the commission for many years going back to the Fitzgerald days. I think he was actually the commissioner's secretary or assistant in the actual inquiry. Mr Hutchings told me that Mr Kenzler was of the view that at least some of the exhibits tendered at the public hearings but which were subject to non-publication orders should potentially be available to members of the public. Mr Hutchings and I discussed that. We could not at that stage readily see a way of lifting an operative non-publication order made by Mr Fitzgerald. I do not think we discussed—there is a transitional provision in the Crime and Misconduct Act which may present a means by which that could be done, but I do not think we discussed that at the time. We talked about the fact that non-publication orders were obviously made for very good reasons by the commissioner at the time. Why would we now seek to somehow take a different stance and overturn those non-publication orders to make that material available?

Mr Davis: That is all you can remember about the conversation with Mr Hutchings?

Mr Strange: Yes, and really it is reflected in his email on—

Mr Davis: I want to take you back to your statement that you prepared for the committee's assistance. You deal with this issue in paragraph 6 and following through to probably about paragraph 15. What you mention at paragraph 6 is that you had discussions with staff, being Mr Hutchings—and that is obviously the discussion that you have just given evidence about. Is that right?

Mr Strange: Yes.

Mr Davis: And that discussion with Mr Hutchings is also the subject of some of the following paragraphs—

Mr Strange: Yes.

Mr Davis:—of your statement, isn't it?

Mr Strange: Yes.

Mr Davis: But you also say in paragraph 6 that you had a conversation not only with Mr Hutchings but also with Mr Duell?

Mr Strange: Yes.

Mr Davis: Those conversations predate the email of 23 December 2011, do they?

Mr Strange: No. The reference in paragraph 6 is a reference to the subsequent conversation I had with Mr Duell on what has now been established to be 31 January 2012.

Mr Davis: And you deal with that conversation on 31 January in your statement as well, don't you?

Mr Strange: Later in the statement, yes.

Mr Davis: Paragraph 22?

Mr Strange: Yes.

Mr Davis: And following?

Mr Strange: Yes.

Mr Davis: Is that right?

Mr Strange: Yes.

Mr Davis: Paragraph 24, is that specifically the conversation with Mr Duell that you are speaking about?

Mr Strange: That is, to the best of my recollection, the conversation that I had with him that day.

Mr Davis: Can we just go back to the document, which is exhibit 18 which you have been given? Now, around about this time—so the time you are having your conversation with Mr Hutchings and then this email is generated—what was your knowledge of the Fitzgerald holdings?

Mr Strange: I do not think I had any specific involvement with them in any of my positions in Misconduct over the years.

Mr Davis: Did you know what they were, what they consisted of, how they had been generated?

Mr Strange: I understood we had all of the records of the inquiry.

Mr Davis: But what did you understand they were?

Mr Strange: If I had been asked at the time I would have thought that they would be all the sorts of records that would be generated in any type of major investigation.

Mr Davis: Like what?

Mr Strange: Obviously there was the public hearing material. Behind all of that would be all of the investigative material, all the sorts of records that would be generated in an investigation of that type, similar to the investigations we undertake.

Mr Davis: Looking at the email of 23 December—you correct me if I am wrong but there seems to be an underlying assumption that there are only two categories of documents, namely documents that were the subject of public hearings and documents that were the subject of non-publication orders?

Mr Strange: I do not know if I agree that there was that assumption. Mr Hutchings and I were—the issue that he was talking to me about was access to that material arising from the public hearing. There was no discussion about any broader series of documentation or anything. We were simply talking about transcript and exhibits, and the exhibits were of two categories: public and those subject to non-publication orders.

Mr Davis: So looking back at it now, you accept that there were really three categories of documents, aren't there? Namely, there are the ones that made it to the public hearing and were open documents, there are the ones that were the subject of non-publication orders and there is also a third category of documents which do not fall within either of those categories generated by the investigation which did not see the light of day?

Mr Strange: There would have been that other material, yes.

Mr Davis: That third category of documents is the one that has obviously caused the problem. Did you appreciate, as at 23 December 2011, that there was such a category of documents?

Mr Strange: It was not an issue raised in any of these discussions. It was not an issue that—I understood from the advice that Mr Hutchings has given that it was not an issue in play at the time. He was advising and we were discussing only the public transcript and only the two categories of exhibits.

Mr Davis: If you look at the email of 23 December 2011, it refers to the two categories, not the three?

Mr Strange: Yes.

Mr Davis: Do you see that?

Mr Strange: Yes.

Mr Davis: So this email seems to be about, firstly, the public documents and, essentially, 'Well, why can't they be released?' That is the first issue?

Mr Strange: Yes.

Mr Davis: And the second thing that this email seems to be about is if there is a non-publication order in relation to some documents, is there something that ought to be done about that?

Mr Strange: Yes any non-publication order relating to exhibits.

Mr Davis: Yes. So that is what this email is about?

Mr Strange: Yes.

Mr Davis: Was it ever raised with you around about this time, December/January 2011/2012 that there was to be a declassification of what I have put to you as the third category of documents?

Mr Strange: No. There was never any discussion around investigative records, all of that material that would have been in the holdings, no. There was never any discussion about that.

Mr Davis: Not with Mr Hutchings?

Mr Strange: No.

Mr Davis: Not with Mr Duell?

Mr Strange: No.

Mr Davis: Did you ever see any index of the documents that were held by the Queensland State Archives?

Mr Strange: No, not until the last couple of weeks.

Mr Davis: I'm sorry: it was a bad question. I meant in real time, rather than looking back at it in March of this year.

Mr Strange: No.

Mr Davis: You are aware that those indexes have become known as the metadata?

Mr Strange: Yes.

Mr Davis: None of that was ever brought to your attention?

Mr Strange: No.

Mr Davis: Were you aware of it, of the existence of it?

Mr Strange: Of the—

Mr Davis: Metadata, back in—

Mr Strange: No, I wasn't.

Mr Davis: Mr Hutchings didn't mention it to you?

Mr Strange: No, I don't recall knowing about that type of material or anything like—anything about it, that terminology, until the last couple of weeks.

Mr Davis: All right. If we just go on a little bit further down that email, you will see a paragraph commencing in respect of the first category. Well, that is obviously dealing with the category of documents that people are obviously thinking at that stage ought to be available to the public?

Mr Strange: Yes.

Mr Davis: And then you go to the second category, which is the paragraph commencing, 'Despite this'?

Mr Strange: Yes.

Mr Davis: Do you see that?

Mr Strange: Yes.

Mr Davis: If you look a little bit further down, you will see a reference to 'Most importantly, however, Martin, Warren and I'; now, the reference to 'Martin' is to Ross Martin?

Mr Strange: Judge Moynihan.

Mr Davis: Judge Moynihan, all right. Did you have conversations with Judge Moynihan about this or—

Mr Strange: I can't recall any conversations with him, no.

Mr Davis: And you have looked to see whether there are any emails or notes or anything like that which would evidence such a conversation?

Mr Strange: I have found nothing to that effect. We did not really have a detailed handover, given his circumstances. So it was not a case where we worked through current issues that were still outstanding or anything like that.

Mr Davis: When you talk about 'his circumstances', you're talking about his health?

Mr Strange: Yes.

Mr Davis: If you look a little bit further down the email, you will see a reference to 'in the new year'.

Mr Strange: Yes.

Mr Davis: Do you see that?

Mr Strange: Yes.

Mr Davis: And a more comprehensive advice.

Mr Strange: Yes.

Mr Davis: Did you ever see a more comprehensive advice?

Mr Strange: I have no recollection of seeing any further legal advice beyond this email.

Mr Davis: You then go on—I beg your pardon—Mr Hutchings goes on and refers to the issues contained in your memo of 7 September 2011. Did you see the memo of 7 September 2011?

Mr Strange: I understand, is that a reference to Suzanne Sweeper's briefing memo?

Mr Davis: I was going to ask you whether that's what you understood it to mean. We think it is.

Mr Strange: I understand—I am assuming now—I haven't checked the date of her memo, but I have no recollection of seeing her briefing request or her memo at any stage prior to the last week or so.

Mr Davis: Couple of weeks, all right. You had a look at it recently, though, in the last—

Mr Strange: I have not read it right through from start to finish, but I have seen the document, yes.

Mr Davis: And no doubt what would have impressed you about the document is that it also seems to deal with the two categories of documents, not the three?

Mr Strange: I probably haven't read it closely enough, Mr Davis, to come to a view about it.

Mr Davis: We might get you to read it over lunch—

Mr Strange: Yes.

Mr Davis:—and might ask you some questions about that. Could the witness please see exhibit 43, which is document No. 8 in the bundle. This is a note to file from Sidonie Wood, which is actually dated 29th May 2012.

Mr Strange: Yes.

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Mr Davis: But its existence was actually—it was actually brought into existence much later than that.

Mr Strange: I did not hear very much of yesterday's evidence, so—

Mr Davis: No. So you obviously wouldn't have seen this document in May 2012, because it wasn't in existence. Have you ever seen this document before?

Mr Strange: I have no recollection of seeing it. It's possible I have seen it in the last week or so, but certainly not before then.

Mr Davis: Very well. Could you have a look down the document, please. Obviously if you want to read the whole thing yourself, do so. But if I can take your attention to the second last paragraph.

Mr Strange: Yes.

Mr Davis: Now that meeting, can you identify that?

Mr Strange: Can I just seek your confirmation: the use of the word 'they', who is referred to?

Mr Davis: Well, it is a bit vague, but it seems to be Suzanne Sweeper and Peter Duell, I think.

Mr Strange: I have no recollection of ever meeting with Suzanne Sweeper to talk about these matters. I have set out in my statement my recollection of my meeting with Mr Duell on 31st January. I'm sure that I did not meet with Ms Sweeper. I really had very little to do with her until the last week or so.

Mr Davis: So your meetings were with Mr Hutchings and with Mr Duell?

Mr Strange: Yes, in separate meetings.

Mr Davis: Very well—oh yes, I understand that. Could the witness please see exhibit 19, which is not in the bundle, I'm sorry. That is a series of emails that seem to have passed in early 2012. If you go five pages in for me, please, you will see an email from Peter Duell to Steve Bishop.

Mr Strange: Tuesday 31 January—

Mr Davis: 2012.

Mr Strange: Yes.

Mr Davis: You will see there, there is a reference by Mr Duell to having—

... discussed the matter with the acting Chairperson, Warren Strange, today. He agrees with my recommendation to change the Restricted Access Period on the bulk of the Fitzgerald Inquiry holdings from the current 65 years to 20 years.

Do you see that?

Mr Strange: Yes.

Mr Davis: And then he makes the observation, correctly so—

This will effectively mean these records will then be available from Queensland State Archives without any requirement for CMC authorisation.

Do you recall—have you ever seen that email before?

Mr Strange: I don't believe so, no.

Mr Davis: It's referring, though, to a meeting that Mr Duell had with you—

Mr Strange: Yes.

Mr Davis: On 31st January 2012?

Mr Strange: Yes, and we did meet that day.

Mr Davis: How do you know that you met on that day? Is there any note of that?

Mr Strange: It is from my diary, my electronic calendar. I believe that record has been furnished.

Mr Davis: Yes, and that shows what? That there was a meeting or does it show notes of what happened?

Mr Strange: I have no notes of it. It shows that there was a 30-minute appointment, I think, at three o'clock being made by Ms Graham, executive assistant, for me to meet with Mr Duell.

Mr Davis: Can I now take you to your statement that you furnished and, in particular, paragraph 24. You deal with this issue or this meeting at paragraphs 24, 25, and 26 and 27; is that right?

Mr Strange: Yes. The earlier paragraphs preceding 24—

Mr Davis: Really set the scene, don't they?

Mr Strange:—talk about the appointment.

Mr Davis: Yes. So there's no note of this conversation—

Mr Strange: No—

Mr Davis:—or any minute of it or any recording of it?

Mr Strange: No. As I said, it was my practice to make notes in a work book of things that I needed to note or follow up. My work book for that period reflects notes from meetings that I had with two other senior officers, which would have fallen on either side of this one that day. So I don't have a note of any meeting with Mr Duell.

Mr Davis: So your best memory of the conversation with Mr Duell on 31st January is as set out in paragraphs 24 to 27?

Mr Strange: Yes.

Mr Davis: It seems that Mr Duell asked you, in effect, whether he could access Mr Hutchings's email advice; is that right?

Mr Strange: He could access it or—

Mr Davis: I'm sorry: put it into play. Not access it, but—

Mr Strange: That's my recollection, that he wanted to take action on it.

Mr Davis: He wanted to action it. That is the email of 23rd December—

Mr Strange: Yes.

Mr Davis: As you understood it?

Mr Strange: That's the only email that I have been able to locate.

Mr Davis: Because despite the fact that the email of 23rd December refers to a further advice to be given at a later stage, you never saw that?

Mr Strange: No.

Mr Davis: So when you were asked by Mr Duell whether he could action Mr Hutchings's email advice of 23rd, you took that to mean, did you, that he would action that in the sense of making available to the public documents which had already been made available to the public through the Fitzgerald inquiry?

Mr Strange: Yes. I thought Mr Hutchings's email was quite clear in its terms. I also thought it was quite clear in indicating the shared view of Mr Hutchings, myself and Judge Moynihan about how to proceed.

Mr Davis: What you then do in your conversation with Mr Duell, and this seems to be set out at paragraph 25 of your statement, you refer to the first category of documents and it being sensible that they be made available for publication.

Mr Strange: Documents which were on the public record and should properly be available to members of the public, yes.

Mr Davis: Category 1.

Mr Strange: Yes.

Mr Davis: And then it seems that you specifically mention to Mr Duell, do you, that it is the second category of documents ought not be made available? Do you mention that—

Mr Strange: I don't think we specifically spoke about that. I simply said to him that I had seen the email and, yes, it reflected my view. Because as I have just said I thought the email set out things very clearly, that that second category of documents, being exhibits tendered at the public inquiry but which were subject to non-publication orders, we thought there were significant problems in any attempt to make those available to the public and that should not happen.

Mr Davis: Could I now take you to paragraph 27 of your statement. You say there, 'I cannot recall any discussion between Mr Duell and I on 31 January 2012 or any other time prior to March

2012 in relation to broader categories of COI holdings, such as all of the records that would ordinarily arise from any complex investigation', et cetera.

As I understand it, your evidence is that that category of documents that I have called the third category of documents, that was just never on the table in relation to the discussions that you had in December?

Mr Strange: That was never contemplated by me that anyone was considering access issues to that sort of material. That was simply never in issue and I never contemplated that anybody would be considering doing anything that would ever make that sort of material in any way available.

Mr Davis: Very well. I am now going to take you to some transcripts of hearings before this committee, but I note the time and it may be appropriate to do that after lunch.

CHAIR: That is fine. We will reconvene at 2.45.

Proceedings suspended from 2.00 pm to 2.45 pm

CHAIR: The committee will resume. Mr Davis.

Mr Davis: Mr Strange, I want to show you some transcripts. Would you have a look at this document for me please. This is tab 9 in the bundle. It's a transcript of the proceedings before this committee on 6 March 2013.

Mr Strange: Yes.

Mr Davis: What occurred was that you and Mr Martin appeared before the committee on 6 March 2013.

Mr Strange: Yes, and Mr Hutchings was with us as well at that meeting.

Mr Davis: Yes. At that meeting—I beg your pardon, at that appearance Mr Martin was asked a number of questions and gave answers and then you actually give answers at page 5 on what is a rather peripheral issue. But the answers that you gave were true, weren't they?

Mr Strange: Yes.

Mr Davis: You obviously heard Mr Martin give a lot of answers to questions from the committee.

Mr Strange: Yes.

Mr Davis: Did Mr Martin give any answer that you at that stage knew was untrue?

Mr Strange: No. This was very early in our understanding of what'd happened and what problems we were dealing with and I think it's probably fair to say that our understanding at that time was at a preliminary level and Mr Martin's—

Mr Davis: And you further—

Mr Strange: Sorry, Mr Martin's answers reflect that understanding as it then was.

Mr Davis: And your further investigations have obviously revealed new material.

Mr Strange: As have the proceedings of this inquiry, yes.

Mr Davis: Yes. But when Mr Martin was saying the things he was on 6 March, you didn't believe that any of those things were untrue at that point?

Mr Strange: No. I felt he was doing his best to explain what we understood to be the position at the time.

Mr Davis: All right. I'll show you a transcript of proceedings before this committee on 14 March 2013. This is tab 10 and it's pages 15 and some other pages. I'll take you firstly to page 15. That's evidence that Mr Duell gave to the committee.

Mr Strange: Yes.

Mr Davis: If you look on page 15 and you go down about a quarter of the page, you'll see it's recorded that I say—

Very well. If we can go back to your briefing note ...

Do you see that?

Mr Strange: Yes.

Mr Davis: And then if you go to the top of page 2 et cetera, could you read from that passage down to the answer that Mr Duell gives about five entries from the bottom—'Yes, that is certainly my Brisbane

belief.' Do you see that? Could you just read that passage for me please and tell me when you've read it.

Mr Strange: Right. I've read that.

Mr Davis: Before I ask any questions about that, could you go to page 20, which is the next one in that bundle.

Mr Strange: Yes.

Mr Davis: And you'll see that Mr Duell corrects himself. This is about two-thirds of the way down—

Mr Duell: Yes. During the break I went through my notes ...

Do you see that?

Mr Strange: Yes.

Mr Davis: The next three or four questions and answers he corrects himself and says that there was a document that showed the agreement—and this is the agreement that you made that the documents be released—and he refers to the email of 23 December 2011. Do you see that?

Mr Strange: Yes.

Mr Davis: Now, that's not actually how it worked, was it, in the sense that there was the email of 23 December which was the report by Hutchings—

Mr Strange: The advice by—

Mr Davis: The advice. That's your first—that's the first document it seems and then you don't make the agreement with Mr Duell until January; that's right, isn't it?

Mr Strange: I cannot remember having any other discussions with him in that intervening period.

Mr Davis: All right.

Mr Strange: As I said, my diary indicates I met with him on 31 January.

Mr Davis: Okay. Just going back to the passage on the 15th—

Mr Strange: Page 15?

Mr Davis: Page 15, rather.

Mr Strange: Yes.

Mr Davis: Is there anything in that evidence that you say is untrue?

Mr Strange: I cannot recall in either my discussions with Mr Hutchings or my brief discussion with Mr Duell discussing the RAP or restricted access period terminology. I don't think I was familiar with that until more recent times.

Mr Davis: Also if you look at the question that I ask about the middle of the page—'the change was agreed and verbally approved,' and that's coming from a document of Mr Duell's.

Mr Strange: Yes.

Mr Davis: 'So you say that in January 2012 Mr Hutchings, you and Mr Strange all agreed to apply a 20-year RAP to those documents which were not marked confidential?' That seems inconsistent with your evidence in a couple of respects.

Mr Strange: Yes.

Mr Davis: Firstly, you didn't have a conversation about the RAPs.

Mr Strange: No. I don't recall using that terminology or being familiar with that terminology until recent times.

Mr Davis: And, secondly, what Mr Duell seems to be conveying is that you agreed that all documents from the Fitzgerald inquiry, other than those specifically marked confidential, would be subject to public access.

Mr Strange: No, that's not correct.

Mr Davis: Now, he seems there to be merging what we've described as the second and third category of documents. Do you see that?

Mr Strange: Yes.

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Mr Davis: So as I understand your evidence, the only documents that were discussed were the documents that were marked confidential, and they were to remain confidential, and the documents that went before the open hearings of the inquiry, and they were to be released.

Mr Strange: Yes. By 'confidential' we were talking about exhibits that were subject to non-publication orders.

Mr Davis: Yes, I understand that.

Mr Strange: There was never any discussion about any wider category of material beyond the public transcript and the exhibits of the public hearing.

Mr Davis: If you look a little bit further down, you'll see I ask the question of him—

And you say in your memorandum that that was all done because there was a mistaken belief that the Fitzgerald records, subject to a 65-year RAP, were the public records?

You see that?

Mr Strange: Yes.

Mr Davis: According to your evidence, that's actually not right as far as you're concerned, is it; it was just that you were not asked about that third category of documents?

Mr Strange: No. We were dealing, as I've said, with the public transcript and the exhibits tendered at the public hearing.

Mr Davis: Very well. Could you then go to page 34.

Mr Strange: Yes.

Mr Davis: And if you go towards the bottom of page 34 you'll see I ask a question—

It goes on to Kenzler, Warren Strange and also it goes on to Suzanne Sweeper ...

That's exhibit 18.

Mr Strange: That's Rob Hutchings's email of 23 December; right.

Mr Davis: Yes. And if you go over the page, you're mentioned for the last time—on that page at least—about a quarter of the way down.

Mr Strange: Yes.

Mr Davis: Is there anything in that passage that you consider contentious?

Mr Strange: You ask him a question about the third category of documents being overlooked. As I've said in my evidence and my statement, there was never a discussion or contemplation about any further category of documents beyond the public transcript and the exhibits tendered at the public hearings.

Mr Davis: Anything else about that passage?

Mr Strange: No. It's really Mr Duell giving his evidence about his understanding of things.

Mr Davis: Could you go to page 36 for me please. Towards the bottom you'll see I ask a question—

Right. Could you go to the one that is six pages in, please?

Do you see that question—about eight or nine entries from the—

Mr Strange: Yes.

Mr Davis: Now, you've seen exhibit 19. I've already shown you that.

Mr Strange: Is that the emails with Peter Duell and Mr Bishop?

Mr Davis: Yes, of January.

Mr Strange: Right.

Mr Davis: Yes, and then obviously lapse over to other emails in February. But could you read to yourself from that question and answer—this is the email of 2 February—over to about halfway down page 38. If you could just read that to yourself and then tell me when you've finished reading that. Again, this is Mr Duell's evidence obviously.

Mr Strange: Yes. Yes, I've read page 37.

Mr Davis: And if you could just read over page 38 about halfway down. You'll see a question I ask is it 'might not make informants happy'. Just read down to that.

Mr Strange: Yes, I've read that.

Mr Davis: Okay. If you just go back to page 37, he's speaking about the conversation on 31 January, and you've already given evidence to the committee that there was such a conversation. He says that the conversation occurred 'just in the doorway to his'—that is, your—'office'. He says—

It wasn't at his desk. We weren't sitting down.

The impression from your evidence is that that meeting was a more formal one than perhaps is suggested here.

Mr Strange: It was very brief. I don't recollect where people were standing. I do recollect that there was another important operational matter underway that day. He may have come to the doorway and stayed in the doorway; I simply can't recall. I do recall it was a very brief conversation.

Mr Davis: If you just follow down a little further, there is a reference to Suzanne Sweeper's memo.

Mr Strange: Yes. That wasn't mentioned.

Mr Davis: Very well. So he seems to have assumed that you had it—

Mr Strange: I can't recall having it at that stage.

Mr Davis: But in fact that is not true; is that right?

Mr Strange: No, no.

Mr Davis: If you look a little further down, you will see a question—

So what did you explain or what did you tell him?

And that is a reference to what did he explain or tell you. Mr Duell says—

What we were trying to achieve and that it had gone to Rob for advice.

And then—

... Warren said, 'Yes, I have spoken to Rob about this and he has no problem with it. So I support it.'

Were words like that said?

Mr Strange: I do not recall any broader discussion about what he was trying to achieve. I knew what was in Mr Hutchings's email. I knew the discussions that I had had with Mr Hutchings which had led to the generation of that email.

Mr Davis: And what was in your mind as what they were trying to achieve was the release of the documents that had already been the subject of public hearings; is that right?

Mr Strange: And which should properly be made available to the public because they were already on the public record.

Mr Davis: If you have a look at the next question—

Mr Davis: Did you tell Mr Strange that there had been no physical audit of the documents?

Mr Duell: No, I didn't tell him that.

Now, presumably he didn't tell you that there had been a physical audit of the documents.

Mr Strange: No.

Mr Davis: But in your mind presumably there needn't be because the documents that you were talking about were a closed category which were the ones that had been the subject of tender at the Fitzgerald inquiry; is that right?

Mr Strange: That is all I understood the issue related to.

Mr Davis: Very well. If you then go over the page—

Mr Strange: Can I perhaps go back just to the top of that page?

Mr Davis: Page 37?

Mr Strange: Yes. I am commenting on what Mr Duell has written to somebody else in terms of his advice to Bishop, but I disagree with the categorisation that 'he'—meaning myself—'agrees with my recommendation to change the restricted access period on the bulk of the Fitzgerald inquiry holdings.' That is simply not true.

Mr Davis: Yes. Your evidence is, firstly, there was no discussion about RAPs—

Mr Strange: No.

Mr Davis: So it was a general discussion about classification—

Mr Strange: It was about—'access' was the word that was used. I understood that Peter, in the position that he held, had the delegation to make the decision or to give effect to it. He was the one who could do that. He was simply checking with me about the advice that Rob Hutchings had given, that I did not have some contrary view before he went ahead and did it.

Mr Davis: If you look at page 38, about a quarter of the way down the page –

And the categories of documents you were changing from 65 to 20 ...

Do you see that?

Mr Strange: Yes.

Mr Davis: Now, that is a reference there to RAPs, from 65 years to 20 years?

Mr Strange: Mmm.

Mr Davis: It goes on—

... were ones that had been made public at some time previously?

Mr Duell: Yes.

Mr Davis: So really what you were doing was just getting rid of, in your mind, a bureaucratic headache for the CMC?

Mr Duell: That was definitely how I viewed it.

Now, if you understood that all that was being removed was a necessity for members of the public to seek access from the CMC to documents that had already been made public in the Fitzgerald inquiry, you would actually agree with that comment, wouldn't you?

Mr Strange: I didn't have a sense that it was a huge bureaucratic headache at the time. I hadn't seen that letter of protest from Mr Bishop. I had no real sense—I knew from Rob Hutchings's email that the journalist Condon was after some material including the Shirley Brifman transcripts. I did not have any sense of the scope of outstanding requests at that stage. It was more with Mr Hutchings a discussion around the principle of: 'This is public material. It is on the public record. We should be facilitating access to that copy which we control.'

Mr Davis: Very well.

Mr Strange: Meaning the material on the public record and not meaning anything beyond that.

Mr Davis: All right. Could you look at this document for me, please. This is another transcript of proceedings before this committee on 15 March 2013. This is tab 11. It is a bundle of pages. It is the evidence of Mr Martin.

Mr Strange: Right.

Mr Davis: If you look at the bottom of page 32, there is a reference there: 'As at Friday I handed the baton to Mr Strange.'

Mr Strange: Right.

Mr Davis: Now, your authority to act as acting chairman—that lapsed at one stage, didn't it?

Mr Strange: Yes. That was discovered early last week, that that had lapsed in November 2012.

Mr Davis: And after November 2012 you had in fact acted as chairman of the CMC?

Mr Strange: Yes, on a couple of occasions. I think the dates have been provided. I am not sure of the precise dates. Mr Martin took some leave in November and then I had acted in periods of sick leave.

Mr Davis: How did it come about that that authority was allowed to lapse without anyone knowing about it, it seems?

Mr Strange: My understanding of it, that these sorts of instruments—the practice was for them to be organised through the office of the commission, which was, in effect, our corporate governance area. We had some personnel changes in that area. The previous person who held the position of director, Michelle McKay—Michelle was a very senior and very competent officer and had previously organised all of these things at the time that I acted behind Martin Moynihn. Michelle left for another position at some stage last year. Another officer then acted in a similar but

not entirely equivalent role. She was one of the officers—she was on secondment with us. She took a redundancy and left the commission. I think this was overlooked in all of those circumstances. It shouldn't have been.

Mr Davis: But it is a formal authorisation, isn't it?

Mr Strange: Yes.

Mr Davis: And it is a formal authorisation which is obviously written?

Mr Strange: It is a formal minute of executive council.

Mr Davis: And you obviously did not realise that it had expired?

Mr Strange: No. I had a copy of it. The practice is to write to those appointed. The Attorney does that and advises of the appointment. I think also the previous practice was that—I am not entirely sure on this, but I have been told that the previous practice was to not have date limited instruments of appointment; they would be rescinded by another instrument. So that may have been a factor as well. But it should not have happened, I admit that.

Mr Davis: If you look at the bottom of page 32 again for me, you will see that Mr Martin says he has handed the baton to you. And then there is some consideration of what action should be taken against Mr Duell. Now, you have taken some management steps in relation to Mr Duell, given the currency of this committee's consideration of these matters?

Mr Strange: That is an issue that has occupied much and anxious consideration by myself and the commissioners, because I came to realise in recent days that my evidence conflicts with Mr Duell, which complicates the position further. It is an issue we have given very careful—and we are still giving very careful—consideration to.

Mr Davis: Well, what have you done about it so far?

Mr Strange: Mr Duell remains at work at the moment. We have sought legal advice about that position.

Mr Davis: Is he currently active in the role that he was before this became public?

Mr Strange: He remains in his position, yes.

Mr Davis: Actively?

Mr Strange: Yes. He is still in his position. I think his time is, at the most part, engaged in preparing for the resumption of his evidence. But he doesn't have any role in ongoing requests for material from this inquiry. I have given him a direction in that regard. I have also requested that if he wishes to see any material relevant to the proceedings for the purposes of preparing his evidence that a formal request be made to me and it will be considered.

Mr Davis: Does he have access to files relevant to these proceedings?

Mr Strange: If he wishes to have access to files—physical files—he needs to make a request to me.

Mr Davis: Very well. He still obviously has access to the TRIM database?

Mr Strange: Yes. That would all be capable of independent audit and checking.

Mr Davis: In the sense that the TRIM operates in such a way that if anybody logs on and accesses particular documents the system generates its own record of that?

Mr Strange: I think it keeps—I do not have a detailed understanding of these things, but my understanding is that there is an audit trail of any access to electronic records.

Mr Davis: Very well. They are the questions I have for Mr Strange.

CHAIR: Thank you very much, Mr Davis. I just have a follow-up question on that. So you are saying that Mr Duell will be able to access information for the purposes of preparing for a reappearance if it is required here, providing he asks through you for approval and designates what documents he wants to access?

Mr Strange: Yes. I am mindful that he is part heard, in effect, and that he may need access to material to prepare for the remainder of his evidence, but I did not want him going directly to staff, particularly staff who would ordinarily be his subordinates, and asking them for material. I thought there should be a recorded process of making requests and having them considered so that thought can be given to things.

CHAIR: I just change the tack. Would you agree that the CMC as an organisation has significant power?

Mr Strange: Very much so.

CHAIR: Would you agree that the CMC's decisions affect people's lives?

Mr Strange: Many do, yes.

CHAIR: Would you agree that the CMC decides often on other people's responsibility and accountability?

Mr Strange: At times. We are not always the final decision maker—that may be the courts or a tribunal—but we would make recommendations arising from investigations that go to those very issues, yes.

CHAIR: Is there a policy in the CMC or a direction, written or oral, for CMC officers not to commit important information to paper?

Mr Strange: Sorry? Is there—

CHAIR: Is there a practice or a direction, written or oral, within the CMC for officers not to commit information or decisions to paper?

Mr Strange: No. I would say that the practice is that all important decisions should be reflected in writing, and certainly that is my observations of the practice when I have been acting in the role of chair and in my substantive role. Matters requiring major decisions should be reduced to writing.

CHAIR: I have been stunned to hear repeatedly over the last week or so how little that is done. You said in your statement, at point 8—

In the role of acting chairperson there were standing weekly meetings of the chairperson with various senior officers including general counsel which were kept on an as-needed basis.

But you have said here today that often no minutes were kept, no notes were kept.

Mr Strange: Not for those sorts of meetings, no.

CHAIR: Yet these are the senior executives of the CMC meeting with its most senior executive?

Mr Strange: Yes, but they are meetings that are in the nature of a catch-up of direct reports. We are not usually, in those sorts of matters, we are often discussing staffing issues, resources—those sorts of matters—work priorities, not—we will discuss matters that then may be going on to other forums for decisions or may become the subject of a formal minute, but those meetings are not usually minuted or noted.

CHAIR: Do you think they should be?

Mr Strange: They are often quite informal. Sometimes they are very short. They are a discussion about how things are going in a particular area, 'Are we going all right?' 'We're short staffed.' 'This person is resigning.' 'We have a lot on.' 'These are the issues we're dealing with.' Anything of substance that comes out of those meetings that would require a decision by the commission or the chairperson, a formal decision, would be minuted or recorded in a briefing note and documented.

CHAIR: So the discussion that you had with Mr Duell in the doorway of your office that the documentation was going to be released under Fitzgerald, albeit that it was your understanding that it was publicly available information, would you regard that as a significant decision?

Mr Strange: I regarded that as reflected by Mr Hutchings' email. That was the record of my view. I expected Mr Duell would action, as he indicated—or would be taking action, as he indicated, and there would be records in relation to that.

CHAIR: The meeting that you had with Mr Duell on 31 January, you said you set aside 30 minutes. You have probably already said this, but refresh my mind. What was that about?

Mr Strange: There is an appointment title—I think it was 'access to Fitzgerald material at State Archives', or something to that effect.

CHAIR: That was your diary—electronic note?

Mr Strange: Yes and I—the meeting organiser was my executive assistant, according to the Outlook printout. So he would have come to her and requested a time to come and see me.

CHAIR: You said here earlier you did not take any notes on that?

Mr Strange: No, no.

CHAIR: See, I just find that astonishing. As members of parliament, we often get pulled up at the grocery shop, and I do not have notes on those meetings. I have written them up my arm, periodically. But an organisation like the CMC, who drills and grills people in terms of their accountability, has what appears to be a plethora of meetings about the release of the Fitzgerald documentation and no doubt other things—and I know that you are not directly involved in all of this but you are now—

Mr Strange: Yes.

CHAIR:—the head person in relation to the CMC—and there are no notes. Can I also observe—but I will be saying this to one other person that is appearing before us—I have never seen such an enormous incidence of corporate amnesia in my life. I have never seen so many people come—I am not in law, I am not a lawyer and I do not know lawyer lingo, but we have seen this procession of people who cannot remember, 'I don't recall', 'That is not my recollection.' We have been doing it for a week and a half. If there is something in the water down there you need to get it fixed. You look at the *Hansard*, you read the *Hansard* and it is a repetitive theme. For an organisation that is supposed to have that skill set and that accountability and that responsibility, the note taking, the record keeping and the memory is appalling. If what we have heard today is the way the CMC operates and if the ability to recall information and experience is as poor as has been replicated in these hearings, you are in so much trouble.

Mr Strange: If I can make a couple of comments, Madam Chair. As I have said, the expectation is that formal decisions should be properly minuted. I cannot speak for what other witnesses have said about their recollection. I have given you the best of my recollection and my honest recollection about everything relevant. I have provided a statement in as detailed a form as I can, having regard to the fact that the relevant events involving me occurred some 15, 16 months ago at a time when I was acting in the role of chair which, as I have said in that statement and which the committee probably has a sound appreciation of, is a difficult and challenging and very busy role. As a senior officer, there is some reliance upon your staff to record decisions. I think if the chair has to make detailed notes of every meeting and every discussion—I just have concerns about the practicality of that for the role of the chair. Some reliance has to be placed on other staff to properly record the outcomes of discussions with the chair.

CHAIR: I do not dispute that, Mr Strange. Let me say, if I gave the impression that you were one of the witnesses that had poor memory, you are not. There is one other witness that I remember had very good recollection. But the vast majority of the CMC people here really do have recall issues.

Mr Strange: I have not heard all the evidence or had the opportunity to read all of the transcript. I have heard some of the evidence. I heard Mr Martin's evidence, for instance, but not all of the others.

CHAIR: I will make an observation and then I will pass on to the member for Redlands. If you are relying on the documentation of those in senior management in the CMC they will need some assistance and guidance on how to make notes and how to remember things.

Mr Strange: There are many things we need to look at as a result of the events that this committee is now examining. I accept that.

Mr DOWLING: I would like to follow up on a few things that the chair has led with. I want clarification over the Duell arrangement as it stands. Mr Duell is still at the CMC today, potentially, and will be able to go back there tomorrow and the next day and so on. He has unfettered access to computers and to all of the files stored electronically. Is that correct?

Mr Strange: He has his normal level of access, yes.

Mr DOWLING: Which is unfettered at that level, you would imagine, except for maybe your own personal files?

Mr Strange: I expect so.

Mr DOWLING: Just not the hard files. For hard files he needs to make an arrangement through you to access that—

Mr Strange: Yes.

Mr DOWLING:—presumably under someone's watch?

Mr Strange: Supervision, yes.

Mr DOWLING: Correct. I would echo the comments of the chair also in the corporate amnesia that we have witnessed and that we have had to sit through. I swear any one of them could appear on *Hogan's Heroes* using the 'Schultz defence' because that is what it appears to be, the 'Sergeant Schultz defence': I see nothing; I hear nothing. Unbelievable!

Mr Strange: Without knowing specifically what witnesses you are talking about and what brackets of evidence, I cannot usefully comment on that.

Mr DOWLING: I did say 'most', not 'all'.

Mr Strange: I hear what you have said. As I have said, without knowing the specifics of which individuals and what evidence you are concerned about, I cannot at this stage comment. But clearly I will—I have heard what you have said.

Mr DOWLING: Can I suggest to you that, as acting chair and in your normal role, you are in charge of an organisation, one of the highest levels within one of the most significant organisations in Queensland that has the most amazing, cataclysmic breakdown in corporate structure and process. It is a disaster. This is an organisation that relies on memory because clearly nothing—and I mean almost nothing—is documented or minuted. Yet an organisation that does the kind of investigative work that you do and the reports that you present and the deliberations that you engage in are some of the most wordy, complex documents, trials, processes that anyone would ever have to go through. Why is there such a void between your organisation's performance, practices and behaviours and that which you expect from everyone else?

Mr Strange: Much of what we do is minuted. All of the formal meetings of entities such as the commission, Executive Leadership Group—I can speak for Misconduct—my management group, our operational committee, all of those meetings are minuted. Operational meetings are reflected in records relating to operational files. We do not minute and record every discussion between every officer and I do not know any organisation which does that.

Mr DOWLING: What sort of process do you have—taking that response one step further—between yourself and your subordinate staff, their review periods, their assessments, their targets, their goals and priorities, their work schedules and agendas, their appraisals? Is there such a thing?

Mr Strange: Yes, we have a formal performance appraisal system, which is a formal reporting system. In my area we have a fortnightly management meeting, which is myself in Misconduct and the directors. That is minuted. Beyond that, operational areas and teams will have meetings. They may not be formally minuted, but decisions that are made on operations are recorded by the case officers and reflected in terms of tasks allocated, running sheet entries, those sorts of things. I think the level of record keeping at that level is quite good, quite robust.

Mr DOWLING: I accept, Mr Strange, that you are not Mr Duell's immediate upline, that it goes through Edith Mendelle.

Mr Strange: Yes.

Mr DOWLING: Would she be the one doing the assessment or the appraisal—

Mr Strange: Yes.

Mr DOWLING:—on Peter's performance even though he does have a strange kind of relationship with the chair because of his access abilities?

Mr Strange: The performance system works on the basis you do the appraisal for your direct reports. I will do it for the three directors who report to me. They will do it in turn for their direct reports down to a level. So I would anticipate that Mr Duell's appraisal would be done by Ms Mendelle as his manager.

Mr DOWLING: We heard in her testimony a little earlier—and it is almost indicative of what I am seeing from the outside looking at this organisation the way we are through this process—that Mr Duell reported the issues of these files and the access and the changes of the RAPs through to the commissioner, which at the time I do not believe was yourself; it was someone else.

Mr Strange: Do you mean the chair?

Mr DOWLING: Sorry, the chair. Thank you. And it bypasses Edith Mendelle. I suspect that if we went, according to her own testimony earlier today, she was unaware of that incident or both incidents and that whole issue in regard to access to Fitzgerald files and others. How on earth would that get captured? Presumably, you cannot be a slave to two masters. You either have a chair, who is responsible for that member of staff, or you have the immediate upline. Can you see that there are some inherent problems within the organisation? I am mindful of the fact you have not

read all the transcripts or heard all the testimonies. Is it fair to say that there is a significant flaw in the organisation?

Mr Strange: Mr Duell works in an area I ordinarily have no managerial responsibility for. Ultimately, I do, sitting in the position that I now am in of course; I have responsibility for everything. It is difficult for me to comment on the management of that section. My own practice is that people will be reporting through me on major issues. Unless it is a particular operational issue—sometimes resourcing may mean that one of my officers would go directly to the chair to talk about a matter or he may go directly to them and not bother me. But ordinarily, and particularly on organisational issues as opposed to operational issues, matters should be reported up through the relevant manager.

Mr DOWLING: Thank you, Mr Strange. I have nothing further.

CHAIR: Member for Beaudesert.

Mr KRAUSE: The CMC is accountable to parliament through this committee. The way, as you would know, the legislation operates is that we rely on you and the CMC to report issues to us when they arise through section 329 and other mechanisms. Can you agree that issues that start out as minor and trivial issues can eventually turn into significant issues of concern in any organisation?

Mr Strange: That's probably hard to generalise by way of an answer.

Mr KRAUSE: I am referring to any organisation.

Mr Strange: Some could, some may not.

Mr KRAUSE: Yes.

Mr Strange: Yes. Something may not have the significance, or may not be associated at first instance to have the significance that it later deserves.

Mr KRAUSE: That's right. I'm just referring to a line of questioning which the chair of this committee went down before about the lack of notes or minutes from executive group meetings. I do not know if that's the correct name for the group of people who meet that you were referring to, but I will refer to it as the executive group.

Mr Strange: The executive—we have an executive leadership group.

Mr KRAUSE: An executive leadership group.

Mr Strange: That's the chair, the two assistant commissioners of Misconduct and Crime. Ms Mendelle is the executive general manager and Mr Adams from the office of the commissioner. That is minuted, that one.

Mr KRAUSE: Okay. And every meeting of that is minuted?

Mr Strange: It meets on a Wednesday morning and is minuted.

Mr KRAUSE: Okay. Apologies for misunderstanding, but there was a mention of some type of meetings in the CMC that are not minuted and they are often quite informal.

Mr Strange: There are many discussions which are not minuted. The ones I was talking about were just the weekly standing catch-up meetings.

Mr KRAUSE: Sure. Okay. I guess what I wanted to just put to you is that there has been, as the chair has indicated, a lack of evidence of any notation about this issue. We don't have a look in on every other issue that you were operating with, so it is hard for us to judge how else you operate. Do you agree that a failure to record any discussions along the way on this issue, or adequate recording about the way it is being addressed or reported, can leave us feeling as though you are not doing your job properly? We rely on you to report, Mr Strange, and if there's no record of what has gone on in the past how can, when the report does eventually come, be assured that it's accurate?

Mr Strange: There are records as to what happened here. I have spoken before about Mr Hutchings' email of 23 December that recorded the discussion that he had with me and my views on the issue that we were dealing with as far as I understood. Beyond that, there would be records and there are records of the action taken by Mr Duell to change the access period. Beyond that, I mean, apart from what we report to the committee, there are a number of other checks and balances in the system, the important ones of which are the inspections by the parliamentary commissioner of our records and holdings, particularly of some of the sensitive areas.

Mr KRAUSE: I suppose Mr Strange we are just probably a little bit frustrated that we have had a lot of witnesses come in here and talk about discussions which were had with this person and this person and this person. They are all in conflict—not all of them, but a lot of them are in conflict—and there is no record about the matter from the CMC with a uniform voice. As an oversight committee, it is difficult to avoid a presumption that you are either trying to avoid scrutiny or you are just not having a system in place where, when reports are made, we can be confident that those reports actually reflect what occurred. I will finish with this. I just want to put this to you, because reports written with the benefit of hindsight about events of over six, 12 months, they are obviously going to be different from reports which are written with the benefit of records over that six to 12 months. We spoke to Ms Wood yesterday and that occurred on that occasion as well. So I will let you respond to that, Mr Strange, but I just wanted to let you know of some of the thoughts of myself coming out of the evidence to the committee this week.

Mr Strange: I would make two points. The first is there is no—I have never at any time, in either the CJC or the CMC, appreciated anything in the terms of an approach or an organisational approach to the avoidance of scrutiny. My observation of the approach has always been to be as open and as candid with this committee as possible. We have given you notice of many issues and I think the proceedings of the joint meetings will reflect our candour in that regard. Your concerns about the record keeping, there has to be a balance. I can't see how I could do either of my jobs if I had to prepare a file note of every discussion that I have every day. There are not enough hours in the day to do that. As I have said, I do place reliance upon staff to document decisions and we may have preliminary discussions about a matter that then generates a formal briefing note, or a formal document for decision and that stands to reason that that happens. Things start out as proposals, they are discussed, they are worked up into briefing papers; they will go wherever they need to go for a formal decision. Minuting all of those steps, yes, it would provide a great bulletproof audit trail, but I just don't know if it is entirely practical in any working environment. I could employ somebody, as the acting chair, to sit with me for 12 hours a day in the office and record notes. Is that a proper, or the most effective use of resources? I'm not sure. I take the point that the committee has raised and various members have raised, but there are some practical issues to consider.

Mr KRAUSE: Thank you, Mr Strange. My final comment would be that, unlike other government bodies that have a minister directly overseeing them who can reach down into the organisation and ask for things to be done—ask for records—there is nobody in this state who could do that at the CMC.

Mr Strange: The parliamentary commissioner has extensive powers to do that.

Mr KRAUSE: It places the CMC in a different position. But I don't want to go any further with that, thank you.

Mr Strange: It is, and obviously there are reasons why we need to be in a different position from a public sector department. But I think the observations I have just made about the utility and the practicality of record keeping would apply to any organisation of significant functions.

CHAIR: Thank you very much. I have one question and then I will hand back to Mr Davis if he has any follow-up. You were acting as chair on and off during the May and September issues. That is my understanding—on and off?

Mr Strange: I've provided the dates of when I acted.

CHAIR: Yes.

Mr Strange: I don't think I acted in either May or September 2012.

CHAIR: You don't think you did?

Mr Strange: No, I have provided the dates.

CHAIR: Yes, but it is not accurate. The dates that you have provided did not include 5 March this year, when you were acting. It goes up to 1 March, but you were acting on 5 March when you rang me.

Mr Strange: Yes. I'm just looking for the 2012 dates.

CHAIR: I will ask the question.

Mr Strange: Yes.

CHAIR: Given that Krosch and Bishop contacted the CMC and advised them that there was sensitive material that clearly should not have been in the public arena, in your opinion—and I will acknowledge it is an opinion—should the PCMC have been advised that that had occurred?

Mr Strange: It is difficult to express perhaps a definitive view on that, madam chair. I had no knowledge until the last fortnight of the Krosch contact or the subsequent September contact. I recall no discussions with anybody about those issues. I don't have a detailed understanding around that evidence of what people have said. My general understanding is that Mr Krosch, as a former officer, brought the issue to attention and from what I understand of the evidence people thought that it had been addressed at the time. Whether that amounts to improper conduct in terms of the 329 obligation, I'm not sure. I don't have a—

CHAIR: No, I wasn't even referring to a 329; I was referring to the responsibility that the CMC has to keep the PCMC apprised of issues that occur within the CMC, not restricted to 329.

Mr Strange: Yes, yes.

CHAIR: That have the potential to—whether it is to breach legislation or whether it is to breach expected behavioural norms; again not 329s, whether it is an issue that could become a matter of concern to the community, in this case the safety and the risk to witnesses who gave testimony in good faith in the commission of inquiry—we were not apprised of that until 5 March this year at half past five. The question that abides in my mind is why weren't we, or the previous committee—whoever—apprised of the fact that this breach had potentially occurred?

Mr Strange: Again, I can't speak definitely, because I wasn't involved in any of those discussions. With the benefit of hindsight, obviously, it would have been a matter that should have been brought to the attention the committee, because we now understand the gravity of the problem. My sense of the evidence is that people thought there had been an error, a clerical error and a misdescription of one series—that's clearly not the case, what happened—and that Mr Krosch, being a fellow, or a former CJC officer, had brought it to attention and no damage had been done, no exposure had occurred. They were what I understand to be the operative factors thought by those who were involved in the matter. But I'm looking at that from a distance.

CHAIR: Thank you, Mr Strange. Mr Davis, do you have any further questions?

Mr Davis: Yes. In this particular case what we have is the initial 7 June 2011 memorandum, which I think you didn't see?

Mr Strange: Is that the Sweeper memorandum?

Mr Davis: Yes.

Mr Strange: That is 2011, September, I think.

Mr Davis: Yes. You didn't see that?

Mr Strange: No, I've got no recollection of having seen that until very recently.

Mr Davis: And so the paper trail really is that document which you didn't see, a couple of emails—23 December and the one in January—and then evidence of the release of the documents, which we can see from documents that go to the State Archives and also emails that go to the people who requested the documents.

Mr Strange: Yes.

Mr Davis: That's the audit trail. Does that strike you as a bit ad hoc, or not?

Mr Strange: In hindsight, yes.

Mr Davis: Yes. Now, it could have been done, couldn't it, by way of a proper submission followed by a proper consideration of the matter and then a report done on the submission and then a decision made?

Mr Strange: Yes.

Mr Davis: And in hindsight, that's how it should have been done; is that right?

Mr Strange: That would have been preferable, yes. It may have eliminated some of the room for discrepancies of memory.

Mr Davis: Now, what you have told the committee in answer to some of the questions, especially from the member for Redlands, is that sometimes things are noted; sometimes they're not. Sometimes there is a formal process; sometimes there's not. Is that right—depending upon the—

Mr Strange: Major decisions should be noted.

Mr Davis: Okay. Well, that immediately raises this issue, and that is, what's a major decision?

Mr Strange: Yes.

Mr Davis: Now, can I just ask you this. By training Mr Strange, you are one of my mob in that you are a lawyer and you obviously conduct a management role. I appreciate that.

Mr Strange: Yes, yes.

Mr Davis: But primarily, your training is as a lawyer?

Mr Strange: As a solicitor, yes.

Mr Davis: Yes. Now, in relation to the big managerial issues—how the office is structured, how the hierarchy works, what the reporting conditions are to various officers—who decides that within the CMC? Who actually decides that structure?

Mr Strange: The structure ultimately is a matter for decision by the commission. By that I mean the chair sitting with the four part-time commissioners constituting the formal commission.

Mr Davis: Well, the commissioner is a lawyer.

Mr Strange: The chair?

Mr Davis: The chair is a lawyer?

Mr Strange: Yes. The chair must be, yes.

Mr Davis: The acting chair is a lawyer; that's right?

Mr Strange: Has to be, yes.

Mr Davis: The two heads of the two divisions are also lawyers, aren't they?

Mr Strange: Again, they have to be.

Mr Davis: Where is the management expertise? Where is that hidden away?

Mr Strange: One would hope that all of those senior lawyers would have management experience and expertise.

Mr Davis: Where are the trained managers—the ones who have perhaps MBAs or something like that? Where are they?

Mr Strange: Ms Mendelle's role, the executive general manager—it has in some respects an organisation-wide focus.

Mr Davis: Well, does she set these types of protocols? How are the protocols set for reporting and how matters go up and down the hierarchy? Where do we get that from?

Mr Strange: It depends on the area and it depends on the issue. Some matters are quite operational. Some matters are set by the statute. I am thinking of section 49 reports about potential criminal proceedings, potential disciplinary referrals, those sorts of things.

Mr Davis: But more about the day-to-day reporting and sharing of responsibility. Are there manuals or protocols within the office?

Mr Strange: There are a lot of policies and procedures. There are a lot of work instructions.

Mr Davis: Who sets those? Who reviews them? Who manages all of those?

Mr Strange: Each policy and procedure has a policy owner—what area is responsible for it or what position. They should have a review date. Most matters can be decided at a local level, a divisional level, although some organisational policies will go to the commission for decision.

Mr Davis: Could the witness please see exhibit 43? I have already taken you to this document once.

Mr Strange: Yes.

Mr Davis: Now, that is a document which is a file note made by Sidonie Wood. This document came into existence very recently.

Mr Strange: Right.

Mr Davis: There were apparently notes of this relevant to this file note—as in proper notes, contemporaneous notes—which were destroyed and then this was the result. There couldn't possibly, could there, be any reasonable misunderstanding by anybody working in the CMC that the destruction of contemporaneous notes and the creation of a written note eight or 10 months later was acceptable, surely?

Mr Strange: I haven't heard the specific evidence, but if it occurred on the basis which you have just put to me, that is clearly not sound practice.

Mr Davis: All right. Could you have a look at this document for me, please. This is the risk incident register, which is marked 'not for publication'. We understand that was produced a day or so ago. I beg your pardon, it was produced this morning. Please do not disclose what is on it, but what is not on it is an entry for the May 2012 incident, which is the very thing which is being investigated by this committee. Nor is there a September incident. Nor the March incident. If one looks at the breakdown of record keeping—you are in the middle of what one would think is a fairly significant inquiry by a parliamentary committee, and the very incident that that committee is investigating has not yet found its way to the risk register. Can you tell us how that can be explained?

Mr Strange: We have been overtaken by these events in the last fortnight.

Mr Davis: Oh, all right. So everything has come to a grinding halt while the committee does its work? Is that the position?

Mr Strange: Much of what we normally do we have had to reprioritise for this. I simply haven't turned my mind to whether anybody should have updated the risk incident register. Clearly, it is something that should happen but we have been dealing with the here and now of the issues that have come up.

Mr Davis: I have nothing further. May this witness be stood down?

CHAIR: The member for Bundamba has just one question, thanks.

Mrs MILLER: Thank you very much. I just wanted to make a couple of comments and ask Mr Strange a question or two. Mr Strange, I am just, I suppose, very intrigued because on the one hand we have this government that talks about red-tape reduction all the time and obviously put the CMC under a lot of pressure. We are very well aware that you have had to shed quite a number of staff—in fact I think nearly in the proportion of approximately 10 per cent of your staff recently. It just amazes me that on the one hand you have been forced to reduce these numbers of staff down and then on the other hand you also have some people saying that you, in your role as acting chair, or the chair should basically be recording nearly every conversation that you have. Now, for those of us who have worked in bureaucracies—if you did have to record every conversation that you had, every minor decision that you actually made, the CMC would then suffer from bureaucratic constipation, quite frankly. There has to be an even keel in relation to what you do record and what you do not.

I suppose what I am putting to you, Mr Strange, is: this committee just wants someone to come along here and say, 'I'm the person responsible. I stuffed up. I was wrong. I'm sorry. I apologise.' Can someone in the CMC just do that for us, because I think what is happening is—this forensic view of basically doing all of this nonsense about recording everything—with respect, I think some people have no idea what it is like to work in an organisation, particularly an organisation like the CMC whose main role really is to stamp out corruption in this state and make sure that organised crime bodies are looked at and are brought to heel in the criminal justice system. So Mr Strange, I am just asking: is there someone who can do that for us?

Mr Strange: What has happened in relation to the Fitzgerald documents clearly should not have happened. This is a terrible mistake. The consequences of it are significant, and I know the committee appreciates those. Some of these events happened when I was acting chair. I think all of us who have had any role in this are greatly dismayed, upset, bewildered as to what happened. I do feel a sense of responsibility. This happened when I was acting chair. I have spent many hours thinking what I could have done that might have led to this not happening. I do not know the answer to that—what more I could have done in the circumstances—but they are matters which no doubt the committee will have a view about. We deeply regret what has happened. Aside from the consequences of which the committee has spoken, it has done enormous damage to the commission's reputation. I admit that and I accept that. Mr Martin has said similar things before. It should not have happened.

Mrs MILLER: Mr Strange, with respect, we understand—I am speaking for myself as a member of this committee. I understand what you are saying in terms of the ultimate responsibility and what Mr Martin has said, but also there is someone under you where that mistake was made. And basically what we want is for that person to come in here and say, 'I'm responsible. I shouldn't have done it. I'm sorry.' I think it is a great shame that all the good work that the CMC has

undertaken over decades has now been basically put under the microscope, not only by this committee but also everyone else.

You alluded before that in the last two weeks it has taken up a lot of the time of the commission. Yes, it has. Can I just say: if somebody within your organisation had come before this committee and just put their hand up and said, 'Basically, the buck stops with me,' instead of committee members being here in this inquiry we could have been representing our constituents down the corridor in the Legislative Assembly. So Mr Strange, I am just asking that you take that back to the CMC because I think that would go some way to restoring the reputation of the CMC. Certainly, if I can say: the people of Queensland need a CMC because, no matter what, without it the boys are back in town and corruption will keep going.

CHAIR: Do you have any further questions, Mr Davis?

Mr Davis: No. May this witness be stood down, please?

CHAIR: Mr Strange, you will be stood down on your own undertaking to reappear if required. Do you give that undertaking?

Mr Strange: I do, Madam Chair. Can I just flag that I have a problem with availability Tuesday, 26 March. I have another commitment which I cannot avoid that day. Other than that, I can be at the committee's call.

CHAIR: Thank you very much.

Mr Davis: Dr Mellifont will call the next witness.

CHAIR: Thank you, Dr Mellifont.

Dr Mellifont: I call Amanda Honeyman.

HONEYMAN, Ms Amanda, Acting Research Director, Committee Office, Queensland Parliamentary Service

Witness was affirmed—

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

Ms Honeyman: Amanda Maria Honeyman.

Dr Mellifont: What is your current position of employment?

Ms Honeyman: I am working as the acting research director within the committee office of the Parliamentary Service.

Dr Mellifont: How long have you held that position for?

Ms Honeyman: Since May 2012.

Dr Mellifont: And what is your substantive position?

Ms Honeyman: As a principal research officer with the committee office.

Dr Mellifont: You are familiar with the fact that on 7 March this year there was an in camera proceeding with respect to the Queensland State Archives staff?

Ms Honeyman: Yes.

Dr Mellifont: And are you also familiar with the fact that the Queensland State Archives staff have provided a substantial amount of documentation relevant to the terms of reference of this inquiry?

Ms Honeyman: Yes, that's correct.

Dr Mellifont: Have you in respect of that material allocated exhibit numbers and compiled a file in respect of it?

Ms Honeyman: Yes.

Dr Mellifont: And are you aware that an index has been prepared giving document descriptions to those exhibits and that a staff member this morning was tasked with doing a cross-referencing to tabled document numbers?

Ms Honeyman: Yes, that's right.

Dr Mellifont: I will show you this folder, please. Is that the exhibits folder you have prepared?

Ms Honeyman: Me and my team, yes.

Dr Mellifont: And is the table on the front the index prepared with the cross-referencing to the tabled document numbers?

Ms Honeyman: Yes.

Dr Mellifont: I seek leave to table that bundle, please.

CHAIR: Is leave granted? Leave is granted. It is exhibit 106.

Dr Mellifont: Ms Honeyman, have you interrogated the records of the committee to ascertain whether or not there has been any notification or advice provided by the CMC to the PCMC since May 2012 in respect to access issues to the Fitzgerald inquiry documents?

Ms Honeyman: I have, yes.

Dr Mellifont: And what did that interrogation reveal?

Ms Honeyman: There was no information provided to the committee about this until March 2013.

Dr Mellifont: Thank you. They are the questions I have for Ms Honeyman. Might she be excused?

CHAIR: She might be excused. Thank you. Mr Davis?

Mr Davis: I call, please, Janet Legg. Madam Chair, I have just been advised that Ms Legg has just arrived at parliament. Her counsel has not yet had an opportunity to confer with her. Could the matter be adjourned for, say, 10 minutes just to enable that to occur?

CHAIR: The hearing?

Mr Davis: Yes.

CHAIR: Yes. We will resume at 10 past four.

Proceedings suspended from 4.01 pm to 4.20 pm

LEGG, Ms Janet, Former employee, Crime and Misconduct Commission

Mr Davis: Could you tell the committee your full name, please?

Ms Legg: Janet Mary Legg.

Mr Davis: And what is your occupation?

Ms Legg: Currently I am a ward receptionist at the Wesley Hospital.

Mr Davis: And at some stage did you work for the CMC?

Ms Legg: Yes, I did.

Mr Davis: Over what period did you work for the CMC?

Ms Legg: From October 1994 to June 2011, but I actually took leave from Easter 2011.

Mr Davis: Very well. Now, could you have a look at this document for me, please. Is that a CV of yours?

Ms Legg: Yes, a very old one, but yes.

Mr Davis: Current to when?

Ms Legg: It was current to probably mid-2000s.

Mr Davis: Very well. Anyway, it takes us up to a time when you were working at the CMC.

Ms Legg: Yes.

Mr Davis: I tender that document, please. That document has Ms Legg's address on it, so could it be not for publication just for the moment and we will see what we can do to edit it.

CHAIR: Are you saying the address is the only thing that needs to be redacted?

Mr Davis: Is the address the only thing that is sensitive?

Ms Legg: Yes.

CHAIR: I seek a motion that the document be tabled with the physical address of Ms Legg to be redacted. All in favour? Carried. It is document 107.

Mr Davis: Between 2007 and 2010 there was a transfer of documents concerning the Fitzgerald inquiry from the CMC to Queensland State Archives.

Ms Legg: Yes.

Mr Davis: Were you involved in that?

Ms Legg: I was, yes.

Mr Davis: What was your role in that?

Ms Legg: My role was to oversee the transfer of the documents to State Archives and liaise with staff at State Archives to develop a disposal schedule for those records and—

Mr Davis: What does that involve?

Ms Legg: Getting staff from State Archives to come out and have a look at the collection so they could understand how we had categorised it, trying to determine the value of that information in those documents and coming up with a recommended retention period. So the majority, I believe, would have been permanent records.

Mr Davis: Yes.

Ms Legg: Some were of temporary value. That would have been discussed with State Archives staff and then it would have been signed off by the chairman at the time.

Mr Davis: Now, the issue of retention of documents is a different issue to their availability for disclosure to the public, isn't it?

Ms Legg: That's correct.

Mr Davis: So when you speak about retention, you speak of physical retention of the actual documents themselves as to whether or not they should be destroyed after a time, is that the idea?

Ms Legg: That's correct, yes.

Mr Davis: In relation to the classification of the documents, that is a completely different issue—their security classification. Did you have anything to do with that?

Ms Legg: Are you talking about the RAP—

Mr Davis: The RAPs.

Ms Legg: Yes. I would have had discussions about the RAP probably with Greg Rigby. My recollection is that he probably discussed it with the chairman at the time. But we based the closure period on the information that was on the form—the RAP form. There are three categories, I believe: zero to 65 years for law enforcement information, that sort of thing.

Mr Davis: And there were also some documents that were marked 'not for publication', weren't there?

Ms Legg: Some of the exhibits, that's correct, yes.

Mr Davis: Now, when you were dealing with this transfer, was there an index, later called the metadata?

Ms Legg: The information was recorded in what was called the TCR system and—

Mr Davis: What does that stand for?

Ms Legg: Text character recognition.

Mr Davis: Where did that system come from? Did that come from the Fitzgerald inquiry?

Ms Legg: Yes. I actually never used that system. We had a search engine called ISYS that— if I needed to look for Fitzgerald information I used that search engine. There was a TCR index, and some of the information on the exhibits in particular was actually put into the commission's record-keeping system at the time, which was RecFind. But the rest of the information stayed in the TCR system.

Mr Davis: Now, when you were conducting this exercise of transferring the documents from the CMC to Queensland State Archives, was there ever a physical audit of the documents?

Ms Legg: There was. We audited them as we boxed them up.

Mr Davis: How did you audit them? What was the extent of the audit?

Ms Legg: We had to extract the information from TCR and put it into the spreadsheet that State Archives required the metadata to be in. So that took quite a deal of time and then we used the spreadsheet to audit what was going into the boxes so we could put a box number against it and then we transferred it to State Archives.

Mr Davis: So each of the documents had a number?

Ms Legg: Yes.

Mr Davis: So when you say you were auditing the documents, you were just checking the number; you weren't reading the document to see if it was sensitive information?

Ms Legg: Not as such, except with the exhibits. The exhibits that had non-publication orders were sealed in envelopes.

Mr Davis: So there were documents that were marked 'not for publication'?

Ms Legg: Yes.

Mr Davis: So you identified all those and sealed them; is that right?

Ms Legg: That's correct.

Mr Davis: There were then documents that had been the subject of tender at the Fitzgerald inquiry and not an order for nonpublication?

Ms Legg: Yes.

Mr Davis: And then there was material that had been generated by the inquiry which had not been marked for nonpublication and had not been tendered in the inquiry?

Ms Legg: Yes.

Mr Davis: So there were those three categories of documents?

Ms Legg: Yes. What you have just said in the last is what I would call the TCR information. It was a whole raft of documents that were supplied to the inquiry that were never tendered as an exhibit.

Mr Davis: Very well. But the metadata—the TCR spreadsheet—that included not only those documents but also the ones that were tendered; is that right?

Ms Legg: Can I just think about that? I believe everything was in the TCR index, yes.

Mr Davis: Including the ones that had been marked not for publication or not, to your memory?

Ms Legg: If the exhibits were in the TCR index, they would have all been in there, I believe. I can't be 100 per cent sure if the exhibits were in that TCR index. I believe they were, but I'm not 100 per cent sure.

Mr Davis: Well let's assume that there are these three categories of documents.

Ms Legg: Yes.

Mr Davis: There were the ones that were tendered and were available to the public way back when in the Fitzgerald days. There were also the ones that were marked confidential and then there is this third category.

Ms Legg: Yes.

Mr Davis: Did anybody do an audit of the third category in the sense of actually looking through those documents to work out what was sensitive and what was not?

Ms Legg: No.

Mr Davis: Very well. What was actually physically involved in getting the documents from the CMC to Queensland State Archives? Obviously they were audited in the way you have described. They were boxed.

Ms Legg: Yes.

Mr Davis: It then took three years for all of them to get from the CMC to State Archives. So it was done in tranches, was it?

Ms Legg: Yes. They weren't all transferred or boxed at the one time. I physically didn't do it myself. I had one of the records management staff do it. And I think we transferred the exhibits first and then records of interviews and statements and then I think the bulk of the information went over.

Mr Davis: What arrangements were being made with Queensland State Archives? Obviously they expected the documents to be delivered. What arrangements were made?

Ms Legg: When we'd boxed them up and they were ready, a call would be made to the transfer area at State Archives saying they were ready, and arrangements would be made for them to be picked up or we hired a truck. I'm not sure which.

Mr Davis: And what about arrangements made before the documents were boxed up? Obviously there was some agreement between the CMC and QSA that the documents were to be taken.

Ms Legg: Yes.

Mr Davis: Were you involved in that?

Ms Legg: I would have been. I know we had visits from Janet Prowse at one stage to look at the Fitzgerald holdings so she had an understanding of what we had, and then staff members from archives came over. I would have been involved in discussions with them, but clearly State Archives wanted the collection as soon as we could get give it to them.

Mr Davis: At some stage the question of the RAPs arose.

Ms Legg: Yes.

Mr Davis: When did that arise for the first time?

Ms Legg: I'm not 100 per cent sure. Generally when you transfer records to State Archives they require the RAP at the time. But from my understanding it wasn't done straightaway. I don't know exactly why that is. It may have been that they agreed we could get everything over there and then do the RAP on it once we'd got the stuff there.

Mr Davis: The RAP was ultimately applied in September 2010, wasn't it?

Ms Legg: Yes, that's my understanding.

Mr Davis: So it seems that what occurred in this particular instance was there was a physical transfer of the documents over a period of a couple of years or a few years and then the RAP was then applied.

Ms Legg: Yes, we sent the RAP to them in September 2010.

Mr Davis: I just want to show you a document. It is exhibit 63, which is tab 9 of the bundle. Now that is an email trail. I suspect that you probably haven't seen some of those emails before. But could you go to the third page, please?

Ms Legg: Yes.

Mr Davis: You will see there that there appears to be an email sent on Friday, 16 April 2010 at 8.40 from you to Jan Speirs.

Ms Legg: Yes.

Mr Davis: Jan Speirs was General Counsel at that point?

Ms Legg: Yes.

Mr Davis: This is an email that you sent. Is that right?

Ms Legg: That's correct.

Mr Davis: And it is asking for advice from General Counsel about the setting of the RAP.

Ms Legg: Yes.

Mr Davis: Could you look at the next document in that which is a memorandum to Jan Speirs from Lisa Brereton. Have you ever seen that before?

Ms Legg: I don't believe so.

Mr Davis: Let's go back to your email which is the one of 16 April 2010. Did you receive the advice that you requested?

Ms Legg: Not to my knowledge, no.

Mr Davis: Did you chase it up or did you have any conversations with Jan Speirs or anyone else?

Ms Legg: I may well have done. I believe State Archives were chasing me for it, so I think I did contact General Counsel to see what was happening.

Mr Davis: The end result was that you didn't get the advice though.

Ms Legg: Not to my knowledge, no.

Mr Davis: So what did you then do in relation to the RAP issue?

Ms Legg: I would have consulted with the director at the time. I believe we set the 65-year closure period for the majority of the items and 100 years for exhibits with non-publication orders.

Mr Davis: The 65-year RAP, how was that arrived at?

Ms Legg: It was based on the criteria on the form that State Archives get you to use. One of the sections relates to law enforcement information.

Mr Davis: And the maximum for law enforcement information is generally 65 years?

Ms Legg: Yes.

Mr Davis: So you just set the maximum.

Ms Legg: Yes.

Mr Davis: Was that set because you had no legal advice to the contrary?

Ms Legg: Well, that probably played a part in it but also we tended to look at a generation—so keep sensitive information unavailable for like 65 years or so.

Mr Davis: Some of the information, though, had already been in the public domain, hadn't it, because it had been tendered at the Fitzgerald inquiry?

Ms Legg: That's correct, yes.

Mr Davis: So was there any attempt to categorise that information out and give that a different RAP?

Ms Legg: Not at that time, no.

Mr Davis: Could the witness please see exhibit 9. Now that is two documents. It is a letter signed by you to Janet Prowse—

Ms Legg: Yes.

Mr Davis:—and attached to that is a restricted access notice—

Ms Legg: That's correct.

Mr Davis:—which is signed by you. I think it is actually signed by you on the front page.

Ms Legg: Yes.

Mr Davis: So you had an authorisation, did you, to sign that document?

Ms Legg: Yes. I was the authorised officer at the time.

Mr Davis: Could we now go to the letter which is 3 September 2010. You say in the second paragraph—

Attached is the completed form which sets the RAP for all of the series to 65 years with the exception of 18651 ...

Why was that excepted?

Ms Legg: That was because that was the exhibits and there were some exceptions with the non-publication orders.

Mr Davis: Very well. When did you leave the CMC?

Ms Legg: I went on leave at Easter 2011, which I think was late April. I actually ceased employment on 30 June.

Mr Davis: So you had nothing to do with the recalculation of the RAPs.

Ms Legg: No.

Mr Davis: That was all after your time, was it?

Ms Legg: That's correct.

Mr Davis: Very well. Could I show you this document, please. This is a transcript. It is document 11 in the bundle. This is a transcript of proceedings before this committee on 14 March 2013 at page 9. This is some evidence given by Mr Duell.

Ms Legg: Yes.

Mr Davis: Did you have contact with Mr Duell at any time during this process?

Ms Legg: To the best of my recollection, no. I don't believe I spoke to him about it. I did raise the subject with a couple of people, I think, before I left about the public exhibits now being inaccessible for 65 years. But I cannot remember speaking directly to Peter after I left.

Mr Davis: By the time you left in the middle of 2011, was it an issue that some of these documents had a 65-year RAP and perhaps there was no need for it? Was that an issue?

Ms Legg: Well, we still were getting the occasional inquiry for information from the Fitzgerald inquiry and some of that was exhibits. And it would have removed the process of having to obtain approval from the CMC before access could be given if that RAP was changed and they were open to the public.

Mr Davis: So that was an issue by the time you left.

Ms Legg: It was a minor issue. It was happening occasionally.

Mr Davis: But it certainly hadn't progressed to any decision-making process by the time you left.

Ms Legg: No.

Mr Davis: Have a look at page 9 of the transcript I just gave you. This is evidence concerning a briefing note that Mr Duell made. If you look at the first three or four exchanges on that page, he refers to relying upon the expertise of a CMC's record manager of 18 years. You did work for the CMC for about 18 years?

Ms Legg: It was 16½.

Mr Davis: If you then go over the page, at page 10, if you look again about a quarter of the way down the page, he says that he spoke to you after you had left. Is that right?

Ms Legg: I don't honestly recall whether he did or not. He may well have, but I honestly don't recall if he did.

Mr Davis: You can't recall whether he did or not?

Ms Legg: No, I can't, sorry.

Mr Davis: Very well. I will just show you this document. It is another transcript. It is 12 in the bundle. It is the transcript of proceedings before this committee on 14 March 2013 and it is at page 13. If you go down three exchanges, you will see—

Inquiry into the CMC's Release and Destruction of Fitzgerald Inquiry Documents

Mr Davis: '... no legal advice ...

Do you see that?

Ms Legg: Yes.

Mr Davis: Now that is actually me putting to Mr Duell something that he stated in another document. What he is saying is—

'... no legal advice in relation to these matters was received.

And that is in relation to the RAP—

In the absence of legal advice Janet Legg decided to err on the side of caution and set the maximum ... restricted access period' et cetera.

Ms Legg: Yes.

Mr Davis: That's true? That's how that came about?

Ms Legg: Yes. As I said, that would have played a part in it. But I believe I would have always have set 65 years, the maximum, for that information.

Mr Davis: Even though some of it had been the subject of public disclosure—

Ms Legg: At that stage, yes. Without their advice on that particular issue, I would have set the maximum.

Mr Davis: Why? Why not audit the documents and then work out what should or should not be disclosed? There is obviously a public interest in documents remaining restricted?

Ms Legg: Yes.

Mr Davis: But there is also a public interest, isn't there, in having documents which have no sensitivity being disclosed?

Ms Legg: Yes.

Mr Davis: So what was done about that?

Ms Legg: I would say that it was probably the time constraints. We wanted to transfer the holdings to archives before we relocated to Green Square. That would've played a part in it. I'm not sure who should've audited that information to make that decision, whether it should've been information management or other people in the commission.

Mr Davis: Well there was this project underway, wasn't there, to transfer the documents to State Archives?

Ms Legg: That's correct.

Mr Davis: So surely a part of that process was classifying the documents in accordance with the appropriate RAPs?

Ms Legg: Which—

Mr Davis: So somebody must have been in charge of that or that must have been contemplated at least?

Ms Legg: I have no recollection of discussing whether we should look at every individual document to determine what RAP it should have on it.

Mr Davis: But you had access to the metadata, didn't you?

Ms Legg: That's correct, yes.

Mr Davis: So you wouldn't necessarily have to pull out every single document. You could go through the metadata which gave you an idea of what the document was about?

Ms Legg: Yes. It would've, but I would imagine we would've had to have looked at some documents.

Mr Davis: And also I suggest to you that it would have been a fairly simple process—it might have taken some time—to go to the Fitzgerald report and identify the documents that had been tendered which were not subject to a non-publication order and classify them at, say, 20 years?

Ms Legg: Yes.

Mr Davis: That would've been fairly straightforward, wouldn't it?

Ms Legg: It would've, yes. But I would not have made or filled out that RAP without discussing it with the director at the time. So I'm not sure that I ultimately made the decision. I would have discussed it with—

Mr Davis: I'm not asking you whether you made the decision. I'm trying to get to the bottom of the process that you were a part of.

Ms Legg: Okay.

Mr Davis: What seems to be missing from that process is any real consideration of whether it is in the public interest to have particular documents disclosed or not.

Ms Legg: Yes.

Mr Davis: And what seems to have happened is you have turned your mind to it, with respect, because you've then sought legal advice from General Counsel. Nothing has happened so all the documents have effectively been shut down for the 65 years.

Ms Legg: Yes.

Mr Davis: And that is a little silly, isn't it, because some of the documents have of course been the subject of disclosure in the Fitzgerald inquiry itself?

Ms Legg: That's correct and that's why I did raise it after the RAP had been done. I brought it up in general conversation.

Mr Davis: With whom?

Ms Legg: I would have spoken to the director. I believe I spoke to Suzanne Sweeper at that time.

Mr Davis: Who. The director, who?

Ms Legg: I would have mentioned it to Peter—

Mr Davis: That's Duell.

Ms Legg: And I believe I had discussions with Greg Rigby about it at some stage. I would've discussed it with Russell Kenzler who is the—

Mr Davis: What discussions were you having? What were you saying?

Ms Legg: I was just saying that it seemed silly that these documents were now inaccessible for 65 years when they'd been part of a public inquiry

Mr Davis: I know silly was my term, but a bit more than silly really isn't it. It's documents which, in the public interest, should be disclosed?

Ms Legg: Yes.

Mr Davis: Was there anything formal that you did? Prepare a report, send a report up the line, communicate with anyone in a formal way?

Ms Legg: Not to my knowledge, no.

Mr Davis: Very well. They are the questions I have for Ms Legg.

CHAIR: Can you clarify something for me, please. On your resume it's titled Janet Walker.

Ms Legg: That was my maiden name.

CHAIR: When you were auditing the information you said you prepared a spreadsheet to order what went into the boxes.

Ms Legg: I didn't personally, but one of my staff members did, yes.

CHAIR: When you created that spreadsheet that had the metadata on it as well?

Ms Legg: That is correct.

CHAIR: When you were auditing the boxes or people assisting you were auditing the boxes do you recall whether they came across any sleeves that just had a slip of paper in them that had a CMC file number on it where the files were actually missing but the trail was to a CMC record number?

Ms Legg: I don't recall any specific examples but if it had been brought to my attention I would've told them to leave that there so that there was a trail of where that information had gone to.

CHAIR: You have very good recall, can I say.

Ms Legg: Have I?

CHAIR: Yes you have. I commend you for that.

Ms TRAD: You spoke a bit of about TCR, The Corporate Retriever. I know that you did not have access to it? Were you familiar with the system at all? With your CV you look like you're very competent with databases?

Ms Legg: Yes, I am, but I didn't actually have anything to do with that system. It wasn't in use when I started at the commission. Basically the information was saved on the network and I used a search engine called ISYS to search for information in all the Fitzgerald inquiry—

Ms TRAD: And ISYS would locate whatever across all of the databases?

Ms Legg: You could select specific categories of the information. You could look at the exhibits or you could look at Greg Early's diaries or the more general information or you could look across all of it. You selected what areas you wanted to target and put in a name or what information you are looking for and you got a whole list of documents—the metadata about the documents back.

Ms TRAD: So it was a TCR text that was used to compile a spreadsheet of the Fitzgerald holdings?

Ms Legg: Yes.

Ms TRAD: That aided the transfer?

Ms Legg: Yes. Staff from IT had to do something with that data so that we could actually incorporate it into the spreadsheet.

Ms TRAD: So who were the staff in IT at the time? Who was the IT manager?

Ms Legg: It could have been Peter Duell at the time. The lady who did some of that spreadsheet work she left the commission in 2008. So it would have been done before that. It may not have been Peter. He was offline for a period in 2008. I am just trying to think who—

Ms TRAD: Was that when he was acting up as director of records management?

Ms Legg: No. During 2008 Peter and I worked together in a unit that was looking at strategic and planning issues for information management and looking at all the compliance with the government's information standards. So we worked together for that year on that. I can't recall who the acting IT manager was at that stage. Somebody in IT helped facilitate getting that information into the spreadsheet.

Ms TRAD: In terms of the project, I assume that categorising the Fitzgerald holdings, preparing them for transfer, negotiating with QSA, that would have been considered a major project by the commission?

Ms Legg: It was for information management.

Ms TRAD: And how long did it take you personally? You led the project.

Ms Legg: I was, as I say, in this unit at the time doing other information management work. But I was given the task of overseeing several projects that records management staff had to undertake leading up to the move for Green Square, and transferring this material was one of those. There were several projects on the go and I had to manage them and get reports and keep them on track.

Ms TRAD: So did you have a project framework? Did you have specifications or was it just we need to move these files; we do not have enough room?

Ms Legg: We would generally have a project list and we would work out what tasks were required and a time frame. Then I would have to manage the staff in accordance with that. So there were specifics tasks on each project of what we knew we needed to have happen to get those projects finished.

Ms TRAD: Okay. When did the transfer commence? I know the first tranche physically moved over in 2007 according to the QSA. But there was a lot of preparatory work before then?

Ms Legg: Yes.

Ms TRAD: Can you remember when that commenced?

Ms Legg: Not specifically, no. But it would have been—once we were aware we were moving to Green Square we would've sat down and worked out what needed to be done leading up to that

move. So I would imagine sometime in 2007 we would've looked at the projects needed and set what was required.

Ms TRAD: And the last tranche was transferred in 2008, to my recollection in August?

Ms Legg: I'm not sure of specific times, but I understand there were four transfers.

Ms TRAD: When you were pulling together the project plan for the transfer was getting General Counsel advice on the transfer ever part of the process? I know from your email that you sent an email in April 2010 which was when the last tranche of transfer occurred, but there was no suggestion of legal advice in 2007 or earlier?

Ms Legg: I don't believe so, no.

Ms TRAD: You said earlier that QSA had come over to have a look at the holding. This is something that is new to the committee. Can you expand on that a bit?

Ms Legg: When we contacted State Archives to say we were ready to transfer the collection—

Ms TRAD: When was that?

Ms Legg: It would have been in 2007 sometime. I don't know specifically. Unfortunately, I don't have access to the files so I can't give you a specific date. But we contacted them and I know Janet came out because we discussed various items that we had that were of interest. She, I believe, had at least one other person with her and then we liaised with members of State Archives over time. I believe they might have come out a couple of times after that.

Ms TRAD: So what were they looking at?

Ms Legg: Well there weren't just documents in the collection. There were—

Ms TRAD: So they were looking at physical files? They were looking at documents?

Ms Legg: Yes, so they could understand what exactly was in the collection. Because it was documents, there were different exhibits tendered. We also had a whole raft of material that had been acquired. An example was a briefcase that was taken from somebody. So we had a whole raft of different types of things there. So we wanted archives to understand what it was in the collection and find out what exactly they wanted.

Ms TRAD: We've heard earlier—and you'll have to forgive me, I've forgotten who actually provided this evidence—that there was some incompatibility with the information that was supplied by the CMC to Queensland State Archives in relation to the descriptors—the serial descriptors. There was some information that was not easily transferable so it was a long time before all of the transfer documents were put in place. So the transfer started in 2007 and the final transfer paperwork did not occur until 2010 with the last tranche of transfer. Part of the delay in that paperwork coming over was actually getting the text descriptors right for the files?

Ms Legg: Yes. I think what you are referring to is actually getting the information from the TCR into the spreadsheet that State Archives required.

Ms TRAD: Sorry, I remember it was Mr Rigby who gave that evidence.

Ms Legg: State Archives wouldn't take the information as we had it. It has to go in their spreadsheet so that they can upload into their search engines.

Ms TRAD: So they did not alert you from 2007 when they first started to come over and have a look at the physical holdings?

Ms Legg: It did not really become an issue I do not think until we were transferring the raft of information that was not tendered. So the exhibits were okay. Records of interview and statements were quite okay because the metadata was quite succinct, but the metadata around particularly the descriptor of the documents of this other bucket of information was unwieldy at times. It took a bit of time to sort of get that ready for transfer.

Ms TRAD: Within that familiarisation process of both agencies, was it made clear to you that that metadata would be publicly available?

Ms Legg: I am not sure. I possibly would have been aware of that because of just my understanding of how archives worked. But whether anybody actually specifically said—it probably did come up as, 'This information has to go in the spreadsheet because it goes into our search engine.' So, yes, we probably would have been aware of that.

Ms TRAD: Who was involved in those meetings with the QSA with Ms Prowse when she came over?

Ms Legg: Myself, probably another records management staff member who was involved in the project. I am unsure whether Greg Rigby was there at the time. So it could have just been two of us from the CMC and a couple from State Archives. I am not a hundred per cent sure.

Ms TRAD: Did you have milestone reports that you provided to Mr Rigby, Mr Duell?

Ms Legg: Yes, particularly around the Green Square project. We had lots of reporting as to where we were with each project and to make sure we were on track because it was a big move.

Ms TRAD: Would things like file descriptors, metadata, adequacy of descriptions—would that stuff be included in your milestone report? What would be included in your milestone report?

Ms Legg: We would probably just report on the progress we were making. It is a possibility that it was in there. I cannot say for sure because I have not got the documents. But it may well have factored in, though. But we would just generally report on, 'This is the task we needed to get done and this is where we are at with them.' If there were any issues, yes. But I cannot answer that specifically.

Ms TRAD: Just on a general note—and this is my last question—you were at the CMC for 16½ years you said?

Ms Legg: Yes.

Ms TRAD: In that time the organisation obviously grew. Just from your own perspective, do you want to detail that growth? Were there a lot more people to come on board? Did the organisation take on more internal governance projects or external advisory roles?

Ms Legg: The CMC had changed obviously in 2001 when it merged with—the CJC and the Crime Commission merged. Over time there has been a lot, particularly in relation to information management. There has been a lot more governance in place. The government have got information standards on a whole raft of things. So we had to find more resources to look at that.

Ms TRAD: That is fine. Thank you. Thanks for your time.

CHAIR: The member for Greenslopes.

Mr KAYE: Ms Legg, you have obviously worked in a few different areas over the years—QPS, solicitors over in London; is that right?

Ms Legg: Yes.

Mr KAYE: Is there anywhere else that you have done records management other than the CMC?

Ms Legg: No.

Mr KAYE: Okay. I know over years obviously processes improve, but how did you find the records management at the CMC perhaps in comparison to other places where you worked? Were they keeping up with technology? How was it?

Ms Legg: The CMC were, as a lot of places are, very good at managing the physical record. The problems agencies face—and not just the CMC—were managing the electronic records. As a lot of government agencies are doing now, the CMC implemented an electronic document management system—in 2010 it went live—to manage all that sort of thing. There was a good record-keeping culture in place, but there was always room for improvement.

Mr KAYE: I notice that you were a member—or maybe still are a member—of the Records Management Association Australia?

Ms Legg: Not anymore, no.

Mr KAYE: Do they send out updates on best practice and things like that?

Ms Legg: They did not so much. They were a networking avenue. Queensland State Archives took on a bigger role in terms of record keeping and getting information out to everybody. When the Public Records Act came in—I think it was 2002—and the information standards obviously raised the bar in what everybody had to do. So certainly that side of things really grew and everybody was working towards best practice record keeping.

Mr KAYE: Thank you. I have nothing further.

CHAIR: Member for Redlands.

Mr DOWLING: Good afternoon, Ms Legg. How are you?

Ms Legg: Good, thank you.

Mr DOWLING: You said earlier in your statements that searching using the Oasis as opposed to the TCR—

Ms Legg: Isis.

Mr DOWLING: Isis, sorry—using the Isis system as opposed to the TCR because you had not worked on TCR, you were not skilled in that computer program?

Ms Legg: I do not even think we used the system. It was used by the inquiry. I do not believe the CJC actually used that system.

Mr DOWLING: So using the Isis system, you were able to search by categories, I think you said, things like you could tease out the exhibits?

Ms Legg: Yes, you could specifically search just for exhibits or you could search for more than one category at a time.

Mr DOWLING: What was the range of categories? Give me a feel for that, please?

Ms Legg: There was the actual report itself. There were exhibits. I believe there was Greg Early's diaries, the general bucket of information that was given to the inquiry, the transcript of the hearings.

Mr DOWLING: If I would have typed in something like 'surveillance' it would bring up all of the issues in regard to surveillance, all of the surveillance that was undertaken?

Ms Legg: Yes.

Mr DOWLING: So if I were to type in 'prostitution' or 'prostitute', again it would isolate all of those for you?

Ms Legg: Yes.

Mr DOWLING: And this was all done electronically?

Ms Legg: Yes.

Mr DOWLING: How were they married up to the paper documents, the hard materials?

Ms Legg: They had a number and the numbering system that they used was an identifier such as a person's name and then a number. Now, I am not a hundred per cent sure because I was not at the inquiry, but I believe that was a running number. So if something came in on this person, it would have their name and the next running number. That is my understanding of where they got the numbers from.

Mr DOWLING: Pardon my lack of understanding because I do not understand how these things are archived or filed or physically held, but if I were to type in the word 'surveillance', I could then isolate all of those files. If I were to type in the word 'bribes', I could isolate all of those files, all of those documents and actually quarantine them because these are the areas where there is sensitivity, as you probably are aware?

Ms Legg: Yes.

Mr DOWLING: So why was it in everyone's mind so far—and I appreciate you are probably not following this the way we are, hanging on every word—why was it so problematic then to isolate those things when you were dispatching them across to State Archives? From my simple understanding of this process, if you were to type in 'surveillance', find all of those files, have a scan through them, quarantine them and then at a later date as inquiries came up you could start to release them through RTI—or FOI back then?

Ms Legg: Yes.

Mr DOWLING: Would it have been a relatively mechanical and straightforward procedure to do it?

Ms Legg: In some ways, yes, it would have identified the documents. But the way the information was recorded in TCR it was difficult to get context around—there would be a title of a document. Then there were a whole raft of names and places. But you did not know what context that was in, whether this person was the investigating officer or whether they were the baddie or what. There was just no context. So, yes, you could bring them up, but you probably would have needed to look at the documents in some instances to work out what was happening.

Mr DOWLING: So when your staff were looking through these and sorting through the boxes and the files, they were actually seeing the TCR and/or the metadata. They were seeing those one-line threads of information which articulated what was in that envelope or that file?

Ms Legg: Well, they would have to look at the spreadsheet and look at the document description and check that that was the document, yes.

Mr DOWLING: So they saw, for argument's sake, 'Mr XYZ, suspected drug dealer, prostitution, surveillance'—

Ms Legg: Yes.

Mr DOWLING:—'judge bribed' et cetera?

Ms Legg: Yes.

Mr DOWLING: So they were well aware at that level—

Ms Legg: Oh yes.

Mr DOWLING:—of the incredible sensitivity around—

Ms Legg: Most definitely.

Mr DOWLING:—the material they were handling?

Ms Legg: Most definitely, yes.

Mr DOWLING: How much further up the organisation do you think they were critically aware of some of that type of metadata TCR descriptor?

Ms Legg: I do not think outside of information management, as in the people on the project and the director, would have really been aware of that.

Mr DOWLING: Would it be fair for me to presume—and I am asking for an opinion now obviously, not a statement of fact. Would someone like Greg Rigby have known the threads that were there, the information that you were reading through?

Ms Legg: He certainly would have been aware of the sensitivity of the information in there, yes.

Mr DOWLING: But would he have known the language and the phraseology, the actual threads that were there, like 'Mr Smith, judge, bribery, businessman, drug dealer'?

Ms Legg: Quite possibly, because he may well have had to find information from the Fitzgerald inquiry at times.

Mr DOWLING: Using this technique?

Ms Legg: Yes.

Mr DOWLING: What about someone like Peter Duell?

Ms Legg: I do not know whether Peter actually ever had to search for any information, but if somebody outside the CMC requested information, normal practice was to obtain the documents and then get a decision on whether it could be released, and that would have gone up through the director. So he would have seen specific examples.

Mr DOWLING: My final question, you said that the archivists came across from Runcorn to see what you physically had—

Ms Legg: Yes.

Mr DOWLING:—looking at space and getting a context for what it was. You said, you know, there were a number of items. For example, you gave a briefcase. Is that the most unusual, the largest, the strangest item that you had?

Ms Legg: No.

Mr DOWLING: Can you give me some kind of sense of what items we are referring to?

Ms Legg: They are quite varied. There was one exhibit which was a bottle of Chivas Regal Royal Salute, which is in the display cabinet at the CMC. They were—what else? There were personal photographs that were seized.

Mr DOWLING: Would it be fair to say that the briefcase is probably the largest of those items? There were no cars or motorbikes?

Ms Legg: No, no.

Mr DOWLING: Furniture?

Ms Legg: No.

Mr DOWLING: Guns?

Ms Legg: No.

Mr DOWLING: Other paraphernalia that might be considered criminal tools of trade?

Ms Legg: No.

Mr DOWLING: Knives and things?

Ms Legg: No.

Mr DOWLING: Smoking apparatus? No?

Ms Legg: I do not believe so, no.

Mr DOWLING: All right. Thank you very much.

Ms Legg: That is okay.

Mr WELLINGTON: I think I heard earlier in the evidence that the amount of material that we are referring to that went to archives was in the order of 200 to 240 lineal metres of documents. Now that is not just like one box, two boxes. That is massive.

Ms Legg: It would certainly be in that realm I believe. There was a lot, a lot of information that we had, yes.

Mr WELLINGTON: So when we say we go down and have a search, you really had to know where you wanted to search—

Ms Legg: Yes.

Mr WELLINGTON: To be able to get through that material, because it's not like going to the library and just picking out a book. You had to understand the index.

Ms Legg: Yes, the way the information was actually on the shelves was all the exhibits were together in numerical order. What I call the TCR pool of documents were all altogether in numerical order—well, alphabetical, I should say, based on the numbering system. So they are all grouped together. So if you did your search in TCR and in ISYS, as we did, you would have the reference number. So if you went into the file room you could see where they were and go pretty much to what you wanted.

Mr WELLINGTON: And in relation to staffing of the area where you were working, was there a regular—everyone was there; they had been there for some time or was there a high turnover of staff and concerns about staff acting in acting positions?

Ms Legg: There was a—there were a few what I would call junior members at the lower—in the lower-level positions. There was a turnover of records managers from about 2008—different people relieving and a couple of appointees. Yes, unfortunately, records management is not very sexy to work in and so there was a reasonable turnover.

Mr WELLINGTON: I suppose one of the issues I am just thinking about—and I have been thinking about it as I have been hearing the evidence—is that when you have a rapid turnover of staff people there and they move on and they are acting in acting positions, is it the case that they do not know what the workstation was like—where you all have your little separate offices and there is that common discussion and understanding. So if some person moves on, all of that body of knowledge about what has been happening in that department is maintained?

Ms Legg: Mmm.

Mr WELLINGTON: Was that the case or was it not the case that, 'Yes, we might have gone for a drink or had a social occasion together,' but effectively you led separate lives and worked separately and—

Ms Legg: No, there was, you know, some camaraderie between people and certainly some socialising with various people in there, but I guess from my perspective I tried to impart my knowledge of those particular holdings and other holdings from earlier on in the CJC days to people that were working for me in the next-level-down positions. And the person who was actually physically doing the transfers, I worked with her and briefed her and we had regular meetings about what was in the collections so that she fully understood and I had faith in her. She did understand what the collection was about. So there was no, I guess, formal handing-over process of the knowledge, but I tried as best I could to ensure that people understood what the collection was about.

Mr WELLINGTON: Thank you.

CHAIR: Could I ask if Ms Legg could have a look at tabled document 9, please? It is No. 6 in our folders. This is the letter that you signed off to Ms Janet Prowse at the State Archives?

Ms Legg: Yes.

CHAIR: In the second paragraph it says—

Attached is the completed form which sets the RAP for all of the series to 65 years with the exception of series—

In the original document—

18651.

That has been crossed out and I think what has been put in is 18586?

Ms Legg: Okay.

CHAIR: Who made that adjustment; do you know?

Ms Legg: No.

CHAIR: It wasn't done by you?

Ms Legg: No. I don't believe so. I have a recollection of speaking to somebody from Archives about an incorrect series number. I thought it was a particular request, but I could be wrong. So—it doesn't look like my writing.

CHAIR: It could have been QSA rang and changed it, do you think? Or would it have come from your side? You don't remember?

Ms Legg: No. As I say, I did have a phone conversation with somebody. I thought it was in relation to a specific request of access, but it could well have been less. I'm not sure. The numbers on the side, it doesn't look like my writing, but it's a bit unclear.

CHAIR: No, that is fine. One other issue, you said as you were packing the boxes the not-for-publication exhibits were sealed in envelopes.

Ms Legg: Yes.

CHAIR: To your knowledge, when they went over to QSA, was the intention for those exhibits to remain in those envelopes as a double security, if you like?

Ms Legg: Yes.

CHAIR: To your knowledge, did QSA remove them from the envelopes as a matter of course or would the fact that they were packed like that be an added level of security even at the QSA holding?

Ms Legg: Yes, to my knowledge, they didn't change that. I think we probably would have been quite specific with them—that there were non-publication orders on those records and they needed to stay sealed.

CHAIR: Thank you very much. Mr Davis, do you have any more questions?

Mr Davis: Just a couple of things. While you were at the CMC, were you involved in the destruction of any documents?

Ms Legg: I managed the program of destruction, yes.

Mr Davis: So there was obviously a protocol or some program in place whereby documents were destroyed after a period of time?

Ms Legg: That's correct, yes.

Mr Davis: Now, when they were destroyed, were they burnt or were they shredded?

Ms Legg: They were shredded. They were taken to—they were put in secure bins and taken off site to be shredded.

Mr Davis: I see. Now, the process of shredding would obviously be done by somebody who just tips the bin into the shredder and that's the end of the documents?

Ms Legg: Yes.

Mr Davis: As the documents are being placed in the bin, what audit was there done of the documents as they went into the bin? Were they read or considered? What was the position?

Ms Legg: The process for destroying documents was we had triggers in our record-keeping system where we produced lists of documents that were ready for disposal and we would send that list to the business owner, which could have been a director of an area, a manager of an area, and

we asked them to verify that those documents could be destroyed and they were—they had the opportunity at that stage to peruse them and say yes or no and give a legitimate reason for keeping them longer if they thought it was needed. And then if we were given the approval to destroy them, a records management staff member would actually physically flick through the file to see whether there was anything that popped up that thought they may need to—

Mr Davis: Sorry, who would do that?

Ms Legg: We had a records officer and an assistant records officer that were involved in doing the actual destruction of the records.

Mr Davis: Okay. So there were, at least in relation to this process, it was a very formal process and there was obviously forms that went from back and forth between the various departments; is that right?

Ms Legg: That's correct.

Mr Davis: And there were at least two safeguards. One was the manager of the department from where the documents came had the opportunity to look through the documents before they were destroyed?

Ms Legg: That's correct.

Mr Davis: And one of the records managers also did?

Ms Legg: The records officer.

Mr Davis: The records officer?

Ms Legg: Yes.

Mr Davis: With respect, though, the records officer might not have enough familiarity with the documents to actually work out whether something ought or ought not be destroyed.

Ms Legg: That's correct. We gave guidance, you know, and looking for, I guess, prominent names that might sort of pique the interest. But, yes, I mean, there may have been things that they didn't pick up, I guess.

Mr Davis: All right.

Ms Legg: The potential was there, I suppose.

Mr Davis: The only other thing I wanted to ask you was this: there was consideration, obviously, given to putting RAPs on the documents that went to QSA. Did anybody consider whether the metadata itself was a document?

Ms Legg: No.

Mr Davis: So no-one considered whether the metadata itself was a document and was a document that may itself be sensitive?

Ms Legg: No, I guess not.

Mr Davis: When did you become aware that the QSA put the metadata on the website?

Ms Legg: When I read about it in the newspaper.

Mr Davis: I see. But you must have known that the metadata was somehow publicly available, because that was the search engine, or did you think that—

Ms Legg: No, based on the RAPs that I did, my understanding was that none of that was available.

Mr Davis: I see. So your understanding was, because you put a RAP on the documents?

Ms Legg: Yes.

Mr Davis: There was then no access to the documents and, therefore, no access to the metadata?

Ms Legg: That's correct.

Mr Davis: I see. Do you know whether anybody checked to see if the metadata was available online after the documents were delivered over.

Ms Legg: I don't believe from our end we did know, no.

Mr Davis: It just didn't occur to you, obviously, for the reasons you've told us?

Ms Legg: No.

Mr Davis: Was there anybody else who perhaps should have or would have checked that?

Ms Legg: I don't believe so, no.

Mr Davis: Just bear with me for a minute, please. Have a look at this for me, please. This is exhibit 25. This is the whole of the metadata which was contained in a number of emails from QSA back to Mr Duell.

Ms Legg: Yes.

Mr Davis: That metadata is marked 'Not for publication'. I want you to flick to—so please don't mention any names that are in it.

Ms Legg: No.

Mr Davis: But if you flick to where we have tagged, I want you to have a look at some of those entries. Just while you are doing that, if I can just ask you this: You were obviously involved in the classification of the documents through the RAP system, the security classification of the documents?

Ms Legg: Yes.

Mr Davis: Presumably, if you had known that the metadata was going to be publicly available, you would have done some check of the metadata to see whether it was appropriate—

Ms Legg: Yes.

Mr Davis:—for the metadata to become available?

Ms Legg: Yes. It was my understanding that if the documents were not for publication, then none of the metadata was accessible either.

Mr Davis: Yes. So looking back the other way, if you thought that the metadata was accessible, you would have applied your mind to the security issues in relation to the metadata?

Ms Legg: That's correct.

Mr Davis: Let's have a look at some of those entries.

Ms Legg: Yes.

Mr Davis: Now assume for me, for a moment, that the metadata was made available once it was sent over to State Archives. If you had seen that metadata and knew that it was going to be made available, would you have had some concerns?

Ms Legg: Yes.

Mr Davis: It's obvious, isn't it?

Ms Legg: Yes.

Mr Davis: Thank you. I have no further questions for this witness. May she be stood down?

CHAIR: Yes. You will be stood down on your own undertaking to reappear if required. Do you give that undertaking?

Ms Legg: I do.

CHAIR: Thank you very much, Ms Legg.

Mr Davis: I call Wendy-Lea Klynsmith.

KLYNSMITH, Ms Wendy, Senior Property Officer, Crime and Misconduct Commission

Witness was sworn—

CHAIR: Thank you very much, Mr Davis.

Mr Davis: Thank you. Could you tell us your full name, please?

Ms Klynsmith: Wendy-Lea Klynsmith.

Mr Davis: And what is your present occupation?

Ms Klynsmith: I'm a senior property officer at the Crime and Misconduct Commission.

Mr Davis: What does a senior property officer do?

Ms Klynsmith: We maintain acquired property, which the police or investigators take under notice, warrant or general collections, and we also maintain the registers, which is the paperwork to do with notices and warrants that are issued.

Mr Davis: Have you held any other roles or positions in the CMC?

Ms Klynsmith: Yes. When I started I started as an AO2 and I worked in registry and then went to the complaints registry.

Mr Davis: Have you worked in records at any stage?

Ms Klynsmith: When I started as an AO2. That was for about six months.

Mr Davis: When did you start as an AO2?

Ms Klynsmith: 2005.

Mr Davis: All right. Now, have you made a statement in relation to these proceedings?

Ms Klynsmith: Yes, I have.

Mr Davis: A written statement and you signed that today?

Ms Klynsmith: Yes.

Mr Davis: And was the written statement made by you with the assistance of legal advice?

Ms Klynsmith: Yes.

Mr Davis: Do you have the statement with you?

Ms Klynsmith: Yes, I do.

Mr Davis: It is dated 21 March 2013 and it is signed by you?

Ms Klynsmith: Yeah.

Mr Davis: And is that statement true and correct to the best of your knowledge?

Ms Klynsmith: Yes.

Mr Davis: I seek to table the statement and I ask that a non-publication order be made in relation to paragraphs 23 through to 26 on the basis that they contain matters personal to Ms Klynsmith which are not relevant to anything concerning the public interest. There should also be a non-publication order over the exhibit to the statement as well.

CHAIR: Okay. So leave is sought for the tabling of this document with the exception of items 23 to 26 and the attachments because they are matters of sensitivity.

Mr Davis: Yes.

CHAIR: Is leave granted? Leave is granted. It is document 108.

Mr Davis: Thank you. Now, in the statement you refer at paragraph 19 to Mr Duell indicating a document to you and saying, 'Sorry, mate, I had to give your name.'

Ms Klynsmith: Yes, that was—I'm not very good with days and dates, but he—I gather, when all of this started he—

Mr Davis: How long ago was this conversation? If you cannot give us a date, was it two days? Three days? Four days? Ten days?

Ms Klynsmith: It was last week.

Mr Davis: All right.

Ms Klynsmith: And it was as if it was a memo of his notes or recollections, I gather, of what he was asked to produce. I'm really unsure. He said that he had to include my name.

Mr Davis: Would you know the document if you saw it or not?

Ms Klynsmith: It was very brief. I might. It was just flicked around.

Mr Davis: Would you look at this document for me, please?

Ms Klynsmith: Yes.

Mr Davis: Just have a look at this one for me, please. That is part of exhibit 6.

Ms Klynsmith: No. It was just like—what he showed me was more like a page and a bit on the back. It was more like a memo, or a file note, or something that he produced.

Mr Davis: Very well. Thank you for that. You cannot tell us anything else about that document that you saw?

Ms Klynsmith: No, it's—look, it's my understanding—it's my belief that it's something that he wrote up. I'm not sure who it was to show. I'm not sure if it was to show people at the CMC of his recollection of events. I'm really unsure. He just said, 'Sorry, I had to include your name.'

Mr Davis: Was that the totality of the conversation?

Ms Klynsmith: And I just went, 'Why?,' because I didn't actually think I was involved in anything, and he said, 'Remember we had a conversation about'—something; I can't remember—and I just went, 'No, not really,' and that was the end of that.

Mr Davis: Very well. Did he say anything to you after you said, 'Not really.'?

Ms Klynsmith: Basically, it was just more into what it was that we might have discussed about Fitzgerald, but I really had no recollection of the conversations, so I don't remember it.

Mr Davis: Very well. Now, in your statement you deal with some evidence or you comment on some evidence that Mr Duell gave. You saw some transcripts. We will do it this way: have a look at paragraph 14 of your statement.

Ms Klynsmith: I actually don't have all the statement here.

Mr Davis: Okay. We will give you one. Paragraph 14; do you see that?

Ms Klynsmith: Yes, got it.

Mr Davis: Okay. Now, I will then take you to this document. This is tab 7 of the bundle.

Ms Klynsmith: Yes.

Mr Davis: Now, if you look at the top of that page—it is 14 March 2013, page 10—Mr Duell says—

People that had been involved in the actual transfer of the records. That was much more of a process driven involvement.

Were you involved in the transfer of the Fitzgerald records?

Ms Klynsmith: I was involved in the final stage. It's my belief that the project had been started many years before and we got to a stage that we still had holdings and we were about to move to our new premises.

Mr Davis: Yes?

Ms Klynsmith: And I was asked, or tasked, by the records manager at the time, Janet Legg, to—myself and other members of Property—to complete the transfer of Fitzgerald holdings.

Mr Davis: Very well. Now, was Mr Duell your boss at that stage for all intents and purposes?

Ms Klynsmith: I'm unsure. Greg Rigby was my boss at the time but I know that Peter Duell actually relieved in that position in varying periods of time. So I'm unsure of that.

Mr Davis: Very well. Now, if you look at that transcript, at the top of page 10 Mr Duell says that he had a conversation with you.

Ms Klynsmith: Yes.

Mr Davis: Do you see that?

Ms Klynsmith: Yes.

Mr Davis: And then it seems he is saying that he had a conversation with you before he changed the RAP.

Ms Klynsmith: He could have had a conversation with me, but—

Mr Davis: About the RAP?

Ms Klynsmith: In all honesty, I knew—I didn't even know what a RAP was until all of this came about. So if we had a conversation, it would have been one of the usual conversations that we have and it's just a general conversation where I'm like a sounding board to listen to things but really not to offer advice. I didn't know what a RAP was and I've never been in a situation to have to know what a RAP was.

Mr Davis: Did Mr Duell have any conversation with you about security classifications or documents or anything like that?

Ms Klynsmith: I don't recall at all.

Mr Davis: Very well. Could you go over now to page 11 of the transcript. At the top you will see Mr Duell says—

Could I just interrupt and correct you.

Then I say—

So you did not know much about the documents before you then proceeded to change the RAP?

Then Mr Duell said—

The people that were left at the commission that I talked to—Kenzler, Klynsmith and June May—had limited—probably Russell was the person who had the most knowledge of the holdings.

Did you have any knowledge of what was actually in the documents—the contents of them?

Ms Klynsmith: Basically I wasn't even aware of what Fitzgerald was until I moved to Queensland. So the first knowledge I had of Fitzgerald holdings was at the CMC and when I was tasked—that final phase of the project, I can tell you what the process was that I was involved in.

Mr Davis: Yes. What was that?

Ms Klynsmith: Basically, myself and other officers would—the property was held in boxes. We would remove pages sheet by sheet because it was in plastic pockets, and one of us would read the information that we deemed relevant if somebody was going to do a search on a document and somebody else would transcribe that onto a spreadsheet or a table that had been set up for us to complete this project and then we would place it back in the box and number it until it awaited being sent off to QSA.

Mr Davis: So you looked at every single page?

Ms Klynsmith: When we—what we had left and what we were working on, there was a percentage of the documents where we actually—you would probably have a spreadsheet by now.

Mr Davis: These documents that you are referring to—

Ms Klynsmith: Yes.

Mr Davis: Were they Fitzgerald documents or were they CMC records?

Ms Klynsmith: Fitzgerald.

Mr Davis: Are you sure about that?

Ms Klynsmith: Yes.

Mr Davis: So you looked—or you or someone who was working with you—looked at every single document?

Ms Klynsmith: Mm-hmm.

Mr Davis: And what did you do? You identified some—

Ms Klynsmith: Basically we would—we were told, we were directed what we needed to do was, because there was no clear record, we were told there was no clear record of what was contained in these boxes, so what we had to do was—they were in a box, in an envelope—we would pull them out—in a clear plastic pocket—and we would identify whether it was a police statement, or whatever it was, and we had also a set coding of, you know, if it was a police statement, it would be that, the person's name, and whatever, and that would be slipped back into the box.

Mr Davis: And what would then happen to the information that you took off it?

Ms Klynsmith: That was recorded on these templates that we were asked to record them onto.

Mr Davis: So you were not working from an existing index of documents?

Ms Klynsmith: No, we weren't. We actually had—there were some old paperwork and all of that sort of thing. Like as I said, my knowledge is really very limited. We basically were tasked with this final lot of boxes that remained at the commission and that's basically the process we used.

Mr Davis: All right. Have a look at this document for me, please. It is exhibit 25. I don't want you to read aloud anything that is in there.

Ms Klynsmith: Yes.

Mr Davis: But could you just have a look and see whether the trails of words that are used there were similar to the ones—

Ms Klynsmith: Yes.

Mr Davis: Of the same format?

Ms Klynsmith: Yes, yes. As I said, this isn't something that I did—it wasn't all of my work, if you know what I mean. It had started over a period of time. I think the ones—and you should have them somewhere—the printouts are bigger.

Mr Davis: Just bear with us a minute and we will get you another document. Look at this document for me, please. It is document 84.

Ms Klynsmith: Yes. Thank you. This was the one that I'd worked on.

Mr Davis: When you say it's the document you were working on, is it the document you were working on or does it look like—

Ms Klynsmith: It looks like the one—

Mr Davis: The format?

Ms Klynsmith: It looks like the format in the sense of that part of the process that I know that we were working on, we had to put the container type, being type 1, control numbers, the start date, the end date and usually all of those were between the length of the commission, because—and then the item format. 'PAS' is paper. So that is something that we worked on.

Mr Davis: Just have a look at this document, please. It is part of exhibit 88 and it is marked 'C'.

Ms Klynsmith: Yes, this is similar to this one. Again, this is—

Mr Davis: Yes?

Ms Klynsmith: This is basically—well, I remember a format like this. Not—this one in the folder contains—

Mr Davis: Exhibit 25.

Ms Klynsmith:—20 years and all that sort of thing, which I have never seen before until now.

Mr Davis: But the ones on the—

Ms Klynsmith: Yes, that's how we actually did them up.

Mr Davis: The ones on the A3—

Ms Klynsmith: Yes.

Mr Davis: The big ones.

Ms Klynsmith: Yes.

Mr Davis: 88: can't say whether that's the document you were working on, but it was that style of thing?

Ms Klynsmith: Yes, it was.

Mr Davis: And you were creating that document as you went?

Ms Klynsmith: Yes. I do know that somewhere there were instructions from QSA about the format, the paper format, the date range.

Mr Davis: How many boxes of documents do you think you worked on in that process?

Ms Klynsmith: It's hard to say because we had about 300 boxes, like, finally left to move. But it wasn't all this sort of documents, because to my memory there were some that were COI material, some that were statements, and I cannot remember the others. But there was also some

that were actually property items, like old telephones and all that sort of thing, that were contained in the boxes.

Mr Davis: Let's talk just about the documents.

Ms Klynsmith: Yes.

Mr Davis: So there were some documents in the—how many boxes did you say were left?

Ms Klynsmith: There was about—I'm just, you know, guessing here on how many that we transferred over. There was about 300.

Mr Davis: So some of those boxes you did this exercise of looking at each page—

Ms Klynsmith: Yes.

Mr Davis: And some of the boxes you didn't?

Ms Klynsmith: Because it didn't have paperwork in them. It was items of property.

Mr Davis: I see. So of the couple of hundred of boxes that were left, a lot of them had things in them other than—

Ms Klynsmith: Yes.

Mr Davis:—documents?

Ms Klynsmith: Yes.

Mr Davis: How many boxes had documents, do you think?

Ms Klynsmith: I honestly couldn't tell you.

Mr Davis: Half of them, less than half of them?

Ms Klynsmith: I would say at least half.

Mr Davis: If you just go to page 47 of the transcript.

Ms Klynsmith: Thank you.

Mr Davis: Here Mr Duell, at the top, is talking about some problems that arose with the classification to RAPs on a particular series of documents. That problem arose in September of 2012. If you just have a look at the first, sort of, quarter of a page of that transcript, you will see that he says that he discussed that problem with you.

Ms Klynsmith: Mmm.

Mr Davis: Do you remember such a conversation?

Ms Klynsmith: I don't. The first conversation that I recall was when after all of this broke, basically.

Mr Davis: And that was the one where he said sorry for dropping you in it?

Ms Klynsmith: No, no. Before that when—when the information that Hedley Thomas was after was released or whatever happened, he called me into his office and he just said that there was an administration error and the number—that number, wherever it's quoted—

Mr Davis: 18651?

Ms Klynsmith: That one, whatever how it had been written in a RAP was incorrect or something, or the opening of the records, they have quoted the wrong number. That's the first I'd actually remembered.

Mr Davis: And he'd not had a discussion with you about that series of documents in September?

Ms Klynsmith: We have general discussions all the time. I don't recall a discussion about this particular issue before—because I didn't recall anything about them being opened.

Mr Davis: You know when you were giving this evidence about taking the descriptors down off the documents?

Ms Klynsmith: Yes.

Mr Davis: As you were going document by document through that—

Ms Klynsmith: Yes.

Mr Davis:—did you get some instruction from QSA about that?

Ms Klynsmith: Basically, I do remember speaking with Greg Dobei, I think it was—

Mr Davis: Where is he from? The QSA?

Ms Klynsmith: The QSA. And it was a meeting with Janet Legg, Michelle Hodgman and myself. Basically, that was just there was some items that we weren't sure of what we had to do with them, whether they would be sent back to the police archivist et cetera. Then other than that, the direction was just how to write it up, whether it was paper format, whether it was—what type of box, which is recorded in one of those as well. They gave clear instructions on the date range, what type of box and how to code it.

Mr Davis: Were those instructions that you were given written or was it just oral at this meeting?

Ms Klynsmith: I think that's actually written somewhere, because I would have viewed it, mainly because I don't remember everything so I would have had to have kept referring back to it so as I could remember if it was paper format and what type of box. It would be somewhere.

Mr Davis: Any idea where?

Ms Klynsmith: Honestly, once I'd finished doing that project, that was basically the last of my involvement with Fitzgerald and I went back to my property job. Then I had a year off at the commission, as well. I would suggest that they're on one of the Fitzgerald files.

Mr Davis: They are 'on' one of the Fitzgerald files?

Ms Klynsmith: Yes, that information would be on one of the Fitzgerald files.

Mr Davis: One of the CMC files kept on Fitzgerald?

Ms Klynsmith: Yes.

Mr Davis: Not on one of the documents that has gone to QSA?

Ms Klynsmith: No, on one of the CMC files about the Fitzgerald holdings.

Mr Davis: Very well. That is the questions I have for this witness.

CHAIR: Thank you very much, Ms Klynsmith. Are there any questions? The member for Nicklin.

Mr WELLINGTON: Ms Klynsmith, what was the work environment where you were working on these projects during this time? Was everyone understanding what everyone else was doing? Was there a rapid changeover of staff? What was happening there? Can you paint a picture for me?

Ms Klynsmith: Basically, we were just tasked to do the job in property, probably because we had more time than other areas, and it needed to be done before we moved to our new premises. We were on time constraints with QSA, because they wanted it sent over there as well. So that is why there was two or three of us at times sharing the job, as in, typing it up, putting it into the boxes, et cetera. But that's all I know. I know we had the records for a long time, but—is that what you mean?

Mr WELLINGTON: The other part of that question is about the atmosphere where you were working. Some employees are able to work with a lot of coffee breaks and take your time. Was there a lot of pressure—

Ms Klynsmith: No, in all honesty, it was the property team and we work really well together. We stay on task and try to meet time frames as well. We knew we had a deadline to meet in coming to Terrica, but we were also aware of the importance of these documents and to do it correctly. So that is why one person would remove the item from the box, read it out, the other would type it up, put it back in and we would seal the box straightaway. Basically, we all just worked incredibly well together.

Mr WELLINGTON: And you all knew exactly what was expected, there was no sort of grey areas?

Ms Klynsmith: Well, we had direction from our manager of the time, Janet Legg. She was very good. She was very clear on and instructed us on—I'm just telling you on what we worked on, that final part. She was very clear on what we needed to do. We could go to her if we needed more advice. It just seemed to flow. She would give us the advice literally straightaway. If she didn't, she would find out for us. If we queried a certain piece of paperwork that we were unsure of how to write it up, she would assist us with that.

Mr WELLINGTON: Thank you.

CHAIR: Member for Redlands.

Mr DOWLING: Thank you. Ms Klynsmith—

Ms Klynsmith: Yes.

Mr DOWLING: When you were—I am imagining you there with a box of files. You pull one out, take the document out of the sleeve and read through to get the information you need. You then relay it verbally to someone else. Do you remember who that was? Who else was in the team with you—

Ms Klynsmith: I will be honest: it was numerous people. Basically, because we still had to maintain our regular job as well, because I'd been tasked to finish it, whichever one of those support officers that were there on the day we would assist. We never removed it from the plastic sleeve. We would always leave it in the sleeve and it was always clearly identifiable. Again, we had strict instructions if it was from the police, if it was from one of the government departments, et cetera. Because that's the part that we were dealing with, the paperwork that we had left. It was really clear to identify what it was, just from reading that top line.

Mr DOWLING: And just so that I am very clear, it would have a code, 'P' for a police file or a police letter or correspondence or interview. But then you also added the next line of text as well, which was 'allegation—bribery against a judge' and the judge's name, or prominent businessman, prostitution, drugs, et cetera?

Ms Klynsmith: From what I can recollect, and I cannot say this categorically, but what I can recollect they were clearly identifiable if they were police records, for instance. We had steps to take if it was a statement, if it was just general correspondence. We would write 'Correspondence re blah blah blah blah', then pop it back in the box. So it would be 'Police—correspondence', what the reference referred to and then put it in the box.

Mr DOWLING: So it was fairly clear, you know, what was actually contained in that, in your mind. And for anyone else who followed you who looked at that, they could rely very accurately on the information in that line of text that became the metadata to know exactly what that contained, without the detail?

Ms Klynsmith: I would have thought that it would be enough for—at least if somebody was looking for something, they could find it that way. But again, we had time constraints to package it and everything.

Mr DOWLING: And so it was all people from Property, I think you said.

Ms Klynsmith: Yes.

Mr DOWLING: That were tasked with this project.

Ms Klynsmith: Yes.

Mr DOWLING: You were, if I can put it this way, you were the primary one.

Ms Klynsmith: Yes.

Mr DOWLING: Who was reading all of the documents, conveying verbally then to someone else who was entering it.

Ms Klynsmith: We'd alternate between who was typing and who was reading.

Mr DOWLING: Right.

Ms Klynsmith: And, yeah.

Mr DOWLING: So half a dozen people in property?

Ms Klynsmith: No, probably—we had four people, so at least three assist—well, there was at least three of us working on that. But again it just depended who had the time to actually be assisting me on that time so I couldn't be definite and tell you this person and this person.

Mr DOWLING: So on or around 2008, 2009 we could go back to property, find out who was employed there and then they would confirm what you have shared with us this evening?

Ms Klynsmith: Yep. Yep.

Mr DOWLING: Terrific. I have nothing further, thank you.

CHAIR: Can I just clarify, these boxes that you were cataloguing.

Ms Klynsmith: Yes.

CHAIR: Are they the ones that went to the QSA or the ones that stayed at the CMC or both?

Ms Klynsmith: Well, they were already at the CMC and so we were cataloguing them to send to QSA.

CHAIR: Okay, that's good.

Ms Klynsmith: Yep.

CHAIR: When you were cataloguing—

Ms Klynsmith: Yep.

CHAIR:—you were looking at the plastic sleeve?

Ms Klynsmith: Yep.

CHAIR: Were you also adding the—we've been calling it the metadata line.

Ms Klynsmith: Yes, it is the—

CHAIR: You've probably got a proper name.

Ms Klynsmith: No, it is metadata.

CHAIR: The two people there, were you the ones that put '***confidential***' and then another string?

Ms Klynsmith: Yeah. If that was actually on the document, that's how we'd record it.

CHAIR: So you copied it off the document onto what was effectively a database?

Ms Klynsmith: Yes, yes.

CHAIR: Okay. I had one other question. When Mr Duell said—he showed you a document, I don't remember when it was, but some time last week, we're a bit like that at the moment—Mr Duell indicated a document and said, 'Sorry, mate, I had to give your name,' do you remember what the document was?

Ms Klynsmith: No. It was just like notes or a memo or something. I'm thinking at the time that it had something to do with him putting something together for CMC. I'm not sure if somebody there asked him to put something together after this all happened. But it was only like a one-page document.

CHAIR: Did you get a chance to read it?

Ms Klynsmith: No. He just showed it to me. He brought it out and said, 'Sorry, mate, I had to put your name in there,' and, no, I didn't get to read it.

CHAIR: Did you during your time and since at the CMC have you worked closely with Mr Duell?

Ms Klynsmith: Yes.

CHAIR: Okay. And you said you went white.

Ms Klynsmith: White?

CHAIR: You said when he told you this you went a bit white.

Ms Klynsmith: No, I didn't say white.

CHAIR: I beg your pardon. That must have been me thinking.

Ms Klynsmith: No.

CHAIR: How did you feel when he said that to you?

Ms Klynsmith: I didn't know that I was going to be involved so I was surprised that my name would be in there and then that's when he'd said—

Mr WELLINGTON: She asked why.

CHAIR: Oh, 'why'. Okay. Sorry.

Mr WELLINGTON: You asked why.

Ms Klynsmith: Oh, why. Yep.

Mr WELLINGTON: Sorry.

CHAIR: When you were going through the boxes with the plastic sleeves, did you come across any plastic sleeves that had what appeared to be just a little slip of paper about that big, yellow, slipped inside that had a CMC number written on it, a file number? Did you come across any of those that you recollect?

Ms Klynsmith: No. Basically everything that we were removing from the boxes was some form of document and if there was nothing in there it wouldn't have been—we wouldn't have put it in the box. So we were actually recording what was actually in the box. So if it had've been a yellow slip we would have recorded it as whatever was written on the yellow slip.

CHAIR: Okay, because what we've been told previously is that some of the actual Fitzgerald evidence had been taken. So this many bits of paper were taken out and moved as, I am calling them, seed documents for the CJC to commence criminal investigations, and what was replaced in the plastic sleeve was just the little link, 'These documents have gone to AD-11', whatever.

Ms Klynsmith: I know what you're talking about because I'm aware of that since all of this is happening, but I didn't see any—there was nothing in the boxes that we were dealing with that had empty plastic pockets in there.

CHAIR: Your sense is that you dealt with a couple of hundred boxes.

Ms Klynsmith: We did.

CHAIR: Okay, thank you. Are there any other questions? Thank you, Ms Klynsmith. Would you give an undertaking to reappear if required?

Ms Klynsmith: Yep.

CHAIR: Then I will stand you down on your own undertaking. Thank you very much.

Mr Davis: They are the witnesses for today.

CHAIR: I declare the hearing adjourned until 9.30 on Friday, 22 March. Thank you.

Committee adjourned at 6.04 pm