



# ***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**

**WEDNESDAY, 27 MARCH 2013**

**Brisbane**

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### Committee met at 10.08 am

**CHAIR:** Welcome members. I will go around the table. We have Mitchell, Sharon, Steve, Amanda, Neil, Peter, Jackie, Peter, Peter, Jo-Ann, John and Peter. I would like to again thank the staff who have been assisting the committee because over the break—the weekend and the last couple of days—they have identified a number of documents that require tabling for completeness of our hearings. I will be seeking leave to table a number of documents.

The first is the statement of Rob Hutchings, the CMC General Counsel. That statement is dated 17 March. Is leave granted? There being no objection, leave is granted. That will be document 125.

The second are the notes of Jan Speirs, former CMC General Counsel. They are dated 14 April 2012 and 20 January 2011. Is leave granted? There being no objection, leave is granted. That will be document 126.

The next is a bundle of recovered emails, including draft emails, dated between 16 and 30 May 2012. They were provided on Friday, 22 March 2013 pursuant to the summons. Most have been previously provided and tabled, but this bundle is collated in date order. We will table that as a complete document—as a bundle. Is leave granted? There being no objection, leave is granted. That will be document 127.

The next is two draft emails of Peter Duell, recovered by the CMC and provided pursuant to the summons. Is leave granted? There being no objection, leave is granted. That will be document 128.

The next is an addendum to the report on the categorisation and risk assessment of scanned Fitzgerald inquiry documents provided by Kathleen Florian, CMC Assistant Commissioner Crime. These are not for publication. Is leave granted? There being no objection, leave is granted. That will be document 129.

The next document is an email from Mr Rob Hutchings to Ross Martin dated 29 May 2012 at 10.31 am. Is leave granted? That's the incomplete one.

**Ms TRAD:** That's the incomplete one?

**Mr Laurie:** No, this is another one.

**Ms TRAD:** Another incomplete one?

**Mr Laurie:** This is one we found. It is an earlier one—what we think is the first contact with Martin about the matter.

**Ms TRAD:** On 29 May?

**CHAIR:** We will have copies of those available. Is leave granted? There being no objection, leave is granted. That will be document 130.

The next document is the CMC Strategic Risk Register 2012-13. It will be not for publication because of the nature of the material that is contained in it. Is leave granted? There being no objection, leave is granted. That will be document 131.

The next is the CMC Enterprise Risk Management Framework 2012. It will be not for publication given the sensitivity of the information contained in there. Is leave granted? There being no objection, leave is granted. That will be document 132.

The next is the Enterprise Risk Management Policy. It will be not for publication, again given the sensitivity of the information contained therein. Is leave granted? There being no objection, leave is granted. That will be document 133.

The next is the CMC Risk Management Committee Charter. It is not for publication because of the sensitivity of the nature of the information. Is leave granted? There being no objection, leave is granted. That will be document 134.

The next is the CMC Interim Policy and Procedure—Information Security document. It is not for publication given its sensitivity. Is leave granted? There being no objection, leave is granted. That will be document 135.

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

The next is the CMC Information Security Policy Framework. Again, because of the sensitivity of the information contained therein, it is not for publication. Is leave granted? There being no objection, leave is granted. That will be document 136.

The next is the CMC Dissemination Policy, which is yet to be received but is being provided. Can we do that?

**Mr Davis:** You can just provisionally mark that.

**CHAIR:** Can we table that?

**Mr Laurie:** Madam Chair, can I just suggest you provisionally make it an exhibit subject to its receipt and tabling by the committee at the next meeting.

**CHAIR:** It is not for publication. Is leave granted?

**Ms TRAD:** Do we need to provisionally table that without having cited it or received it?

**Mr Laurie:** We are not actually tabling it at the moment. We are just marking it as an exhibit, but we will table it later.

**Mr KRAUSE:** Marking an exhibit number for it.

**Mr Laurie:** Marking an exhibit number for it but not actually tabling it. Or we can just skip that and go to the next one.

**CHAIR:** That will be tidier. We will leave that.

The next is the CMC's protocols governing the investigation of improper conduct complaints against officers of the CMC. Is leave granted? There being no objection, leave is granted. That will be document 137.

The next is an email from Mr Duell to Ms Mendelle dated 13 March 2013 at 4.14 pm. Is leave granted? There being no objection, leave is granted. That will be document 138.

We have another document from Mr Davis.

**Mr Davis:** There is a written submission to the committee and that is prepared by me and Dr Mellifont. I seek leave to table that.

**CHAIR:** Is leave granted? There being no objection, leave is granted. That will be document 139.

Thank you very much, Mr Davis. Thank Dr Mellifont too. I think she was an absolute dynamo. Thank you very much. Are there any other matters for Hansard?

**Mr Laurie:** The status of the Davis and Mellifont document in terms of whether it will be published or not for publication.

**Mr Davis:** What our submission would be is that you would mark it not for publication now and review that situation once your deliberations are over.

**CHAIR:** Is the committee agreeable to that? There being no objection, it is so ordered.

**Committee adjourned at 10.16 am**