The Parliamentary Crime and Corruption Committee (the PCCC or Committee) is a multi-party committee of the Queensland Legislative Assembly constituted under the Crime and Corruption Act 2001.

The principal functions of the Committee are to monitor and review the performance of the Crime and Corruption Commission (the Commission or the CCC), to report to Parliament on matters pertinent to the Commission (subject to confidentiality constraints), and to participate in the appointment of the Commission Chairman, Deputy Chairman and Ordinary Commissioners. The Committee has an on-going role in monitoring and reviewing the Commission and also conducts specific inquiries. It is through the Committee that the Commission is accountable to the Parliament and to the people of Queensland.

Recent legislative amendments significantly changed the name, jurisdiction and structure of the CCC and consequently the jurisdiction of the Committee and the Parliamentary Crime and Corruption Commissioner.

This report details the activities of the Committee prior to 1 July 2014 when the legislative changes to the then Crime and Misconduct Act 2001 largely commenced.

This report provides details on the Committee’s activities during the 2013/2014 financial year, in accordance with section 108 of the Parliament of Queensland Act 2001. There were a number of changes to the Committee’s membership during the reporting period. Membership details are provided on page 8.

In September 2013, the Committee tabled Report No. 92, Complaint about the CMC investigation into the University of Queensland; No 93, Report on the Crime and Misconduct Commission’s handling of suspected improper conduct; and No 94, Annual Report 2012-2013.

In this current report, as in previous annual reports, the Committee commends the Commission on its co-operative and responsive approach in dealing with the Committee.

THE COMMITTEE

The Committee is established under section 291 of the Crime and Corruption Act 2001 as the parliamentary committee responsible for overseeing the operations of the Commission. The Committee’s functions under that Act are to:

- monitor and review the performance of the CCC’s functions;
- report to the Legislative Assembly where appropriate;
- examine reports of the CCC;
- participate in the appointment of the Chairperson and Commissioners;
- conduct five yearly reviews of the activities of the CCC;
- Periodically review the structure of the CCC; and
- issue guidelines and give directions to the CCC where appropriate.

THE CRIME AND MISCONDUCT COMMISSION

The Commission is created under the Crime and Corruption Act 2001; though during the reporting period the Crime and Misconduct Act 2001 applied, which commenced on 1 January 2002. That Act merged the Criminal Justice Commission (CJC) and the Queensland Crime Commission (QCC) into the CMC. The CJC was established in 1990 following a

During the reporting period, the key responsibilities of the Commission were to:

- combat and reduce the incidence of major crime (organised crime, criminal paedophilia and other serious crime); and
- continuously improve the integrity of, and to reduce the incidence of misconduct in, the public sector.

The Commission also undertakes a number of other functions in the areas of research and prevention, intelligence, witness protection, and the civil confiscation of proceeds of crime.

The Commission has a range of coercive powers under the Crime and Corruption Act 2001, including to:

- conduct hearings at which persons can be compelled to provide evidence;
- compel persons to provide information;
- compel the production of records and things;
- enter and conduct searches of premises (including covert searches);
- seize evidence;
- use surveillance devices; and
- intercept telecommunications.

**MONITORING AND REVIEWING THE COMMISSION**

The Committee actively monitors and reviews the operations of the Commission by:

- holding regular Committee meetings;
- carefully examining the confidential and public reports provided by the Commission every two months which provide detailed information about the activities of the Commission during the relevant period;
- considering the confidential minutes of meetings of the Commission and its executive;
- holding bi-monthly public and *in camera* meetings with the Chairman, Deputy Chairman, Chief Executive Officer and Ordinary Commissioners, and Senior Executive Officers of the Commission during which Committee members question Commissioners and staff about the activities of the Commission;
- receiving and considering complaints against the Commission and its officers;
- reviewing Commission reports;
- requesting reports from the Commission on matters which arise via complaints, the media or other means;
- conducting inquiries into specific or general matters relating to the Commission;
- conducting (either itself or through the Parliamentary Crime and Corruption Commissioner) audits of various registers and files kept by the Commission concerning the use of its powers;
- meeting regularly with the Parliamentary Crime and Corruption Commissioner to discuss the Commissioner’s activities;
- examining the appropriateness of the Commission’s performance measures;
- examining the Commission’s performance against its performance measures;
- and reviewing the Commission’s implementation of legislative amendments and of changes recommended in recent reviews of the Commission.

**REPORTING TO THE LEGISLATIVE ASSEMBLY**

During the reporting period, the Committee tabled 2 reports on matters it considered should be brought to the attention of the House:

**Report 92, Complaint about the CMC Investigation into the University of Queensland** concerned the Commission’s handling of its investigation into the University of Queensland and the subsequent Commission public report. The Committee made one recommendation to amend section 58 of the *Crime and Misconduct Act 2001*.

The Government reserved its decision on whether to accept this recommendation in its response in December 2013; available at:


The government subsequently introduced legislative amendments in accordance with the Committee’s recommendation and the *Crime and Corruption Act 2001* reflects the Committee’s recommendation.

**Report 93, Report on the Crime and Misconduct Commission’s handling of suspected improper conduct** concerned the Commission’s failure to manage this
improper conduct investigation in a timely way and its failure to provide an appropriate report to the Committee after the extensive delay. The Committee sought advice from the Parliamentary Commissioner and endorsed his conclusions.

**Reports of the Parliamentary Commissioner**

The Committee considered various reports by the Parliamentary Crime and Misconduct Commissioner on investigations carried out by him at the request of the Committee.

The Committee tabled two such reports of the Parliamentary Commissioner, as appendices to Reports 92 and 93.

The Committee determined not to table other reports of the Parliamentary Commissioner because, while they informed the Committee’s deliberations on matters, they contained confidential material the Committee considered is inappropriate for tabling.

**EXAMINING REPORTS OF THE COMMISSION**

Section 69 of the *Crime and Corruption Act 2001* allows the Committee to direct that certain reports of the Commission be given to the Speaker and tabled in the Legislative Assembly. In providing such a direction, the Committee does not endorse or adopt the Commission’s report in any way.

The Committee made two directions to the Commission to provide report to the Speaker during this reporting period. These reports were:

- *Fraud, financial management and accountability in the Queensland public sector*; and
- *An examination of suspected official misconduct at the University of Queensland.*

**PARTICIPATING IN THE APPOINTMENT OF COMMISSIONERS**

During the reporting period the Committee did not participate in the appointment of any Commissioners.

**ISSUING GUIDELINES TO THE COMMISSION**

Under section 296 of the *Crime and Corruption Act 2001* the Committee may issue guidelines to the Commission about the conduct and activities of the Commission.

The Committee did not issue any guidelines to the Commission in this reporting period.

**COMPLAINTS ABOUT THE COMMISSION**

Complaints about the Commission or its officers usually come to the Committee in two ways – directly from members of the public or from the Commission itself. Considering complaints about the Commission and its officers assists the Committee in its oversight role by providing a valuable insight into the Commission’s operations and activities.

The Committee does not have jurisdiction over any organisation other than the Commission and therefore cannot consider original allegations of corruption, or police misconduct itself. Further, the Committee is not able to substitute its own decision for that of the Commission in a particular matter.

The Committee examines complaints to assess whether the Commission or any of its officers has acted inappropriately and will, where appropriate, make recommendations to the Commission. Analysis of complaints, even where specific allegations against the Commission are not substantiated, may assist the Committee identify procedural or systemic deficiencies that the Committee may recommend the Commission address.

**Complaints from members of the public**

Most complaints about the Commission or its officers come to the Committee directly from members of the public. The Committee only accepts complaints in writing in order to efficiently identify and consider complaint matters, and to prevent misunderstanding or misinterpretation of the relevant facts or circumstances.

**Other complaints about the Commission**

Under section 329 of the *Crime and Corruption Act 2001*, the Chairman, Deputy Chairman and Chief Executive Officer (the notifiers) are obliged to advise the Committee of suspected improper conduct by officers of the Commission. Knowledge of such conduct might come via a complaint made to the Commission about a Commission officer or from officers within the Commission itself referring the conduct to the relevant notifier.

During the reporting period, the Acting Chairperson was responsible under section 329 of the *Crime and Misconduct Act 2001* to notify the Committee when he suspected that an officer’s conduct involved or may have involved improper conduct.

The Committee receives frank and prompt advice from the Commission about Commission officers’ conduct which involves, or may involve, ‘improper conduct’.

**COMPLAINTS CONSIDERED IN 2013- 2014**

During the reporting period, the Committee received 41 complaints about the Commission or Commission
officers from the public which enlivened the Committee’s jurisdiction.

In considering complaints, the Committee takes into account material and submissions provided by the complainant, any reports and other material provided by the Commission and, if the Committee referred the matter to the Parliamentary Commissioner, any reports from the Parliamentary Commissioner.

Issues that the Committee considers in determining whether or not the Commission has acted inappropriately include (but are not limited to):

- timeliness in the handling of complaints and investigations;
- whether the Commission made appropriate inquiries before determining not to pursue a matter;
- whether the Commission considered all relevant facts and material;
- whether a determination by the Commission to refer a matter back to the relevant public sector agency to deal with was appropriate;
- whether the Commission acted without bias in making its determinations;
- whether the Commission was responsive and timely in its communications with complainants and with subject officers;
- whether the Commission’s conclusions and determinations are appropriate; and
- whether the Commission acted within its legislative powers.

The Committee finalised 62 complaints during the reporting period. The Committee found that the Commission did not act inappropriately in the majority of the complaints it considered.

The Committee reported to the Parliament on two complaints it finalised throughout the reporting period in Report 92, *Complaint about the CMC Investigation into the University of Queensland*. In that report the Committee commented that it considered that the Commission had acted contrary to section 58 of the then *Crime and Misconduct Act 2001*, and that it was wholly unacceptable for the Commission to not acknowledge its conduct in that regard and advise the Committee.

**NOTIFICATIONS FROM THE CHAIRPERSON 2013-2014**

During the reporting period the Committee received 13 notifications of suspected improper conduct by Commission officers from the Chairman under section 329 of the then *Crime and Misconduct Act 2001*.

During the reporting period, the Committee finalised 20 matters which arose from section 329 notifications.

While the Chairperson of the CMC was the final decision maker in relation to any disciplinary action taken against Commission employees during the reporting period, the Committee monitored the processes undertaken by the Commission including the Chairperson’s intended actions relating to the relevant Commission officers.

Additionally, the Committee continues to monitor the Commission’s implementation of its recommendations set out in the Committee’s report 90, *Inquiry into the Crime and Misconduct Commission’s release and destruction of Fitzgerald Inquiry documents*.

**MECHANISMS AVAILABLE TO THE COMMITTEE**

Under the *Crime and Corruption Act 2001* and the *Parliament of Queensland Act 2001* the Committee has a range of powers that enable it to carry out its functions, including to call for persons, documents or other things; administer oaths to witnesses; and examine witnesses on oath.

The Committee requested the Clerk issue a summons to the Commission to attend a Committee hearing to produce required documents and things in relation to its consideration of an investigation into alleged improper conduct, as reported in Report 93, *Report on the Crime and Misconduct Commission’s handling of suspected improper conduct*.

**PARLIAMENTARY CRIME AND CORRUPTION COMMISSIONER**

The Committee is assisted in its role of monitoring and reviewing the Commission by the Parliamentary Crime and Corruption Commissioner (the Parliamentary Commissioner). As noted earlier, the jurisdiction of the Parliamentary Commissioner was increased under recent legislative amendments. The Parliamentary Commissioner undertakes a range of functions on behalf of the Committee.

The Parliamentary Commissioner is an experienced barrister, appointed on a part-time basis, for a period between two and five years, by the Speaker of the Legislative Assembly with the bipartisan support of the Committee.
On 22 August 2011, the former Speaker appointed Mr Paul Favell as the Parliamentary Crime and Misconduct Commissioner for a period of three years. On 01 August 2014, the Speaker appointed Mr Favell for a further two year term.

**Role and functions of the Parliamentary Commissioner**

Under section 314 of the *Crime and Corruption Act 2001*, the Committee may require the Parliamentary Commissioner to:

- audit records and operational files of the Commission;
- investigate complaints against the Commission and its officers;
- investigate allegations of a possible unauthorised disclosure of confidential information;
- verify the Commission’s reasons for withholding information from the Committee;
- verify the accuracy and completeness of Commission reports to the Committee; and
- perform other functions that the Committee considers necessary or desirable.

The Parliamentary Commissioner may conduct hearings in limited circumstances but only with the bipartisan authorisation of the Committee.

The Parliamentary Commissioner also conducts annual reviews of the intelligence data held by the Commission and the Queensland Police Service.

The Parliamentary Commissioner has a number of other statutory roles under the *Police Powers and Responsibilities Act 2001*. These include:

- inspection of the records of the Commission to decide the extent of the Commission's compliance with the legislative requirements relating to surveillance device warrants, retrieval warrants and emergency authorisations;
- reporting in writing to the Committee at six monthly intervals on the results of such inspections;
- inspection of the records of the Commission at least once every 12 months to determine the extent of the Commission's compliance with the legislative requirements relating to controlled operations;
- as soon as practicable after 30 June each year, preparing a report of the activities of the Commission relating to controlled operations for the preceding 12 months and providing a copy of the report to the Commission Chairman and the Chair of the Committee;
- auditing the Commission's records relating to assumed identities at least once every six months.

The Parliamentary Commissioner also has statutory duties under the *Telecommunications Interception Act 2009* which include:

- regularly carrying out inspections of the records of the Commission to determine the extent of the Commission's compliance with the legislative requirements relating to telecommunications interception; and
- providing reports on inspections to the responsible Minister and the Committee.

**Assistance provided by the Parliamentary Commissioner in this reporting period**

As noted above, the Committee receives bi-monthly reports from the Commission to assist the Committee identify issues for examination.

The Parliamentary Commissioner is also provided with a copy of the Commission’s bi-monthly confidential report in order to assist the Committee to identify issues for examination.

During the reporting period the Committee referred 5 matters to the Parliamentary Commissioner for review. The Committee received 5 reports on matters that it had referred to the Parliamentary Commissioner, referred to the Parliamentary Commissioner in the previous reporting period.

The Parliamentary Commissioner also provided the Committee with advice relating to the performance by the Commission of its functions under the then *Crime and Misconduct Act 2001*. The Chair of the Committee tabled reports of the Parliamentary Commission as required.

The Committee also received advice from the Parliamentary Commissioner regarding issues arising under the *Telecommunications Interception Act 2009*.

These activities are in addition to the statutory reporting responsibilities of the Parliamentary Commissioner outlined above.

**MEETINGS**

In addition to Committee meetings (held at least once every Parliamentary sitting week) the Committee holds separate meetings with the Commissioners and senior
officers of the Commission on a regular basis, usually every two months.

The Committee holds public and in camera meetings with the Commission to provide open and transparent oversight of the Commission coupled with the ability to receive candid advice on more sensitive matters. The Committee has found these meetings valuable for open communication between it and the Commission.

To assist with the meeting process the Commission provides confidential bi-monthly briefing papers and public reports on its activities since the previous joint meeting and minutes of internal Commission meetings. The Committee asks questions in relation to matters contained in these documents or any other matter that has come to its attention.

The Committee also meets regularly with the Parliamentary Commissioner who provides bi-monthly reports to the Committee on the status of matters referred to the Commissioner and administrative issues concerning the day-to-day running of the Office of the Parliamentary Commissioner.

During this reporting period the Committee met 34 times, including:

- four public hearings with the Commission
- four private hearings with the Commission;
- two private hearings in relation to a matter since referred to the Ethics Committee;
- four private hearings with the Parliamentary Commissioner.

‘Public hearings’ include discussion forums and public meetings convened by committees for the purpose of gathering information for their inquiries and at which a quorum of the committee, or a sub-committee, is present.

**CONFERENCES AND MEETINGS WITH OTHER AGENCIES**

The Committee met with the Victorian Independent Broad-based Anti-corruption Commission (IBACC) in August 2013. In November 2013, members attended the Australian Public Sector Anti-Corruption Conference (APSACC) in Sydney in November 2013. In April 2014, the Committee undertook a study tour of anti-corruption and crime bodies and committees in New South Wales.

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**BUDGET AND EXPENDITURE**

The Committee is funded from the appropriation made to the Legislative Assembly. The total budget allocation for the Committee in 2013/2014 was $344,666. The Committee’s total actual expenditure for 2013/2014 was $338,206.¹

The following table outlines the Committee’s expenses from 1 July 2013 to 30 June 2014.

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<th>Description</th>
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<td>Employee expenses¹</td>
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<td>Other Costs</td>
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<td><strong>TOTAL</strong></td>
<td><strong>$338,206</strong></td>
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I thank the current and former Committee members for their diligent work over the last year and I commend the Committee’s report to the house.

Mr Steve Davies MP
Chair
October 2014

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¹ This compares with the Committee’s budget allocation for 2012/2013 of $323,518 and total expenditure in 2012/13 of $407,905.

² Figures for staffing expenditure shown above reflect a three person secretariat supporting the committee. The committee’s staffing might have been supplemented with additional resources from general Committee Office staff during the year.

³ This figure includes office equipment and stationary, hospitality, freight and costs associated with Fringe Benefits Tax.

⁴ The Committee’s total expenditure 2013/14 was $6,457 under budget.
MEETING ATTENDANCE

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<tr>
<th>DATE</th>
<th>PURPOSE</th>
<th>Liz Cunningham</th>
<th>Jo-Ann Miller</th>
<th>Peter Dowling</th>
<th>Michael Crandon</th>
<th>Ian Kaye</th>
<th>Jon Krause</th>
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a Mr Mulherin was appointed as a temporary Member in place of Mrs Miller in accordance with Standing Orders 202.
b The House discharged Mr Dowling from the Committee and appointed Mr Crandon to the Committee on 7 Aug 2013
c Mr Michael Pucci was appointed as a temporary member in place of Mr Kaye in accordance with Standing Order 202
d Ms Desley Scott was appointed as temporary Member in place of Ms Trad in accordance with Standing Order 202
e Mr Byrne was appointed as temporary Member in place of Ms Trad in accordance with Standing Order 202
f Ms Palaszczuk was appointed as a temporary Member in place of Ms Trad in accordance with Standing Order 202
g Mr Minnikin was appointed as temporary Member in place of Mr Krause in accordance with Standing Order 202
Ms D’Ath was appointed as temporary Member in place of Ms Trad in accordance with Standing Order 202.

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<th>Verity Barton</th>
<th>Michael Pucci</th>
<th>Ian Rickuss</th>
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**COMMITTEE MEMBERSHIP**

- Chair: Mrs Liz Cunningham MP, Member for Gladstone (18 May 2012 to 21 Nov 2013)
- Chair: *Mr Steve Davies MP, Member for Capalaba (From 22 Nov 2013)*
- Deputy Chair: Mrs Jo-Ann Miller MP, Member for Bundamba (18 May 2012 to 21 November 2013 and from 28 Nov 2013)
- Members: Mr Peter Dowling MP, Member for Redlands (27 Nov 2012 to 7 Aug 2013)  
  - *Ms Verity Barton, Member for Broadwater (from 22 Nov 2013)*  
  - Mr Michael Crandon MP, Member for Coomera (7 Aug 2013 to 21 Nov 2013)  
  - Mr Ian Kaye MP, Member for Greenslopes (18 May 2012 to 21 November 2013)  
  - Mr Jon Krause MP, Member for Beaudesert (27 November 2012 to 21 November 2013)
  - *Mr Michael Pucci MP, Member for Logan (from 22 Nov 2013)*
  - *Mr Ian Rickuss MP, Member for Lockyer (from 22 Nov 2013)*
  - *Ms Jackie Trad MP, Member for South Brisbane (12 May 2012 to 21 Nov 2013 and from 28 Nov 2013)*
  - *Mr Peter Wellington MP, Member for Nicklin (16 June 2011 to 21 Nov 2013 and from 28 Nov 2013)*

**CONTACTING THE COMMITTEE**

- Address: Parliamentary Crime and Corruption Committee  
  Parliament House  
  George Street  
  Brisbane Qld 4000
- Telephone: 07 3406 7207
- Facsimile: 07 3210 6011
- Email: pccc@parliament.qld.gov.au

**STAFF**

- Research Director: Amanda Honeyman
- Principal Research Officers:  
  - Kym Christensen (from Sep 2013)
  - Peter Rogers (to Sep 2013)
- Executive Assistants:  
  - Amanda Parker (from 4 April 2014)
  - Marion Bell (to 29 Nov 2013)

\[h\] Ms D’Ath was appointed as temporary Member in place of Ms Trad in accordance with Standing Order 202.