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OFFICIAL

Our Reference: AD-21-0372
Contact Officer: Jen O'Farrell

9 March 2022

Mr Jon Krause MP
Chair
Parliamentary Crime and Corruption Committee
Parliament House
George Street
Brisbane QLD 4000

Via email only: pccc@parliament.qld.gov.au

Dear Mr Krause,

Parliamentary Crime and Corruption Committee Public Meeting 25 February 2022

During the course of the public meeting between the Crime and Corruption Commission (CCC) and the Parliamentary Crime and Corruption Committee (the Committee) on 25 February 2022, the CCC undertook to provide further information on the following matters.

1. The Member for Coomera, when referring to page 7 of the report of the former State Archivist titled *Statutory investigation into allegations of unauthorised disposal of public records by Honourable Mark Bailey MP, Minister for Main Roads, Road Safety and Minister for Energy, Bio Fuels and Water Supply, dated 24 October 2017 (SA Report 3)*, asked a series of questions related to the following material contained SA Report 3:

Under '3. Scope of Investigation' in the fifth and sixth paragraphs, the State Archivist states:

"In addition in response to a request to provide 87 emails and their attachments which the State Archivist was unable to access from the data provided by CCC, Minister Bailey was able to provide all of the emails and their attachments. This highlighting again that there are either differences in the data provided to us and Minister Bailey's copy of the data or Minister Bailey had retrieved them from other sources.

Overall we have some concerns as to the completeness and integrity of the data we have been asked to review and in particular that there may have been other public records in the private email account at or prior to the time of deletion which we have

not been able to review. It must be noted that it was Minister Bailey who provided the information that had not made available to us in the data provided by CCC, without his assistance we would have not been aware of the potential incompleteness of the data we were asked to review. Whilst it doesn't impact the validity of the conclusions on data we were able to review, it does potentially highlight that other public records may also have been within the account at some point which we have not been able to review. The integrity of the data is a factor in considering the likelihood and appropriateness of any decision to prosecute Minister Bailey.

The Member for Coomera sought clarification about the CCC's investigation in relation to the emails of Minister Bailey and the provision of information to the State Archivist. We advise as follows:

The CCC obtained a large volume of emails recovered from Minister Bailey's deleted email account. These were provided to the State Archivist for his assessment as to whether any of the deleted emails could involve the potential destruction of public records under the *Public Records Act 2002*, and in particular, whether there was any potential breach of s.13.

The CCC was engaged with the State Archivist throughout the review process. The CCC was aware that there were a number of emails provided to Queensland State Archives (QSA) where the attachments could not be accessed by QSA. There were communications between QSA and the CCC regarding the technical support required to assist in accessing those attachments. Ultimately the decision was reached that the simplest course to access these attachments was for QSA to request them directly from Minister Bailey. The CCC was fully cognisant of the 87 attachments when receiving its report, and making its decisions in respect of this matter.

The State Archivist noted at page 7 of his report that a "key focus of his investigation was on confirming emails and attachments within the private email account at the time of deletion were public records; confirming the required retention periods for any public records identified; and assessing if there had been a breach of the *Public Records Act*, in particular related to unauthorised disposal of public records."

The State Archivist noted that he was unable to confirm that other public records were not in the account at the time of deletion, or that the data provided to the State Archivist is identical to the data within the account on reactivation.

The State Archivist prepared [three] final reports relevant to his investigation. One was to the Minister, one to the Director-General of the Department of Science, Information, Technology and Innovation ('DSITI'), and one to the CCC.

The report to the CCC and the report to the Director-General relevantly identical in terms of the content at pages 7 and 8 of the report. The report, which was provided to the CCC, and which informed its consideration of whether to refer the matter for criminal charges under s. 49 of the *Crime and Corruption Act 2001*, included consideration of the fact of the provision by Minister Bailey to the State Archivist of the 87 attachments. As both reports noted – the further material provided by Minister Bailey did not impact the validity of the conclusions on the data available to review. This conclusion by the State Archivist was included in the report provided to the CCC on 5 September 2017 (at p7).

The State Archivist's report to the Director-General (completed after the CCC had made its decision that it would not pursue criminal charges) noted that the State Archivist separately considered whether criminal charges should be considered against Minister Bailey. The State Archivist referred to legal advice which he received that it would not be possible to prove a charge under s. 13 of the *Public Records Act 2002* for unauthorised disposal of public records, and further that pursuit of such a prosecution would not be in the public interest (p24). The State Archivist noted that, as no penalties

were provided under ss. 7, 8 and 14 of the *Public Records Act 2002*, no action was possible for a potential breach of those sections (pp26, 27, 28).

The State Archivist is the relevant expert in assessing whether records are 'public records' for the purposes of the *Public Records Act 2002*. That was a central issue for consideration of any potential action arising from the investigation. The CCC's consideration of the matter, including its decision not to pursue charges, was based in part on the advice of the State Archivist. That advice included his consideration of the additional 87 attachments provided by Minister Bailey. Those were included as part of the State Archivist's consideration in his preparation of his final report, and were expressly adverted to in that report.

As the State Archivist considered that the 87 further attachments did not impact on his ultimate conclusions, there was no occasion for the CCC to separately consider them. In this regard we note that the State Archivist reached the same conclusion as the CCC as to the viability of a prosecution.

2. The Chair requested a copy of the former State Archivist's report to the CCC be provided to the committee.

A copy of this report is enclosed as requested.

3. The Member for Coomera referred to pages 14-15 of the CCC's public report for the period 1 July 2021 to 31 December 2021 and the references to percentages of corruption investigations under each of the focus areas. The sum of the references (27% Misuse of Confidential Information, 68% Abuse of Authority and 10% Exploitation of Public Sector Resources) exceed 100% in total. The Member for Coomera sought an explanation for the sum of the figures exceeding 100% and also for confirmation that the figure of 68% for Abuse of Authority investigations was accurate.

As was suggested by the CEO during the public meeting, the sum of the figures exceed 100% because those figures are not exclusive of each other. A matter which involves 'misuse of confidential information' may also involve 'abuse of authority', 'exploitation of public sector resources' or all of these.

I can also confirm that the figure of 68% for 'abuse of authority' investigations is accurate at the time of reporting.

4. The Member for Coomera referred to page 17 of the CCC's public report for the period 1 July 2021 to 31 December 2021 and the new Employee Experience Management approach adopted by the CCC to monitor employee engagement and experience throughout stages of the employee lifecycle and requested the CCC to provide the results of the surveys conducted to date, the pulse survey trialled in Corporate Services and the Working for Queensland survey action plans developed following the receipt of results in September 2021.

Each year, CCC participates in the whole-of-government Working for Queensland workplace climate survey. The most recent survey was conducted in September 2021. Data is benchmarked against the Queensland public sector as well as being compared to the previous year's agency results.

In 2021, the CCC had a response rate of 71% providing a high degree of reliability with respect to the results. Of the ten key workplace factors measured by the survey, nine increased year-on-year from 2020 and all are higher than the Queensland public sector. The CCC's agency engagement score was

66% positive, an increase of 2% on 2020 and 8% higher than the Queensland public sector. The three strategic priority factors that the CCC focuses on all improved: workload and health improved 3%, organisational leadership improved 4% and learning and development improved by 10%.

Each division within the CCC has developed an action plan to address issues within that division. As an agency we have developed an action plan focusing on 4 key areas:

- Red Tape reduction – by implementing new processes to capture and implement ideas that remove red tape and communicating examples of these reductions to stimulate further ideas.
- Recruitment quality and efficiency – by trialling relieving pools for a range of positions to make it easier to identify and appoint talent, and developing new approaches to selection especially for leadership roles to assess candidate’s capabilities and cultural fit for the CCC.
- Flexible work – by continuing to emphasise the CCC’s commitment to flexible working arrangements and encouraging our people to discuss their needs with their leaders.
- Developing our people – by refreshing our identified critical capabilities and continuing to invest in development opportunities for both leadership and technical skills.

A copy of the CCC’s Working for Queensland Action Plan is enclosed as requested.

The CCC Futures Workforce Strategy identified employee experience as an area of focus and included initiatives that seek to strengthen the CCC’s employee value proposition (EVP) and improve engagement. To understand and track the current state of employee experience in the CCC started using the Qualtrics Employee Experience (EXM) platform in July 2021. This system allows for a more quantitative approach to the measurement of employee experience than has been used by the CCC in the past. Two types of surveys are currently conducted through this platform: (1) onboarding to measure a commission officer’s initial engagement with the CCC, taken after two weeks in the role; and (2) offboarding to identify the factors in a commission officer’s decision to leave the CCC. Participation in these surveys is not mandatory and to date 32% of eligible commission officers have participated in the onboarding survey and 46% have participated in the offboarding survey. This small sample size to date limits the broad applicability of the findings until more data is collected.

The results of the onboarding survey are positive. Commission officers identify work life balance (75% of participants) and alignment with the CCC’s purpose and values (71% of participants) as key motivators for joining the CCC. New commission officers report being treated with respect throughout the recruitment process and positive early interactions with their line managers. It has also provided useful information on ways to improve the recruitment process by improving the accuracy of the role descriptions that we use in advertising and by improving induction process to ensure that new commission officers are familiar with the technology, systems and processes used by the CCC.

The key findings of the offboarding survey are also positive. Most exiting commission officers (87%) positively rated their overall experience working at CCC and stated that they felt CCC is a values-driven organisation. Analysis of the contributing factors show that commission officers leave the CCC for a variety of reasons including: a unique opportunity elsewhere (43%), the end of their secondment or contract (26%), better salary (32%), promotion from current position (32%), career change (21%), and better working hours (21%) (N.B. participants are able to choose multiple factors in their decision, therefore the percentages are not cumulative). This data will continue to inform changes made by the CCC to strengthen our EVP so that we can attract and retain talented people to deliver on our strategic objectives.

A copy of the employee experience survey data from July 2021 to February 2022 is enclosed as requested.

I trust these answers adequately clarify the questions raised during the public meeting on 25 February 2022. If you have any queries, please contact Ms Jen O'Farrell, Chief Executive Officer, on [REDACTED] or by email at [REDACTED]

Yours sincerely

A handwritten signature in black ink that reads "B A Barbour". The letters are cursive and connected.

Bruce Barbour
Acting Chairperson

DOC: 17/162757

USB: 17/162759

SCANNED

①

Joanne Colwell
QSA17/263
Office of the Executive Director and State Archivist



RECEIVED
10 MAR 2022
PARLIAMENTARY CRIME AND
CORRUPTION COMMITTEE



Department of
**Science, Information
Technology and Innovation**

5 September 2017

Elizabeth Foulger
Assistant Director
Crime and Corruption Commission

By hand and electronically via USB

CRIME AND CORRUPTION
RECEIVED
5 SEP 2017
COMMISSION

Dear Ms Foulger

Final Report: Investigation by the State Archivist into alleged breach of the *Public Records Act 2002* by Minister Mark Bailey

In accordance with the request of the Crime and Corruption Commission on 19 July 2017 for me to undertake a review into the potential destruction of public records, please find attached a copy of my final report.

Yours sincerely

Mike Summerell
State Archivist
Queensland State Archives

A reply is to be prepared by: _____
(A copy of the reply is to be forwarded to Complaints Registry.)
Suggested reply:

- Acknowledgement (letter 1)
(Unlikely CCC will contact you further)
- Acknowledgement (letter 2)
(CCC will contact you in due course)

Registry:

- Acknowledgement receipt
- No reply required

Letter forwarded to _____ for preparation of reply
Date: LF Date: 6/9/17

1 W-17-0525

2/SSO FSP

SEP 2017



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**STATE ARCHIVIST
FINAL REPORT TO
THE CRIME AND CORRUPTION
COMMISSION**

**INVESTIGATION INTO ALLEGATIONS OF UNAUTHORISED DISPOSAL
OF PUBLIC RECORDS BY THE HONOURABLE MARK BAILEY MP,
MINISTER FOR MAIN ROADS, ROAD SAFETY AND PORTS AND
MINISTER FOR ENERGY, BIO FUELS AND WATER SUPPLY**

5 SEPTEMBER 2017





1. EXECUTIVE SUMMARY

This is the State Archivist's final report to the Crime and Corruption Commission related to allegations of unauthorised disposal of public records and breach of the *Public Records Act 2002* by Minister Mark Bailey. This report is a follow up to the interim report that was issued on 30 August 2017.

This investigation sought to answer a number of core questions:

1. Were there public records within the private email account of Minister Bailey at the time of the deletion of the account on 5 February?
2. If there were public records present, were any disposed of without appropriate authorisation?
3. Did the actions of Minister Bailey in managing the public records contained within this private email account result in a breach of the *Public Records Act*?
4. What actions if any should be taken in response to breach of the *Public Records Act*?
5. What other actions in regard to fulfilling the purpose of the *Public Records Act* are required to be undertaken by the State Archivist or others as a result of this investigation?
6. Were there any public records which the State Archivist considered should be brought to the attention of CCC or others?

WERE THERE PUBLIC RECORDS WITHIN THE PRIVATE EMAIL ACCOUNT OF MINISTER BAILEY AT THE TIME OF THE DELETION OF THE ACCOUNT ON 5 FEBRUARY?

There have been 1199 public records identified that were within the account at the time of deletion.

IF THERE WERE PUBLIC RECORDS PRESENT, WERE ANY DISPOSED OF WITHOUT APPROPRIATE AUTHORISATION?

Of the 1199 public records identified: 539 were able to be disposed of without additional authorisation, as they were deemed as transitory public records and were not required to be retained beyond their immediate business use. Minister Bailey had authorisation to dispose of these 539 public records.

660 were required to be retained for periods ranging from 2 years to permanent retention. 69 records were deemed as having permanent value and were required to be retained permanently. 355 records were required to be retained for 7 years. Minister Bailey had no authorisation to dispose of these 660 public records and their disposal, if actioned, would be deemed as occurring without appropriate authorisation which would be a breach of section 13 of the *Public Records Act*.

DID THE ACTIONS OF MINISTER BAILEY IN MANAGING THE PUBLIC RECORDS CONTAINED WITHIN HIS PRIVATE EMAIL ACCOUNT RESULT IN A BREACH OF THE *PUBLIC RECORDS ACT*?

The State Archivist's view is that Minister Bailey's actions in managing the public records within his private email account are likely to have resulted in multiple breaches of the *Public Records Act*. Specifically:

Section 7 – Making and keeping of public records

Section 8 – Custody and preservation of public records

Section 13 – Disposal of public records

Section 14 – Public authority must ensure particular records remain accessible.

WHAT ACTIONS IF ANY SHOULD BE TAKEN IN RESPONSE TO BREACH OF THE *PUBLIC RECORDS ACT*?

At the most basic level the allegation that Minister Bailey deleted 660 public records from his private email account without appropriate authorisation is an attack on the accountability of government and its place in a free and democratic society. These records document potentially decisions he has made as a Minister of State, the factors influencing his decisions and how those



decisions were implemented. Public records are a cornerstone of accountable government and allow scrutiny from the public of the decisions of those who are elected to act on their behalf. The position of the State Archivist is that the allegations against Minister Bailey, in principle are significant as they relate to a senior official of the Queensland Government bypassing a statutory obligation in place to promote the accountability of government.

However it is the view of the State Archivist that there are likely to be difficulties in successful prosecution of the breaches of sections 13 and 14 of the Act due to Minister Bailey's reactivation of the email account on 3 March 2017.

The breaches of sections 7 and 8 are potentially more significant. These breaches both potentially could have resulted in Minister Bailey breaching section 204 of the *Criminal Code*. They also potentially set a significant precedent as there is potential other Ministers and ministerial staff could also be in breach of these sections of the Act if they are using their private email accounts without appropriate processes in place to manage public records created or received within them.

A further consideration must be whether it is in the public interest to seek the prosecution of Minister Bailey for breach of the *Public Records Act*. The breaches of sections 13 and 14 are likely to have been for a period of around 26 days – 5 February 2017 to 3 March 2017, and arguably were remedied by the reactivation of the private email account. It must also be acknowledged, that at this point, we are not aware of any public records that have been permanently lost that were within the account at the time of deletion.

There are clearly considerations around the actions of Minister Bailey in principle and in particular the message sent to others if Minister Bailey's actions go unpunished, however there is also a question of equity in terms of whether the punishment of Minister Bailey, personally, greatly exceeds his "crime". The State Archivist's view is that Minister Bailey's practices have potential to be widespread and action against Minister Bailey may well be deemed as scapegoating.

WHAT OTHER ACTIONS ARE REQUIRED TO BE UNDERTAKEN BY THE STATE ARCHIVIST OR OTHERS AS A RESULT OF THIS INVESTIGATION?

The investigation highlighted the potential for widespread creation of public records in the private email accounts of Ministers and their staff. Without appropriate processes to manage public records created within the private email accounts of Ministers and their staff there is a significant risk of further breaches of the *Public Records Act* by other Ministers and their staff.

As a result the State Archivist as a matter of urgency will be reviewing the processes in place to capture and manage public records within the private email accounts of all Ministers and their offices. In addition the State Archivist will be contacting Ministers from the last two governments to request they review their private email accounts for public records that should be transferred to the State Archivist.

How this matter has arisen has highlighted that significant changes are required in the *Public Records Act* and the support Ministerial Services, the Queensland State Archives (QSA) and others give to Ministers in the area of recordkeeping. The passive approach QSA has historically always taken to monitoring recordkeeping practice and compliance with its guidance is ineffective and inadequate.

OTHER MATTERS TO BE BROUGHT TO THE ATTENTION OF CCC OR OTHERS.

At the request of the Crime and Corruption Commission (CCC), the QSA investigative team reviewed the emails identified as public records for any evidence of potential corrupt conduct outside of the issue of potential unauthorised disposal of public records. The State Archivist is clearly unaware of what the CCC has previously considered, but felt it appropriate to highlight a number of emails that were considered of potential interest to CCC or others.



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Minister Bailey's relationship with the Electrical Trades Union (ETU) was a matter which was felt of particular interest and relevance to CCC and others. The correspondence with the ETU is without doubt the dominant set of public records within the private email account that were reviewed. They are very different in nature and tone from all others we reviewed.

From the evidence reviewed in this investigation the relationship with the ETU seems to be one that Minister Bailey has difficulty managing. Unfortunately the interests of the ETU significantly interact with key elements of the Minister's portfolio and his role as a shareholding minister in a number of Government owned Corporations (GOCs). These records and the relationship in general are potentially matters that should be considered by the CCC or the Integrity Commissioner in terms of potential breach of the *Ministerial Code of Conduct*.

KEY RECOMMENDATIONS

- CCC consider whether prosecution is appropriate under its legislation for multiple breaches of the *Public Records Act* which could be deemed corrupt conduct.
- CCC consider whether any actions noted are potential evidence of corrupt or inappropriate conduct relevant to its legislation.
- The State Archivist considers whether prosecution is appropriate for multiple breaches of the *Public Records Act*.
- The Office of the Information Commissioner review this matter to consider if breaches of the *Right to Information Act* and *Information Privacy Act* have occurred.
- The Integrity Commissioner review the relationship between the ETU and Minister Bailey.
- The State Archivist undertakes an urgent review of the processes in place for all current Ministers and ministerial staff in managing public records created or received within their private email accounts.
- The State Archivist contacts former Ministers of the last two Governments to request that they review their private email accounts for public records that may be in their possession.
- The State Archivist reviews urgently the guidance provided on the management of public records within email, private email and social media accounts.
- Department of the Premier and Cabinet (DPC) reviews urgently the training and support it provides Ministers and their staff in managing public records. DPC should work closely with the State Archivist in developing and delivering this training and support.
- DPC reviews urgently the guidance it provides via the *Ministerial Handbook* and *Ministerial Information Security Policy* around the management of public records within the private email and social media accounts of Ministers and their staff. This needs to have regard to QSA guidance.
- An urgent amendment of the *Public Records Act* to include a requirement that all public authorities must comply with mandatory guidelines issued by the State Archivist.
- The State Archivist develop a priority set of mandatory guidelines for implementation.
- The State Archivist develops a team to undertake monitoring of compliance with mandatory guidelines. Additional resources and budget will be required for QSA to undertake these tasks.
- Urgent amendment of the *Public Records Act* to include a requirement that all public authorities must ensure public records created or received in private email and social media accounts are forwarded to official systems within 20 days of creation or transmission; or the inclusion of this requirement as a mandatory guideline.
- The State Archivist reviews all guidance and retention and disposal schedules relevant to Ministers.
- The State Archivist reviews recordkeeping systems and processes in key departments supporting Ministers.
- An alliance of integrity agencies is established including the State Archivist, Information Commissioner, Integrity Commissioner, Auditor-General, Ombudsman, Crime and Corruption



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Commissioner and Public Service Commissioner to raise awareness and promote the importance of recordkeeping for good governance and government accountability.



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2. INTRODUCTION

On 28 February 2017, The Australian newspaper reported an allegation that the Honourable Mark Bailey MP, Minister for Main Roads, Road Safety and Ports and Minister for Energy, Bio Fuels and Water Supply, (Minister) had deleted the private email account mangocube6@yahoo.co.uk. It was further alleged that this email account may have contained emails that constituted "Public Records" under the *Public Records Act 2002* (the Act).

On 1 March 2017, allegations concerning the use, and deactivation, of the Minister's private email account were referred to the CCC. The CCC directed DPC to work collaboratively with the State Archivist to review the contents of the emails retrieved by the CCC to determine if any of them constituted a public record as defined by the *Public Records Act 2002*. On 15 June 2017, DPC provided a report to CCC on this matter which identified 1167 potential public records that had been potentially disposed of without appropriate authorisation and a further 47 for which insufficient information was available to determine their status as public records. Following consideration of the report, and an examination of those emails identified as public records, the CCC considered there was sufficient evidence to raise a reasonable suspicion of corrupt conduct relating to the potential unauthorised disposal of public records by the Minister in breach of section 13 of the Act.

On 19 July 2017, the CCC wrote to the State Archivist acknowledging that in Queensland, the State Archivist is responsible for ensuring that public records are appropriately made, managed and preserved and that the Act bestows upon the State Archivist relevant powers to assist in the investigation of breaches of the Act. Given those circumstances CCC referred the matter for further investigation to the State Archivist. Given the level of public interest the CCC also determined to monitor the investigation by way of a Public Interest Review pursuant to sections 46(2)(b) and 48(1)(c)(i) of the *Crime and Corruption Act 2001*. The CCC requested a first report in relation to this matter be provided to them no later than 30 August 2017.

This report outlines the scope and results of the work undertaken by the State Archivist to date.

3. SCOPE OF INVESTIGATION

The investigation considered records within the private email account in relation to the *Public Records Act 2002* (the Act) and the disposal of public records.

Key focus was on confirming if any public records were deleted; identifying any public records that were deleted; and assessing if there was any unauthorised disposal of public records.

To undertake the investigation, the State Archivist reviewed data reflective of what was downloaded from the private email account on reactivation on 3 March 2017 and this is reflective of the information within the account at the time of deletion of the private email account on 5 February 2017. However we cannot confirm that other public records were not within the account at any other time prior to deletion of the account or that the data provided to us is identical to the data within the account on reactivation.

During the investigation Minister Bailey was contacted as to details of any emails he had sent from his private email account to qld.gov.au addresses, essentially the forwarding of emails to official systems. From the perspective of the State Archivist if the emails had been forwarded we considered them likely to have been appropriately managed. Minister Bailey provided a list of 351 emails he had forwarded from his private email account in this way. On review the QSA investigative team found that a significant majority of these emails had not been provided in the data for review at any point. There is little doubt that Minister Bailey had forwarded these emails from his private email account. These emails were either missing from the data made available to us, but within Minister Bailey's copy of the data or Minister Bailey had retrieved them from other accounts, potentially the accounts he had forwarded them to.

In addition in response to a request to provide 87 emails and their attachments which the State Archivist was unable to access from the data provided by CCC, Minister Bailey was able to provide all of the emails and their attachments. This highlighting again that there are either differences in the data provided to us and Minister Bailey's copy of the data or Minister Bailey had retrieved them from other sources.

Overall we have some concerns as to the completeness and integrity of the data we have been asked to review and in particular that there may have been other public records in the private email account at or prior to the time of deletion which we have not been able to review. It must be noted that it was Minister Bailey who provided the information that had not made available to us in the data provided by CCC, without his assistance we would have not been aware of the potential incompleteness of the data we were asked to review. Whilst it doesn't impact the validity of the conclusions on data we were able to review, it does potentially highlight that other public records may also have been within the account at some point which we have not been able to review.

The scope of the State Archivist's investigation as it related to the *Public Records Act* did not seek to provide opinion or judgement around the content of the public records, outside of their required retention period, and did not explicitly consider the Minister's intent in the deletion of the private email account. However, CCC did request that the State Archivist identify any public records which were considered of potential interest to CCC given their responsibilities and thus some commentary on content has been made in that context. This commentary is intended simply as a matter of consideration not a finding of the State Archivist.

Detailed steps conducted to date across both reviews include the following:



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STAGE 1: REVIEW BY THE DEPARTMENT OF THE PREMIER AND CABINET (DPC) IN COLLABORATION WITH THE QUEENSLAND STATE ARCHIVES (QSA)

- Minister Bailey's private email account recovered by Minister Bailey, with assistance from the CCC – 3 March 2017
- Emails and attachments provided to DPC by CCC for review - 23 March 2017
- Emails and attachments for the relevant period 16 February 2015 to 28 February 2017 reviewed by Crown Law and QSA to identify potential public records
- 1167 potential public records identified that related to the relevant period
- 5,469 "not" public records identified that related to the relevant period
- 47 emails were not able to be categorised due to an inability to access attachments or insufficient information was available to determine their status as a public record
- DPC report to CCC – 15 June 2017.

STAGE 2: INVESTIGATION OF THE STATE ARCHIVIST

- CCC referred matter for further investigation to State Archivist - 19 July 2017
- CCC provided State Archivist a USB with 1167 potential public records and 47 uncategorised emails recovered from the private email account of Minister Bailey in Stage 1 of the investigation – 21 July 2017
- QSA team reviewed the emails to confirm their classification as public records and sentenced records in terms of their appropriate retention period – 23 July 2017 to 18 August 2017 (Methodology below)
- QSA Management team reviewed decisions made around classification as public records and appropriate retention periods – 23 July 2017 to 18 August 2017
- Independent panel of senior Australian Archivists reviewed decisions made around classification as public records and appropriate retention period 21-22 August 2017
- Minister Bailey was contacted to confirm processes he had in place to identify and manage public records contained within his private email account - 1 August 2017
- CCC provided assistance in reviewing attachments which were potential public records which QSA were unable to view during the investigation. This was to determine whether public records had been destroyed as a result of the deletion and reactivation of the private email account
- Legal advice provided in relation to potential breach of the *Public Records Act 2002* – 23 July 2017 to 25 August 2017
- Minister Bailey contacted to provide copies of the attachments for 87 emails which the QSA investigative team have been unable to recover or view to date – 29 August 2017
- State Archivist Interim report to CCC – 30 August 2017
- Minister Bailey provided copies of all the attachments requested – 1 September 2017
- State Archivist Final report to CCC – 5 September 2017



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4. OVERVIEW OF METHODOLOGY FOR CLASSIFICATION AS A PUBLIC RECORD AND ESTABLISHING RETENTION PERIOD

The purpose of the methodology (Attachment A) was to provide a consistent approach to all decisions made by the QSA investigative team. The approach taken included up to seven individual assessments of the email by experienced personnel from within QSA and senior independent archival professionals. This was to ensure the absolute integrity of decisions made as to whether an email or attachment were a public record or not.

The following provides a summary of key elements of the methodology used to identify and sentence public records present within the private email account of Minister Bailey at the time of deletion on 5 February 2017:

- CCC provided all emails and attachments that had been identified as potential public records during the DPC review. The emails and attachments were provided to QSA on 21 July 2017.
- All emails and attachments were printed, placed in a folder and numbered using a sequential numbering pattern starting at #1.
- Attachments that could not be opened were noted and CCC assistance provided to attempt to open them.
- Decisions around sentencing were made with the assumption that the decision was to be made by Minister Bailey or one of his staff, rather than an expert archivist. The sentencing decisions made were moderate interpretations of guidance rather than a strict interpretation made with the benefit of hindsight and archival expertise.
- The initial, level 1, reviewers were each assigned approximately 400 emails to sentence and assess against the sentencing guide (Attachment A, sections 2 and 3) developed for the investigation. Their decisions were recorded in a spreadsheet.
- Upon completion of the review the data captured in the spreadsheet was merged into word documents, printed and placed with each corresponding email. The printout acted as a coversheet and recorded decisions made by reviewers.
- The level 1 reviewers reassessed emails that had been reviewed by other level 1 reviewers. The purpose of this review was to provide an initial integrity check on decisions made. These 2nd level 1 review decisions were handwritten on each coversheet.
- The level 2 reviewers assessed the decisions made by the level 1 reviewers and justified their reason if they disagreed on the coversheets. They reviewed all 1167 emails and the 47 uncategorised emails.
- Throughout the QSA review (level 1 and 2 reviews) sentencing rules were continually reassessed and confirmed (Attachment A, section 3.3 for the rules). The purpose of these rules was to provide consistency in the classification and sentencing of the emails across all levels of the review process.
- The level 3 reviewers consisted of three independent experts in archival and recordkeeping principles and practices. They assessed the methodology and rules used to review the emails to provide an independent and objective view. They also reviewed a sample of the emails that fell under each sentencing rule to provide an additional level of comfort around decisions made.
- A level 4 review by independent legal counsel was to review the emails marked as contentious (Attachment A, section 3.3 for a definition), however no emails were referred for additional legal review.



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5. KEY MATTERS FOR LEGAL CONSIDERATION

PUBLIC RECORDS ACT 2002

- Breach of section 7 of the *Public Records Act* – Making and keeping of Public Records
- Breach of section 8 of the *Public Records Act* – Custody and preservation of Public Records
- Breach of section 13 of the *Public Records Act* – Disposal of Public Records
- Breach of section 14 of the *Public Records Act* – Public Authority must ensure particular records remain accessible

OTHER RELEVANT LEGISLATION

- Breach of the *Right to Information Act 2009*

6. BACKGROUND

KEY EVENTS & TIMELINE

- 17 January 2017 - The Australian newspaper reported allegations of secret lobbying by the Electrical Trades Union (ETU) of Minister Mark Bailey in regard to an email exchange with Mr Peter Simpson of the ETU on November 26 2016.
- 17 January 2017 - the Premier made statement that she will instruct her Ministers to stop using their private email accounts for official business at the Cabinet meeting on 23 January 2017.
- 19 January 2017 - The Australian made a Right to Information (RTI) application for emails related to lobbying by the ETU in matters relating to the merger of superannuation funds contained in the private email account of Minister Bailey mangocube6@yahoo.co.uk.
- 24 January 2017 - Ministerial Office of Minister Bailey made aware of RTI application.
- 25 January 2017 - The Australian newspaper reports "Mark Bailey refuses to release emails on super fund merger" stating Minister Bailey's spokesman said "the minister would not be releasing the correspondence on his private email account".
- 3 February 2017 - Minister's Chief of Staff emails Minister Bailey about RTI application.
- 5 February 2017 - Minister Bailey deletes his private email account. Minister Bailey's use of the private email account for official purposes continued until 5 February 2017. Minister Bailey deleted his account 16 days after being told by the Premier not to use private email accounts for official business, and 11 days after his office was made aware of the RTI application.
- 6 February 2017 - Minister and his Chief of Staff discuss RTI application. Minister's states this was the date he was first aware of the RTI application.
- 28 February 2017 - The Australian newspaper reports the Minister has deleted the private email account to avoid RTI application.
- 28 February 2017 - Minister Bailey answers questions in Parliament relating to the deletion of his private email account.
- 28 February 2017 - Allegations concerning the use, and deactivation, of the Minister's private email account were referred to Director General (DG) of DPC by the Premier for investigation.
- 1 March 2017 - The Queensland opposition refer the allegations to CCC.
- 3 March 2017 - Minister Bailey, with the assistance of CCC, reactivate the private email account.
- 16 March 2017 - CCC direct DPC to work collaboratively with the State Archivist to review the contents of the emails retrieved by the CCC to determine if any of them constituted a public record as defined by the *Public Records Act*. Also on 16 March 2017 the CCC requested the State Archivist postpone his independent review until CCC had ended its interest in the matter.
- 20 March 2017 - Dave Stewart, DG of DPC removed from CCC/DPC review in light of perceived potential perception of conflict of interest.
- 15 June 2017 - DPC provide a report to CCC on this matter. The DPC report identified that the Minister's private email account contained 1167 potential public records that related to the period 16 February 2015 to 28 February 2017 and a further 47 which were not able to accessed fully. The DPC review did not include any steps to "sentence" the potential records in terms of their required retention periods.
- 19 July 2017 - CCC announce that following consideration of the report, they considered there was sufficient evidence to raise a reasonable suspicion of corrupt conduct relating to the potential destruction of public records by the Minister in breach of section 13 of the Act.
- 19 July 2017 - the CCC write to the State Archivist acknowledging that in Queensland, the State Archivist is responsible for ensuring that public records are appropriately made, managed and preserved and that the Act bestows upon the State Archivist relevant powers to assist in the investigation of breaches of the Act. CCC referred the matter, as it relates to the potential destruction of public records under the Act, for further investigation by the State Archivist. The CCC requested a first report in relation to this matter be provided to them no later than 30 August 2017.



7. RESULTS & DISCUSSION OF EVIDENCE

IDENTIFICATION & UNAUTHORISED DISPOSAL OF PUBLIC RECORDS— QSA ASSESSMENT

It is important to note that the use of a private email account by a Minister for portfolio duties is not in itself a breach of the *Public Records Act*, whilst there are clear prohibitions outlined in the *Ministerial Information Security Policy* around the use of private email accounts for official business, the Act itself does not prohibit the use of private email accounts. The State Archivist recognises that public records can be created in many different modes of interaction including private emails and social media. The guidance supporting the Act in this area issued by QSA recognises this fact and reflects the priority should be to ensure that Ministers and others have appropriate processes in place to manage all public records created no matter where they are created.

A simple ban of private email use by Ministers, although arguably a logical solution is not considered realistic, practical or effective given the widespread use of private email today and the high likelihood that Ministers will potentially receive emails that relate to their portfolio responsibilities directly from members of the public and other organisations via their private email accounts.

These emails are potentially public records, but their initial creation was potentially outside of the control of the recipient. To simply assume that this does not occur and that a ban of private email use by Ministers is sufficient is unrealistic. The current investigation has highlighted how common this practice actually is and it has clearly shown it extends beyond the private email account of Minister Bailey to at least a number of other Ministers private email accounts. The Queensland State Archivist's position around the use of private email account and the management of public records within them is consistent with practices in most similar jurisdictions which recognise that public records will be created outside of official systems and the absolute priority, in terms of maintaining full and accurate records of the activities of government, is that processes are in place to manage records created wherever they are created.

The investigation primarily sought to identify whether there were any public records disposed of without appropriate authorisation when the private email account was deleted on 5 February 2017. Authorisation in this context can normally only be given through Retention and Disposal schedules (schedules) approved by the State Archivist. In this instance the *Office of a Minister of the Crown and Parliamentary Secretaries Retention and Disposal Schedule* and the *General Retention and Disposal Schedule (GRDS)*.

The QSA investigative team identified all emails and attachments that were public records present when the private email account was deleted. They then "sentenced" the public records using the appropriate schedules to identify the appropriate retention periods. It is important to note that some public records do not need to be retained for significant periods. Some public records can be disposed of once their business use has ended. These records are deemed transitory records. In addition, where a series of emails are simply a continuing thread in the same conversation, in many cases the requirement is that only the last email in the conversation thread, if it contains all earlier parts of the conversation should be retained as a public record. The exception being where attachments vary on emails in the same conversation.

Part of the investigative process involved separating the public records that were transitory, and thus legitimately able to have been disposed, from those that were required to be retained for longer periods. It is the public records that were required to be retained for 2 years or more that are relevant to the question of unauthorised disposal in this instance. In simple terms if there were any public records in the private email account with a retention period of 2 years or more, not held elsewhere, they were potentially disposed of without appropriate authorisation, subject to the actions of deleting the account being deemed as unauthorised disposal under the Act.



The following is a summary of the number of public records and the relevant retention periods, identified within the private email account at the time of deletion of the account of 5 February 2017.

The number of potential public records identified in Stage 1 of this investigation was 1167 records plus an additional 47 that were unable to be categorised. As a result of work undertaken in Stage 2 the final number of emails and attachments identified to date c records is 1199 plus 13 that remain questionable due to a lack of context.

539 of the public records identified were deemed to be transitory and thus Minister Bailey had appropriate authority to dispose of them.

660 of the public records however were deemed as not transitory with required retention periods ranging from 2 years to permanent. Minister Bailey had no authority to dispose of these records at the time of deletion of the account. The 660 public records identified as requiring retention had the following retention periods:

# of Records	Required Retention Period
234	Required to be retained for 2 years
1	Required to be retained for 3 years
355	Required to be retained for 7 years
69	Required to be retained permanently
1	Required to be returned to Cabinet Secretariat before disposal
660	Total

There were a distinct group of emails that related to correspondence with the ETU which were considered as significant and have been highlighted below.

# of Records	Required Retention Period
22	Transitory
54	Required to be retained for 2 years
227	Required to be retained for 7 years
50	Required to be retained permanently
353	Total

Minister Bailey was contacted on 15 August 2017 to confirm emails he had forwarded on to official systems. As a result of the response provided we were able to confirm that none of the 660 records noted above had been forwarded to official .qld.gov.au addresses from his private email account.

The QSA investigative team noted a numbers of features of Minister Bailey's email practices within this account. Minister Bailey has a large portfolio and was clearly busy. Within his private email account, he received a lot of emails, from a core group of people. Out of the 1199 emails that have been deemed public records, less than 70 were actually conversations clearly initiated by Minister Bailey. Minister Bailey's responses were often limited and mostly in simple acknowledgement. In the early period of Minister Bailey's time in office the Minister tended to copy in his office staff 'for correspondence', indicating he had a process of sorts for capturing records, unfortunately this process does not seem to have continued past the early period of the Minister's time in office.

The volume of emails received over the period has a distinct pattern, of the 1199 emails that we would consider a public record, 321 were sent or received in the first month of his period as a



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Minister, 454 within the first 3 months, and 709 within the first 6 months. There was a noticeable change in the usage of the account for ministerial purposes from around November and December 2016. The change indicated a change from being seemingly his default contact point for his ministerial office staff, to being used as mostly an account to forward news articles for reference and limited contact with people. It is noticeable however RTI's related to the usage of his private email account started to be made in November 2016.

MINISTER BAILEY RESPONSE IN CONFIRMATION OF PROCESSES IN PLACE TO MANAGE PUBLIC RECORDS CREATED OR RECEIVED IN HIS PRIVATE EMAIL ACCOUNT

On 14 August 2017, the State Archivist asked Minister Bailey to outline the processes he had in place to manage emails within his private email account that related to his portfolio responsibilities. A central concern was to establish whether Minister Bailey had retained any of the relevant emails outside of this private email account, through for example forwarding to an official ministerial email address or printing of emails and attachments prior to his deletion of the account on 5 February 2017. Minister Bailey's response via his legal advisor was as follows:

"We advise that the process followed by Minister Bailey was that emails related to portfolio responsibilities would generally be sent, copied or forwarded to ministerial staff. Mr Bailey understood that emails sent and received by ministerial email accounts were automatically saved and backed up to the government server. The majority of documents that Mr Bailey's office handled, being correspondence, briefs etc. were not held within the ministerial office and were returned and captured by departmental processes. Our client and his office understood that the responsibility for storage and maintenance of decision making documents and records sat largely with the relevant department.

As a busy Minister dealing with a high volume of emails, texts and calls, Mr Bailey utilised two smartphones, one of which provided access to his personal email account. Mr Bailey would often use both smartphones at once, for example, reading on one whilst talking on the other. There were times, whether by oversight or because, for example, one phone was out of battery or temporarily misplaced, when Mr Bailey used his private email account to send work-related emails.

If Mr Bailey sent or received emails regarding his portfolio via his private email, it was usually to and from members of his staff using their ministerial email accounts. When Mr Bailey received emails from members of the public in his private email account that he thought should be registered to receive a formal response, he would forward the email to a member of his ministerial office for this purpose. As noted above, Mr Bailey expected (and believes) emails sent to and from ministerial email accounts were systemically captured by the government server, such that they were properly preserved and recorded.

Before becoming a minister, Mr Bailey had previously worked in a number of ministerial offices as a senior ministerial staffer. In his experience, arrangements such as those outlined above are common, and he had not encountered more formal arrangements for the transfer of emails that could be potential public records from private email accounts to official record management systems.

Mr Bailey does not recall ever having been advised or instructed in respect of necessary processes for the management of emails that are potential public records sent or received from a private email account, and we note in that regard that the Ministerial Handbook provides no such guidance. Mr Bailey appreciates the benefit that guidance in this area would provide."

It is important to note that the key guidance available to Minister Bailey in regard to the management of public records and the use of private email accounts as a Minister are provided via the *Ministerial Handbook*, the *Ministerial Information Security Policy* and the State Archivist.



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Selected guidance within the *Ministerial Handbook* states:

Section 2.1 -

"All Ministers, Assistant Ministers and staff employed within Ministerial offices are provided with access to the Internet and email through the ministerial network.

The Ministerial Information Security Policy sets out the basic security requirements that everyone accessing these services through the ministerial network needs to be aware of and comply with. This policy includes information on the use of internet, email and social media.

Detailed IT security policies and procedures are in place in the Department of the Premier and Cabinet and apply to the ministerial network except where they conflict with policies and procedures detailed in the Ministerial Information Security Policy."

Section 2.3 -

"Certain records of ministerial offices are public records under the Public Records Act 2002. These records may only be disposed of in accordance with the Disposal Authority issued by State Archives. Public records of any type or format (including electronic records, microfilm, sound recordings, films etc.) of ministerial offices cannot be legally destroyed or removed by an outgoing Minister without authorisation by the State Archivist.

Furthermore, computer systems cannot be wiped without full back ups.

Public records would include those that document a Minister's work as a Minister of the Crown. They do not include electorate, party political or personal records

Disposal of Ministerial Records

The disposal of records includes their destruction, their removal from the custody of the creating agency, or their transfer to State Archives. The effective disposal of records is an essential part of good record management. The disposal of ministerial records should be in accordance with the disposal authority issued by State Archives."

Of relevance to this investigation is that the *Ministerial Handbook* does make it clear the Minister has to comply with the *Public Records Act* in terms of disposal of public records. Whilst the *Ministerial Handbook* itself doesn't expressly prohibit the use of private email accounts for ministerial purposes, the referenced *Ministerial Information Security Policy* does:

"A Queensland Government email address will be provided for business purposes. Controls will be put in place to maintain the confidentiality, integrity and availability of the system.

Email System

The use of an external, non-supported email system can pose a security risk to government information.

A centrally provided email system will be used within the Ministerial network that incorporates appropriate access controls for each user. No other email systems, including those offered by Internet Service Providers (ISPs) or external web-based mail systems are to be used for official purposes."

The prohibition of private email for official purposes is arguably a logical solution, however the current investigation has highlighted how unrealistic an assumption it is. As noted above a high proportion of Minister Bailey's private emails that we have deemed as public records were instigated by a third party not the Minister. Unfortunately, the *Ministerial Handbook* provides no guidance around the management of public records received or created within private email or social media accounts. It arguably assumes, as it is prohibited, it does not occur, unfortunately it is clear that is far from the situation.



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It is significant to note that the *Ministerial Handbook* is not consistent with the guidance of the State Archivist in this area which assumes, more realistically, that it may occur. QSA guidance in 2015 stated:

“Capturing emails is simple – save as you would any other record. So whatever recordkeeping application, shared drive, other business or collaborative application you’re using, save your emails accordingly and apply any additional metadata as required.

Remember, most email systems are not designed with recordkeeping functionality, so you will likely need to save your emails elsewhere if they are evidence of a business activity or decision. Remember, email archives and back-up tapes are not suitable methods of capture.

In your agency’s data entry standard, make suggestions on the creation and capture of emails:

- *include as much detail as possible in the subject field*
- *suggest a standard for capturing emails e.g. Email from [name] to [name] regarding [subject].*

Think about business rules relating to emails:

- *if you are the sender – you are responsible for capture*
- *if you have received an email from an external sender and you are the only recipient in your agency – you are responsible for capture*
- *if you have received an email from an external sender and you are one of many recipients in your agency – the person who is most directly involved in the issue or task is responsible for capture.*

Remember to:

- *capture emails at the end of a thread where possible (rather than every to-and-from)*
- *capture attachments to emails*
- *capture work related emails from your personal email accounts if they are used for business*
- *check the relevant Retention and Disposal Schedule to ensure you don’t delete any business emails that are required to be kept for a certain period of time.”*

State Archivists have highlighted on a number of occasions inconsistency between the guidance of the State Archivist and the *Ministerial Handbook*. As a key guide for Ministers, this inconsistency in the *Ministerial Handbook* is significant.

The evidence of this investigation is that the use of private email accounts by Ministers is potentially widespread and more significantly, in terms of the results of this investigation, emails from members of the public that are public records are sent to the private email accounts of Ministers on a regular basis. The *Ministerial Information Security Policy* and the *Ministerial Handbook* are both silent on this fact and are both ineffective in terms of guidance on this matter. Minister Bailey’s response around the Handbook has validity. The *Ministerial Handbook* provide no guidance on the management of public records received or created within private email accounts, however the *Ministerial Handbook* does highlight that disposal of public records is subject to the authority of the State Archivist.

As a responsible public authority under the *Public Records Act*, Minister Bailey has a statutory obligation to make and keep full and accurate records of his activities and to have regard to any relevant policy, standards and guidelines made the State Archivist about the making and keeping of public records.



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Legal advice previously obtained was that the meaning of “have regard to” is that public authorities, in this case the Minister, must take the policies, standards and guidelines made by the State Archivist into account when managing their public records obligations under the Act, and this should extend to “seeking out” the relevant guidance that as a public authority they are required to have regard to. Essentially that they should routinely ensure that any new or relevant guidance is identified and is considered given their statutory obligation to make and keep public records.

In terms of the State Archivist, and QSA and their responsibilities there is a statutory duty to “promote” efficient and effective methods, procedures and systems for “making, managing, keeping, storing, disposing of, preserving and using public records” under section 24(a) of the Act and a statutory duty to “give advice about the making, managing, keeping and preserving of public records” under section 24(f) of the Act, but there is no statutory duty imposed on the State Archivist that requires the State Archivist to ensure that every public authority is aware of their obligations under the Act. The compliance obligation is conferred on the regulated party, being the relevant public authority, the Minister in this instance.

The obligations of a public authority under section 7(1) of the Act are cast in mandatory terms and there is an obligation under section 7(2) of the Act imposed on the executive officer of a public authority to ensure that the public authority complies with section 7(1) of the Act. This means that a public authority cannot legally argue that the reason why it failed to meet its compliance obligations under section 7 of the Act was because the State Archivist failed to ensure that the public authority was aware of its compliance obligations. The relevant offence where a public authority fails to make and keep full and accurate records of its activities is potentially the offence under section 204 of the *Criminal Code*, of failing to do something which a *person* (i.e. the Minister) was required to do under the Act. This matter is explored in detail in the legal section of this report.

The State Archivist guidance, noted above, which as a Minister, Minister Bailey must have regard to, was available during the relevant period of use of the private email account on the Queensland State Archives website www.archives.qld.gov.au.

Minor edits in the State Archivist guidance were made on 3 February 2017, and thus at the time of deletion the guidance stated:

“You should decide which emails to capture using the same criteria as all other records.

Once you have decided that you need to capture an email documenting a business activity or decision, remember to:

- *capture emails at the end of a thread where possible (rather than every to-and-from)*
- *capture attachments to emails*
- *capture work related emails from your personal email accounts if they are used for business*
- *check the relevant retention and disposal schedule to ensure you don’t delete business emails that are required to be kept for a certain period of time.*

Most email systems do not have sufficient recordkeeping functionality to properly capture and manage emails. Email archives and back-up tapes are not suitable methods of capture.

Procedures and processes may need to include a standard, and business rules for who, when, where and how to capture emails (e.g. standard naming conventions and detailed subject fields).

Some business rules you could include are:

- *if you are the sender—you are responsible for capture*
- *if you have received an email from an external sender and you are the only recipient in your agency—you are responsible for capture*

- *if you have received an email from an external sender and you are one of many recipients in your agency—the person who is most directly involved in the issue or task is responsible for capture.”*

Minister Bailey’s response around processes he had in place indicate a significant lack of understanding of what is required under the *Public Records Act* in terms of his responsibility as a Minister to make and keep full and accurate records of his activities and his statutory obligation to have “regard” to the guidelines made by the State Archivist about the making and keeping of public records. It is clear that Minister Bailey was reliant on Ministerial Services guidance which is unfortunately largely silent on the matter and relied, also it seems, on his prior experiences in this area.

In terms of the State Archivist and QSA, we must also acknowledge our own failures. Prior to 2015, the State Archivist or the Minister responsible for QSA wrote to incoming Ministers around their responsibilities in recordkeeping. This guidance was not provided by the Acting State Archivist when the current Government commenced in February 2015. A later Acting State Archivist subsequently made a number of attempts in 2015 and 2016 to engage with Ministerial Services to provide Ministers more guidance in this area, however no progress was made in facilitating this.

From August 2016, onwards the current State Archivist has highlighted significant concern in the standard of government recordkeeping across all of the public sector in Queensland and the ineffectiveness of QSA services in seeking to address this. It is important to note responsibility for effective recordkeeping doesn’t lie with the State Archivist, it lies with the executive officers of public agencies and Ministers. QSA’s role is largely to provide guidance to which public authorities must have regard to in order to manage public records effectively. Based on agencies own self-assessment of their recordkeeping practices, in biennial surveys conducted by QSA, less than 15% of public agencies meet what QSA would deem a minimum standard of recordkeeping practice. The executive officers of the main State government departments were informed of this in October 2016 at a meeting of the CE Leadership Board.

QSA has been actively looking to transform the quality of guidance it provides over the last twelve months, however significant progress is likely to take several years with current resources available to QSA. QSA recognised over a year ago that its guidance needs to become more practical and relevant and that more effective means to communicate this guidance need to be developed. However, the single biggest factor, in the view of the State Archivist, in the current poor standard of government recordkeeping, of which Minister Bailey’s action is arguably just a symptom, is that QSA guidance is not expressly mandatory in key areas, it doesn’t really matter how good QSA guidance actually is if it is optional whether to follow it or in this case even to have regard to it. The *Public Records Act* itself is a major factor in the poor standard of recordkeeping in Queensland. The review of the Act is a priority for the State Archivist.

As noted, above compliance with the *Public Records Act* in terms of making and keeping full and accurate records is a statutory obligation for public authorities, including Ministers. However, following the guidance of the State Archivist is only something that a public authority has to show “regard” to. Essentially the guidance of the State Archivist is frequently “optional” under the Act and not actively monitored, yet to comply with the statutory obligation to make and keep full and accurate records it is extremely likely that a public authority will need to comply with the guidance of the State Archivist. It is a significant contradiction in the Act and from the perspective of the State Archivist is the most significant factor in the poor standard of government recordkeeping across many public agencies. If Ministerial Services and Minister Bailey were required to follow the guidance of the State Archivist in this area it is possible that this issue would have been avoided. The Queensland *Public Records Act* is extremely weak in this regard. It is notable for example that New South Wales and New Zealand recordkeeping legislation does require mandatory compliance



with certain guidance issued and it is actively monitored and enforced by the respective archival authority.

Whilst acknowledging that the support for Minister Bailey was potentially inadequate it is the State Archivist's view that as a Minister of State, Minister Bailey must be held accountable for his own actions. Minister Bailey had a statutory obligation to make and keep full and accurate records. The *Ministerial Handbook* makes it explicit that public records can only be disposed of under the authority of the State Archivist under the *Public Records Act*. The *Ministerial Information Security Policy* is further explicit that private email accounts should not be used for official ministerial business. Yet Minister Bailey failed to do this or seek guidance around what he should do. Minister Bailey or his ministerial office at no time during the last two years sought advice or guidance from the State Archivist or the staff of QSA on appropriate processes to manage his ministerial records. There is no evidence that the Minister gave "regard" to any relevant policy, standards or guidelines made by the State Archivist in this area. It is also apparent that Minister Bailey made no attempt to apply the appropriate retention and disposal schedules prior to the deletion of his private email account. Ignorance of a statutory obligation is not a valid excuse for a Minister of State and there is perhaps a reasonable and even greater expectation on a Minister to be an exemplar of good practice in areas such as recordkeeping. In this instance Minister Bailey was not compliant with the guidance of the State Archivist or Ministerial Services.

Whilst the investigation focused on the private email account of Minister Bailey it was extremely clear that the receipt and creation of public records in the private email accounts of other Ministers and ministerial staff was widespread. Denise Spinks and David Shankey, both at the time key members of the Minister's office, were frequently engaging directly with the Minister and correspondents to the Minister via their private email accounts on matters that were clearly related to the Minister's official portfolio responsibilities throughout the almost two-year time period of email use relevant to this investigation.

There is clear evidence of widespread use of private emails for official purposes by the Minister's key staff often directly with the Minister and on occasion dealing with portfolio matters referred by the Minister to their private email accounts rather than their official ministerial email accounts. The widespread nature and frequency of this practice was disturbing. The Minister's staff, Spinks and Shankey, are very experienced public officials they clearly would have known that this practice was against the official policy as outlined in the *Ministerial Information Security Policy* and elsewhere. It is again important to stress however that the use of private email accounts for official purposes is not a breach of the *Public Records Act*, if the individuals involved had appropriate processes in place to transfer these records to official ministerial systems and that they were not disposed of without appropriate authority. The State Archivist has not at this point sought confirmation on these processes in regard to other Ministers and ministerial staff, in order to avoid compromising the CCC investigation, however that confirmation will be an urgent follow up action for the State Archivist.

In terms of other Ministers, from the evidence of this investigation the use of private email accounts by Ministers for official purposes could be relatively widespread. Minister Curtis Pitt's private email account was frequently a notable recipient of the same emails sent to Minister Bailey's private email account from the ETU and emails from the private email account of Minister Pitt were part of a number of conversation threads we have deemed public records. Again, it is important to stress that whilst this maybe a breach of the *Ministerial Information Security Policy* it is not per se a breach of the *Public Records Act*, if the Minister had appropriate processes in place to manage these emails and did not dispose of them without appropriate authority.

Other Ministers noted from evidence in this investigation as using their private email accounts for official purposes included Ministers Miles and De Brenni. The evidence of the widespread use of private email accounts for official purposes, and more significantly the receipt of public records



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within the private email accounts of Ministers and their staff without their instigation is a significant concern for the State Archivist.

The main purposes of the *Public Records Act* are:

"to ensure the public records of Queensland are made, managed, kept and if appropriate preserved in a useable form for the benefit of present and future generations; and

public access to records under this Act is consistent with the principles of the Right to Information Act 2009 and the Information Privacy Act 2009".

The failure to adequately capture the public records of a Minister and his or her office is a significant omission and arguably attacks the transparency and accountability of government. It is perhaps the most significant finding of this investigation from the perspective of the State Archivist.

The conclusion in terms of whether there were any public records within the private email account of Minister Bailey at the time of deletion is overwhelming. There were 1199 public records within the private email account at the time of deletion. Many are administrative and somewhat trivial, arguably of little long term value, however there are a number of significant public records in that they were required to be retained for a considerable period of time under approved retention and disposal schedules. These records document factors in decisions the Minister has made, the decisions made, attempts to influence his decisions, how he made those decisions and how those decisions were implemented. Public records are a cornerstone of accountable government and allow scrutiny from the public of the decisions of those who were elected to act on their behalf, the failure to manage them effectively is of significant concern.

The volume of public records deleted is such that it can't be explained through simple mistake or ignorance. It is unreasonable to accept that a Minister and his experienced staff are so ignorant of their obligations to fail to recognise that the emails in this account were likely to be public records. A number are of a significant nature and the view of the State Archivist is that any reasonable person would have assumed that they were likely to constitute public records. There are 69 records identified as having permanent value to the State and a further 355 which must be retained for over 7 years. These are not trivial or minor records. Their loss would certainly undermine key principles of the *Right to Information Act* which the *Public Records Act* seeks to support. These include that in a free and democratic society:

- (a) *there should be open discussion of public affairs; and*
- (b) *information in the government's possession or under the government's control public resource; and*
- (c) *the community should be kept informed of government's operations, including, in particular, the rules and practice followed by government in its dealings with members of the community; and*
- (d) *openness in government enhances the accountability of government; and*
- (e) *openness in government increases the participation of members of the community in democratic processes leading to better informed decision-making; and*
- (f) *right to information legislation contributes to a healthier representative, democratic government and enhances its practice; and*
- (g) *right to information legislation improves public administration and the quality of government decision-making.*

Following determination that public records did exist in the private email account at the time of deletion and that 660 were not authorised for disposal, the next stage of the investigation is to answer whether the actions of Minister Bailey were indicative of a breach of the *Public*



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Act. Detailed and extensive legal and archival expert advice was sought on assessing potential breaches of multiple sections of the Act.

8. KEY LEGAL CONSIDERATIONS

BREACH OF SECTION 13 OF THE *PUBLIC RECORDS ACT* – DISPOSAL OF PUBLIC RECORDS

Section 13 of the Act states:

“A person must not dispose of a public record unless the record is disposed of under

- a) an authority given by the archivist; or*
- b) other legal authority, justification or excuse”*

Schedule 2 of the Act states disposal of a record includes:

- a) destroying or damaging the record, or part of it; or*
- b) abandoning, transferring, donating, giving away or selling the record, or part of it*

The investigation determined that Minister Bailey had appropriate authority under the various disposal schedules to dispose of 539 of the public records identified. He had however no authority to dispose of 660 of the records.

The key question therefore is whether the act of deletion of the account meets the definition of disposal. The terminology used by Minister Bailey in his responses and statements are notable. On a number of occasions when first questioned on his actions Minister Bailey states his action was “deletion” at a later date the action is described as “deactivation”. The change is not insignificant. Deletion is widely perceived as permanent removal, effectively destruction. Deactivation arguably doesn’t imply permanent destruction at all. Though not legally relevant, the State Archivist’s view is that Minister Bailey’s likely purpose when deleting his account on 5 February was permanent destruction, however Yahoo’s deletion process does not result in immediate destruction. When it became clear that Minister Bailey’s actions were of significant public interest, it is notable that the description of his actions change to deactivation. Throughout this document the State Archivist refers to the action as deletion as he considers that it is likely that deletion was the original purpose, however clearly deactivation could also be accurately used given the later actions of Minister Bailey.

Minister Bailey’s private email account was a Yahoo UK account. When deleting the account on 5 February 2017 the Yahoo guidelines around the deletion of a Yahoo email account referred to the “practice” as “deletion or termination” of a Yahoo account. Somewhat contradictory is that whilst Yahoo refers to deletion of data and the account, it also states on the same webpage that the account can be reactivated within 40 days. The Yahoo closure page highlights “before closing the account make sure you download any info you need. Once the account is deleted we can’t recover any info or restore access.” Immediately following “click yes terminate this account” – is another statement “your account will be reactivated if you sign in to it within approximately 40 days of closing it, with longer hold periods for accounts registered in Australia or New Zealand (approximately 90 days)”.

As a UK registered Yahoo account the relevant reactivation period was 40 days. It is reasonable to assume that from the Yahoo account deletion web page that Minister Bailey would have known that if he desired he could have recovered the account within 40 days of deletion. However, the RTI application of The Australian newspaper, of 19 January 2017, was refused because of the closure of the account. The exact wording of the RTI refusal was “As a result of the deactivation of the email account, a search of the email address could not be undertaken, accordingly, no responsive documents were identified or located in response to the scope of your RTI application”. This potentially implies that despite arguably knowing that he could have retrieved the account he had no desire at that time to do so, which is perhaps significant in terms of breach of the *Right to Information Act* and also as to whether Minister Bailey considered the deletion of the account permanent or merely a temporary deactivation.



Minister Bailey knew of the RTI application reportedly the day after he deleted the account, 6 February 2017. Yet he refused to fulfil the RTI application despite the fact that he would have had the ability to do so if he so desired. This is inconsistent with an act of simple temporary deactivation or a temporary desire to restrict access, this is more likely, in the opinion of the State Archivist, indicative of a desire to permanently destroy the documents within the account. On 3 March 2017, almost a month after account deletion and following media and parliamentary questioning Minister Bailey reactivated his account with assistance from CCC in order for CCC to undertake its investigation into allegations of corrupt conduct. Ironically in doing so that may well have undermined the ability to effectively argue that Minister Bailey's actions amounted to disposal under the definitions of the Act. It is legitimate to argue that as the account ultimately was able to be reactivated permanent destruction of the records did not occur.

The definition of disposal that includes abandonment is perhaps the most significant. Between 5 February 2017 and 3 March 2017 Minister Bailey arguably abandoned the public records within his deleted private email account. Minister Bailey made no attempt whatsoever to recover the documents until the referral of the matter to the CCC, despite a lawful request to do so via the 19 January 2017 RTI application. Minister Bailey's response to the 19 January 2017 RTI application indicated that he considered it impossible to provide records from it or even search it. There is no suggestion that Minister Bailey considered his action to be temporary or that his account was simply temporarily deactivated at that time.

The State Archivist in his consideration of the matter reflected on a scenario of a person who placed thousands of documents in a rubbish bag, knowing that some of the documents were likely to be public records and dumped them at a private rubbish tip with the full intent that they were to be permanently disposed of. The rubbish tip had a sign on the gate saying that all rubbish would be secure and that it would be automatically buried within 40 days. However, 26 days later following extensive pressure to retrieve the documents the person returns to the rubbish tip and reclaims the documents.

The State Archivist considers the actions of this hypothetical person as similar to Minister Bailey's, both relate to essentially the abandonment of public records. Minister Bailey's actions in deleting the account were consistent with an action of abandoning the documents with a likely purpose that this would result in permanent destruction of the documents. It is the view of the State Archivist that between 5 February 2017 and 3 March 2017 Minister Bailey "abandoned" the public records in the deleted account. The remedy of this through reactivation of the account is certainly notable, however it does not completely remedy the abandonment of the records that occurred between 5 February 2017 and 3 March 2017. The act of retrieval was a separate action to the act of abandonment and was a separate consideration entirely from the act of initial deletion. It is the State Archivist's view that Minister Bailey's action constituted abandonment of the public records for 26 days from 5 February 2017 to 3 March 2017 and thus given the 660 records previously noted this amounted potentially to unauthorised disposal of public records.

The State Archivist does recognise however the difficulties in proving beyond a reasonable doubt that Minister Bailey's purpose was permanent destruction of the records or even that disposal occurred given the subsequent reactivation of the email account on 3 March 2017. There is a legitimate view that as the Minister could theoretically retrieve the records by reactivating the account within 40 days and therefore had not lost control of the records, had not given access to the records to another or put the records at risk of being removed by another person that he had not abandoned the records.

The State Archivist's view is that Minister Bailey's likely purpose on deletion was permanent destruction of the records, however he does recognise the difficulty in proving beyond reasonable doubt the Minister's state of mind or intent at the time the account was deleted. Minister Bailey's early statements in Parliament described his action as "deletion", and thus destruction, however a



CONFIDENTIAL

legal view expressed is that statements made by the Minister in the Legislative Assembly to the effect that he "deleted" the account may not be admissible in proceedings against the Minister for a breach of section 13 of the Act.

Of further relevance is that the State Archivist does not accept that Minister Bailey did not put the records at risk. Yahoo state on their account closure page "before closing the account make sure you download any info you need. Once the account is deleted we can't recover any info or restore access." By closing or "terminating" the account, as the Yahoo closure page states, Minister Bailey would clearly have known that he was putting the records at risk, particularly as his responses indicated that he took no back up of the account before the deletion of the account, which is again perhaps of more relevance to breach of sections 7 and 8.

A final consideration under the definition of disposal is whether Minister Bailey's action also could be deemed unauthorised transfer of records and once again breach of section 13 of the Act. It could be argued that the act of deleting the account transferred effective "control" of the records to Yahoo as control of final deletion of the records was largely out of Minister Bailey's control following the decision to "terminate" the account. Unless Minister Bailey took the additional action of reactivating his account, Yahoo would have destroyed the records permanently without seeking any further permission from Minister Bailey. Clearly Minister Bailey re-established control following the reactivation of the account with CCC assistance on 3 March 2017. However, it could be argued that unauthorised transfer of public records occurred between 5 February 2017 and 3 March 2017. It is the State Archivist's view Minister Bailey's actions potentially could have constituted unauthorised transfer of public records and thus meet the definition of unauthorised disposal of public records.

However, the State Archivist does acknowledge that there are clear difficulties in arguing disposal through transfer occurred given the subsequent reactivation and thus recovery of the records by Minister Bailey on 3 March 2017. Yahoo's terms of services for example do not suggest that ownership rights transfer to Yahoo on deletion of an account. They do however state that cancellation of a Yahoo account may include deletion of information and user content in the account, which again supports the reckless management view of the actions that Minister Bailey took.

The State Archivist considers that there are multiple grounds to argue that the actions of Minister Bailey are consistent with breach of section 13 of the *Public Records Act* and are of such significance in terms of number and importance of the records to consider prosecution under the *Public Records Act* and any other relevant legislation. However, the State Archivist also recognises the difficulties in prosecution given the fact that the records were recovered when the account was reactivated on 3 March 2017. The significant irony is that in quite appropriately seeking to recover the records to undertake their investigation, CCC may well have made it difficult to prosecute Minister Bailey for unauthorised disposal of public records under section 13 of the Act.

There are obvious difficulties in prosecution for unauthorised disposal due to abandonment. The view of the State Archivist is that Minister Bailey was arguably responsible for a deliberate attempt to dispose of 660 public records, 69 of which were of permanent value, for which he had not authority to do so. The deliberate destruction of public records is an attack on a fundamental principle of a democratic society – accountability. The question of whether it is in the public interest to prosecute for unauthorised disposal given subsequent recovery of the records on reactivation is however a valid consideration which must be made.

Whilst the question of unauthorised disposal is a complex one, there is little doubt at all that Minister Bailey's actions in managing the public records within his private email account are at best negligent of his obligations as a Minister to make and keep accurate public records.



CONFIDENTIAL

BREACH OF SECTION 7 OF THE PUBLIC RECORDS ACT – MAKING AND KEEPING OF PUBLIC RECORDS

Section 7 of the Act states:

“A public authority must

- a) make and keep full and accurate records of its activities; and*
- b) have regard to any relevant policy, standards and guidelines made by the archivist about the making and keeping of public records*

The executive officer of a public authority must ensure the public authority complies”

As a Minister, Minister Bailey is deemed a public authority. As a result of Minister Bailey’s actions in poorly managing and then deleting the account it is the State Archivist’s view that Minister Bailey has breached section 7 of the Act. The view of the State Archivist is that Minister Bailey’s actions is a breach of this section of the Act and are perhaps the most significant of all.

Pursuant to section 7(1)(a) of the Act, a public authority is required to make and keep full and accurate records of its activities. Where the public authority is a natural person such as a Minister, section 7 of the Act imposes this as a statutory obligation on the relevant Minister as well as persons who are concerned with or take part in the Minister’s management, such as the Minister’s Chief of Staff and/or Deputy Chief of Staff.

This statutory obligation imposes a statutory duty on the Minister personally to make and keep full and accurate records of his activities as a Minister and has significant consequences in terms of what actions can then be undertaken in response to an alleged breach of section 7(1)(a) of the Act. While section 7 of the Act does not itself impose criminal sanctions or penalties for a breach of this provision, section 7(1)(a) of the Act establishes a statutory duty which, when read in conjunction with section 204 of the *Queensland Criminal Code* (the Code), can lead to the establishment of a criminal offence.

Section 204 of the Code establishes the offence of “disobedience to statute law” which provides as follows:

“Any person who without lawful excuse, the proof of which lies on the person, does any act which the person is, by the provisions of any public statute in force in Queensland, forbidden to do, or omits to do any act which the person is, by the provisions of any such statute, required to do, is guilty of a misdemeanour, unless some mode of proceeding against the person for such disobedience is expressly provided by statute, and is intended to be exclusive of all other punishment. The offender is liable to imprisonment for 1 year.”

Legal advice provided to the State Archivist states that to enliven the application of section 204 of the Code, there must be an act forbidden by, or an omission in relation to an act required by a public statute in force in Queensland. In the *Public Records Act*, there is an express statutory requirement in section 7 of the Act which requires a public authority to make and keep full and accurate records of its activities.

The view of the State Archivist is that the Minister has failed to make and keep full and accurate public records, specifically those public records that were stored in his private email account during the period 16 February 2015 to 5 February 2017, by not storing those public records in the applicable Ministerial recordkeeping system and that a breach of section 7(1)(a) of the Act has occurred. Consequentially, a breach of section 204 of the Code may also have occurred.

In relation to this issue, it is his failure to make and keep full and accurate public records as is expressly required under section 7(1)(a) of the Act that is relevant. As already stated the use of a private email account by a Minister is not a breach of the Act, the issue is whether there was a failure to properly make and keep full and accurate public records by not systematically transferring those records into the official recordkeeping infrastructure of the Ministerial Office on



CONFIDENTIAL

a regular basis and by not keeping those records in a wider sense. The definition of what is on a regular basis is significant the legal advice provided to the State Archivist refers to section 38(3) of the *Acts Interpretation Act 1954* (AIA) which states that:

"if no time is provided or allowed for doing anything, the thing is to be done as soon as possible, and as often as the relevant occasion happens".

Section 38(3) of the AIA operates subject to any contrary intention in the home legislation i.e. in this case in the Act. The legal advice provided indicates that there does not appear to be a contrary intention exhibited by section 7 of the Act which would prevent the application of section 38(4) of the AIA in this instance. Therefore, there is an argument that the "keeping" of public records, for the purpose of section 7 of the Act, should have occurred as soon as possible and as often as the relevant occasion happened. It clearly was inappropriate for any emails which are public records to have been stored and maintained in a private email account for a long period of time. As noted previously the majority of the public records within the account were created in the initial 6 months of Minister Bailey's time as a Minister, and thus have been within the private email account for almost 2 years. Recent US legislation imposes that the transfer of public records from a private email account to official systems must occur ideally immediately, but no later than 20 days, following creation or transmission of the public record.

It must be recognised that many of the emails that we have identified as public records were transitory or were required to be kept for relatively short periods such as 2 or 3 years, however there are also 355 records which were required to be kept for over 7 years and 69 that are deemed of permanent value. It is these records that the significance of Minister Bailey's actions is related to.

There is, it appears, no lawful excuse for the Minister's conduct in not making and keeping any public records; and as section 7 of the Act does not itself contain a penalty provision this means that section 204 of the Code may well be enlivened as section 7 of the Act or any other provision of the Act does not confer a penalty for the relevant "disobedience".

Clearly the final decision around prosecution of this matter sits elsewhere as section 204 of the *Criminal Code* potentially involves the prosecution of an indictable offence and beyond the jurisdiction of the State Archivist. A further consideration is whether the Minister's conduct in this area in failing to make and keep full and accurate public records also could constitute "corrupt conduct" within the meaning of section 15 of the (*Crime and Misconduct Act 2001* (CC Act)). The legal advice provided to the State Archivist was that this should be raised as a particular issue with the CCC - given that it was not an explicit part of the original referral.

The State Archivist's view is that there is serious argument that the Minister may have committed a misdemeanour through a combination of section 7(1)(a) of the Act, section 38(4) of the *Acts Interpretation Act 1954* and section 204 of the *Criminal Code* by using a private email account to receive and store public records the way that he did. Of relevance however is the fact that it is likely that Minister Bailey's actions and practices are not unique and the question again arises of whether it is in the public interest to prosecute Minister Bailey.

BREACH OF SECTION 8 OF THE *PUBLIC RECORDS ACT* – CUSTODY AND PRESERVATION OF PUBLIC RECORDS

Section 8 of the Act states:

"A public authority is responsible for ensuring the safe custody and preservation of records in its possession".

The Minister had a statutory obligation to ensure the safe custody and preservation of records in his possession. His actions in using a private email account and in deleting the account are inconsistent with this obligation. It is the State Archivist's view that Minister Bailey has breached this section of the Act.



CONFIDENTIAL

Pursuant to section 8 of the Act, a public authority, including the Minister, has a statutory obligation and is responsible for ensuring the safe custody and preservation of records in the relevant public authority's possession. In the view of the State Archivist there is a sound legal basis to support the view that the Minister potentially may have breached section 8 of the Act by storing public record emails on a long-term basis in a private email account. Whether this can be successfully argued will depend on the terms and conditions applicable to the Yahoo email account as to whether it can be said that there were provisions in those terms and conditions regarding the safe keeping, proper preservation and return of the emails that were public records.

In addition, a breach of section 8 of the Act may also have occurred in deleting the email account. It could be argued that by closing the account without mechanisms being in place to transfer any stored public records out of the Yahoo email account prior to it being closed may well be seen as an action contrary to the requirement to preserve public records. He certainly would have seen through Yahoo's terms on the closure page, that deletion could have caused permanent damage or loss of the records.

In terms of penalties the *Public Records Act* is not explicit and therefore the question as to whether section 204 of the Code above could also be enlivened by a breach of section 8 of the Act, is perhaps not clear. It could be argued that section 8 of the Act only requires public authorities to be responsible for ensuring the safe custody and preservation of records in its possession and it does not, for example, declare that a public authority must ensure the safe custody and preservation of public records. The legal advice given to the State Archivist states that section 204 of the Code is only enlivened where the relevant statute expressly requires the persons concerned to do a particular act and does not, for example, apply to a failure generally to take reasonable care. However, in a similar way as matters relating to section 7 above this may be a matter more appropriately considered by the Director of Public Prosecutions and the CCC and again whether it is in the public interest to prosecute Minister Bailey given that his actions are unlikely to be unique and that ultimately the records were recovered.

BREACH OF SECTION 14 OF THE *PUBLIC RECORDS ACT* – PUBLIC AUTHORITY MUST ENSURE PARTICULAR RECORDS REMAIN ACCESSIBLE

Section 14 of the Act states:

"This section applies if a public record is an article of material from which information can be produced or made available only with the use of particular equipment or information technology

The public authority controlling the record must take all reasonable action to ensure the information remains able to produced or made available"

The Minister's actions in deleting his email account may have involved a failure by the Minister to take reasonable action to ensure that the emails remained able to be produced or made available. Specifically, between 5 February 2017 and 3 March 2017 the records were clearly not accessible. His actions in deleting the account rendered the information inaccessible as he indicated in his response to the 19 January 2017, RTI application by The Australian newspaper. The public records within the private email account were only accessible after the reactivation of the account on 3 March 2017.

In terms of penalties, similar comments related to section 204 of the Code apply. Legal advice to the State Archivist states that as section 14 of the Act does not contain a penalty for a breach of the provision, in order for any action to be taken for a breach of the provision, it would be necessary to rely on section 204 of the Code. Section 204 of the Code is only enlivened where the relevant statute expressly requires the persons concerned to do a particular act and does not, for example, apply to a failure generally to take reasonable care. Although the obligation to take reasonable action is cast in mandatory terms, the required act for section 204 purposes is to take "reasonable



CONFIDENTIAL

action" which may not be sufficiently clear to enliven the operation of section 204 of the Code. Furthermore, assuming that section 204 of the Code is enlivened it may then be difficult to establish, to a criminal standard of proof, that the Minister failed to take such reasonable action.

BREACH OF THE *RIGHT TO INFORMATION ACT 2009*

The *Right to Information Act* is clearly not the responsibility of the State Archivist and consideration of breach of the *Right to Information Act* (RTI Act) should be a matter for the Office of the Information Commissioner (OIC). However, the State Archivist did consider it relevant to highlight that at the time of deletion, on 5 February 2017, Minister Bailey would have been aware that he was able, if he so desired, to reactivate the account. On receiving the RTI application of 19 January 2017 made by The Australian newspaper, Minister Bailey would have known reactivation was possible to fulfil the RTI application if so desired.

Minister Bailey's avoidance of the RTI application is potentially a breach of the Right to Information Act and it is the view of the State Archivist that this matter should be considered by the Information Commissioner in terms of potential breach of the *Right to Information Act*. Minister Bailey was able to supply the information requested in the RTI application at any time following the deletion of the account through the reactivation of the private email account and he would have been aware of this at the time of deletion of the account. The view of the State Archivist is that there were certainly public records within the account relevant to the RTI application.

BREACH OF THE *INFORMATION PRIVACY ACT 2009*

The *Information Privacy Act* (IP Act) is concerned with the fair collection and handling of personal information in the public sector environment. As an agency, the Minister is required to comply with the IP Act, including the Information Privacy Principles (IPPs). Legal advice provided to the State Archivist has stated that the OIC may wish to consider if breach of the IP Act has occurred, in particular:

IPP 4 which requires that an agency having control over a document containing personal information must ensure that the document is protected against: loss, unauthorised access, use, modification or disclosure and any other misuse. The protection provided must include security safeguards that are adequate to provide the level of protection that can reasonably be expected to be provided. The OIC has previously interpreted this requirement as requiring an analysis of the nature of the personal information in the document and the risk of a security breach occurring.

The OIC may consider that Information Standard 18 (Information Security) (IS18) is relevant in determining what security measures are required. In relation to communications and operations management, IS18 requires agency to ensure the Network Transmission Security Assurance Framework (NTSAF) is used to ensure the security of data during transportation over communication networks; and methods for exchanging information within the agency, between agencies, through online services and/or with third parties are compliant with legislative requirements and consistent with the Queensland Government Information Security Classification Framework (QGISCF).

The NTSAF and QGISCF are technical documents and certainly beyond the capability or remit of the State Archivist. A determination of whether or not the Minister has complied with the requirements in these documents when using the email account would need to be performed by a technical expert in the area of information security.

Section 33 of the IP Act limits the circumstances in which an agency may lawfully transfer an individual's personal information to an entity outside Australia. The fact that Minister Bailey's email account is a UK account is potentially significant. The OIC has reportedly taken a broad view of the meaning of "transfer" beyond the legal meaning. There is potential that the OIC would consider



CONFIDENTIAL

that the sending and receiving of emails on a server outside of Australia would amount to a transfer of any personal information in those emails to an entity outside Australia.

It should be noted that an agency may lawfully transfer an individual's personal information to an entity outside Australia in a number of circumstances, including if the individual agrees to the transfer and it could certainly be argued that by sending an email to an email address with a .co.uk domain, a person has impliedly consented to any of their personal information in the email being transferred outside Australia.

These matters are not unique to Minister Bailey and have wider implications and thus should perhaps be considered by the OIC.

POTENTIAL EVIDENCE OF INAPPROPRIATE CONDUCT

At the request of CCC, the QSA investigative team reviewed the emails identified as potential public records for any evidence of potential inappropriate conduct outside of the issue of potential unauthorised disposal of public records. These matters are clearly outside the jurisdiction of the State Archivist and the comments that follow are simply observation and opinion. Further action around any of the following should clearly be a decision made by others who are more qualified to comment on these matters, there is certainly no attempt to state these are evidence of corrupt conduct we did however consider them relevant for consideration by others more appropriately qualified than ourselves.

It is important to note that this investigation only reviewed emails within the Minister's private email account, as a result we are potentially missing a lot of context and only have half of the picture. Without seeing what might be in ministerial email accounts and any recordkeeping systems (or other channels of communications such as SMS etc.) or indeed knowledge of actual actions taken by Minister Bailey in response, we don't have the full account of all actions that may have been taken as a result of the emails in the account. Noting this limitation, the following matters were identified as matters of potential interest to CCC or others (Attachment B).

These include matters such as potential inappropriate lobbying of the Minister; breach of protocols around the management of Cabinet related material and the management of Ministerial records in general.

Document ID	QSA ID	Title of email	From	Date	Issue of concern
DPC.001.001.4538	831	Re: An Autonomous Vehicle Future	Anastacia Palaszczuk - Premier	17/01/2016	Comments from the Premier about article on autonomous and electric vehicles using private email account.
DPC.001.001.2808	888	RE:Parlt	Denise Spinks – Chief of Staff	23/02/2016	Email re potential conflict of interest related to Grantham floods class action.
DPC.001.002.7614	499	Re: safe roads plan - intersection announcement	Mick de Brenni – Minister for Housing and Public Works	15/06/2015	Emails re comments and plans to meet to discuss safe roads plan using private email accounts.



CONFIDENTIAL

DPC.001.001.1029	1018	Fwd: Thanks Yvette, I think these circumstances are those that Cabinet needs to turn its mind to.	Mick de Brenni – Minister for Housing and Public Works	29/08/2016	Information forwarded to Ministers Bailey and Fentiman - Minister for the Prevention of Domestic and Family Violence re circumstances Cabinet to consider in relation to schedule 2 drugs using private email addresses.
DPC.001.002.8486	55	Fw: Ministerial contact details	Minister Bailey to Bob Macdonald	17/02/2015	Email to Bob Macdonald COS using private email address and requesting details of Ministerial email account so can be passed onto electorate office.
DPC.001.002.7372	430	Fwd: AEMC draft determination workshop 30 April 2015.pdf	Minister Bailey to Denise Spinks COS	6/05/2015	Email from Peter Simpson (ETU) to Mark Bailey & Curtis Pitt, using private email addresses regarding proposal to deregulate the fitting of metering systems. Email forwarded by Minister Bailey to Denise Spinks using private email address.
DPC.001.001.3880	910	NIS Key points attached	Murray Watt Maurice Blackburn Layers	03/04/2016	Email from Murray Watt, Maurice Blackburn Lawyers, sending Mark Bailey talking points for CBRC Ministers regarding the two options presented for the National Injury Insurance Scheme (NIS).

CONFIDENTIAL



DPC.001.002.7989	690	Re: The risks arising from LNP bureaucrats and backers.	Noel Morris	12/08/2015	Email thread re risks of LNP affiliated public servants.
DPC.001.002.4164	239	Re: GOC Bargaining Framework	Peter Simpson – State Secretary of the Electrical Trades Union	23-27/02/2015	Copy of email originally sent to Minister Pitt using private email address and forwarded to Minister Bailey recommending secondment of employee from DJAG to finalise GOC enterprise bargaining agreements. Phone calls between Bailey, Simpson and Pitt to resolve issue.
DPC.001.002.7548	459	Re: From Your CEO: Energex welcomes new Director to Board	Peter Simpson – State Secretary of the Electrical Trades Union	25/5/2015	Commentary of appointment of Gordon Jardine to Energex board.
DPC.001.002.7639	517	Cabinet	Peter Simpson – State Secretary of the Electrical Trades Union	21/06/2015	Email thread where Peter Simpson appears to have knowledge of an upcoming Cabinet vote for changes to Workcover and advising the Minister which way to vote. Minister Bailey says he will call him.
DPC.001.002.7674	554	Re: An Angry Email from a [REDACTED] Angry Man	Peter Simpson – State Secretary of the Electrical Trades Union	30/06/2015	Email thread where Peter Simpson raises concerns that, in spite of the strings he pulled and effort to get Mark Bailey into Parliament, he is failing to deliver in resolving the ETU and Select

CONFIDENTIAL



					Solutions/Ergon energy dispute.
DPC.001.001.8975	567	Re: Settlement of current dispute	Peter Simpson – State Secretary of the Electrical Trades Union	2/07/2015	Response from Peter Simpson to Ian McLeod CEO of Ergon re settlement of current dispute where Minister Bailey is blind copied into email.
DPC.001.001.8433	735	Re: Mergers policy consultation group	Peter Simpson – State Secretary of the Electrical Trades Union	17/09/2015	Email to Mary Curtis Deputy Under Treasurer re withdrawal from merger consultation process where Minister Bailey is blind copied into email.
DPC.001.001.4399 DPC.001.001.4407	826 828	Re: Network Merger Communications	Peter Simpson – State Secretary of the Electrical Trades Union	14/01/2016	Emails to Ministers Bailey and Pitt and Ministerial staffer David Shankey using private email addresses regarding network merger communications with Ergon, Energex and SPARQ from QTC. Response forwarded to John Frazer, Executive GM of QTC.
DPC.001.002.7069	1100	Fwd: Draft Constitution	Peter Simpson – State Secretary of the Electrical Trades Union	23/11/2016	Email re potential merger of Energy Super and Equip Super in Victoria. Subject of Australian article.
DPC.001.002.7077	1101	Re: Draft Constitution	Peter Simpson – State Secretary of the Electrical Trades Union	23/11/2016	Email re potential merger of Energy Super and Equip Super in Victoria including Minister Bailey's response. Subject of Australian article.



CONFIDENTIAL

DPC.001.001.0044	1105	Fwd: Equipsuper Constitution	Peter Simpson – State Secretary of the Electrical Trades Union	24/11/2016	Email forwarded to Minister Bailey re Equip Super merger and ETU not supporting merger.
DPC.001.002.5092	1143	Fwd: Draft Constitution	Peter Simpson – State Secretary of the Electrical Trades Union	17/01/2017	Email to Malcolm Richards, CEO Master Electricians Australia re leaking of information to McKenna of the Australian. Minister Bailey blind copied into email.
DPC.001.001.0832	939	Cabinet in Confidence - EHP CBRC	Steven Miles - Minister for Environment and Heritage Protection and Minister for National Parks and the Great Barrier Reef.	17/04/2016	Minister Miles circulates notes for upcoming CBRC meeting relating to Environment and Heritage Protection program. Sent to private email accounts of Ministers Trad, Bailey and Miles.

RELATIONSHIP WITH ETU

Minister Bailey has stated that he has no control of who contacts him via his private email account and the State Archivist certainly has some sympathy for that view. A feature of the public records within the private email account are indeed how many are instigated by others. It is possible that significant damage may have been done to the political career of Minister Bailey as a result of this matter and the very notable fact is that the vast majority of the emails that we have deemed public records were sent to Minister Bailey from others and were merely acknowledged by Minister Bailey in many cases. It is hard to avoid a view that the most potentially damaging records don't involve the actions or words of Minister Bailey at all, rather those of people contacting Minister Bailey. Despite that it is hard to avoid a view that the most striking issue of concern may well be the conflict of interest Minister Bailey has between his role as a Minister and relationships that existed and continue to exist with certain organisations and individuals that commenced prior to his appointment as a Minister.

Many of the emails sent to Minister Bailey's private email account that we have deemed public records are of an administrative nature, many are simply advocacy by organisations such as Renew Economy and the Australian Conservation Foundation forwarding "interesting" articles. On rare occasions Minister Bailey informs senders to contact him on his ministerial account. There are however clearly people contacting Minister Bailey in his ministerial role who are long term acquaintances who are contacting him regularly in matters relating to his portfolio responsibilities through his private email account. There appears to be no effective attempts made to remedy that fact. The failure to manage these relationships effectively is potentially a factor that Minister Bailey and others will dwell on in hindsight.



CONFIDENTIAL

The correspondence with the ETU and Mr Peter Simpson of the ETU is without doubt the dominant set of public records within the private email account that were reviewed. They are very different in nature and tone from all others we reviewed. There is significant correspondence related to Minister Bailey’s portfolio between Minister Bailey and the ETU throughout the relevant period of this investigation. The period July to Sept 2015 in particular. There were 353 emails that we have classed as public records that relate to correspondence with the ETU, almost one third of all the public records identified within the private email account. Of the 353 ETU related records, 331 records were required to have been retained for various periods, in fact more than 50% of all the records from all parties required to be retained in the private email account related to ETU correspondence. 72% of all the permanent records identified in the investigation relate to correspondence with the ETU. Their retention periods were as follows:

22	Transitory
54	2 year Retention
227	7 year Retention
50	Permanent

It is clear that Minister Bailey has a close relationship with the ETU and this predates his time as a Minister. We considered this carefully, as a potential viewpoint is that these were simply private conversations based on this prior relationship. We are confident however in our determination that these are public records. These matters were firmly connected with the Minister’s role as a Minister and his portfolio.

Correspondence with the ETU through the Minister’s private email account related to his portfolio responsibilities commenced immediately on his appointment. Initially these emails were relatively trivial and a significant number related to ETU support and actions in response to floods and damage caused by ex-Tropical Cyclone Marcia in February 2015, however they do change to far more significant matters firmly related to the Minister’s portfolio. A number are noted in the section above i.e. Potential Evidence of Inappropriate Conduct.

Minister Bailey was a former member of the ETU, following the advice of the Integrity Commissioner, Minister Bailey resigned from the union on 16 March 2015 with the expressed intent to ensure that there were no real or perceptions of undue influence or conflicts of interest. It is however clear that the relationship continued relatively unchanged and at times significantly escalated. Mr Simpson arguably treated Minister Bailey as a member of the ETU in all but name throughout the period reviewed in this investigation. There is even bizarrely an email thread where the Minister and his ministerial staff are proofreading and commenting on draft ETU media statements.

The emails with the ETU contain regular correspondence about matters relating to the Minister’s portfolio through the Minister’s private email account. Some are trivial in nature; others however are related to board matters and significant disputes between the Government Owned Corporations (GOCs) that the Minister is a shareholding minister for. They are frequently of a lobbying or advocacy nature and at times derogatory of the GOC officials and others. On many occasions the Minister has been bcc’d on correspondence directly between the ETU and senior GOC staff members, without the knowledge of the GOC officials. On a number of occasions the ETU letters request or direct Minister Bailey and others to take action, sometimes aggressively.

The content of some of the emails explicitly and implicitly implied an expectation on Minister Bailey to always be “on their side”. Mr Simpson on more than one occasion mentions the assistance ETU provided for Minister Bailey, and the Labor Party in general, in being elected and his view that he and they “owe them”. Minister Bailey frequently responds in purely acknowledgement terms but



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on occasion does indicate he or others will follow up on the matters raised by the ETU. There are a number of emails that arguably direct Minister Bailey as to how he should act in Cabinet or in his role as a shareholding minister. Whether Minister Bailey took heed to these directions is something that the State Archivist has expressly avoided exploring. The seeming ETU awareness of what Cabinet was discussing or about to discuss, sometimes in detail, was alarming.

In Minister Bailey's defence one email expresses dissatisfaction with the level of support from Minister Bailey and Minister Pitt in representing ETU interests. It certainly can be argued that Mr Simpson's correspondence to Minister Bailey in many cases is simply aggressive, but arguably appropriate, advocacy on behalf of the members of his organisation. At other times the correspondence would seem to extend beyond simple advocacy.

Mr Simpson arguably treated Minister Bailey as a member of the ETU in all but name throughout the period, and in particular after Minister Bailey's resignation from the ETU. At no time in the emails reviewed is Mr Simpson, or others from the ETU instructed, to contact Minister Bailey through his official ministerial email account on portfolio related matters. In fact, there are numerous examples of items being forwarded to the private email accounts of the minister's staff for further action.

Whilst Minister Bailey did forward a small number of emails to official systems, it is extremely rare that ETU emails were forwarded to official systems, yet many are long term or permanent public records. The ETU emails are, in the main, the most significant public records in the account. The fact that they were the subject of the 19 January 2017 RTI application is concerning, as it is hard not to speculate that avoidance of discovery of the ETU correspondence was a factor in the deletion of the account, whilst the ETU correspondence that was the subject of the 19 January RTI application is relatively mild, other correspondence certainly is not. Commentary around the intent of Minister Bailey on deleting the account however is pure speculation as there is no evidence in the emails reviewed to support such a view. A claim that the ETU correspondence is simply private correspondence does not survive scrutiny, it is very clearly related to Minister Bailey's role as a Minister. The ETU are explicitly contacting Minister Bailey through his private email on matters related to his portfolio responsibilities.

In the advice issued to Minister Bailey by the Integrity Commissioner on 16 March 2015 the Commissioner states:

Conflict of interest is defined in section 10(1) of the Integrity Act 2009 as 'an issue about a conflict or possible conflict between a personal interest of the person and the person's official responsibilities'.

Whether such a conflict exists is to be judged objectively - that is, what would be the view of the reasonable member of the public, properly informed. Perception is all important in this field, and it is not relevant to respond to a situation where a perceived conflict exists by saying that you, as an individual, can manage such conflict because you will not allow inappropriate considerations to influence you. If the situation would appear to a reasonable outsider to be wanting in integrity, it matters not how ethically you would propose to approach it.

Whether an actual conflict arises is a matter to be considered on each occasion, in the context of its factual circumstances. It is prudent to err on the side of caution in this respect.

If you believe that a matter which you are called on to decide involves a conflict, you should declare an interest and withdraw from any Cabinet deliberation on that subject. If the matter is one with which you deal in your Ministerial capacity, you should arrange for another Minister to handle it.



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If you determine that you have an interest in such a matter, but that you do not have a conflict, you must still declare your interest at the Cabinet meeting; although you do not need to withdraw in those circumstances.

Applying the 'reasonable person' test to your membership of the ETU, I consider that a properly informed, reasonable member of the public could perceive that, in relation to many energy portfolio issues, a conflict could arise between your private interest arising from your ETU membership, and your responsibilities both as an individual Minister and as a member of Cabinet to consider any matter coming before you in the public interest.

Given the likely breadth of the overlap between the interests of the ETU and your portfolio responsibilities as Minister for Energy and Water Supply, you have decided that you cannot continue to hold membership of the ETU whilst demonstrably fulfilling your Ministerial responsibilities in the broad public interest.

I agree with your view.

I note also that it is conceivable that had you not resigned, a Ministerial decision which you had made could be at risk of legal challenge on the ground of apprehended bias, in that your membership of the ETU may have been used in aid of an argument that you were not open to persuasion about the matter, and did not bring an open mind to the decision-making process.

For the sake of completeness, I note three factors which suggest that you could continue to hold your membership of the ETU.

First, the mere fact that a conflict arises is not wrong in itself. What is important is how you manage that conflict.

Second, it is entirely reasonable for you as a citizen to maintain membership of any association with which you share values and/or interests.

Third, the Ministerial Code recognises that a conflict does not arise for matters of general public policy, or where a Minister has no greater interest than other classes of people in the community or within Cabinet generally. Given the likely number of members of the ETU (the details of which I am not aware), you could perhaps mount an argument that your interest is shared with a significant class of people in the community.

Notwithstanding these factors, given the need to demonstrate the primacy of the broad public interest, I confirm my view that it is appropriate that you should have resigned your membership."

From the evidence reviewed in this investigation the relationship with the ETU seems to be one that Minister Bailey has difficulty managing. Unfortunately, the interests of the ETU significantly interact with key elements of the Minister's portfolio and his role as a shareholding minister in a number of GOCs (CS Energy Ltd; Stanwell Corporation Ltd; Queensland Electricity Transmission Corporation Ltd (Powerlink); ENERGEX Ltd; Ergon Energy Corporation Ltd). It is hard to avoid a view that the ETU are seeking constantly to leverage the personal relationship Minister Bailey has with key ETU officials in his work as a Minister. These records and the relationship in general are potentially matters that should be considered by the Integrity Commissioner in terms of potential breach of the Ministerial Code of Conduct. There have been multiple media and parliamentary questions related to Minister Bailey's relationship with the ETU, there is a possibility the records within his private email account call into question responses made in this area, however this is not something the State Archivist has sought to review.



9. CONCLUSIONS

This investigation from the perspective of the State Archivist sought to answer a number of core questions:

- Were there public records within the private email account of Minister Bailey at the time of the deletion of the account on 5 February?
- If there were public records present, were any disposed of without appropriate authorisation?
- Did the actions of Minister Bailey in managing the public records contained within this private email account result in a breach of the *Public Records Act*?
- What actions, if any, should be taken in response to breach of the *Public Records Act*?
- What other actions in regard to fulfilling the purpose of the *Public Records Act* are required to be undertaken by the State Archivist or others as a result of this investigation?
- Were there any public records which the State Archivist considered should be brought to the attention of CCC or others?

In conclusion I have summarised the view of the State Archivist in regard to each of the above and included a set of recommended actions to be taken by the State Archivist and others.

WERE THERE PUBLIC RECORDS WITHIN THE PRIVATE EMAIL ACCOUNT OF MINISTER BAILEY AT THE TIME OF THE DELETION OF THE ACCOUNT ON 5 FEBRUARY?

There are to date 1199 public records identified within the account at the time of deletion which had been created or received between 16 February 2015 and 5 February 2017.

IF THERE WERE PUBLIC RECORDS PRESENT, WERE ANY DISPOSED OF WITHOUT APPROPRIATE AUTHORISATION?

Of the 1199 public records identified:

539 were able to be disposed of without additional authorisation, as they were deemed as transitory public records and were not required to be retained beyond their business use.

Minister Bailey had authorisation to dispose of these 539 public records.

660 were required to be retained for periods ranging from 2 years to permanent. 69 records were deemed as having permanent value and were required to be retained permanently. 355 records were required to be retained for 7 years.

Minister Bailey had no authorisation to dispose of these 660 public records and their disposal, if actioned, would be deemed as occurring without appropriate authorisation which would be a breach of section 13 of the *Public Records Act*.

DID THE ACTIONS OF MINISTER BAILEY IN MANAGING THE PUBLIC RECORDS CONTAINED WITHIN HIS PRIVATE EMAIL ACCOUNT RESULT IN A BREACH OF THE *PUBLIC RECORDS ACT*?

The State Archivist's view is that Minister Bailey's actions in managing the public records within his private email account are likely to have resulted in multiple breaches of the *Public Records Act*. Specifically:

Section 7 – Making and keeping of public records

Section 8 – Custody and preservation of public records

Section 13 – Disposal of public records

Section 14 – Public authority must ensure particular records remain accessible



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WHAT ACTIONS IF ANY SHOULD BE TAKEN IN RESPONSE TO BREACH OF THE *PUBLIC RECORDS ACT*?

At the most basic level the allegation that Minister Bailey deleted 660 public records from his private email account without appropriate authorisation is an attack on the accountability of government. These records document potentially decisions he has made as a Minister of State, the factors influencing his decisions and how those decisions were implemented. Public records are a cornerstone of accountable government and allow scrutiny from the public of the decisions of those who are elected to act on their behalf. The position of the State Archivist is that the allegations against Minister Bailey are significant as they relate to a senior official of the Queensland Government bypassing a statutory measure to promote accountability. The *Public Records Act's* purposes are to ensure that the public records of Queensland are made, managed and preserved for the benefit of present and future generations and significantly that the public have access to records to support the Right to Information Act and Information Privacy Act. The Right to Information Act is explicitly in place to support the accountability of government.

The volume of public records within the account that were deleted are such that it can't explained through mistake or ignorance. The State Archivist view is that it is unreasonable to accept that Minister Bailey is so ignorant of his obligations to fail to recognise that the emails in this account were likely to be public records. Many are of a significant nature and it is the view of the State Archivist that any reasonable person would have assumed that they were likely to constitute public records. It is difficult however to avoid some sympathy for Minister Bailey given that over 90% of the public records in the private email account were sent to him by others in relation to his role as a Minister, rather than being created directly by him. Minister Bailey assertion that he can't control who contacts him via his private email account has some validity. However once they were within his account he is absolutely responsible for their management and safety. The retention and disposal schedules authorised by the State Archivist are solely in place to ensure nobody destroys records which are of permanent or long term temporary value to Queensland. In this case Minister Bailey's actions relate to the failure to effectively manage 660 records of value to Queensland, including 69 deemed to have permanent value.

There are however likely to be difficulties in successful prosecution of the breaches of sections 13 and 14 due to Minister Bailey's reactivation of the email account on 3 March 2017.

The breaches of section 7 and 8 are potentially more significant. These breaches both potentially could result in Minister Bailey breaching section 204 of the *Criminal Code*. They also potentially set a significant precedent as there is potential other Ministers and their staff could also be in breach of these sections of the Act if they are using their private email accounts without appropriate processes in place to manage public records created or received within them.

A further consideration must also be whether it is in the public interest to seek the prosecution of Minister Bailey for breach of the *Public Records Act*. The breaches of sections 13 and 14 are likely to have been for a period of around 26 days – 5 February 2017 to 3 March 2017, and arguably were remedied by the reactivation of the private email account.

There are clearly considerations around principle and in particular the message sent to others if Minister Bailey's actions go unpunished, however there is also a question of equity in terms of whether the punishment of Minister Bailey greatly exceeds the "crime".

The investigation also highlighted potential breach of other legislation outside of the *Public Records Act*. Specifically the *Right to Information Act* and the *Information Privacy Act*. The State Archivist considers these are matters best explored by the Office of the Information Commissioner.



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WHAT OTHER ACTIONS ARE REQUIRED TO BE UNDERTAKEN BY THE STATE ARCHIVIST OR OTHERS AS A RESULT OF THIS INVESTIGATION?

The investigation has highlighted the potential for widespread creation of public records in the private email accounts of Ministers and their staff. Whilst the State Archivist has always recognised the potential for this to occur, the investigation has highlighted to an unexpected level how significant this practice can be. Minister Bailey's practices highlighted that significant numbers of public records can be created in the private email accounts of Ministers without being instigated by the Ministers themselves. Without appropriate processes to manage public records created and received within the private email accounts of Ministers there is a significant risk of further breaches of the *Public Records Act* by other Ministers. Previous legal advice provided to the State Archivist has indicated that to use powers of investigation provided in the Act the State Archivist must have "reasonable suspicion" to undertake an independent investigation under the powers of the *Public Records Act*.

In the case of Minister Bailey reasonable suspicion clearly was present and thus an independent investigation of Minister Bailey's management of public records within his private email account was instigated by QSA on 1 March 2017. This investigation was postponed at the request of CCC whilst the matter was under consideration by CCC. There have been a number of other allegations made into the use of private email for official ministerial purposes against Ministers Miles and Lynham. The State Archivist considered both matters and felt there was no reasonable suspicion to justify an investigation at the time. As highlighted in this report use of a private email account for official purposes is not a breach of the *Public Records Act* if there are appropriate processes in place to manage any public records in a private email account. In both cases appropriate places were indicated to be in place.

However the number of public records within the private email account of Minister Bailey, Minister Bailey's poor management of the records and evidence of widespread use of private email accounts for official purposes outside of Minister Bailey has highlighted that this matter must be investigated further. This investigation has provided reasonable suspicion that there may be widespread creation and capture of public records within the private email accounts of Ministers and their staff. As a result the State Archivist as a matter of urgency will be reviewing the processes in place to capture and manage public records within the private email accounts of all Ministers and their offices. In addition the State Archivist will be contacting Ministers from the last two governments to request they review their private email accounts for public records that should be transferred to the State Archivist.

How this matter has arisen has highlighted that significant changes are required in the *Public Records Act* and the support Ministerial Services, QSA and others give to Ministers in the area of recordkeeping. The State Archivist will be making recommendations to improve all of these areas.

Minister Bailey must be accountable for his own actions in how he managed the public records within his private email account, however it would be appropriate to highlight that support for Minister Bailey in undertaking this task was clearly ineffective and the support given to Minister Bailey will be indicative of what is currently in place for all Ministers and their staff and this needs urgent action.

OTHER MATTERS TO BE BROUGHT TO THE ATTENTION OF CCC OR OTHERS.

At the request of CCC, the QSA investigative team reviewed the emails identified as potential public records for any evidence of potential corrupt conduct outside of the issue of potential unauthorised disposal of public records. The State Archivist has highlighted a number of specific considerations that relate to the other breaches of the *Public Records Act* which may fall under the definition of potential corrupt conduct. The State Archivist is clearly unaware of what the CCC has



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previously considered, but felt it appropriate to highlight a numbers of emails that were considered of potential interest to CCC or others. These mostly relate to potential inappropriate lobbying, breach of Cabinet protocols and some other matters.

Minister Bailey's relationship with the ETU was a matter which we felt was also of interest and relevance to CCC and others. The correspondence with the ETU is without doubt the dominant set of public records within the private email account that were reviewed. They are very different in nature and tone from all others we reviewed.

From the evidence reviewed in this investigation the relationship with the ETU seems to be one that Minister Bailey has difficulty managing. Unfortunately the interests of the ETU significantly interact with key elements of the Minister's portfolio and his role as a shareholding minister in a number of GOCs. These records and the relationship in general are potentially matters that should be considered by the CCC or Integrity Commissioner in terms of potential breach of the Ministerial Code of Conduct.

QSA has significant concern as to the standard of government recordkeeping and the ineffectiveness of its own services in addressing this. The passive approach QSA has historically always taken to monitoring recordkeeping practice and compliance with its guidance is ineffective and inadequate. Improved guidance, a compliance function and capability, and a revised *Public Records Act* are all elements in actions QSA needs to take to help improve the current poor standard of government recordkeeping practice.

10. RECOMMENDATIONS

- CCC consider whether prosecution is appropriate under its legislation for multiple breaches of the *Public Records Act* which could deemed corrupt conduct.
- CCC consider whether any actions noted are potential evidence of corrupt or inappropriate conduct relevant to its legislation.
- The State Archivist consider whether prosecution is appropriate for multiple breaches of the *Public Records Act*.
- The Office of the Information Commissioner review this matter to consider if breaches of the *Right to Information Act* and *Information Privacy Act* have occurred.
- The Integrity Commissioner review the relationship between the ETU and Minister Bailey.
- The State Archivist undertakes an urgent review of the processes in place for all current Ministers and Ministerial staff in managing public records created or received within their private email accounts.
- The State Archivist contacts former Ministers of the last two Governments to request that they review their private email accounts for Public Records that may be in their possession.
- The State Archivist reviews urgently the guidance it provides on the management of public records within email, private email and social media accounts.
- DPC reviews urgently the training and support it provides Ministers and their staff in managing public records. DPC should work closely with the State Archivist in developing and delivering this training and support.
- DPC reviews urgently the guidance it provides via the *Ministerial Handbook* and *Ministerial Information Security Policy* around the management of public records within the private email and social media accounts of Ministers and their staff. This needs to comply fully with QSA guidance.
- Urgent amendment of the *Public Records Act* to include a requirement that all public authorities must comply with mandatory guidelines issued by the State Archivist.
- The State Archivist develop a priority set of mandatory guidelines for implementation.
- The State Archivist develops a team to undertake monitoring of compliance with mandatory guidelines. Additional resources and budget will be required for QSA to undertake these tasks.



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- Urgent amendment of the *Public Records Act* to include a requirement that all public authorities must ensure public records created or received in private email and social media accounts are forwarded to official systems within 20 days of creation or transmission or the inclusion of this requirement as a mandatory guideline.
- The State Archivist reviews all guidance and disposal schedules relevant to Ministers
- The State Archivist to review recordkeeping systems and processes in key departments supporting Ministers.
- An alliance of integrity agencies is established including the State Archivist, Information Commissioner, Integrity Commissioner, Auditor-General, Ombudsman, Crime and Corruption Commissioner and Public Service Commissioner to raise awareness and promote the importance of recordkeeping for good governance and government accountability.



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11. ATTACHMENTS

- Attachment A – Methodology
- Attachment B – Emails of Interest

Attachment A

METHODOLOGY

Investigation by the State Archivist
into the alleged breach of the *Public Records Act 2002*
by Minister Mark Bailey

Queensland State Archives
August 2017

Table of Contents

Methodology Overview 3

1 Review Process 3

 1.1 Purpose 3

 1.2 Methodology 3

 1.3 Overview of review stages 5

2 Classification Process 6

 2.1 Definitions 6

 2.2 Classification categories 6

 2.2.1 Government owned corporations and shareholding Ministers 9

3 Sentencing Process 10

 3.1 Objective 10

 3.2 Sentencing assessment guide 10

 3.3 Sentencing business rules 16



Methodology overview:

1. Classification Process: Identification of any emails or other documents within *Mangocube6@yahoo.co.uk* which fall within the definition of a Public Record, as provided by the Act, created within the period 16 February 2015 to 28 February 2017, which encompasses the period commencing with Minister Bailey's appointment to the date that Email Account was deleted.
2. Sentencing Process: In respect of all Public Records identified, determine appropriate Sentencing and application of Retention periods for all Public Records identified.

1. Review Process

1.1 Purpose

Have a defensible and justifiable quality assurance process for classifying and sentencing public records identified in *Mangocube6@yahoo.co.uk*. The purpose of sentencing and classifying the public records is to consider whether the actions related to the potential destruction of public records within the Email Account may have amounted to a breach of the *Public Records Act 2002*.

Total number of emails included in this review are 1167. These emails were identified as Relevant following the Department of Premier and Cabinet (DPC) and Qld State Archives review, with the findings submitted to the Crime and Corruption Commission (CCC) on 15 June 2017. On 19 July 2017 the CCC announced¹ there was sufficient evidence to raise a reasonable suspicion of corrupt conduct relating to the potential destruction of public records by the Minister as this may be an offence under the *Public Records Act 2002* and referred the matter to the State Archivist.²

1.2 Methodology

This methodology provides an audit trail of decisions, which includes six levels of assessment by experienced personnel both within QSA and industry.

- The emails were provided to QSA on 21 July 2017 by CCC as a report from Ringtail, which is an e-discovery software application used in the DPC/QSA review. The report was in Excel format and listed the emails and attachments.
- The spreadsheet was customised by QSA to meet the requirements of their investigation. The new columns included: summary of email, sentencing justification, sentencing rule, disposal authorisation number, minimum date for lawful disposal, and if the content of the email is of interest or considered contentious.

¹ See the [CCC media release 19 July 2017](#)

² See Terms of Reference 17/20366

- Each email and attachments were printed, placed in a folder and numbered using a sequential numbering pattern starting at #1. Attachments that could not be opened were noted on the printed copies. If the attachments could be opened the email was recorded as complete.
- The level 1 reviewers were assigned approximately 400 emails each to sentence and assess against the sentencing guide³ developed for the investigation (see sections 2 and 3 of this methodology). Their decisions were recorded in the spreadsheet.
- Upon completion of the review the data captured in the spreadsheet was merged into a word document. The data relating to each email was printed and placed with each corresponding email. The printout acted as a coversheet and recorded the decisions from the remaining reviewers.
- The level 1 reviewers assessed the emails reviewed by the other level 1 reviewers. The purpose of this review was to highlight inconsistencies, note agreeance or alternate sentencing options along with justifications. These decisions were handwritten on each coversheet.
- The level 2 reviewers assessed the decisions documented by the level 1 reviewers and noted their agreeance or alternate sentencing options along with justifications. They each reviewed 1167 emails.
- Throughout the QSA review (level 1 and 2 reviews) sentencing rules were developed and confirmed by the external panel (see section 3.3 for the rules). The purpose of these rules:
 - Consistency in classifying and sentencing the emails.
 - Documented approach to support and justify the investigation methodology.
- Three experts from the information management and archival sectors from across Australia made up the 3rd level reviewers. They provided an independent and objective assessment of the methodology and business rules, and sampled approximately 60% of the emails. This review took place over two days at the QSA Runcorn office. See 17/22630 for minutes of the workshop with external panel.
- The findings from the review were used to:
 - Respond to the CCC request to investigate the alleged breach of the *Public Records Act 2002*.
 - Develop a report on findings from the investigation that relates to recordkeeping within Qld government public authorities.

³ These guides were developed to provide consistency and were based on the rules developed during the DPC/QSA review.

1.3 Overview of review stages

Review stage	Purpose / outcome
Level 1 – Archivists & Policy Officer (QSA)	<p>Three experienced officers sentenced the records in accordance with the GRDS and QDAN328v6.</p> <p>Part A: Each reviewer assigned approx. 400 emails and:</p> <ul style="list-style-type: none"> a) Confirm if the emails are public records b) Assign a sentencing rule to the emails using the sentencing guide (see sections 2 and 3) c) Sentence the records by assigning a disposal authorisation reference from the GRDS or QDAN328v6 d) Indicate whether the records are contentious or are of interest to the investigation <p>Part B: Each reviewer checks remaining emails (approx. 800) to:</p> <ul style="list-style-type: none"> a) Determine if they agree with the review undertaken by the other level 1 reviewers, and justify their reason if they disagree.
Level 2 – Senior team (QSA)	<p>Two experienced officers to check the sentencing and classification of the 1167 emails.</p> <ul style="list-style-type: none"> a) Purpose of the review was to check the outcome of the level 1 review by checking: <ul style="list-style-type: none"> i. if the emails are public records ii. the sentencing decisions iii. other review decisions i.e. contentious, consistency applied
Level 3 – External (industry experts)	<p>Three panel of experts external to QSA to provide an independent and objective review of the emails.</p> <ul style="list-style-type: none"> a) Review the sentencing rules and investigation methodology b) Check a sample of emails to test the sentencing rules <p>Objective: note the methodology.</p>
Level 4 – State Archivist	<p>Final check of the process as the responsible officer of the QSA investigation. The results from the investigation were used by the State Archivist to develop the reports.</p>

Classification Process

2.1 Definitions as per the *Public Records Act 2002*

Ministerial record	A record created or received by a Minister in the course of carrying out the Minister's portfolio responsibilities but does not include: <ul style="list-style-type: none"> a) A record related to the Minister's personal or party political activities; or b) A record the Minister holds in the Minister's capacity as a member of the Legislative Assembly
A public record	Any of the following records made before or after the commencement of this Act— <ul style="list-style-type: none"> a) a record made for use by, or a purpose of, a public authority, other than a Minister or Assistant Minister; b) a record received or kept by a public authority, other than a Minister or Assistant Minister, in the exercise of its statutory, administrative or other public responsibilities or for a related purpose; c) a Ministerial record; d) a record of an Assistant Minister. <p>A public record includes</p> <ul style="list-style-type: none"> a) a copy of a public record; and b) a part of a public record, or a copy of a part of a public record.
Disposal	Disposal of a record includes: <ul style="list-style-type: none"> a) destroying or damaging the record, or part of it; or b) abandoning, transferring, donating, giving away or selling the record, or part of it.

2.2 Classification categories for records identified as Relevant during the DPC/QSA review⁴

The following categories were used to classify the emails to determine their status as public records:

- Relates to the *Minister for Main Roads, Road Safety and Ports and Minister for Energy, Biofuels and Water Supply* as per definitions in 2.1.
- Public record for other purposes as per definitions in 2.1.
- Irrelevant – not considered public or ministerial record as per definitions in 2.1.

⁴ See Terms of Reference 17/20366

Classification category	Explanation	Record status	Comments
Energy portfolio	<p>Carrying out of portfolio responsibilities by the Minister relating to the following:</p> <p>Energy and Water Utilities including-</p> <ul style="list-style-type: none"> • Biofuels • Clean Energy • Electricity and Gas Sectors and Markets Regulation, Monitoring and Consumer Protection • Energy Efficiency, Conservation and Demand Management • Energy Industry Development • Nuclear Energy Policy • Renewable Energy • Reticulated Fuel Gas Distribution and Retail • Sufficiency of Supply of Fuel Gas and Liquid Fuel <p>Responsibilities as a shareholding Minister.*</p>	Ministerial Record	<p>Biofuels was added to the portfolio from 8 December 2015.</p> <p>Shareholding Minister: under the Government Owned Corporation (GOC) legislation powers and area of influence are broader compared to other Ministers.</p>
Water supply portfolio	<p>Carrying out of portfolio responsibilities by the Minister relating to the following:</p> <ul style="list-style-type: none"> • Bulk Water supply, distribution and retail arrangements • Management of Water Supply Emergencies • Regulation of drinking and recycled water quality, water supply continuity and water service provider performance • Regulation of the Safe Operation and Management of Referable Dams • Water Supply Policy and Planning <p>Responsibilities as a shareholding Minister.*</p>	Ministerial Record	<p>Shareholding Minister: under the Government Owned Corporation (GOC) legislation powers and area of influence are broader compared to other Ministers.</p>
Main Roads, road safety and ports portfolio	<p>Carrying out of portfolio responsibilities by the Minister relating to the following:</p> <ul style="list-style-type: none"> • Land Transport and Safety 	Ministerial Record	<p>Shareholding Minister: under the Government Owned Corporation (GOC) legislation powers and area</p>

	<ul style="list-style-type: none"> • Main Roads • Marine Infrastructure – Project Delivery • Maritime • Personalised Transport • Ports <p>Responsibilities as a shareholding Minister for port operations.*</p>		of influence are broader compared to other Ministers.
Portfolio Acting Arrangements	<p>Carrying out of portfolio responsibilities by the Minister relating to the following:</p> <ul style="list-style-type: none"> • See attachment 1 – Mark Bailey portfolio acting arrangements 	Ministerial Record	Minister Bailey was responsible for several portfolios in a short-term acting capacity
Ministerial office administration	<ul style="list-style-type: none"> • Calendar bookings • Events • Policy arrangements • Sharing of information about portfolio activities • Marketing and communications (briefings and promotional matters) • Personnel relations (job applications, staff matters) • Lobby and advocacy requests relating to his ministerial office • Targeted requests e.g. LinkedIn requests, Fb 	Ministerial Record or Public Record	<p>Some of these records may be managed by Ministerial Services Branch (MSB)</p> <p>Target requests made/received by Mark Bailey about running his ministerial office</p>
Government activity relating to another Minister's portfolio	Emails received or sent by Mark Bailey relating to another Minister's portfolio	Public Record	These records are public records and maybe ministerial records of another Minister
Insufficient contextual information	Any email which has insufficient contextual information to confidently code as irrelevant or public record or where insufficient content can be viewed to make a determination.	Questionable	
Technical	Records cannot be accessed due to technical restrictions	Questionable	If no contextual information is available in email (attachments)

Irrelevant	Non-public records (e.g. personal; electorate; parliamentary; party-political)	Not public records	<p>A record related to the Minister's personal or party political activities; or</p> <p>A record the Minister holds in the Minister's capacity as a member of the Legislative Assembly</p>
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2.2.1 Government owned corporations (GOCs) and Shareholding Ministers

Sectors in which GOCs operate include energy, transport, funds management, port operations and water. See Attachment 2 for a list of the GOCs the Minister for Main Roads, Road Safety and Ports and Minister for Energy, Biofuels and Water Supply is the Shareholding Minister.

The objectives of corporatisation, as set out in Section 14 of the GOC Act, are to improve Queensland's overall economic performance and the ability of the government to achieve social objectives by improving the efficiency and effectiveness of GOCs and improving their accountability.

The GOC Act provides for GOCs to have two shareholding Ministers – the GOC Minister (the Treasurer) and the portfolio Minister (e.g., in the case of transport GOCs, the Minister for Transport). Certain powers to be jointly exercised are conferred on the shareholding Ministers.

3. Sentencing Process

3.1 Objective

Apply a disposal authorisation reference to the emails classified as public records located in the email account *Mangocube6@yahoo.co.uk* using the following two authorities issued by the State Archivist:

- [QDAN328v.6 Office of a Minister of the Crown and Parliamentary Secretaries approved 7/01/2009](#)
- [General Retention and Disposal Schedule \(GRDS\) issued 1/09/2016](#)

3.2 Sentencing assessment guide

These guidelines were developed to provide sentencing consistency and were based on the rules developed during the DPC/QSA review.

Classification	Email type	Explanation	Original categorisation	Classification (as per 2.2)	Disposal authorisation reference options
QSA1	Bulk subscription email services where Minister Baily has used his ministerial account to subscribe & then forwarded the email on to MangoCube6	Emails subscriptions which were subscribed to and received in a ministerial capacity and public records within his ministerial account remain public records when forwarded to his personal account – example: Mediaportal	Relevant	Energy Portfolio Water Portfolio Main Roads Portfolio Acting Portfolio	GRDS ref: 1273 (transitory)
QSA2	LinkedIn requests which seek to meet/lobby or send CV/request a job where it relates to his ministerial office & portfolio responsibilities	Targeted employment requests/offers of service made to the Minister regarding roles/positions relate to the carrying out of his portfolio responsibilities or ministerial office and considered to be a 'ministerial record'	Relevant	Energy Portfolio Water Portfolio Main Roads Portfolio Acting Portfolio Ministerial Office	QDAN328v.6 ref: 1.2.1 (perm) 1.2.2 (7 years) 1.2.3 (2 years)
QSA3	Emails attaching recruitment recommendations, seeking employment or CVs for Chiefs of Staff,	Targeted employment requests/offers of service made to the Minister regarding	Relevant	Ministerial Office	GRDS ref: 1257

	policy advisors, board positions, office or portfolio area staff, etc.	roles/positions related to the carrying out of his portfolio responsibilities or Ministerial office and considered to be a 'ministerial record'. Includes suggestions of a candidate provided by an external source for board positions. Person isn't being nominated or there isn't an opening a name is put forward as a possibility. Successful board appointments			(3 years after recruitment finalised) <i>For consistency this rule is applied to all resumes received. We are assuming all resumes are considered by Mark for a position which rules out GRDS1273.</i> Board GRDS 1266 (2 years) QDAN328v6 ref: 1.5.1 (perm)
QSA4	Emails which seek a meeting/further communication from the Minister which mention portfolio controlled matters. Includes queries or complaints received by the Minister relating to portfolio matters.	Considered to be related to the carrying out of portfolio responsibilities by the Minister and therefore a 'ministerial record'.	Relevant	Energy Portfolio Water Portfolio Main Roads Portfolio Acting Portfolio	QDAN328v.6 ref: 1.2.1 (perm) 1.2.2 (7 years) 1.2.3 (2 years)
QSA5	Facebook summary activity/insight statistics & adverts - if clearly related to ministerial responsibilities/his portfolio	Considered to be related to the carrying out of portfolio responsibilities by the Minister and therefore a 'ministerial record'.	Relevant	Ministerial Office	GRDS ref: 1275 (transitory) Finance payments 1099 (7years)
QSA6	Facebook posts or tags or tweets where he is asked a portfolio related question and/or a	Considered to be related to the carrying out of portfolio responsibilities by the Minister and therefore a 'ministerial record'.	Relevant	Ministerial Office Energy Portfolio	QDAN328v.6 ref: 1.2.1 (perm) 1.2.2 (7 years)

	response or specific action is sought and expected			Water Portfolio Main Roads Portfolio	1.2.3 (2 years)
QSA7	For attachments: if corresponding email is relevant	If the body of the email has been assessed as relevant then all of the attachments have also been coded as relevant as 'public records' include the whole or part of the record under the Act.	Relevant		QDAN328v.6 or GRDS
QSA8	Direct emails to him sharing information of interest/related to his portfolio areas, including national and international trends/info; opposition activities in the portfolio area	Targeted information provided to the Minister regarding matters within his portfolio are related to the carrying out of his portfolio responsibilities or ministerial office and considered to be a 'ministerial record' See QSA14 for information and news links e.g. media statement circulars not captured in the Ministerial media statements solution.	Relevant	Ministerial Office Energy Portfolio Water Portfolio Main Roads Portfolio	QDAN328v.6 ref: 1.2.1 (perm) 1.2.2 (7 years) 1.2.3 (2 years)
QSA9	Emails which seek to brief/influence/advocate about his areas of portfolio responsibility, including his responsibilities as a Shareholding Minister	Targeted advocacy or information provided to the Minister regarding matters within his portfolio are related to the carrying out of his portfolio responsibilities or ministerial office and considered to be a 'ministerial record' Includes briefings relating to standard ministerial portfolio matters e.g. operational energise	Relevant	Energy Portfolio Water Portfolio Main Roads Portfolio	QDAN328v.6 ref: 1.6.2 (perm) 1.2.1 (perm) 1.2.2 (7 years) 1.2.3 (2 years) 1.1.4 (perm) 1.1.5 (7 years)
QSA10	Emails with other Ministers which seek to influence/advocate about specific matters that will go before Cabinet but which are not directly related to his portfolio but which nonetheless constitute a 'Ministerial record' by reference to one of the included Ministers	If the email includes the relevant Minister who does have responsibility for the mentioned portfolio area then the communication is still a 'ministerial record' even if it is not Minister Bailey's ministerial record.	Relevant	Energy Portfolio Water Portfolio Main Roads Portfolio	QDAN328v.6 ref: 1.1.3 (perm) 1.2.1 (perm) 1.1.5 (7 years) 1.1.7 (transitory)

	Also includes emails from parties outside of government discussing cabinet matters.				
QSA11	Emails which relate to the development of promotional/communication material including for the Labor party or Unions, which are issued in his name as a Minister or driven by him in his ministerial portfolio role, or provide factual information about what his portfolio is doing	Considered to be related to the carrying out of portfolio responsibilities by the Minister and therefore a 'ministerial record'. Includes the development of Ministerial speeches by people external to the ministerial portfolio e.g. university employee writing about solar energy.	Relevant	Ministerial Office Energy Portfolio Water Portfolio Main Roads Portfolio	QDAN328v6 1.2.3 (2 years) GRDS ref: 1147 (perm) 1148 (5 years) 1275 (transitory) Speeches: 1065 (perm) 1066 (2 years)
QSA12	Sent emails relating to portfolio business which are a brief acknowledgement of receipt, e.g. 'ta'.	Considered to be related to the carrying out of portfolio responsibilities by the Minister and therefore a 'ministerial record'.	Relevant	Ministerial Office Energy Portfolio Water Portfolio Main Roads Portfolio	QDAN328v.6 or GRDS
QSA13	Photos taken which appear to relate to his office and ministerial portfolio areas and sent from his ministerial account to Mangocube6 account, or from his Mangocube6 account to his Mangocube6 account, including those where the image can't be seen. Includes photos sent to other email accounts.	Considered to be related to the carrying out of portfolio responsibilities by the Minister and therefore a 'ministerial record'.	Relevant	Ministerial Office Energy Portfolio Water Portfolio Main Roads Portfolio	GRDS ref: Agency publications 1147 (perm) 1148 (5 years) Routine communication 1275 (transitory)
QSA14	Emails sent from his ministerial account to Mangocube6 which relate to his portfolio responsibilities (i.e. if they are a public record in	Information or news links received in a ministerial capacity and public records within his ministerial account remain public records	Relevant	Ministerial Office	GRDS ref:

	the ministerial account, they remain a public record in the Mangocube6 account)	when forwarded to his personal account. e.g. media statement circulars not captured in the Ministerial media statements solution.		Energy Portfolio Water Portfolio Main Roads Portfolio	1273 (transitory) – external reference information 1268 (transitory) – admin arrangements
QSA15	Sent emails from his Mangocube6 account to his ministerial office staff sharing information relating to his portfolio.	Considered to be related to the carrying out of portfolio responsibilities by the Minister and therefore a 'ministerial record'.	Relevant	Ministerial Office Energy Portfolio Water Portfolio Main Roads Portfolio	QDAN328v.6 ref: 1.2.1 (perm) 1.2.2 (7 years) 1.2.3 (2 years) 1.8.1 (transitory)
QSA16	Emails where the specific document exchange may not be a public record per se, e.g. it's a personal question/comment, but the remainder of the string contains a public record (i.e. part of a record)	The definition of 'public records' under s 6 of the Act includes a copy or part of a public record.	Relevant	Ministerial Office Energy Portfolio Water Portfolio Main Roads Portfolio	QDAN328v.6 or GRDS
QSA17	Emails about personally resigning from being a member of the ETU	Considered to be related to the carrying out of portfolio responsibilities by the Minister and therefore a 'ministerial record'.	Relevant		QDAN328v.6 ref: 1.5.2 (10 years)
QSA18	Ministerial office staff discussions about portfolio or ministerial office management activities, i.e. related news articles, media releases	Considered to be related to the carrying out of portfolio responsibilities by the Minister and therefore a 'ministerial record'.	Relevant	Ministerial Office	QDAN328v.6 ref: media releases: 1.7.1 (perm) 1.7.2 (transitory) Office admin: 1.8.1 (transitory)

QSA19	Emails relating to matters where he jointly administers legislation	Considered to be related to the carrying out of portfolio responsibilities by the Minister and therefore a 'ministerial record'.	Relevant	Government activity Ministerial Office Energy Portfolio Water Portfolio Main Roads Portfolio	QDAN328v.6 ref: 1.6.1 (perm) 1.1.1 (perm) 1.1.4 (perm) 1.1.5 (7 years)
QSA20	Discussions between fellow MPs which directly relate to the undertaking of his Ministerial portfolio responsibilities (i.e. received in his Ministerial capacity)	Considered to be related to the carrying out of portfolio responsibilities by the Minister and therefore a 'ministerial record'.	Relevant		QDAN328v.6 ref: 1.1.3 (perm) 1.1.4 (perm) 1.1.5 (7 years)
QSA21	Briefing & promotional information sent and/or received about what's happening within his portfolio agencies /GOC's/departments.	Considered to be related to the carrying out of portfolio responsibilities by the Minister and therefore a 'ministerial record'. May include sit-reps and briefings but an agency rep about an event e.g. severe weather warning updates. Some updates may only be made in the subject line and come from an agency. These could be seen as transitory but it is important to show that the Minister has been kept up-to-date and he can communicate to community groups and media about a disaster/event.	Relevant	Ministerial Office Energy Portfolio Water Portfolio Main Roads Portfolio	QDAN328v.6 ref: 1.1.4 (perm) 1.1.5 (7 years) 3.2 (transitory) GRDS ref: 1273 (transitory) 1268 (transitory)
QSA22	Invites and Diary requests to him or his ministerial office staffer. Includes emails and diary requests which give limited context or info about the meeting or request	Considered to be related to the carrying out of portfolio responsibilities by the Minister and therefore a 'ministerial record'.	Relevant Questionable	Ministerial Office Energy Portfolio Water Portfolio	QDAN328v.6 ref: 1.8.1 (transitory) 1.8.3 (perm) 1.4.1 (transitory) 1.2.3 (2 years)

		If insufficient information to assess whether relevant or irrelevant, categorised as questionable.		Main Roads Portfolio	Visits: 1.9.1 (perm) GRDS 1066 (2years)
QSA23	Photos which have limited information and can't be viewed	If insufficient information to assess whether relevant, categorised as questionable.	Questionable		QDAN328v.6 or GRDS
QSA24	Any email which has insufficient contextual information to confidently code as irrelevant or relevant or where insufficient content can be viewed to make a determination	If insufficient information to assess whether relevant or irrelevant, categorised as questionable.	Questionable		QDAN328v.6 or GRDS
QSA25	Emails received by Mark Bailey offering messages of congratulations	Considered to be related to the carrying out of portfolio responsibilities by the Minister and therefore a 'ministerial record'.	New category	Ministerial Office Energy Portfolio Water Portfolio Main Roads Portfolio	QDAN328v6 1.2.3 (2 years) 1.4.1 (transitory)

3.3 Sentencing business rules

These rules were developed following the deliberations during the first two reviews. The decision to during the first two reviews e purpose of the following rules is to ensure a consistent sentencing approach by all reviewers. The situation of sentencing the records in an artificial environment where minimal context about the activities, portfolio administration practices and processes highlighted the importance of creating an approach that is defensible and consistent.

The following approach and assumptions were made:

Each email sentenced as discrete items. Linkages between threads will be noted and sentenced under the same sentencing rule where appropriate. If a thread is used to start a different conversation a different sentencing rule and retention period may be relevant.

A disposal authorisation number will be assigned to each email, which includes the attachments. The attachments are not sentenced as separate records.
Ministerial records inherently have a higher value because of who they relate to.
The GRDS is used in conjunction with QDAN328v6. Where a disposal action in the GRDS is inconsistent with a disposal action in QDAN328v6, QDAN328v6 takes precedence. Where there is a gap in QDAN328v6 but there is an appropriate class in the GRDS, the GRDS can be used.
Sentencing should be undertaken upon creation of a record and reviewed upon point of disposal. The approach used by QSA to sentence these records is at the point of disposal. Known events and issues associated with Minister Bailey and his portfolio were taken into consideration when a sentencing rule was applied to the 1167 emails. These include RTI requests, alleged lobbying by union members, familiar relationship with recipient, media and community interest, and the direction by the Premier not to use private email account to conduct portfolio activities.
Emails sent to or from a government official account have been captured and managed in accordance with the <i>Public Records Act 2002</i> and advice published by QSA.
Sentencing decisions based on the tools that would have been used by Mark Bailey or his staff to sentence the records – what conclusion would they be reasonably expected to make.

Definitions:

Contentious	<p>Public record – the status of the email as a public record may be challenged. It could be seen as political, electorate, or private conversations.</p> <p>Sentencing – the rule and retention period used may be challenged, particularly around the length of time a record needs to be retained. Could retention periods be seen as excessive or weak?</p>
Copies	<p>Exact replica of a public record that is retained and captured in the Ministerial recordkeeping system or official government network.</p> <p>Copies, in any format, of a master record where:</p> <ul style="list-style-type: none"> • nothing has been added, annotated, changed or deleted • the copies have been created, distributed, and used only for reference purposes
Transitory	Retain until reference ceases = until business use ceases.

	Public authorities are responsible for developing business rules to determine when business use ceases. The rule for this investigation is 30 days after creation of email.
Temporary	Records that have a minimum value and required to meet certain needs and has a finite time. Rules for this investigation: 2years = 730 days after creation of email. 3years = 1095 days after creation of email. 7years = 2555 days after creation of email.
Permanent	Records identified as having enduring and archival value to the State of Queensland and should be transferred to QSA.

Sentencing Rules:

Rule reference	Rule	Disposal authorisation details
1. Emails between a Ministerial account and Mangocube6		
1.1	<p>Emails sent from a Ministerial account to Mangocube6 account or CC'd. Ministerial accounts include:</p> <ul style="list-style-type: none"> • Bailey Ministerial account • Ministerial office staff official account • Other Minister's official Ministerial account <p>If end of thread use GRDS1271. If not end of thread and no evidence returned to ministerial account sentence by content. <i>Rule Rationale: If email from official ministerial account the assumption is it has been captured by that ministerial office</i></p>	<p>GRDS1271 Temporary (transitory) Or Relevant rule that relates to content</p>
1.2	<p>Emails sent from a Mark Bailey private account (Mangocube6, Outlook or Bigpond) to his Ministerial account AND/OR to the official account of his ministerial staff. Use Rule 3 for personal email accounts of his ministerial staff.</p>	<p>GRDS 1271 Temporary (transitory)</p>

	<p>Excludes any emails where the content was altered or incomplete on forwarding: the original is required to be captured and kept as a separate record (Rule 2 or 3 would apply).</p> <p><i>Rule Rationale: These emails are considered to be copies as an official record is captured within the official ministerial network. The content of the emails was not used to inform the sentencing rule but the action of forwarding the email into the ministerial network where they will be sentenced under the appropriate disposal authorisation class that relates to content.</i></p> <p><i>Rationale for exclusion: By virtue of the content of an email not being captured in its entirety, the email in the private account is now an original record and cannot be sentenced as a copy</i></p>	
1.3	<p>Where a record is received by Mark Bailey (using his private or official email account) AND an official government email address, it is assumed the Ministerial Office/Portfolio/agency officer is responsible for capture – whether or not they are in the primary recipients list or a CC recipient.</p>	<p>QDAN328v6 ref 3.1 Temporary / Permanent (retained by portfolio agency)</p>
<p>2. Interactions to and from public / community groups</p> <p>Mangocube6 to or from a private email account that does not include government officials (i.e. where the last recipients (to/from) are outside official government channels)</p> <p><i>See Rule 3 for emails to/from government officials</i></p>		
2.1	<p><i>Significant</i></p> <p>Interactions that are of significance within the portfolio and/or to the State which contain explicit requests for ministerial action or show/provide evidence that the Minister took some action in response.</p> <p>How we traditionally refer to significance is consistent with the QSA Appraisal Statement:</p> <p>Characteristic 1 – Authority, Foundation & Structure of Government Characteristic 2 – Primary Functions & Programs of Government Characteristic 3 – Enduring Rights & Entitlements Characteristic 4 – Significant Impact on Individuals Characteristic 5 – Substantial Contribution to Community Memory Characteristic 6 – Environmental Management & Change</p> <p>Examples encountered during the review of the mangocube6 email include:</p> <ul style="list-style-type: none"> • Lobbying and/or advocacy on current policy development issues that may be seen as influential 	<p>QDAN328v6 ref 1.2.1 Permanent</p>

	<ul style="list-style-type: none"> • Specific discussions outsourcing and enterprise bargaining agreements (EBAs) within a portfolio sector • Specific discussions mentioning the GOC or superannuation mergers <p>Excludes emails relating to these or other matters of public or State significance sent to Minister Bailey for information or where there is no explicit request for the Minister to take action.</p> <p>Use QDAN328v6 1.6.2 for emails relating to interactions between Mark Bailey and a member of a GOC.</p> <p><i>Rule Rationale: Due to Mark Bailey's position as a Minister it can be reasonably expected that members of the public or community representatives would contact the Minister on matters that would have high public or state interest. However, unless the Minister acted in response these emails are deemed not significant.</i></p> <p><i>Use of this Rule is based on action taken by Mark Baily not necessarily the content i.e. the subject could be information about the Great Barrier Reef but the discussion/material is not of significance therefore does not warrant a permanent retention.</i></p>	
2.2	<p><i>Major</i></p> <p>Interactions requiring follow up or specific action by the Minister that are not deemed of State significance:</p> <ul style="list-style-type: none"> • Requests for meetings with Mark Bailey that suggest/indicate lobbying or advocacy but without context the email cannot be sentenced as significant. Also includes media requests. • Includes congratulatory messages that also request a meeting/briefing. • Content of emails that displays a relationship with a stakeholder. • Events that Mark Bailey participates in that are not considered significant, such as Operation Energise. • In the email chains it may not be apparent if a response was provided by Mark Bailey. The content of the email is deemed major. <p>Examples encountered during the review of the mangocube6 email include:</p> <ul style="list-style-type: none"> • Child left at Altandi train station • Background on boards sent by ETU to Mark Bailey (##267, #268) <p><i>Rule Rationale: Provides evidence of Mark Bailey's actions as Minister. It highlights his involvement in community events, relationships with stakeholders and preferences or direction he may be driving his portfolio. We have assumed all requests for meetings are actioned by Mark Bailey.</i></p>	<p>QDAN328v6 1.2.2</p> <p>Temporary (7 years)</p>
2.3	<p><i>Routine</i></p> <p>Interactions that are deemed routine within the portfolio.</p> <p>Examples encountered during the review of the mangocube6 email include:</p>	<p>QDAN328v6 ref 1.2.3</p> <p>Temporary (2 years)</p>

	<ul style="list-style-type: none"> Reference material sent from Peter Friers to Mark Bailey <p>See Rule 2.6 for congratulatory messages where a meeting is not requested.</p> <p><i>Rule Rationale: These interactions are low level but have a 2 year nominal retention period as they provide evidence of Mark Bailey's actions as a Minister and interactions with the community.</i></p>	
2.4	<p><i>Recruitment – solicited resumes and unsolicited resumes where appointment made</i></p> <p>Emails relating to target requests for a job received outside of the formal recruitment process where:</p> <ul style="list-style-type: none"> The Minister requests a resume from the correspondent The applicant provides a resume unsolicited and they are subsequently successful. <p>Includes:</p> <ul style="list-style-type: none"> Resumes received by Mark Bailey through email, LinkedIn, Facebook, Twitter that do not relate to specific position/s in his Ministerial office. Emails relating to requests for a job within another Ministerial office. Emails received by or forwarded by Mark Bailey that relate to a position within another Ministerial office. <p>See Rule 2.4a for unsolicited resumes where the applicant was not successful.</p> <p>See Rule 3.3 for applications received by someone within government.</p> <p><i>Rule Rationale: all resumes received by Mark Bailey appear to be outside the formal recruitment processes.</i></p>	<p>GRDS 1257</p> <p>Temporary (3 years after recruitment finalised)</p>
2.4a	<p><i>Recruitment – unsolicited unsuccessful</i></p> <p>Unsolicited emails seeking a job within Mark Bailey's Ministerial office that are received outside of the formal recruitment process and are unsuccessful.</p> <p>See Rule 3.3a for applications received by someone within government.</p> <p><i>Rule Rationale: all resumes received by Mark Bailey appear to be outside the formal recruitment processes.</i></p>	<p>GRDS 1273</p> <p>Temporary (Transitory)</p>
2.5	<p><i>Appointments</i></p> <p>Resumes and expressions of interest received by Mark Bailey in relation to potential appointments to a Board within his Ministerial portfolio.</p> <p>See Rule 2.2 for discussion about board members or potential board members with a member of the public.</p> <p>See Rule 3.4 for applications received by someone within government.</p> <p><i>Rule Rationale: All appointments are submitted in writing to the Premier before appointment with significant appointments submitted through cabinet (source cabinet handbook). These emails are outside the formal process</i></p>	<p>QDAN328v6 ref 1.2.3</p> <p>Temporary (2 years)</p>

	<p><i>therefore sentenced as interactions with members of the public or other organisations external to Government. They may be seen as influence over a Minister.</i></p> <p><i>All appointments under Mark Bailey's portfolio are required to go to Premier and/or Cabinet, as per the Cabinet Handbook and are excluded under QDAN328v6 ref 1.5.1. If these were progressed or actioned within the agency they would be captured and sentenced in accordance with the Department of Premier and Cabinet RDS, QDAN328v6 or GRDS.</i></p>	
2.6	<p><i>Greetings, congratulations, invitations</i></p> <p>Emails relating to messages of invitation, appreciation or thanks, condolences, congratulations to Mark Bailey's appointment as Minister. Includes letters of introduction where the sender raises their interest in a field that relates to one of Mark Bailey's portfolios.</p> <ul style="list-style-type: none"> • General invitations to an event where the event is not significant and the Minister is not asked to speak • Congratulations on your appointment • Messages or friend requests received via Facebook or LinkedIn and there is no expectation of a response. <p>See Rule 2.2 for emails relating to requests to meet.</p> <p>See Rule 1.2 for emails forwarded from Mangocube6 to Ministerial account (includes official ministerial staff account)</p>	<p>QDAN328v6 ref 1.4.1</p> <p>Temporary (Transitory)</p>
2.7	<p><i>Cabinet matters</i></p> <p>Any email sent or received by Mark Bailey relating to CBRC or Cabinet matters, whether via private or official email and relating to his portfolio or not.</p> <p>See Rule 3.6 for emails sent to a known government official.</p>	<p>QDAN328v6 ref 2.1</p> <p>Temporary / Permanent (Return to Cabinet Secretariat)</p>
2.8	<p><i>Payment and receipt of money</i></p> <p>Emails received by Mark Bailey that relates to the payment of an invoice for services connected to portfolio activities.</p> <p>Examples encountered during the review of the mangocube6 email include:</p> <ul style="list-style-type: none"> • Requests from Facebook for payment of advertising a portfolio related activity • Payment for development of a newsletter 	<p>GRDS 1099</p> <p>Temporary (7 years after the financial year to which the records relate.</p>
<p>3. Interactions with government officials other than portfolio agency officials</p> <p>Mangocube6 to/or from a private email account of a known government official or Minister</p>		

3.1	<p><i>Significant</i></p> <p>Emails between Mark Bailey, the Premier, other ministers that relate to significant portfolio and government matters. For example emails between Shareholding Ministers, discussion about government policy and commitments to that policy.</p> <p>Excludes correspondence or discussion where Mark Bailey is NOT the lead Minister – i.e. record is not deemed a Bailey ministerial record as per the <i>Public Records Act 2002</i> definition. Use Rule 3.1a</p> <p>See Rule 2.1 for significance criteria.</p> <p>See Rule 3.7 for emails relating to the development and implementation of policy relating to the portfolio of the Minister.</p>	<p>QDAN328v6 ref 1.1.3</p> <p>Permanent</p>
3.1 a	<p><i>Minor matters or not lead Minister</i></p> <p>Emails between Mark Bailey, the Premier, other ministers, and ministerial staff regarding government business of minor importance or where Mark Bailey is not the lead Minister.</p> <p>Covers correspondence or discussion where Mark Bailey is consulted or copied in on matters for which Mark Bailey is not directly responsible – i.e. the emails are not deemed a Bailey ministerial record as per the <i>Public Records Act 2002</i> definition.</p>	<p>QDAN328v6 ref 1.1.7</p> <p>Temporary (Transitory)</p>
3.1.b	<p><i>Routine briefs</i></p> <p>Emails relating to briefs sent or received by Mark Bailey that relate to routine matters within his portfolio. These briefs are received from a government official but are outside official government channels.</p>	<p>QDAN328v6 ref 1.1.5</p> <p>Temporary (7 years)</p>
3.2	<p><i>Ministerial office management</i></p> <p>Emails relating to routine portfolio management activities.</p> <p>Examples encountered during the review of the mangocube6 email include:</p> <ul style="list-style-type: none"> • Requests to add an entry to Mark Bailey’s diary. Excludes the diary or appointment books, which are covered under QDAN328v6 1.8.3 (permanent) • Publication development – design and development of flyers and promotional material • Social media posts – e.g. Facebook advertisement is approved • Routine visits including photos. See Rule 3.5 for further examples. • Photos sent to a ministerial staffer that relates to portfolio activities but little context provided. 	<p>QDAN328v6 ref 1.8.1</p> <p>Temporary (Transitory)</p>
3.3	<p><i>Recruitment – solicited resumes and unsolicited resumes where appointment made</i></p>	<p>GRDS 1257</p>

	<p>Emails relating to target requests for a job received outside of the formal recruitment process where:</p> <ul style="list-style-type: none"> • The Minister requests a resume from the correspondent • The applicant provides a resume unsolicited and they are subsequently successful. <p>Includes:</p> <ul style="list-style-type: none"> • Resumes received by Mark Bailey through email, LinkedIn, Facebook, Twitter that do not relate to specific position/s in his Ministerial office. • Emails relating to requests for a job within another Ministerial office. Emails received by or forwarded by Mark Bailey that relate to a position within another Ministerial office. <p>See Rule 3.3a for unsolicited resumes where the applicant was not successful. See Rule 2.4 for applications received by someone outside of government. <i>Rule Rationale: all resumes received by Mark Bailey appear to be outside the formal recruitment processes.</i></p>	Temporary (3 years after recruitment finalised)
3.3a	<p><i>Recruitment – unsolicited and unsuccessful</i></p> <p>Unsolicited emails seeking a job within Mark Bailey’s Ministerial office that are received outside of the formal recruitment process and are unsuccessful.</p> <p>See Rule 2.4a for applications received by someone outside of government. <i>Rule Rationale: all resumes received by Mark Bailey appear to be outside the formal recruitment processes.</i></p>	GRDS 1273 Temporary (Transitory)
3.4	<p><i>Appointments</i></p> <p>Resumes and expressions of interest received by Mark Bailey in relation to potential appointments to a Board within his Ministerial portfolio.</p> <p>See Rule 2.2 for discussion about board members or potential board members with a member of the public. See Rule 2.5 for applications received by someone outside of government. <i>Rule Rationale: All appointments are submitted in writing to the Premier before appointment with significant appointments submitted through cabinet (source cabinet handbook). These emails are outside of the formal process therefore sentenced as interactions with members of the public or other organisations external to Government. They may be seen as influence over a Minister.</i></p> <p><i>All appointments under Mark Bailey’s portfolio are required to go to Premier and/or Cabinet, as per the Cabinet Handbook and are excluded under QDAN328v6 ref 1.5.1. If these were progressed or actioned within the agency they would be captured and sentenced in accordance with the Department of Premier and Cabinet RDS, QDAN328v6 or GRDS.</i></p>	QDAN328v6 ref 1.2.3 Temporary (2 years)

3.5	<p><i>These emails are sent from Mangocube6 to Mangocube6 account.</i></p> <p>Examples encountered during the review of the mangocube6 email include:</p> <ul style="list-style-type: none"> • Emails where the only attachment is a photo. Includes photos that cannot be opened but there is enough context to determine status as ministerial record. <p>For photos documenting routine visits and events – use QDAN328v6 1.8.1 (e.g. #647)</p> <p>For photos where the photo documents a significant visit or event taken by Bailey in his official capacity as Minister and relating to his portfolio – use QDAN328v6 1.9.1 (e.g. #618, #646)</p>	<p>QDAN328v6 ref 1.8.1 Temporary (Transitory)</p> <p>QDAN328v6 ref 1.9.1 Permanent</p>
3.6	<p><i>Cabinet matters</i></p> <p>Any email sent or received by Mark Bailey relating to CBRC or Cabinet matters, whether via private or official email and relating to his portfolio or not – to be sent to Cabinet Secretariat for disposal.</p> <p>See Rule 2.7 for emails sent by a member of the community and is not a known government official.</p>	<p>QDAN328v6 ref 2.1 Temporary / Permanent (Return to Cabinet Secretariat)</p>
3.7	<p><i>Policy development and implementation</i></p> <p>Any email sent or received by Mark Bailey relating to the development and implementation of portfolio policy.</p> <p>See Rule 2.1 for significance criteria.</p> <p>See Rule 3.1 for emails between Mark Bailey, the Premier, other ministers that relate to significant portfolio and government matters. For example emails between Shareholding Ministers, discussion about government policy and commitments to that policy.</p>	<p>QDAN328v6 ref 1.1.1 Permanent</p>
<p>4. Interactions with portfolio agency</p> <p>Mangocube6 to or from a @qld.gov.au or other official government email account. Includes correspondence with State Government officials within and outside Bailey portfolio.</p>		
4.1	<p><i>Emails may include reports and briefings received by Mark Bailey from a portfolio agency (includes GOCs).</i></p> <p>Examples encountered during the review of the mangocube6 email include:</p> <ul style="list-style-type: none"> • Situation reports • SEQ water sends latest media release. <p>Excludes:</p> <ul style="list-style-type: none"> • the use of personal email accounts for government and ministerial staff (Use Rule 3) 	<p>QDAN328v6 ref 3.1 Temporary / Permanent (retained by portfolio agency)</p>

	<ul style="list-style-type: none"> • where a modified version of the email was sent by Mark Bailey to another recipient • where the email was forward to a @qld.gov.au account but the thread continues outside of official government network. (Use Rule 3) <p><i>Rule Rationale: These emails are considered to be within the official network therefore considered copies. The content of the emails were not used to inform the sentencing rule but the action of receiving the email from an official government network where it would be captured and retained in accordance with an appropriate disposal authorisation class that relates to content.</i></p>	
<p>5. Emails received by Mark Bailey as a BCC</p> <p>Includes emails received from a @qld.gov.au, other official government account, and all private accounts</p>		
5.1	<p>Notwithstanding any of the rules above, any email where Bailey is BCC'd <i>should</i> be captured and retained as evidence that the Minister received the email. If the record captured in the Ministerial Office, portfolio agency or other government agency does not record Bailey as a BCC, a separate record is required to be captured. Includes:</p> <ul style="list-style-type: none"> • Private person/organisation to another party and Bcc'd to Minister Bailey official account • Private person/organisation to another party and Bcc's to Bailey private account • Government person to another party and Bcc'd to Minister Bailey official account • Government person to another party and Bcc'd to Bailey private account <p>Excludes:</p> <ul style="list-style-type: none"> • Private person/organisation email sent to Minister Bailey official account AND Bcc'd to his private email 	Relevant rule that relates to content

Methodology Attachment 1

Mark Bailey Portfolio Acting Arrangements

Queensland State Archives

August 2017

Minister Bailey Acting arrangements

Dates	Acting as	Principal Ministerial Responsibilities	Acts Administered
25 June 2015 to 5 July 2015	Deputy Premier, Minister for Transport, Minister for Infrastructure, Local Government and Planning and Minister for Trade	<p>Air Services Busways Passenger Transport Railways Transport Infrastructure</p> <p>Building Queensland Economic Development Infrastructure Planning Prioritisation and Development Investment Facilitation Land Use Planning Local Government and Planning Marketing and Promotion of International Education and Training Regional Statutory Planning Trade Development Urban Growth</p> <p>Reconstruction of Queensland following statewide flooding and Cyclone Yasi 2010-2011 and the Queensland 2013 floods</p>	<p><i>ADMINISTRATIVE ARRANGEMENTS ORDER (No 2) 2015 made 2 April 2015</i> Adult Proof of Age Card Act 2008 Air Navigation Act 1937 Civil Aviation (Carriers' Liability) Act 1964 Heavy Vehicle National Law Act 2012 Queensland Nickel Agreement Act 1970 (Sch pts IV-V) Queensland Rail Transit Authority Act 2013 State Transport Act 1938 State Transport (People Movers) Act 1989 Thiess Peabody Mitsui Coal Pty Ltd. Agreements Act 1965 (except to the extent administered by the Treasurer, Minister for Employment and Industrial Relations and Minister for Aboriginal and Torres Strait Islander Partnerships; and the Minister for State Development and Minister for Natural Resources and Mines) Tow Truck Act 1973 Transport Infrastructure Act 1994 (jointly administered with the Minister for Main Roads, Road Safety and Ports and Minister for Energy and Water Supply) Transport Operations (Passenger Transport) Act 1994 Transport Operations (Road Use Management) Act 1995 (jointly administered with the Minister for Main Roads, Road Safety and Ports and Minister for Energy and Water Supply) Transport Planning and Coordination Act 1994 (jointly administered with the Minister for Main Roads, Road Safety and Ports and Minister for Energy and Water Supply) Transport (Rail Safety) Act 2010 Transport (South Bank Corporation Area Land) Act 1999 Transport Security (Counter-Terrorism) Act 2008</p> <p>Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984 (Part 9, Div 2 and Part 10) Agent-General for Queensland Act 1975 City of Brisbane Act 2010 Economic Development Act 2012 Integrated Resort Development Act 1987 Local Government Act 2009 Local Government Electoral Act 2011 Local Government (Robina Central Planning Agreement) Act 1992 Mixed Use Development Act 1993 Regional Planning Interests Act 2014 Royal National Agricultural and Industrial Association of Queensland Act 1971 Sanctuary Cove Resort Act 1985 South Bank Corporation Act 1989 Southern Moreton Bay Islands Development Entitlements Protection Act 2004 Sustainable Planning Act 2009 (except to the extent administered by the Minister for Housing and Public Works and Minister for Science and Innovation) Townsville Breakwater Entertainment Centre Act 1991 Townsville City Council (Douglas Land Development) Act 1993 Trade and Investment Queensland Act 2013 Queensland Reconstruction Authority Act 2011</p>

21 July 2015 to 23 July 2015	Deputy Premier, Minister for Transport, Minister for Infrastructure, Local Government and Planning and Minister for Trade	Same	Same
28 September 2015 to 5 October 2015	Deputy Premier, Minister for Transport, Minister for Infrastructure, Local Government and Planning and Minister for Trade	Same	Same
22 September 2015 to 1 October 2015	Minister for State Development and Minister for Natural Resources and Mines	<p>Industrial Development Major Project Facilitation and Delivery State Development including:</p> <ul style="list-style-type: none"> • strategic planning for priority industry sectors • local industry policy • major project strategic interventions such as industry incentive schemes • regional economic development <p>Strategic Policy, Planning and Programs for Priority Industry Sectors Integrated Resort Developments</p> <p>Infrastructure Facilitation, Coordination and Development Major Project Development and Facilitation State Development Areas</p> <p>Mining and Petroleum including –</p> <ul style="list-style-type: none"> • Extractive Resource Planning • Gas Pipelines • Geological Survey, Exploration Promotion and Investment Attraction • Greenhouse Gas Storage • Land Access Policy • Mineral and Energy Resources 	<p><i>ADMINISTRATIVE ARRANGEMENTS ORDER (No 2) 2015 made 2 April 2015</i> Gasfields Commission Act 2013 Queensland Industry Participation Policy Act 2011 Surat Basin Rail (Infrastructure Development and Management) Act 2012</p> <p>Alcan Queensland Pty. Limited Agreement Act 1965 (except to the extent administered by the Treasurer, Minister for Employment and Industrial Relations and Minister for Aboriginal and Torres Strait Islander Partnerships) Amoco Australia Pty. Limited Agreement Act 1961 Ampol Refineries Limited Agreement Act 1964 Austral-Pacific Fertilizers Limited Agreement Act 1967 Central Queensland Coal Associates Agreement Act 1968 (except to the extent administered by the Minister for Main Roads, Road Safety and Ports and Minister for Energy and Water Supply) (Sch pt VI) Central Queensland Coal Associates Agreement (Amendment) Act 1986 Central Queensland Coal Associates Agreement Amendment Act 1989 Central Queensland Coal Associates Agreement and Queensland Coal Trust Act 1984 Central Queensland Coal Associates Agreement Variation Act 1996 Century Zinc Project Act 1997 (ss14-17) Queensland Nickel Agreement Act 1970 (except to the extent administered by the Deputy Premier, Minister for Transport, Minister for Infrastructure, Local Government and Planning and Minister for Trade) Queensland Nickel Agreement Act 1988 State Development and Public Works Organisation Act 1971 Townsville Zinc Refinery Act 1996</p> <p>Aboriginal Land Act 1991 (except to the extent administered by the Treasurer, Minister for Employment and Industrial Relations and Minister for Aboriginal and Torres Strait Islander Partnerships, and the Attorney-General and Minister for Justice and Minister for Training and Skills) Aboriginal and Torres Strait Islander Land Holding Act 2013 Acquisition of Land Act 1967</p>

		<ul style="list-style-type: none"> • Mineral Resources Impacts on Aboriginal and Torres Strait Islander Interests • Mining and Petroleum Industry Development • Mining, Petroleum and Geothermal Tenures • Pipeline Licences • Rents <p>Safety and Health including --</p> <ul style="list-style-type: none"> • Abandoned Mines, Explosives, Extractive Industries, Gas, Geothermal, Mining and Petroleum <p>Aboriginal and Torres Strait Islander matters including--</p> <ul style="list-style-type: none"> • Land Interests • Land Titles <p>Governance and Oversight of Category 2 Water Authorities</p> <p>Land including --</p> <ul style="list-style-type: none"> • Allocation, Management and Use of State Land • Compulsory Acquisition • Conservation • Information • Land Titles • Strategic Cropping Land • Surveying and Mapping • Valuations <p>Native Title</p> <p>Natural Resource Management including--</p> <ul style="list-style-type: none"> • Catchment Management • Water Resource Management <p>Place Names</p> <p>Selling allocation of State quarry material under the Water Act 2000</p> <p>Registration of Valuers and Surveyors</p> <p>Water Resource Allocation, Planning and Management</p> <p>Western Rivers</p>	<p>Alcan Queensland Pty. Limited Agreement Act 1965 (except to the extent administered by the Treasurer, Minister for Employment and Industrial Relations and Minister for Aboriginal and Torres Strait Islander Partnerships) (Sch)</p> <p>Allan and Stark Burnett Lane Subway Authorisation Act 1926</p> <p>Building Units and Group Titles Act 1980 (except to the extent administered by the Attorney-General and Minister for Justice and Minister for Training and Skills; sections 5, 5A, 119, 133 and 134 jointly administered with the Attorney-General and Minister for Justice and Minister for Training and Skills)</p> <p>Cape York Peninsula Heritage Act 2007 (except to the extent administered by the Minister for Environment and Heritage Protection and Minister for National Parks and the Great Barrier Reef)</p> <p>Central Queensland Coal Associates Agreement Act 1968 (except to the extent administered by the Treasurer, Minister for Employment and Industrial Relations and Minister for Aboriginal and Torres Strait Islander Partnerships). (Sch pt III) (Sch 1 pt III - to the extent that it is relevant to mining or resource management matters)</p> <p>Central Queensland Coal Associates Agreement (Amendment) Act 1986 (to the extent that it is relevant to mining or resource management matters)</p> <p>Central Queensland Coal Associates Agreement Amendment Act 1989 (to the extent that it is relevant to mining or resource management matters)</p> <p>Central Queensland Coal Associates Agreement and Queensland Coal Trust Act 1984 (to the extent that it is relevant to mining or resource management matters)</p> <p>Century Zinc Project Act 1997 (sections 9 and 10)</p> <p>Coal and Oil Shale Mine Workers' Superannuation Act 1989</p> <p>Coal Mining Safety and Health Act 1999</p> <p>Commonwealth Aluminium Corporation Pty. Limited Agreement Act 1957 (except to the extent administered by the Treasurer, Minister for Employment and Industrial Relations and Minister for Aboriginal and Torres Strait Islander Partnerships)</p> <p>Electronic Conveyancing National Law (Queensland) Act 2013</p> <p>Explosives Act 1999</p> <p>Foreign Governments (Titles to Land) Act 1948</p> <p>Foreign Ownership of Land Register Act 1988</p> <p>Fossicking Act 1994 (except to the extent administered by the Treasurer, Minister for Employment and Industrial Relations and Minister for Aboriginal and Torres Strait Islander Partnerships)</p> <p>Geothermal Energy Act 2010 (except to the extent administered by the Treasurer, Minister for Employment and Industrial Relations and Minister for Aboriginal and Torres Strait Islander Partnerships)</p> <p>Greenhouse Gas Storage Act 2009</p> <p>Ipswich Trades Hall Act 1986</p> <p>Lake Eyre Basin Agreement Act 2001 (except to the extent administered by the Minister for Environment and Heritage Protection and Minister for National Parks and the Great Barrier Reef)</p> <p>Land Act 1994 (except to the extent administered by the Treasurer, Minister for Employment and Industrial Relations and Minister for Aboriginal and Torres Strait Islander Partnerships)</p> <p>Land Protection (Pest and Stock Route Management) Act 2002 (to the extent that it is relevant to Stock Route Management) (jointly administered with the Minister for Agriculture and Fisheries and Minister for Sport and Racing)</p> <p>Land Title Act 1994</p> <p>Land Valuation Act 2010</p> <p>Mineral and Energy Resources (Common Provisions) Act 2014</p> <p>Mineral Resources Act 1989 (except to the extent administered by the Treasurer, Minister for Employment and Industrial Relations and Minister for Aboriginal and Torres Strait Islander Partnerships)</p> <p>Mining and Quarrying Safety and Health Act 1999</p>
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25 December 2015 to 3 January 2016	Minister for Communities, Women and Youth, Minister for Child Safety and Minister for the Prevention of Domestic and Family Violence	Adoption Child Protection Services Community Recovery Community Services Prevention of Domestic and Family Violence Social Inclusion (Attorney-General had responsibility for Women's Policy and Office for Women) Youth Affairs	<i>ADMINISTRATIVE ARRANGEMENTS ORDER (No. 3) 2015 made 8 December 2015</i> Adoption Act 2009 (except to the extent administered by the Attorney-General and Minister for Justice and Minister for Training and Skills) Child Protection Act 1999 (jointly administered with the Attorney-General and Minister for Justice and Minister for Training and Skills) Child Protection (International Measures) Act 2003 Community Services Act 2007 Domestic and Family Violence Protection Act 2012 Youth Justice Act 1992 (jointly administered with the Attorney-General and Minister for Justice and Minister for Training and Skills)
25 December 2015 to 1 January 2016	Deputy Premier, Minister for Infrastructure, Local Government and Planning and Minister for Trade and Investment	Building Queensland Economic Development, including development of government land for economic and community purposes Infrastructure Prioritisation, Planning, Development, Facilitation and Coordination (except to the extent of the Coordinator-General responsibilities) Investment Facilitation Land Use Planning Local Government and Planning Marketing and Promotion of International Education and Training Regional Statutory Planning Trade Development Urban Design and Government Architect Urban Growth Reconstruction of Queensland following statewide flooding and Cyclone Yasi 2010-2011 and the Queensland 2013 floods	<i>ADMINISTRATIVE ARRANGEMENTS ORDER (No. 3) 2015 made 8 December 2015</i> Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984 (Part 9, Div 2 and Part 10) Agent-General for Queensland Act 1975 Building Queensland Act 2015 City of Brisbane Act 2010 Economic Development Act 2012 Integrated Resort Development Act 1987 Local Government Act 2009 Local Government Electoral Act 2011 Local Government (Robina Central Planning Agreement) Act 1992 Mixed Use Development Act 1993 Regional Planning Interests Act 2014 (except to the extent administered by the Minister for Agriculture and Fisheries) Royal National Agricultural and Industrial Association of Queensland Act 1971 Sanctuary Cove Resort Act 1985 South Bank Corporation Act 1989 Southern Moreton Bay Islands Development Entitlements Protection Act 2004 Sustainable Planning Act 2009 (except to the extent administered by the Minister for Housing and Public Works) Townsville Breakwater Entertainment Centre Act 1991 Townsville City Council (Douglas Land Development) Act 1993 Trade and Investment Queensland Act 2013 Queensland Reconstruction Authority Act 2011
1 January 2016 to 3 January 2016	Minister for Police, Fire and Emergency Services and Minister for Corrective Services	Police Services	<i>ADMINISTRATIVE ARRANGEMENTS ORDER (No. 3) 2015 made 8 December 2015</i> Australian Crime Commission (Queensland) Act 2003 Child Protection (Offender Prohibition Order) Act 2008 Child Protection (Offender Reporting) Act 2004 Police Powers and Responsibilities Act 2000 Police Service Administration Act 1990 Public Safety Preservation Act 1986 Queensland Police Welfare Club Act 1970 Summary Offences Act 2005 Terrorism (Preventative Detention) Act 2005 Weapons Act 1990

		<p>Disaster Management and State Emergency Service Fire and Rescue Service</p> <p>Protective Services for Government Buildings Queensland Government Air Services Working with Children Check</p> <p>Adult Corrective Services (excluding offender health services)</p>	<p>Disaster Management Act 2003 Fire and Emergency Services Act 1990</p> <p>Public Safety Business Agency Act 2014 State Buildings Protective Security Act 1983 Working with Children (Risk Management and Screening) Act 2000</p> <p>Corrective Services Act 2006 Parole Orders (Transfer) Act 1984</p>
2 January 2016 to 10 January 2016	Minister for Transport and the Commonwealth Games	<p>Air Services Busways Passenger Transport Railways Transport Infrastructure</p>	<p><i>ADMINISTRATIVE ARRANGEMENTS ORDER (No. 3) 2015 made 8 December 2015</i> Adult Proof of Age Card Act 2008 Air Navigation Act 1937 Civil Aviation (Carriers' Liability) Act 1964 Heavy Vehicle National Law Act 2012 Queensland Nickel Agreement Act 1970 (Sch pts IV-V) Queensland Rail Transit Authority Act 2013 State Transport Act 1938 State Transport (People Movers) Act 1989 Thiess Peabody Mitsui Coal Pty. Ltd. Agreements Act 1965 (except to the extent administered by the Treasurer, Minister for Aboriginal and Torres Strait Islander Partnerships and Minister for Sport, and the Minister for State Development and Minister for Natural Resources and Mines) Tow Truck Act 1973 Transport Infrastructure Act 1994 (jointly administered with the Minister for Main Roads, Road Safety and Ports and Minister for Energy, Biofuels and Water Supply) Transport Operations (Passenger Transport) Act 1994 Transport Operations (Road Use Management) Act 1995 (jointly administered with the Minister for Main Roads, Road Safety and Ports and Minister for Energy, Biofuels and Water Supply) Transport Planning and Coordination Act 1994 (jointly administered with the Minister for Main Roads, Road Safety and Ports and Minister for Energy, Biofuels and Water Supply) Transport (Rail Safety) Act 2010 Transport (South Bank Corporation Area Land) Act 1999 Transport Security (Counter-Terrorism) Act 2008</p>
4 January 2016 to 21 January 2016	Minister for Innovation, Science and the Digital Economy and Minister for Small Business	<p>Commonwealth Games</p> <p>Administration of Crown Copyright and Intellectual Property CITEC ICT CITEC Information Brokerage Coastal Management relating to the Tweed River Entrance Sand Bypassing Project Cyber Security Policy and Coordination Digital Economy Environment, Climate and Natural Resource Sciences – Research, Development and Advice Government Wireless Network Contract Directorate ICT Modernisation</p>	<p><i>ADMINISTRATIVE ARRANGEMENTS ORDER (No. 3) 2015 made 8 December 2015</i> Biodiscovery Act 2004 (except to the extent that it is relevant to the compliance code, collection protocols and authorisation of collection authorities and to the extent that it is relevant to the management of the protected area estate and forest reserves, not including nature refuges) (jointly administered with the Minister for Environment and Heritage Protection and Minister for National Parks and the Great Barrier Reef) Gene Technology Act 2001 Tweed River Entrance Sand Bypassing Project Agreement Act 1998</p>

		<p>Innovation Policy, Strategy and Programs International Collaborations One-Stop Shop Strategy and Implementation Office Open Data Research and Development Co-ordination and Planning Science Policy, Strategy and Investment Shared Services Provision (other than Queensland Health and the Department of Education and Training) Shared Services Systems Smart Service Queensland Strategic ICT Strategic ICT Projects including—</p> <ul style="list-style-type: none"> • Government Wireless Network Implementation • 1 William Street ICT <p>Strategic Sourcing including—</p> <ul style="list-style-type: none"> • ICT Mega Category • Government-Industry Liaison • Government Information Technology Contracting • SME Policy and Participation <p>Archives</p> <p>Lead the Development of Science and Innovation Strategy across Government Promote Queensland Science Science and Innovation Stakeholder Engagement</p> <p>Government Information and Communication Technology Policy and Planning including—</p> <ul style="list-style-type: none"> • Cross-jurisdictional Liaison and Coordination • ICT Enabled Transformation • ICT Governance, Accountability and Transparency • ICT Investment Assurance • ICT Policy and Standards (including Shared Services) • ICT Workforce Development • Information Systems and Information, Communication and Technology Strategy • Profiling of Government's ICT • Queensland Government Enterprise Architecture <p>Developing Small Business Capability Small Business Red Tape Reform Small Business Resilience</p>	<p>Libraries Act 1988 Public Records Act 2002 Schools of Arts (Winding Up and Transfer) Act 1960 Schools of Arts (Winding Up and Transfer) Act Amendment Act 1981</p>
<p>23 March 2016 to 28 March 2016</p>	<p>Deputy Premier, Minister for Infrastructure, Local Government and Planning and Minister for Trade and Investment</p>	<p>Same</p>	<p><i>ADMINISTRATIVE ARRANGEMENTS ORDER (No. 3) 2015 made 8 December 2015</i></p>

30 April 2016 to 8 May 2016	Minister for Innovation, Science and the Digital Economy and Minister for Small Business	Same	<i>ADMINISTRATIVE ARRANGEMENTS ORDER (No. 3) 2015 made 8 December 2015</i>
19 September 2016 to 25 September 2016	Minister for Innovation, Science and the Digital Economy and Minister for Small Business	No changes from previous	<i>ADMINISTRATIVE ARRANGEMENTS ORDER (No. 1) 2016 made 1 September 2016</i>
21 September 2016 to 24 September 2016	Deputy Premier, Minister for Infrastructure, Local Government and Planning and Minister for Trade and Investment	<p>Building Queensland Economic Development, including development of government land for economic and community purposes Infrastructure Prioritisation, Planning, Development, Facilitation and Coordination (except to the extent of the Coordinator-General responsibilities) Investment Facilitation Land Use Planning Local Government and Planning Marketing and Promotion of International Education and Training Regional Statutory Planning Trade Development Urban Design and Government Architect Urban Growth</p> <p>Recovery and reconstruction of Queensland following natural disaster events and improving the resilience of communities for potential natural disaster events</p>	<p><i>ADMINISTRATIVE ARRANGEMENTS ORDER (No. 1) 2016 made 1 September 2016</i> Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984 (Part 9, Div 2 and Part 10) Agent-General for Queensland Act 1975 Building Queensland Act 2015 City of Brisbane Act 2010 Economic Development Act 2012 Integrated Resort Development Act 1987 Local Government Act 2009 Local Government Electoral Act 2011 Local Government (Robina Central Planning Agreement) Act 1992 Mixed Use Development Act 1993 Planning Act 2016 (except to the extent administered by the Minister for Housing and Public Works) Planning and Environment Court Act 2016 Regional Planning Interests Act 2014 (except to the extent administered by the Minister for Agriculture and Fisheries) Royal National Agricultural and Industrial Association of Queensland Act 1971 Sanctuary Cove Resort Act 1985 South Bank Corporation Act 1989 Southern Moreton Bay Islands Development Entitlements Protection Act 2004 Sustainable Planning Act 2009 (except to the extent administered by the Minister for Housing and Public Works) Townsville Breakwater Entertainment Centre Act 1991 Townsville City Council (Douglas Land Development) Act 1993 Trade and Investment Queensland Act 2013</p> <p>Queensland Reconstruction Authority Act 2011</p>
20 November 2016 to 26 November 2016	Deputy Premier, Minister for Infrastructure, Local Government and Planning and Minister for Trade and Investment	Same	Same

Minister Bailey Leave

1 September 2015 to 4 September 2015

9 December 2015 to 24 December 2015

13 May 2016 to 22 May 2016

3 August 2016 to 12 August 2016

27 September 2016 to 3 October 2016

2 January 2017 to 22 January 2017

Methodology Attachment 2

Shareholding Minister

Research

Queensland State Archives

August 2017

Shareholding Minister Research

List of Government Owned Corporations (sourced from Queensland Treasury)

Name	Shareholding ministers	Date corporatised (under state GOC Act)	Date converted to company (under federal Corporations Act 2001)
Energy generation			
<u>CS Energy Ltd</u> *	<ul style="list-style-type: none"> • Treasurer, Minister for Aboriginal and Torres Strait Islander Partnerships and Minister for Sport • Minister for Main Roads, Road Safety and Ports and Minister for Energy, Biofuels and Water Supply 	1 July 1997	
<u>Stanwell Corporation Ltd</u> *		1 July 1997 (Tarong Energy Corporation Limited converted to a subsidiary of Stanwell Corporation Limited on 1 July 2011)	
Energy transmission			
<u>Queensland Electricity Transmission Corporation Limited (Powerlink Queensland)</u> *	<ul style="list-style-type: none"> • Treasurer, Minister for Aboriginal and Torres Strait Islander Partnerships and Minister for Sport • Minister for Main Roads, Road Safety and Ports and Minister for Energy, Biofuels and Water Supply 	1 July 1997	
Energy distribution			
<u>ENERGEX Ltd</u> *	<ul style="list-style-type: none"> • Treasurer, Minister for Aboriginal and Torres Strait Islander Partnerships and Minister for Sport • Minister for Main Roads, Road Safety and Ports 	1 July 1997	

	and Minister for Energy, Biofuels and Water Supply		
<u>Ergon Energy Corporation Ltd</u> *		1 July 1999	
Ports			
<u>Far North Queensland Ports Corporation Limited (Ports North)</u>	<ul style="list-style-type: none"> • Treasurer, Minister for Aboriginal and Torres Strait Islander Partnerships and Minister for Sport • Minister for Main Roads, Road Safety and Ports and Minister for Energy, Biofuels and Water Supply 	1 July 1995	1 July 2008 (Previously Cairns Ports Limited)
<u>Gladstone Ports Corporation Limited</u> *		1 July 1994 (Gladstone Port Authority and Rockhampton Port Authority merged on 1 July 2004)	1 July 2008
<u>North Queensland Bulk Ports Corporation Limited</u>		19 June 2009 (Mackay Ports Limited and Ports Corporation of Queensland Limited converted to subsidiary of North Queensland Bulk Ports Corporation Limited on 2 July 2009)	1 July 2009
<u>Port of Townsville Limited</u> *		1 July 1995	1 July 2008
Water			
<u>SunWater Limited</u> *	<ul style="list-style-type: none"> • Treasurer, Minister for Aboriginal and Torres Strait Islander Partnerships and Minister for Sport • Minister for Main Roads, Road Safety and Ports and Minister for Energy, Biofuels and Water Supply 	1 October 2000	1 July 2008

Government Owned Corporations Act 1993: legislative mapping of relevant sections

Section	Summary	
7	Statement of Corporate Intent	the statement of corporate intent should represent an agreement between the GOC's board of directors and its shareholding Ministers.
16	Meaning of key principles of corporatisation	the GOC's board will be accountable to the shareholding Ministers for the GOC's performance;
78	Shareholders of a GOC	...the GOC Minister and the portfolio Minister of the GOC
79	Shareholding Ministers must have equal number of voting shares and equal rights	
80	Shareholders hold shares for State	
82	Shareholding Ministers must act jointly	(1) If this Act authorises a GOC's shareholding Ministers to do an act, the shareholding Ministers may only do the act jointly.
83	Ministers not directors etc.	(1) A GOC's shareholding Ministers are not to be treated as directors of the GOC or any subsidiary or proposed subsidiary of the GOC. (2) A Minister does not incur civil liability for an act or omission done or omitted to be done honestly and without negligence under, or for the purposes of, this Act in relation to a GOC or a subsidiary or proposed subsidiary of a GOC. (3) A liability that would, apart from subsection (2), attach to the Minister attaches instead to the State. (4) This section has effect despite the Corporations Act.
84	Resolutions without meetings	(1) If the shareholding Ministers of the GOC sign a document containing a statement that they are in favour of a resolution set out in the document— (a) a resolution in those terms is taken to have been passed at a general meeting of the GOC... (c) the document is taken to be a minute of the meeting; and (d) any document that is attached to the first document, and is signed by the shareholding Ministers, is taken to have been laid before the GOC at the meeting...
85	Constitution of GOC may be amended by shareholding Ministers	
86	Shareholding Ministers of GOC may require	

	amendment of subsidiary's constitution	
88	Role of board	(c) accounting to the GOC's shareholders for its performance as required by this Act and other laws applying to the GOC;
92	Appointment of chief executive officer	A GOC's chief executive officer is to be appointed by the GOC's board with the prior written approval of the shareholding Ministers
93	Appointment of chief executive officer—particular subsidiaries	(2) The subsidiary's chief executive officer is to be appointed by the subsidiary's board with the prior written approval of the shareholding Ministers of each GOC that is a shareholder of the subsidiary.
96	Guidelines in relation to corporate plans	(1) The GOC Minister may issue guidelines about the form and content of corporate plans. (2) Every GOC must comply with the guidelines. (3) Guidelines under this section are subordinate legislation.
97	Draft corporate plan	(1) The board of a GOC must prepare, and submit to the shareholding Ministers for their agreement, a draft corporate plan... (2) The board and the shareholding Ministers must endeavour to reach agreement on the draft plan as soon as possible...
98	Special procedures in relation to draft corporate plan	(1) The shareholding Ministers may return the draft corporate plan to the board and request it to— (a) consider or further consider any matter and deal with the matter in the draft plan; and (b) revise the draft plan in the light of its consideration or further consideration. (2) The board must comply with the request as a matter of urgency. (3) If a draft corporate plan has not been agreed to by the shareholding Ministers within 2 months from the day on which the GOC becomes a GOC, the shareholding Ministers may, by written notice, direct the board— (a) to take specified steps in relation to the draft plan; or (b) to make specified modifications to the draft plan.
Other sections relating to corporate plan are included in the Act – same intent i.e. plan needs agreement and GOCs can be directed by Ministers.		
107	Draft statement of corporate intent	(1) The board of a GOC must prepare, and submit to the shareholding Ministers for their agreement, a draft statement of corporate intent— (a) within 1 month of becoming a GOC; and (b) not later than 2 months before the start of each subsequent financial year (a subsequent financial year). (2) The board and the shareholding Ministers must endeavour to reach agreement on the draft statement as soon as possible and, in the case of a draft statement of corporate intent for a

		subsequent financial year, in any event not later than the start of the financial year.
108	Special procedures in relation to draft statement of corporate intent	<p>(1) The shareholding Ministers may return the draft statement of corporate intent to the board and request it to—</p> <p>(a) consider or further consider any matter and deal with the matter in the draft statement; and</p> <p>(b) revise the draft statement in the light of its consideration or further consideration.</p> <p>(2) The board must comply with the request as a matter of urgency.</p> <p>(3) If a draft statement of corporate intent has not been agreed to by the shareholding Ministers within 2 months from the day on which the GOC becomes a GOC, the shareholding Ministers may, by written notice, direct the board—</p> <p>(a) to take specified steps in relation to the draft statement; or</p> <p>(b) to make specified modifications to the draft statement.</p> <p>(4) If, in the case of a subsequent financial year, a draft statement of corporate intent of the GOC has not been agreed to by the shareholding Ministers before the start of the financial year, the shareholding Ministers may, by written notice, direct the board—</p> <p>(a) to take specified steps in relation to the draft statement; or</p> <p>(b) to make specified modifications to the draft statement.</p> <p>(5) The board must immediately comply with a direction under subsection (3) or (4).</p>
Other sections relating to the statements of corporate intent are included in the Act – same intent i.e. statement needs agreement and GOCs can be directed by Ministers.		
112	Meaning of community service obligations	(1) The community service obligations of a GOC are obligations to perform activities that the GOC's board establishes to the satisfaction of the shareholding Ministers...
114	Reserve power of shareholding Ministers to notify board of public sector policies	<p>(1) The shareholding Ministers of a GOC may notify the GOC's board, in writing, of a public sector policy that is to apply to the GOC...</p> <p>(3) Before giving a notification under this section, the shareholding Ministers must—</p> <p>(a) consult with the board; and</p> <p>(b) request the board to advise them whether, in its opinion, carrying out the policy would not be in the commercial interests of the GOC or any of its subsidiaries.</p> <p>(4) The shareholding Ministers must cause a copy of the notification to be published in the gazette within 21 days after it is given.</p>
115	Reserve power of shareholding Ministers to give directions in public interest	<p>(1) The shareholding Ministers of a GOC may give the GOC's board a written direction in relation to the GOC and its subsidiaries ...</p> <p>(3) Before giving the direction, the shareholding Ministers must—</p>

		<p>(a) consult with the board; and</p> <p>(b) request the board to advise them whether, in its opinion, complying with the direction would not be in the commercial interests of the GOC or any of its subsidiaries.</p> <p>(4) The shareholding Ministers must cause a copy of the direction to be published in the gazette within 21 days after it is given.</p>
119	Quarterly reports	(1) A GOC's board must give to the shareholding Ministers a report on the operations of the GOC and its subsidiaries for each of the quarters of a financial year.
120	Matters to be included in annual report	<p>(1) Each annual report of a GOC must—</p> <p>(a) contain the information that is required to be included in the report by the shareholding Ministers...</p>
121	Deletion of commercially sensitive matters from annual report etc.	(1) If a GOC's board requests the shareholding Ministers to delete from the copies of an annual report of the GOC (and accompanying documents) that are to be made public a matter that is of a commercially sensitive nature, the shareholding Ministers may delete the matter from the copies of the annual report (and accompanying documents) that are laid before the Legislative Assembly or otherwise made public.
122	Board to keep shareholding Ministers informed	<p>(1) A GOC's board must—</p> <p>(a) keep the shareholding Ministers reasonably informed of the operations, financial performance and financial position of the GOC and its subsidiaries...</p> <p>(b) give to the shareholding Ministers reports and information that they require ...</p> <p>(c) if matters arise that in the board's opinion may prevent, or significantly affect, achievement of the GOC's objectives ... immediately inform the shareholding Ministers ...</p>
131	Payment of dividends	<p>(3) Before the end of the financial year, the shareholding Ministers must either—</p> <p>(a) approve the recommendation; or</p> <p>(b) direct the payment of a specified dividend or a different specified dividend, as the case requires.</p>
Other sections relating to the payment of dividends and directions are included in the Act.		
138	Reserve power of shareholding Ministers to direct that asset not be disposed of	(1) The shareholding Ministers of a GOC may, after consultation with the board of a GOC, give the board a written direction requiring the GOC or a subsidiary of the GOC not to dispose of a specified asset.
139	Disposal of main undertakings	(1) A GOC or a GOC subsidiary may dispose of any of its main undertakings only with the prior written approval of the shareholding Ministers.
140	Acquiring and disposing of subsidiaries	<p>A GOC or a GOC subsidiary may—</p> <p>(a) form, or participate in the formation of, a company that will become a subsidiary; or</p>

		(b) acquire shares or participate in any other transaction that will result in a body corporate becoming or ceasing to be a subsidiary; only with the prior written approval of the shareholding Ministers.
141	GOCs and subsidiaries becoming trustees	(1) A GOC may accept appointment as a trustee of a trust only with the prior written approval of the GOC's shareholding Ministers.
Other sections relating to the payment of GOCs as trustees are included in the Act.		
149	Employment and industrial relations plan	(6) The shareholding Ministers may, by written notice, direct the board to take specified steps in relation to the preparation or review of the employment and industrial relations plan. (8) A direction under subsection (6) may specify the extent to which consultations are required either generally or in relation to a particular person or body. (9) The board must provide the shareholding Ministers with information about the outcome of the consultations.
150	Superannuation schemes	A GOC may— (a) establish or amend superannuation schemes; or (b) join in establishing or amending superannuation schemes; or (c) take part in superannuation schemes.
158	Monitoring and assessment of GOCs	(1) The shareholding Ministers of a GOC may delegate their powers under section 122 (Board to keep shareholding Ministers informed) to any person. (2) The shareholding Ministers of a GOC may request the chief executive of the department (the chief executive) to investigate, and report to them on, any matter relating to the GOC or a subsidiary or proposed subsidiary of the GOC. (3) The responsible Ministers of a candidate GOC may request the chief executive to investigate, and report to them on, any matter relating to the candidate GOC or a subsidiary or proposed subsidiary of the candidate GOC.

Attachment B

EMAILS OF INTEREST



Queensland State Archives
September 2017

Email review: controversial emails

Document ID	DPC.001.001.4538
QSA number	831
Title of email:	Re: An Autonomous Vehicle Future
From:	Annastacia Palaszczuk [REDACTED]
Date:	1/17/2016
Issue of concern:	Comments from the Premier about article on autonomous and electric vehicles using private email account.

From: [Annastacia Palaszczuk](#)
To: [Mark Bailey](#)
Subject: Re: An Autonomous Vehicle Future
Date: Sunday, 17 January 2016 5:15:11 PM

Very interesting. When I was mon there
Was some work done on ev ports. Dave
Stewart can talk to Neil .

Sent from my iPhone

On 17/01/2016, at 3:00 PM, Mark Bailey [REDACTED] wrote:

Hey Prem,

We've been having much discussion and debate in our office about autonomous and electric vehicles with this very lucid attached article coming my way over new years via my office.

It reminds me of when Jim Soorley came to the BCC caucus in '95 with a Harvard Business Review article on how the internet would change everything.


IT and smart tech is just starting to do that with vehicles and transport of course. This piece is brilliant and an excellent survey of some of the changes afoot.

I also just had an extended chat with Stirling who is on the same wave length on the public transport side so we'll work together well on this. I've asked my DG to start putting together how and what an AV strategy for Qld would look like as we need to be in this space this year I would strongly suggest. Very consistent of course with our political narrative as well.

Happy to chat further at any stage. It's pretty fascinating territory! M

[Welcome to the Metastructure: The New Internet of Transportation](#)

image



**Welcome to the
Metastructure: The New**
inspired by the architecture of the
Internet, the new way we map our world
is fundamentally (and finally) changing
how we get around.

View on www.wired.com Preview by Yahoo!

Email review: controversial emails

Document ID	DPC.001.001.2808
QSA number	888
Title of email:	RE: Part
From:	[REDACTED]
Date:	2/23/2016
Issue of concern:	Email re potential conflict of interest related to Grantham floods class action.

From: [REDACTED]
To: [Mark Bailey](#)
Subject: RE: Parl
Date: Tuesday, 23 February 2016 11:14:56 AM

Ok.

David saying to me he wasn't told to not discuss with Seqwater.... may have asked them in passing how it was going.

Remember, I see all briefs going to you and aware of need to not involve you.

Key thing is that you followed all advice from the Integrity Commissioner -- there was no advice or recommendation re staff, but you could maybe say you asked me and DGs to ensure no briefings came to you.

> From: [REDACTED]
> Subject: Parl
> Date: Tue, 23 Feb 2016 11:08:59 +1000
> To: [REDACTED]

>

> From Murray who is watching - They seem to be after your staff, which suggests they think they can't get you personally. If they keep digging, there is potentially a story in me having attended that meeting, since I am in Class Actions (albeit excluded from floods). Pls get Denise to let Jade know if there is any follow up.

>

> Sent from my iPhone
--_2fe79d20-3595-43ea-

Email review: controversial emails

Document ID	DPC.001.002.7614
QSA number	499
Title of email:	Re: safe roads plan - intersection announcement
From:	Mark Bailey [REDACTED]
Date:	6/15/2015
Issue of concern:	Emails re comments and plans to meet to discuss safe roads plan using private email accounts.

From: [Mark Bailey](#)
To: [Mick de Brenni](#)
Subject: Re: safe roads plan - intersection announcement
Date: Monday, 15 June 2015 8:53:05 PM

Let's talk tmrw. First I have heard of it being bumped. I'll chat with my cos in the morn. M

Sent from my iPhone

On 15 Jun 2015, at 7:59 pm, Mick de Brenni [REDACTED] wrote:

Any suggestions?

I asked treasury folks to confirm they got this election commitment around the school rd / underwood rd intersection in.

You may recall this is a local gov intersection on boundary Logan and Brisbane, but the site of a future State run busway/ park and ride.

Our plan was to call the intersection upgrade "stage 1" of the busway / park and ride, take it out of the hands of the council and deliver something in this budget for Springwood.

It sounds like the commitment has been knocked off because its "local gov" road – ignoring the idea that it will eventually be State and that I need something to deliver locally – especially in the infrastructure space.

If i go back to that community with the excuse that its local gov, it will really hurt our vote and volunteer base there.

Should I see if I can get this back on track?

Regards,

Mick de Brenni

On 28 May 2015 at 21:08, Mick de Brenni [REDACTED] wrote:

Here's my plan.

Regards,

Mick de Brenni

Email review: controversial emails

Document ID	DPC.001.001.1029
QSA number	1018
Title of email:	Fwd: Thanks Yvette, I think these circumstances are those that Cabinet needs to turn its mind to.
From:	Mick de Brenni [REDACTED]
Date:	8/29/2016
Issue of concern:	Information forwarded to Ministers Bailey and Fentiman - Minister for the Prevention of Domestic and Family Violence re circumstances Cabinet to consider in relation to schedule 2 drugs using private email addresses.

From: Mick de Brenni
To: [REDACTED]
Subject: Fwd: Thanks Yvette, I think these circumstances are those that Cabinet needs to turn its mind to.
Date: Monday, 29 August 2016 8:38:40 AM

----- Forwarded message -----

From: Mick de Brenni [REDACTED]
Date: Sunday, 28 August 2016
Subject: Thanks Yvette, I think these circumstances are those that Cabinet needs to turn its mind to.
To: Yvette D'Ath [REDACTED]

1. Under the Bill, is there any possibility that a person who is in possession of what is currently a schedule 2 drug, will be subject to a higher penalty?
2. Under the Bill, is there any possibility that a person who cultivates cannabis for personal use, but that the amount is deemed to be a traffickable quantity, will be subject to a higher penalty?
3. Will the charge of trafficking what is currently a schedule 2 drug no longer require the establishment of a series of supply charges? For example if a person sells a housemate what is currently a schedule 2 drug on two occasions, will they now be subject to trafficking? And if so is there any possibility that the penalty for the offence will be higher under the Bill
4. If a person supplies a friend with a schedule 1 drug they are currently subject to a maximum of 20 years. If it is a schedule 2 drug the maximum is 15 years. Under the Bill does, giving your housemate cannabis result in a higher penalty than is currently the case?
5. Under the Bill, if your housemate pays you for the what is currently a schedule 2 drug, will you incur a higher penalty than you would currently?
8. Does the offence of aggravated supply (supply to a minor) apply if a minor sells to a minor?
6. LegalAid advises: Possession isn't the same as ownership. You can be in possession of a drug even if you don't own it and haven't used it. For example, if you know there are drugs in your share house the law says they're in your possession even if they belong to someone else." It also advises "If you're caught with Schedule 1 drugs the penalties are more severe than Schedule 2 drugs." Under the Bill is there any possibility that persons in possession in the example specified will be subject to a higher penalty?
7. Are there any reasons the 80% parole rule cannot be removed or amended without collapsing the schedules?

--
Regards,

Mick de Brenni

--

Regards,

Mick de Brenni

Email review: controversial emails

Document ID	DPC.001.002.8486
QSA number	55
Title of email:	Fw: Ministerial contact details
From:	Mark Bailey [REDACTED]
Date:	2/17/2015
Issue of concern:	Email to Bob Macdonald COS using private email address and requesting details of Ministerial email account so can be passed onto electorate office.

From: [Mark Bailey](#)
To: [REDACTED]
Cc: [Yeerongpilly EO](#)
Subject: Fw: Ministerial contact details
Date: Tuesday, 17 February 2015 10:00:45 PM

Hi Bob,

We need a Ministerial email asap please and can you have someone advise my electorate office when we do know? Thanks! Mark

On Tuesday, 17 February 2015, 12:10, Felix Gibson [REDACTED] wrote:

Hey Mark,

Robin and I have been getting a lot of enquiries regarding your new portfolio. Would you be able to send us your Ministerial contact details as soon as you get them?

Thanks!

Felix

Email review: controversial emails

Document ID	DPC.001.002.7372
QSA number	430
Title of email:	Fwd: AEMC draft determination workshop 30 April 2015.pdf
From:	Mark Bailey [REDACTED]
Date:	5/6/2015
Issue of concern:	Email from Peter Simpson (ETU) to Mark Bailey & Curtis Pitt, using private email addresses regarding proposal to deregulate the fitting of metering systems. Email forwarded by Minister Bailey to Denise Spinks using private email address.

From: [Mark Bailey](#)
To: [Denise Spinks](#)
Subject: Fwd: AEMC draft determination workshop 30 April 2015.pdf
Date: Wednesday, 6 May 2015 11:13:51 AM

Sent from my iPhone

Begin forwarded message:

From: "Peter Simpson (ETU)" [REDACTED]
Date: 6 May 2015 10:55:14 am AEST
To: [REDACTED]
Subject: FW: AEMC draft determination workshop 30 April 2015.pdf

Comrades,

Please see below and attached, there is all sorts of [REDACTED] going on in our State at present in respect to cutting training, safety and standards.

The QLD Electrical Safety Office is that in name only since the LNP gutted it. I understand from Master Electricians (Bosses Union) that there are meetings on foot this week about the ESO that I have only heard about from employers.

As per my most recent emails and texts on this Curtis, we campaigned to get the Electrical Safety Act under Beattie, including the structure, Legislation and Regulations. We had extensive discussions with Paul Goldsborough and Jacqueline King from the Department during this process and the reality is there would be nothing in this space without this Union.

I am concerned that this and other safety related issues are surfacing with little or no input from us.

Please advise

Simmo

From: Peter Simpson (ETU)
Sent: Wednesday, 6 May 2015 10:50 AM
To: 'David Mier'; [REDACTED]
Cc: john Adley; Steve Butler; bob donnelly; Troy Gray; [REDACTED]; [REDACTED]; Stuart Traill; Keith McKenzie (ETU)
Subject: AEMC draft determination workshop 30 April 2015.pdf
Importance: High

Comrades,

I've been approached today by an Electricity Industry boss regarding a push by the AEMC to deregulate the fitting of metering systems. He's been advised that AusGrid are currently installing smart meters and metering systems, including "hot meter change outs" with a single person, in what I'd imagine is a contravention of the NSW Safety Regs.

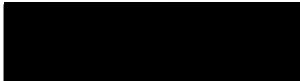
My sources concern is that this is now being pushed as a National issue, with the oversight, if successful, going to a National body that will oversee metering in a deregulated environment.

I'll take it up with our State people obviously, someone will end up dead if this is allowed to continue but it needs to be taken up Nationally obviously (Miersy) and in individual States. The attached is their 30 April presentation to "stakeholders" Please note we were not invited

Simmo

Regards,

Peter Simpson
State Secretary



Email review: controversial emails

Document ID	DPC.001.001.3880
QSA number	910
Title of email:	NIIS key points attached
From:	Murray Watt [REDACTED]
Date:	4/3/2016
Issue of concern:	Email from Murray Watt, Maurice Blackburn Lawyers, sending Mark Bailey talking points for CBRC Ministers regarding the two options presented for the National Injury Insurance Scheme (NIIS).

From: Murray Watt
To: [REDACTED]
Subject: NIIS key points attached
Date: Sunday, 3 April 2016 8:46:24 PM
Attachments: [12169279_1.DOC](#)

NIIS- KEY LINES FOR CBRC MINISTERS

Option A: Treasury projects a \$60 increase to CTP premium.

An attack on rights

- Option A will strip the rights of people who are catastrophically injured in car accidents that are caused by the fault of another person.
- These catastrophically injured people can currently sue, to recover damages from the at-fault driver or their insurer. These damages enable the catastrophically injured person to provide for themselves, to pay for the care and support they require, and in particular, to buy or convert a home with proper disabled access etc.
- Under Option A, these catastrophically injured people will lose their currently existing right to sue, and will be forced onto a bureaucratic system of payments, which will not provide them with the lump sum needed to buy or convert a custom-built house.
- In doing so, Option A removes the catastrophically injured person's dignity and self-determination.
- The Newman Government's attack on workplace injury rights contributed to its defeat. Why would a Labor Government want to take the same step?

Long-term cost to the taxpayer

- International experience has demonstrated that the establishment of a system of bureaucratic payments leads to cost blowouts, which cost taxpayers more and increase pressure on governments to restrict benefits or further reduce legal rights.

A bad precedent for workplace and other injuries

- The NIIS is being rolled out progressively across a range of injuries.
- Whatever model is adopted for car accidents will inevitably be applied to support people with catastrophic injuries caused by workplace accidents..
- A model that reduces rights for those suffering catastrophic workplace injuries is eerily reminiscent of the Newman Government's attacks on WorkCover.

Option B: Treasury projects a \$76 increase to CTP premium.

Protects rights

- Option B will preserve the legal rights of people who are catastrophically injured in car accidents that are caused by the fault of another person.
- These catastrophically injured people can currently sue, to recover damages from the at-fault driver or their insurer. These damages enable the catastrophically injured person to provide for themselves, to pay for the care and support they require, and in particular, to buy or convert a home with proper disabled access etc.

- Under Option B, these catastrophically injured people will retain their currently existing right to sue, and to obtain damages to provide for themselves.
- In doing so, Option B preserves the catastrophically injured person's dignity and self-determination.
- Option B does not create new legal rights for those who do not have them now. Those who are catastrophically injured in a car accident that is their own fault, or where fault cannot be determined, will be provided for by the NIIS.

Lower long-term cost to the taxpayer

- Option B avoids the risk of long-term cost blowouts inherent in a system of bureaucratic payments. While costing slightly more now, the taxpayer is protected from future cost blowouts.
- The Government has options to reduce the cost differential between Options A and B, to the extent that is a concern.

Email review: controversial emails

Document ID	DPC.001.002.7989
QSA number	690
Title of email:	Re: The risks arising from LNP bureaucrats and backers.
From:	Mark Bailey [REDACTED]
Date:	8/12/2015
Issue of concern:	Email thread re risks of LNP affiliated public servants.

From: [Mark Bailey](#)
To: [Noel Morris](#)
Subject: Re: The risks arising from LNP bureaucrats and backers.
Date: Wednesday, 12 August 2015 9:10:39 PM

Thx Noel. Mark Cridland btw I worked with in Soorley BCC and TMR. He's def not LNP. Very smart straight down the line public servant who was axed by Newman in the purge.
M

Sent from my iPhone

On 12 Aug 2015, at 1:30 pm, Noel Morris [REDACTED] wrote:

Hi Mark

As briefly discussed the other night and requested, some information on LNP supporters from within the Bureaucrats, below is an extract from an earlier email to Jackie and Mark Bellaver on the topic.

It obviously focused on Jackie's area and a little dated now, however it gives you an example of the level of LNP influence in the senior levels of the bureaucracy in Queensland, my sources tell me in particular the Main Roads bureaucracy is very much aligned with the LNP.

I will follow up later on the issues arising from my concerns about the advice Jackie is getting on the revised CRR, in particular the advice to put the new city alignment and station along George St.

Later I will provide you with details of the issues and the agenda for George St that is still being driven by a LNP aligned bureaucrats and consultants etc.

Regards Noel

Given I haven't had chance to have a proper discuss, obviously due to you work commitments I thought I would outline a few risks that you need to be aware of by email (just in case you aren't already considering them)

There are a number of risks arising from LNP bureaucrats and backers still in the senior ranks of the departments.

Whilst the DG's/CEO's recruitment process sent a message and provides an opportunity for renewal, of itself it won't solve the LNP supporter's risks to Labor within the ranks of the bureaucracy.

It however, presents another challenge in that many of the senior and mid-level managers in the bureaucracy will be falling over themselves trying to please the

new government ministers and advisors and denying any allegiance to or patronage from the LNP etc.

A big risk to Labor will be from these mid-level and senior level bureaucrats with allegiances to the LNP.

For example the parliamentary estimates process is likely to be the mechanism to put the government under a “blow torch ” with the precarious parliamentary situation if the LNP supporters want to destabilise the Labor Government.

I think this is a real risk from the LNP bureaucrats and backers in the senior ranks of the departments.

By way of some examples of LNP bureaucrats and backers in the senior ranks of the departments within Jackie’s portfolios

Amanda Pafumi the DDG

In Google Search

“Amanda Pafumi”

Read the second entry, The winter of discontent

As you will see she was a Newman Camp follower who apparently I am told enjoyed her roll of ██████████ for the LNP.

Then search “Amanda Pafumi bcc”

Also read the 4th item

Part 1 – Department of Transport and Main Roads, RTI released email, the email trail is very interesting with Michael Caltabiano and the senior stakeholders involved and the topic New Generation Rollingstock (NGR) project etc.

Also Teresa Harding is the LNP candidate for Blair and is holding a senior position in the bureaucracy my sources indicated she was being looked after by the LNP in government.

Another is David Hourigan who was a DDG at Premiers who is now going into QR.

Helen Gluer QR CEO, Helen Gluer’s background with LNP administrations, including BCC is without doubt as a loyal and willing implementer of the LNP agenda etc.

The question now needs to be asked is Helen Gluer protecting or hiding LNP followers within QR as I indicated previously there are a number of senior managers recruited into QR by Helen who were supporting QR’s secret divestment agenda.

Including;

- <!--[if !supportLists]-->• <!--[endif]-->EGM Projects Liam Gordon (ex Treasury divestments area)
- <!--[if !supportLists]-->• <!--[endif]-->Seth Rodgers GM Strategic Projects
- <!--[if !supportLists]-->• <!--[endif]-->Arthur Stamatoudis GM Major Projects In the QR Legal area
- <!--[if !supportLists]-->• <!--[endif]-->Diana Farrelly EGM Governance &

General Counsel

- <!--[if !supportLists]-->• <!--[endif]-->Robert Bosiljerac D General Counsel
- <!--[if !supportLists]-->• <!--[endif]-->Tamarac Dominikovich D General Counsel
- <!--[if !supportLists]-->• <!--[endif]-->Gerard Ryan Counsel
- <!--[if !supportLists]-->• <!--[endif]-->Robin Franklin Contractor and special advisor to QR CEO rumours he's on over \$700k PA and that \$711 was in last year's QR annual report for his package

The others of concern in QR are the QR Chairman of the QR Board Michael Klug who is a partner of Clayton Utz he has overseen the QR Privatisation and separation plans.

It's worth noting that strong rumours that there is a lot of use of Clayton Utz for training by QR and that they have been placing Clayton Utz people in QR etc.

There are also concerns about others on the QR Board and the agenda they were pursuing on behalf of the LNP namely divestment and privatisation and the vested interests they were looking after etc.

It's worth investigating all the \$200k plus positions in QR that were appointment in the last 18 month of the LNP government and for what purpose they were employed for? were they engaged to further the divestment and privatisation agenda of the LNP within QR, if so why are they still working in QR.

In addition to the imbedded LNP people in the senior bureaucracy there is the risk of a few former senior bureaucrats for example from TMR that are likely to be recycled and in my understanding is they are being supported by Dave Stewart for return to Government positions that are of high risk to Jackie and the Government, based on my experience namely Mark Cridland and Ryan Huelin.

Another area worthy of scrutiny is the TMR "Rail Futures" unit which we understand were set up to divest franchise and privatise QR etc.

I will follow up to this and send some emails on a number of positive policy and political agendas like implementing the platform and issues like progressing the fares and services inquiry etc.

Please treat these comments as "without prejudice" as well as private and confidential comments of an individual to help inform your decision making when dealing with the senior bureaucracy heavily influenced by the LNP, particularly the ones I have mentioned here arising from my research and my sources indicate to cautious of etc.

I would prefer to catch up in person soon and discuss a range of areas and issues I can help you with.

Regards Noel

Email review: controversial emails

Document ID	DPC.001.002.4164
QSA number	239
Title of email:	Re: GOC Bargaining Framework
From:	"Peter Simpson (ETU)" [REDACTED]
Date:	2/27/2015
Issue of concern:	Copy of email originally sent to Minister Pitt using private email address and forwarded to Minister Bailey recommending secondment of employee from DJAG to finalise GOC enterprise bargaining agreements. Phone calls between Bailey, Simpson and Pitt to resolve issue.

From: Peter Simpson (ETU)
To: Mark Bailey
Subject: Re: GOC Bargaining Framework
Date: Friday, 27 February 2015 5:41:02 AM

It's been a mammoth effort mate, you should all be very bloody proud

Regards,

Peter Simpson
State Secretary
Electrical Trades Union
Queensland


www.etu.org.au

Join Online
www.etuyes.com
Or call
1800ETUYES

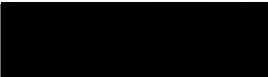
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On 26 Feb 2015, at 10:48 pm, Mark Bailey  wrote:

Great to hear mate. It's been a mammoth challenge straight up with TCMarcia but people have been going for it, Prem has been on the money & very supportive of Ministers, DG's & public servants as we crunch thru the unknown and we've made a solid start. High level of faith and co-operation happy to report. The new era is on track I reckon! M

Sent from my iPhone

On 26 Feb 2015, at 8:38 pm, Peter Simpson (ETU)  wrote:

Mate he rang me tonight thanks, sorted out some mixed signals,

all sorted and can I say he was brilliant to deal with as well!

I'm loving this real Labor Government, let's hope we don't [REDACTED]
up eh, the early signs of people actually giving a rats about
people is bloody encouraging can I tell ya! ;)

Regards,

Peter Simpson
State Secretary
Electrical Trades Union
Queensland

[REDACTED]
www.etu.org.au

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Or call
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On 26 Feb 2015, at 8:36 pm, Mark Bailey

[REDACTED] wrote:

Just got to this now but had left a message for
Treasurer earlier today Simmo. Hopefully get hold
of him tmrw. M

Sent from my iPhone

On 23 Feb 2015, at 11:13 am, Peter Simpson (ETU)

[REDACTED] wrote:

Fyi

From: Peter Simpson (ETU)

Sent: Monday, 23 February 2015 11:13 AM

Subject: GOC Bargaining Framework

Curtis,

I've now finally managed to get hold of
Lloyd Casey, Manager Employee &
Industrial Relations at DJAG

He would be available to come over, on
secondment, to get the GOC Bargaining
Framework's sorted, so the likes of me
can get out of your hair and get back
around the table and finalise the GOC
EBA's

From there a meeting of the
Shareholding Ministers, which I
understand to be, you and Mark, is all
that is needed to get this sorted. We've
currently got people out fixing this mess
that have been dicked around for 18
months by the previous Govt, have no
certainty and no prospects of a pay rise.
This can all be sorted if what I'm
proposing can be facilitated

Please let me know

Simmo

Regards,

Peter Simpson
State Secretary

Email review: controversial emails

Document ID	DPC.001.002.7548
QSA number	459
Title of email:	Re: From Your CEO: Energex welcomes new Director to Board
From:	Mark Bailey [REDACTED]
Date:	5/25/2015
Issue of concern:	Commentary of appointment of Gordon Jardine to Energex board.

From: Mark Bailey
To: Peter Simpson (ETU)
Subject: Re: From Your CEO: Energex welcomes new Director to Board
Date: Monday, 25 May 2015 8:01:04 PM

Will call you about this one tmrw. Was a surprise. M

Sent from my iPhone

On 25 May 2015, at 9:19 am, Peter Simpson (ETU) [REDACTED] wrote:

Seriously? An anti worker flea?

Sent from my iPhone

Begin forwarded message:

From: Stuart Traill [REDACTED]
Date: 25 May 2015 7:54:57 am AEST
To: "Peter Simpson (ETU)" [REDACTED]
Subject: Fwd: From Your CEO: Energex welcomes new Director to Board

You had any dealings with this bloke?

Sent from my iPhone

Begin forwarded message:

From: "TAYLOR John (Energex)" [REDACTED]
Date: 25 May 2015 6:48:05 am AEST
To: Stuart Traill [REDACTED]; "Peter Simpson (ETU)" [REDACTED]
Subject: FW: From Your CEO: Energex welcomes new Director to Board

JOHN TAYLOR
ELECTRICAL TRADES UNION
STATE SENIOR DELEGATE
[REDACTED]

From: Bulletin Board Messages
Sent: Friday, 22 May 2015 2:39 PM
To: All Users
Subject: From Your CEO: Energex welcomes new Director to Board

From your CEO

22 May 2015

Energex welcomes new Director to Board



TERRY EFFENEV
CHIEF EXECUTIVE OFFICER

I am pleased to announce that Gordon Jardine has been appointed as a Director to the Energex Board.

Gordon brings extensive experience in the Australian electricity industry with him to this

Gordon is also a member of the System Reliability Panel of the National Electricity Market and Chairman of the Australian National Committee of CIGRE, the premier international body for high-voltage power systems.

He has represented the transmission network service providers in forums that shape the future development of the National Electricity Market

Gordon spent his early career in the computer software industry, where he held a number of national and international roles, and in the mining industry in Queensland and WA.

role. I'm sure all staff will join with me in congratulating Gordon on his appointment.

Gordon knows our industry well and we welcome his inclusion on the Energex Board. His insights and knowledge will be of great value as we navigate through the changes ahead for our industry.

Regards,

From 1995 to 2011, Gordon was Chief Executive Officer of Powerlink Queensland. During this time, he was seconded to Energex as Chief Executive Officer for nine months in 2004/05.

Terry Effenev
Chief Executive Officer

Since 2011, Gordon has taken up the role of independent Chairman of ElectraNet Pty Limited which owns and operates the high voltage electricity transmission grid in South Australia. He has been an ElectraNet director almost continuously since 2000.

POSITIVE_ENERGY_D



For more information or feedback contact:

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<http://www.energex.com.au>

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.....



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<image006.jpg>

Email review: controversial emails

Document ID	DPC.001.002.7639
QSA number	517
Title of email:	Re: Cabinet
From:	Mark Bailey [REDACTED]
Date:	6/21/2015
Issue of concern:	Email thread where Peter Simpson appears to have knowledge of an upcoming Cabinet vote for changes to Workcover and advising the Minister which way to vote. Minister Bailey says he will call him.

From: [Mark Bailey](#)
To: [Peter Simpson \(ETU\)](#)
Subject: Re: Cabinet
Date: Sunday, 21 June 2015 11:02:49 PM

Will give you a call in the morning comrade. M

Sent from my iPhone

> On 21 Jun 2015, at 2:26 pm, Peter Simpson (ETU) [REDACTED] wrote:
>
> Comrade,
>
> You're apparently getting three options to vote upon tomorrow for the WorkCover changes
>
> A being a full return to pre Blicijie "reforms" including retrospectivity
>
> B being a return from the date we formed Govt with a possible "Reporation Fund" to assist those unable to claim because of Blicijie's "reforms"
>
> C being a return to pre Blicijie without compensation
>
> I may have the order [REDACTED] up but that's pretty much the options
>
> A is the only one acceptable given we argued so strongly against what he did, even if B is the final position, the "Reparations" should ultimately be what the worker would have lost under common law
>
> An important one mate, we obviously hope you go for A
>
> Simmo
>
>
>
>
> Regards,
>
> Peter Simpson
> State Secretary
> Electrical Trades Union
> Queensland
> [REDACTED]
> www.etu.org.au
>
>
> Join Online
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Email review: controversial emails

Document ID	DPC.001.002.7674
QSA number	554
Title of email:	Re: An Angry Email from a [REDACTED] Angry Man
From:	Mark Bailey [REDACTED]
Date:	6/30/2015
Issue of concern:	Email thread where Peter Simpson raises concerns that, in spite of the strings he pulled and effort to get Mark Bailey into Parliament, he is failing to deliver in resolving the ETU and Select Solutions/Ergon energy dispute.

From: Mark Bailey
To: Peter Simpson (ETU)
Subject: Re: An Angry Email from a [REDACTED] Angry Man
Date: Tuesday, 30 June 2015 8:04:29 PM

I know. All good comrade. Talk soon. M

Sent from my iPhone

On 30 Jun 2015, at 7:36 pm, Peter Simpson (ETU) [REDACTED] wrote:

Not a discussion to have after a few ales

Cheers

From: Mark Bailey [REDACTED]
Sent: Tuesday, 30 June 2015 7:33 PM
To: Peter Simpson (ETU)
Subject: Re: An Angry Email from a [REDACTED] Angry Man

Fair enough. Talk tmrw. M

Sent from my iPhone

On 30 Jun 2015, at 7:27 pm, Peter Simpson (ETU) [REDACTED] wrote:

Yeah not tonight Comrade, I'll take a few deep breaths and ring you tomorrow

Simmo

From: Mark Bailey [REDACTED]
Sent: Tuesday, 30 June 2015 7:20 PM
To: Peter Simpson (ETU)
Subject: Re: An Angry Email from a [REDACTED] Angry Man

Right. Well, not much point not talking comrade. We're working it but there has to be a better way to do that. Call me when you can. M

Sent from my iPhone

On 30 Jun 2015, at 6:03 pm, Peter Simpson (ETU) [REDACTED] wrote:

Comrade,

You'll get this tonight, after a long day doing a role that should have 3 Ministers (or 2 and a few Parl Secs) doing it and no doubt throw your hands in the air in exasperation.

That said, [REDACTED] it, I've spent the past 5 months or so talking up this Government and our star recruit, you, telling all and sundry that asked how you were going as our new Minister, that all was ticketyboo. My pride, given the amount of effort and strings I had to pull to get you there have all kept me in defence mode, well not tonight!

That blow up I had with all of you a few weeks ago was systemic of a much broader problem. Straight after the election I joked with a few of our guys about how long it would take the new crew to convince themselves that they got themselves into Parly and into the Ministry without any assistance from the Union movement or in our case the N4S Campaign. Now we're starting to see lip service in a range of areas and disappointingly now yours. A classic example being the attached. You were at the meeting, do you believe that even one sentence of the attached addresses anything we asked for at that meeting?

I've copped it from my Organisers and our Ergon Delegates today. Why are we having to take industrial action against a Government we put there? That's the question I've copped all [REDACTED] day. Why are we now heading to protected action in the Hydros another from our boys on a hook up today, a fair question I now have had to concede to them this afternoon. Tomorrow I have to pull up more Ergon depots over this [REDACTED] Select Solutions [REDACTED] that should never have happened in the first place if a few well-placed feet were put on a few very deserving throats when this [REDACTED] was first raised. Workers not getting raincoats for [REDACTED] sake, working for a GOVERNMENT Owned Corporation, not being paid correctly etc etc etc, a [REDACTED] joke. Ergon are acting this way because from their point of view nothing has changed, they will continue this sort of carry on until it does, leaving us to react accordingly.

As you'd recall after you got the gig, I asked for one meeting, early one morning, where I gave you our view of the world on the merger, from there we left you alone. When Denise came on board I thought great, finally we'll have someone to deal with that can help us sort this [REDACTED] out without having to annoy the piss out of you, well that's been a spectacular failure, she doesn't return calls half the time and my blokes reckon she has done sweet [REDACTED] all for us since taking on the role, from what I've seen my end I concur.

Maybe we were spoilt under Beattie, blokes like McGrady who'd pick the phone up to the respective CEO, in front of the Official and [REDACTED] over issues such as we have had with Select Solutions, blokes like Zackeresen, McCallum etc who were active participants in ensuring that the GOC's in their charge kept to the Labor side of the fence, maybe we just had it too easy and the current situation is what the new norm will be?

Your comment today about "*not wanting to run Ergon*" has been grating on me all day, I've grabbed all my blokes in for a yarn this afternoon to see if it's just me or are we being played for chumps, the consensus is we're being played for chumps. Our members are pissed, my Officials are pissed and I can assure you I'm [REDACTED] pissed off.

Not a happy camper Mark, my text this arvo where I said no rush my end was pretty sarcastic, unfortunately that doesn't come through in a text.

Anyway, my vent for the day, we'll pull up another tomorrow, no doubt Ergon will file for Orders, I'm at the stage of not really caring about that to be honest and pulling a State-

Wide stoppage over the disgrace that is Select Solutions and this Governments' reluctance to tackle an out of control, Tory ridden cesspool that is Ergon Energy and their anti-worker mates!

No more correspondence from us, we will be in the trenches from here on in, doing what we do best.

Simmo

Regards,

Peter Simpson
State Secretary

<JAG-#2919559-v1-
OFSWQ_MIN_LETTER_Proposed_Energy_Government_Owned_Corpor....pdf>

Email review: controversial emails

Document ID	DPC.001.001.8975
QSA number	567
Title of email:	Re: Settlement of Current Dispute
From:	"Peter Simpson (ETU)" [REDACTED]
Date:	7/2/2015
Issue of concern:	Response from Peter Simpson to Ian McLeod CEO of Ergon re settlement of current dispute where Minister Bailey is blind copied into email.

From: Peter Simpson (ETU)
To: McLEOD Ian (NQ)
Subject: Re: Settlement of Current Dispute
Date: Thursday, 2 July 2015 7:56:20 AM

The AER has nothing to do with our industrial arrangements Ian, sounds like this will be a long drawn out process then which is unfortunate

Simmo

Sent from my iPhone

On 2 Jul 2015, at 7:31 am, McLEOD Ian (NQ) [REDACTED] wrote:

Hi Peter,

Thanks.

In principle I'm OK with forming an MOU however I need our people to go through and advise on Schedule 7 and a number of them are tied up on AER response due to be submitted tomorrow. I'll also need to work it through our Board as I will need their endorsement.

I have sent to Peter and Belinda for their review last night.

We will need to discuss core work issues as they relate to market based services determined by the AEMC and I'd like to discuss this with you directly.

Regards

Ian McLeod
Chief Executive
Ergon Energy Corporation Ltd
PO Box 264
Fortitude Valley, Qld, 4006

[REDACTED]
[REDACTED]

From: Peter Simpson (ETU) [REDACTED]
Sent: Wednesday, 1 July 2015 8:44 PM
To: McLEOD Ian (NQ)
Subject: Settlement of Current Dispute
Importance: High

Ian,

I've taken the time tonight to attempt to quantify the current issues in dispute, I've done so in an MOU, as we have done many times in the past.

As we are obviously keen to finalise the issues in dispute, I'm providing it to you tonight so you have time to consider it prior to Peters' meeting with Stuey tomorrow afternoon, let me know if you agree.

Regards,

Peter Simpson
State Secretary

[REDACTED]

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Email review: controversial emails

Document ID	DPC.001.001.8433
QSA number	735
Title of email:	RE: Mergers policy consultation group
From:	"Peter Simpson (ETU)" [REDACTED]
Date:	9/17/2015
Issue of concern:	Email to Mary Curtis Deputy Under Treasurer re withdrawal from merger consultation process where Minister Bailey is blind copied into email.

From: Peter Simpson (ETU) [mailto:psimp@etu.qld.gov.au]
To: Mary-Anne Curtis [mailto:mac@treasury.qld.gov.au]
Cc: [redacted]
Subject: RE: Mergers policy consultation group
Date: Thursday, 17 September 2015 10:43:33 AM
Attachments: [redacted]

Mary-Anne,

The ETU will be withdrawing from the consultation process and urging the other Union to do so as well. As a result, we will obviously not be attending tomorrow.

Cheers,

Peter

From: Mary-Anne Curtis [mailto:mac@treasury.qld.gov.au]
Sent: Wednesday, 16 September 2015 3:46 PM
To: Peter Simpson (ETU) [mailto:psimp@etu.qld.gov.au]
Cc: John Frazer [mailto:jfrazer@etu.qld.gov.au]
Subject: RE: Mergers policy consultation group

Mary-Anne,

Mary-Anne Curtis
Deputy Under Treasurer
Queensland Treasury
Level 9, 100 George Street
[redacted]

Peter

From: Peter Simpson (ETU) [mailto:psimp@etu.qld.gov.au]
Sent: Wednesday, 16 September 2015 11:29 AM
To: Mary-Anne Curtis [mailto:mac@treasury.qld.gov.au]
Cc: John Frazer [mailto:jfrazer@etu.qld.gov.au]; Stuart Traill [mailto:sttraill@etu.qld.gov.au]; Jason Young (ETU) [mailto:jyoung@etu.qld.gov.au]
Subject: RE: Mergers policy consultation group

Mary-Anne,

It will be Stuart Traill and Jason Young

I'd like to attend on an ad hoc basis. It would be my intention to be there this Friday as well.

Peter

From: Mary-Anne Curtis [mailto:mac@treasury.qld.gov.au]
Sent: Wednesday, 16 September 2015 12:16 PM
To: Peter Simpson (ETU) [mailto:psimp@etu.qld.gov.au]
Cc: John Frazer [mailto:jfrazer@etu.qld.gov.au]
Subject: RE: Mergers policy consultation group

Dear Peter

As we discussed at our meeting last week, the Queensland Government is considering structural options for the merger of the five Government-owned Corporations (GOC) in the electricity sector. Such merger is designed to improve the efficiency and effectiveness of these businesses and position them for a sustainable longer-term future under Government ownership.

As part of Government's considerations, it is interested in receiving input from key stakeholders. To facilitate this, a Merger Policy Consultation Group (Consultation Group) is being established to consider and discuss policy implications of potential merger structural options, having regard to the Government's objectives for these businesses. Further details around the role and the purpose of this group will be discussed at the first meeting. The Consultation Group is not required to consider implementation issues and implications for affected employees at this time. Once the Government has announced its decision in relation to the structure, if the merged electricity businesses, separate consultation processes will begin to develop an industrial relation framework, which will guide any implementation activities.

It is proposed that this Consultation Group will meet on a regular basis over the next three to four weeks, with the first meeting proposed for 10:00am Friday, 18 September. Further focused group consultation forums with interested stakeholders may also be held.

Your organisation is invited to nominate two representatives to participate in the consultation group. It would be appreciated if you could please provide details of the representatives by return email. A separate calendar invitation will be sent, along with an agenda for the meeting.

Please feel free to contact me to discuss if you have any questions.

Thanks

Mary-Anne

Mary-Anne Curtis
Deputy Under Treasurer
Queensland Treasury
Level 9, 100 George Street
[redacted]

Web: www.treasury.qld.gov.au

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Email review: controversial emails

Document ID	DPC.001.001.4399
QSA number	826
Title of email:	FW: Network Merger Communications
From:	"Peter Simpson (ETU)" [REDACTED]
Date:	1/14/2016
Issue of concern:	Emails to Ministers Bailey and Pitt and Ministerial staffer David Shankey using private email addresses regarding network merger communications with Ergon, Energex and SPARQ from QTC. Response forwarded to John Frazer, Executive GM of QTC.

From: Peter Simpson (ETU)
To: [REDACTED]
Cc: [REDACTED] Stuart Traill
Subject: FW: Network Merger Communications
Date: Thursday, 14 January 2016 9:24:44 AM
Attachments: [221060-14 160113 Workstream team announcement Fact Sheet - FINALv1.pdf](#)
[image001.jpg](#)

Comrades,

Just got this and it highlights exactly what I raised the first meeting we had on this Mark, in the IR space, they have the most incompetent, evil, useless piece of [REDACTED] in Industrial Relations, ENERGEX's Ian Hess, down as one of the leads on this committee.

You'd remember the paper I handed to you when we first met in your new office early that morning in February, I flagged this exact concern and asked for an external consultant by the name of Mark Algie, Ex Ergon Energy, to be involved in this space to save us all a lot of grief.

I've had subsequent discussions with Curtis and Imogen to that end and I understand from Mark Algie that he met with Imogen just before Xmas.

For this to be released without any further discussion, is just a poke in the eye to us. I'll talk to the others but if this is the road we're going down we will not play any part in it.

Curtis, again, ask Dionne about this Hess character, I wouldn't employ him to weed my garden, I can't speak lowly enough about the man or his style of IR. He loved his job under Newman, that might give you a hint.

Yours in absolute frustration!

Simmo

From: John Frazer [REDACTED]
Sent: Thursday, 14 January 2016 8:48 AM
To: Peter Simpson (ETU) [REDACTED]; Neil Henderson
[REDACTED]
[REDACTED]
Cc: [REDACTED]
Subject: Network Merger Communications

Peter, Neil, Rohan and Adam

As per my email last night and telephone conversations, please find attached communications to all staff of Ergon, Energex and SPARQ.

As you can see this comms is only an update and relates mostly to the establishment of workstreams and the transfer of various personnel from the businesses to the project team. You will also note that there is a reference to the establishment of an Industrial Relation Group

The businesses will be releasing these communications to all staff at 10am so I would appreciate if you could embargo any release from your unions until this time.

Please call me if you have any questions.

Regards
John



John Frazer

Executive General Manager | Risk Analysis Division
Queensland Treasury Corporation

GPO Box 1096 Brisbane Queensland Australia 4001 | Level 6 123 Albert St Brisbane
Queensland 4000

www.qtc.com.au

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Announcement of electricity merger workstream teams

As part of the Queensland Government's plan to merge the State's power distribution businesses, Energex and Ergon Energy, we are pleased to announce the names of new Merger Integration Project team members. The early stages of the merger planning have been completed and 19 employees of Ergon Energy, Energex and Sparq will join the Merger Integration Project team for the next stage.

The appointment of workstream leaders and teams represents a significant milestone for the project. The Merger Integration Project team will be responsible for establishing the merged business as an efficient, adaptable energy company with a strong focus on customers, local communities and delivering sustainable price outcomes.

Workstream leaders and team members have been drawn from across Ergon Energy, Energex and Sparq, and will work collaboratively within the Merger Integration Project team. The merged parent company will be established by mid-2016.

Workstream leaders and team members will be seconded to the Merger Integration Project and will work with the Integration Leader, **Scott Turner**, to plan for the merger of the businesses. Some team members have been seconded to the merger team on a full-time basis, while others will participate part-time.

Other staff within Ergon Energy, Energex and Sparq will also have important roles to play in the merger process by covering the roles of team members seconded to workstreams, providing input to the project teams, and ensuring the businesses continue to operate to high standards of safety, reliability and customer

service. As the merger process progresses, other team members may also be seconded into the Merger Integration Project team.

This stage of the merger process will also involve the establishment of the Electricity Business Restructure Industrial Relations Consultation Group. This will be an important forum for engaging and consulting with unions over the course of the merger process, and for the group to provide advice and oversight on industrial relations issues.

Workstream leaders and team members will work within seven key workstreams during this stage of the Merger Integration Project.

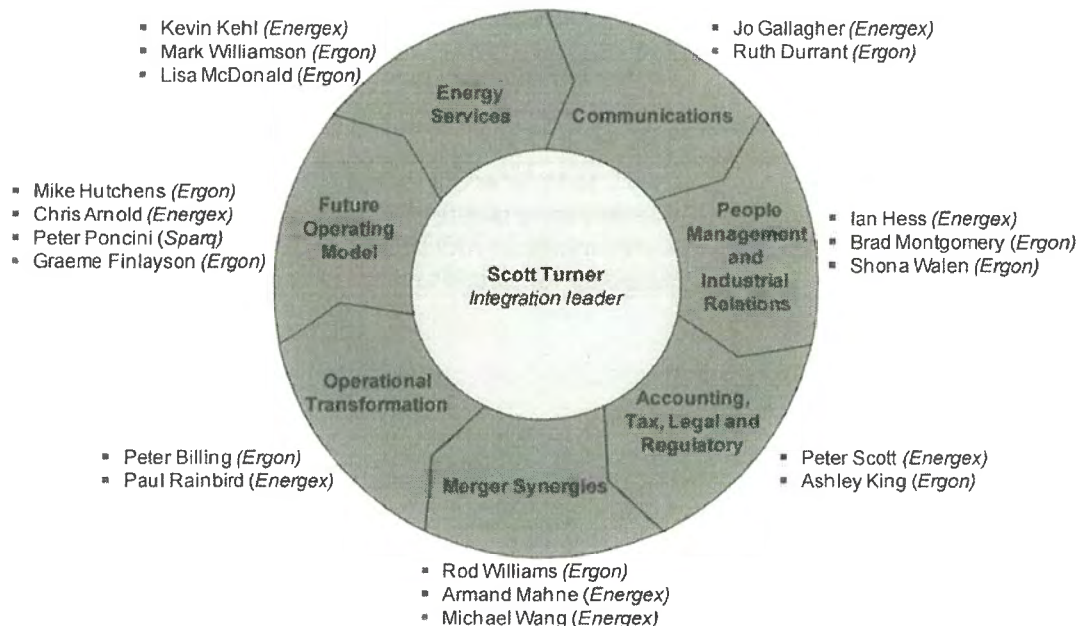
The **Future Operating Model** workstream will develop the high-level organisational structure and functions for the merged business.

The **Operational Transformation** workstream will consider current operational processes and work practices and how these will function in the merged business.

The **Energy Services** workstream will consider the business model for the new energy services business.

Staff in the remaining four workstreams will work with the Merger Integration Project team on a part-time basis to support aspects of the merger. The **Merger Synergies** workstream will capture business data and track efficiency savings from the merged group, while the **Communications, People Management and Industrial Relations, and Accounting, Tax, Legal and Regulatory** streams will support the process in their respective areas of expertise.

From 18 January, the following team members will be seconded to the Merger Integration Project team:



Of these seven workstreams, three will have full-time workstream leaders:

returns and achieving sustainable price outcomes for consumers."



Scott Turner will be the Integration Leader for the Merger Integration Project, responsible for providing leadership and support to the company workstreams and

workstream leaders. In addition, Scott will lead the Future Operating Model workstream, responsible for developing the high-level organisational structure and functions for the merged business.



Kevin Kehl will lead the Energy Services workstream, responsible for the design of the new energy services business within the merged group.

Kevin is the Executive General Manager for Strategy, Regulation and Governance at Energex. He has been an Executive General Manager since 2009. In addition to his current portfolios, he's also had previous responsibility for Finance and Customer / Corporate Relations.

Scott's most recent role was as the Acting Chief Financial Officer at CS Energy. Prior to this, he was the Executive General Manager of Energy Markets at CS Energy. Scott has previously held senior roles at Alinta Energy and Energex, including working as part of the Energex Retail sale process, and on the Service Essentials joint venture between Energex and Ergon Energy.



Peter Billing will lead the Operational Transformation workstream, responsible for reviewing operational processes and work practices.

Following his appointment, Scott said *"For me, the project represents a unique opportunity to establish the merged business as a customer-oriented, efficient energy company that meets objectives such as supporting local communities, providing long term sustainable*

Peter is the Executive General Manager, Customer Service with Ergon Energy. He is responsible for the operational effectiveness of the distribution business and for the safe, efficient operation and maintenance of the network.

Email review: controversial emails

Document ID	DPC.001.001.4407
QSA number	828
Title of email:	Re: Network Merger Communications
From:	"Peter Simpson (ETU)" [REDACTED]
Date:	1/14/2016
Issue of concern:	Emails to Ministers Bailey and Pitt and Ministerial staffer David Shankey using private email addresses regarding network merger communications with Ergon, Energex and SPARQ from QTC. Response forwarded to John Frazer, Executive GM of QTC.

From: Peter Simpson (ETU)
To: Mark Bailey
Subject: Re: Network Merger Communications
Date: Thursday, 14 January 2016 10:25:29 AM

Cheers mate, always the same with QTC, has been for the last 18 years I've been dealing with them

Sent from my iPhone

On 14 Jan 2016, at 10:24 AM, Mark Bailey [REDACTED] wrote:

Working it

Sent from my iPhone

On 14 Jan 2016, at 9:49 AM, Peter Simpson (ETU) [REDACTED] wrote:

From: Peter Simpson (ETU)
Sent: Thursday, 14 January 2016 9:46 AM
To: 'John Frazer' [REDACTED]; Neil Henderson
[REDACTED]
Cc: Stuart Traill [REDACTED]
Subject: RE: Network Merger Communications

John,

I've just read through this and we want to highlight our disgust that this has been tabled before the framework etc we had been working on before Christmas and indeed over the break, has been finalised.

My first reaction is to tell QTC to stick all consultation where the sun doesn't shine and ramp up an industrial campaign I'll be honest. I naively thought that QTC may have had a more consultative view of the world in the wake of Newman's demise, I was obviously wrong.

I'll talk to the others and let Govt know our collective position

Simmo

From: John Frazer [REDACTED]
Sent: Thursday, 14 January 2016 8:48 AM
To: Peter Simpson (ETU) [REDACTED] Neil Henderson
[REDACTED]

[REDACTED]
Cc: [REDACTED]
Subject: Network Merger Communications

Peter, Neil, Rohan and Adam

As per my email last night and telephone conversations, please find attached communications to all staff of Ergon, Energex and SPARQ.

As you can see this comms is only an update and relates mostly to the establishment of workstreams and the transfer of various personnel from the businesses to the project team. You will also note that there is a reference to the establishment of an Industrial Relation Group

The businesses will be releasing these communications to all staff at 10am so I would appreciate if you could embargo any release from your unions until this time.

Please call me if you have any questions.

Regards
John

John Frazer

Executive General Manager Risk Analysis Division
Queensland Treasury Corporation

GPO Box 1096 Brisbane Queensland Australia 4001 ;
Level 6 123 Albert St Brisbane Queensland 4000

<image001.jpg> [REDACTED]

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Email review: controversial emails

Document ID	DPC.001.002.7069
QSA number	1100
Title of email:	Fwd: Draft Constitution
From:	"Peter Simpson (ETU)" [REDACTED]
Date:	11/23/2016
Issue of concern:	Email re potential merger of Energy Super and Equip Super in Victoria. Subject of Australian article.

From: [Peter Simpson \(ETU\)](#)
To: [Mark Bailey](#)
Subject: Fwd: Draft Constitution
Date: Wednesday, 23 November 2016 11:02:02 AM

Mate,

I'm unsure if you're across Energy Super's current discussions with Equip Super in Victoria about a possible merger?

In any event it's been ongoing now for some months.

The GOC's that are represented on the board will have a big say in whether or not any merger proceeds, see my comments below, we may need to talk to you about Govt's position on this prior to Xmas

Cheers

Simmo

Regards,

Peter Simpson
State Secretary
Electrical Trades Union
Queensland


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Begin forwarded message:

From: [REDACTED]
Date: 23 November 2016 at 10:59:06 am AEST
To: Robyn Petrou [REDACTED], Mark Williamson
[REDACTED]
Cc: Scott Wilson ETUQ Trainer <[REDACTED]>
Subject: Draft Constitution

Robyn/Mark,

I've got my lawyers looking over the draft constitution, I've got concerns that our position on having a spot on the board secured has been undermined by the wording that has been put in the draft and also I hold major concerns in respect to their proposal to appoint member directors rather than maintaining a direct election model.

One of the strengths of our fund is equal representation, with the proposed model it will be heavily slanted in favour of employers, which is completely unacceptable to us.

I've also heard the Victorian employers are real keen on having "Union types" on their board, again, this merger is not stacking up from our end.

I'll leave my comments to those few points until I have a marked up document to put back to you by this Friday.

Regards,

Peter Simpson
State Secretary
Electrical Trades Union
Queensland



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Email review: controversial emails

Document ID	DPC.001.002.7077
QSA number	1101
Title of email:	Re: Draft Constitution
From:	"Peter Simpson (ETU)" [REDACTED]
Date:	11/23/2016
Issue of concern:	Email re potential merger of Energy Super and Equip Super in Victoria including Minister Bailey's response. Subject of Australian article.

From: Peter Simpson (ETU)
To: Mark Bailey
Subject: Re: Draft Constitution
Date: Wednesday, 23 November 2016 3:26:41 PM

Yup, not urgent but important when you have five before Xmas

Sent from my iPhone

On 23 Nov. 2016, at 3:25 pm, Mark Bailey [REDACTED] wrote:

Let's chat soon. Flat chat atm. M

Sent from my iPhone

On 23 Nov 2016, at 11:02 AM, Peter Simpson (ETU) [REDACTED] wrote:

Mate,

I'm unsure if you're across Energy Super's current discussions with Equip Super in Victoria about a possible merger?

In any event it's been ongoing now for some months.

The GOC's that are represented on the board will have a big say in whether or not any merger proceeds, see my comments below, we may need to talk to you about Govt's position on this prior to Xmas

Cheers

Simmo

Regards,

Peter Simpson
State Secretary
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Begin forwarded message:

From: [REDACTED]
Date: 23 November 2016 at 10:59:06 am AEST
To: Robyn Petrou
[REDACTED] Mark
Williamson [REDACTED]
Cc: Scott Wilson ETUQ Trainer
[REDACTED]
Subject: Draft Constitution

Robyn/Mark,
I've got my lawyers looking over the draft constitution, I've got concerns that our position on having a spot on the board secured has been undermined by the wording that has been put in the draft and also I hold major concerns in respect to their proposal to appoint member directors rather than maintaining a direct election model. One of the strengths of our fund is equal representation, with the proposed model it will be heavily slanted in favour of employers, which is completely unacceptable to us. I've also heard the Victorian employers are real keen on having "Union types" on their board, again, this merger is not stacking up from our end. I'll leave my comments to those few points until I have a marked up document to put back to you by this Friday.
Regards,
Peter Simpson
State Secretary
Electrical Trades Union
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[REDACTED]

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Email review: controversial emails

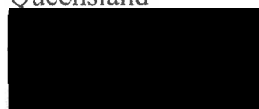
Document ID	DPC.001.001.0044
QSA number	1105
Title of email:	Fwd: Equisuper Constitution
From:	"Peter Simpson (ETU)" [REDACTED]
Date:	11/24/2016
Issue of concern:	Email forwarded to Minister Bailey re Equip Super merger and ETU not supporting merger.

From: [Peter Simpson \(ETU\)](#)
To: [Mark Bailey](#)
Subject: Fwd: Equisuper Constitution
Date: Thursday, 24 November 2016 7:05:29 PM
Attachments: [161124 Email to ETU re Equisuper.doc](#)
[ATT00001.htm](#)

Fyi

Regards,

Peter Simpson
State Secretary
Electrical Trades Union
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Begin forwarded message:

From: "Peter Simpson (ETU)" [Redacted]
Date: 24 November 2016 at 7:04:19 pm AEST
To: Mark Williamson [Redacted] Robyn Petrou
[Redacted] "Scott Wilson(QNU)"
Subject: Fwd: Equisuper Constitution

Guys,

A list of our concerns below, not a definitive list but rather a first blush.

The board selection criteria is a big one for us obviously, as are the appointment of independent Directors. The board appointing member Directors is also obviously an issue.

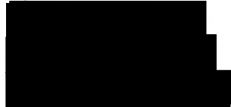
I'll be frank (again) we do not support this merger and the more work that comes out of this process, the more entrenched that view becomes.

I don't know where we go from here but I'm fast getting to the stage where we want to kill it once and for all

Simmo

Regards,

Peter Simpson
State Secretary
Electrical Trades Union
Queensland



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Begin forwarded message:

From: Consultant [REDACTED]
Date: 24 November 2016 at 3:24:09 pm AEST
To: [REDACTED]
Subject: Equisuper Constitution


Peter

Please see attached. Call me to discuss any points that require clarification.

Ian

Ian Kelly | Consultant

Hall Payne Lawyers


www.hallpayne.com.au

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general@hallpayne.com.au
Locked Bag 2013
South Brisbane Qld 4101
ABN 45 137 119 625

4 September 2017

CEPU Electrical Division Queensland Branch

By Email: [REDACTED]

Contact
CON1
Consultant

Phone: 07 3009 6000

Our Reference
CON1:4161819

Your Reference

FORWARDED BY EMAIL

Dear Peter

I have reviewed the Constitution for the Equitysuper Financial Holdings Pty Ltd as amended by Corrs.

The following comments are made;

1. Clause 2.2 provides that additional shares may be allotted and that the number of employer shares shall be equal to the employee shares. However to avoid the potential for dilution of Union voting rights perhaps the number of Union Employer Shares should always remain equal to the number of independent employer shares.
2. Similarly Clause 2.2 (f) any variation should maintain relativity between Union Member shares and Independent member shares. The deed already provides in Clause 2.2 (c) that there should be equal Employer and Employee shares but it needs to go further to avoid so called Independents siding with Employers to get over the three quarters vote requirements.
3. Clause 4.6(a) calls for majority voting at General Meetings to pass resolutions is qualified by 4.7(b) which requires three quarters of member votes. Clause 4.7(b) and (c) are probably in the wrong para and should be moved to Clause 4.6 which deals with the mechanics of voting. In addition Clause 4.7(b) should be expressly subject to Clause 4.7(c) which requires all member votes to modify the rules in relation to ETU or QSU nominations.
4. Clauses 1.6 and 4.9 could probably be deleted as not being not applicable.
5. Clause 5.2(b)(ii) and (iii) are a problem will allow for more independent directors to be appointed which will dilute power. Clause 5.20 provides that decisions of Directors and decided by a vote of 2/3 of the directors in office. This means that 2 employer Directors and 2 Independent Member Directors could conduct business if Union Member Directors were not present. This makes additional Independent Directors problematic and means that meetings need to be faithfully attended.
6. Clause 5.5 (d)(i) and (ii) contain typographical errors in that there is an additional (c) in both of those paragraphs. Clause 5.5 (d)(iii) contains a reference error but attempts to exclude persons who are members of the ETU or QSU from seeking appointment as

independent members. Mere membership of a Union is not an indication of lack of Independence. There should be some criteria for identifying persons who are independent from both Unions and the Employers. The most obvious solution is to allow for a veto of proposed Independent directors by other directors rather than the proposal for Board assent to nominations that currently exist in clauses 5.5 (e) and (f).

7. Clauses 5.5 (e) and (f) both make the acceptance of nominations of directors by the unions conditional 'on the board being satisfied that such a person is suitable for appointment under the board appointment policy.' This should be deleted and the board appointment policy when it is created should be closely scrutinised to ensure that it does not have other repugnant provisions.
8. Clause 5.6 (a) provides that a casual or vacancy of a member director shall be filled by the directors in accordance with the principles as the directors may from time to time determine. This is not correct. Vacancies of Union Member Directors should be filled by the nomination process for appointment. It is not a matter for the Board.
9. Clause 5.18(b) imposes a 10 minute a deadline on the chairperson to be present at meetings This is inconsistent with other provisions in the deed which allow 15 minutes and should be amended.
10. Clause 5.17 which deals with quorum of meetings of Directors should be revisited. It should be three quarters of Directors present with fractions rounded up not two thirds. Two thirds would allow the Employers and Independents to hold meetings ie 4 out of 6. Three quarters would mean that there has to be 5 Directors present, Clause 20(b) should also be amended to require a two thirds vote at directors meeting which could not be achieved under present numbers without a Union Member Director voting for it.

Let me know if you have other matters that you would like to discuss.

Yours faithfully



Ian Kelly
Consultant
Hall Payne Lawyers

Email review: controversial emails

Document ID	DPC.001.002.5092
QSA number	1143
Title of email:	Fwd: Draft Constitution
From:	"Peter Simpson (ETU)" [REDACTED]
Date:	1/17/2017
Issue of concern:	Email to Malcolm Richards, CEO Master Electricians Australia re leaking of information to McKenna of the Australian. Minister Bailey blind copied into email.

From: Peter Simpson (ETU)
To: Malcolm Richards [REDACTED]
Cc: Peter Ong; Stuart Traill
Subject: Fwd: Draft Constitution
Date: Tuesday, 17 January 2017 6:40:07 AM

Mal,

A tip for you, when you leak to a [REDACTED] like McKenna, it's always handy to check that the document you're going to leak has gone to multiple sources (assists in hiding your identity)

When the email in question has only gone to ONE person, e.g. YOU, it's a tad hard to hide it ok?

A bit rich given we'd discussed lobbying Mark and whomever we could to JOINTLY knock this off eh? You must have forgotten to mention that to the Tory flea at the Oz eh?

Kind regards

Simmo

Regards,

Peter Simpson
[REDACTED]

Begin forwarded message:

From: "Peter Simpson (ETU)" [REDACTED]
Date: 23 November 2016 at 11:03:15 am AEST
To: "Malcolm Richards" [REDACTED]
Subject: Fwd: Draft Constitution

For discussion Friday as well

Regards,

Peter Simpson
State Secretary
Electrical Trades Union
Queensland
[REDACTED]

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Begin forwarded message:

From: "Peter Simpson (ETU)" [REDACTED]
Date: 23 November 2016 at 11:02:02 am AEST
To: Mark Bailey [REDACTED]
Subject: Fwd: Draft Constitution

Mate,

I'm unsure if you're across Energy Super's current discussions with Equip Super in Victoria about a possible merger?

In any event it's been ongoing now for some months.

The GOC's that are represented on the board will have a big say in whether or not any merger proceeds, see my comments below, we may need to talk to you about Govt's position on this prior to Xmas

Cheers

Simmo

Regards,

Peter Simpson
State Secretary
Electrical Trades Union
Queensland
[REDACTED]

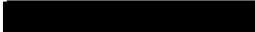

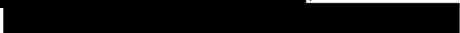


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Begin forwarded message:

From: 
Date: 23 November 2016 at 10:59:06 am AEST
To: Robyn Petrou
, Mark
Williamson 
Cc: Scott Wilson ETUQ Trainer

Subject: Draft Constitution

Robyn/Mark,
I've got my lawyers looking over the draft constitution, I've got concerns that our position on having a spot on the board secured has been undermined by the wording that has been put in the draft and also I hold major concerns in respect to their proposal to appoint member directors rather than maintaining a direct election model. One of the strengths of our fund is equal representation, with the proposed model it will be heavily slanted in favour of employers, which is completely unacceptable to us. I've also heard the Victorian employers are real keen on having "Union types" on their board, again, this merger is not stacking up from our end. I'll leave my comments to those few points until I have a marked up document to put back to you by

this Friday.
Regards,
Peter Simpson
State Secretary
Electrical Trades Union
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Email review: controversial emails

Document ID	DPC.001.001.0832
QSA number	939
Title of email:	Cabinet in Confidence - EHP CBRC
From:	Steven Miles [REDACTED]
Date:	4/17/2016
Issue of concern:	Minister Miles circulates notes for upcoming CBRC meeting relating to Environment and Heritage Protection program. Sent to private email accounts of Ministers Trad, Bailey and Miles.

From: [Steven Miles](#)
To: [Jackie Trad](#); [Mark Bailey](#); [Steven Miles](#)
Subject: Cabinet in Confidence - EHP CBRC
Date: Sunday, 17 April 2016 7:53:21 AM
Attachments: [summary_ehp_bids.docx](#)

Hi guys, enclosed my notes against EHP's programs for CBRC this week.
Let me know if you have any questions.
Steven

Key points

Recent government decisions require Labor to rebuild credibility on the environment.

By spending the same, or in some cases less than LNP we send a message the environment is not a priority for Labor.

	2012-13	2013-14	2014-15	2015-16	2016-17 (no bids)	2017-18 (all bids)
Total EHP operating and capital	212,765	193,551	204,962	225,610	201,129	243,065

Because most FTEs in these programs are absorbed by existing staff or ending programs, total FTE impact is very small.

	2015-16	2016-17 projected	2016-17 (w. all bids)
FTE	1,091	992	1,109

Pristine Rivers Election Commitment

\$1.477M over two years

This is an election commitment:

“Work with traditional owners, stakeholders and communities to legislate protections for Queensland's pristine rivers from large scale industrial operations.”

We need to demonstrate progress on it. But we know from Wild Rivers we have to get process and consultation right.

7 FTE in year 1, 2 in year 2. No ongoing sought.

World Heritage Nomination for Cape York Peninsula and extension to the Fraser Island World Heritage area (Great Sandy).

Election commitment GEC492 requires that:

- a. World Heritage nomination for **Cape York Peninsula** proceed on the basis of stakeholder and Traditional Owner consent; and
- b. nomination dossier is provided to the Australian Government by 30/11/2018.
- c. World Heritage nomination for the proposed **Great Sandy World Heritage area** proceed on the basis of stakeholder and Traditional Owner consent; and
- d. nomination dossier is provided to the Federal Government

Around 6 FTE in year one and two.

Resource and Climate Change Program

Between \$1.6 to \$1.8M increase each year. Only two new FTE.

Post Adani decision it is critical that we develop and resource climate mitigation strategy and programs.

The amount asked is very small, especially when compared to the \$50-60M budget allocated by previous Labor governments. Office of Climate had around 60 staff until 2012.

Cabinet was enthusiastic about climate policy.

Doing good work on this will buffer us from criticism of resource projects – we can't say Adani emissions aren't our responsibility when we don't properly fund efforts to address the emissions that are our responsibility.

Delivery and Implementation of State Waste and Recycling Strategy

Around \$2M a year for recycling. 2 new FTE.

Container deposits and plastic bag ban are both very popular in community and within Caucus.

They are currently un-resourced.

Diverting waste creates jobs and drives feedstock for bio-futures.

Publicly Owned Protected Area Land Acquisition

Election Commitment 379: *Secure and conserve representative and viable samples of all bio-geographical regions of the state in the national park estate and move towards the target set through the Convention on Biological Diversity (i.e. 17% of Queensland)* and Election Commitment 506: *Ensure that the protected area estate is managed in accordance with the cardinal principle to preserve and protect natural condition, cultural resources and values to the greatest possible extent.*

Labor cannot be the first government in many years to not have any funds for park acquisition.

\$7M is a very small amount for land purchases. For example, most recent purchase (Fernvale) cost \$7M for one property.

It is unrealistic to expect CBRC approval for purchases – most properties sell in less time than EHP can get on CBRC agenda.

No new FTE.

Total EHP funds for land acquisition (includes Koalas).

2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17 (no bid)	2017-18 (with bid)
14,576	14,003	105	9,326	20,861	5,959	0	7,000

TITLE NatureAssist (Nature refuges)

Program is in partnership with AgForce.

Private land holders, and philanthropic trusts, sign covenant to conserve land.

Only viable way to substantially expand protected areas.

Needs to be ongoing funding – can't expect people to sign perpetual agreements when government doesn't give certainty of ongoing funding. Roughly \$6M a year.

- Election Commitment 379: *Secure and conserve representative and viable samples of all bio-geographical regions of the state in the national park estate and move towards the target set through the Convention on Biological Diversity (i.e. 17% of Queensland.)*
- Election commitment 391: *Provide incentives and mechanisms for leasehold and freehold land owners to protect environmentally significant ecosystems and corridors and*

Average cost of just over \$5/hectare compared with \$50/hectare for National Parks and 520/hectare for koala habitat.

TITLE The management of crocodiles in Queensland

We can't stop this program – if someone is taken we will be held responsible.

Needs to be on-going funding – LLF means staff have to be temporary which is a safety problem (you can't just send a temp out to catch a crocodile).

Cabinet endorsed approach, supported by local MPs.

About \$1M a year (plus cost of science program endorsed by Cabinet).

TITLE Funding for wildlife management

\$2.3M to continue wildlife funding.

RSPCA could not continue call centre without their grant (which would require us to in-source at greater expense).

TITLE Response to the 2015 South East Queensland Koala Population Survey

The survey which shows a dramatic drop in koala numbers will cause controversy when released.

Even with these funds Labor will be spending less on koala conservation than LNP did. Without these funds Labor will have no dedicated koala conservation.

Grants to Australia Zoo and others will help ensure strong third party endorsements for our response.

Daisy Hill is Mick's marginal seat ask. Other conservation habitat likely to be in Moreton Bay region and popular in those seats.

Operating expenditure – koalas.

<i>2010-11</i>	<i>2011-12</i>	<i>2012-13</i>	<i>2013-14</i>	<i>2014-15</i>	<i>2015-16</i>	2016-17 (no bid)	2017-18 (with bid)
4,158	4,827	2,002	2,593	2,702	2,327	1,392	4,877

TITLE Funding for Regulation of Chapter 3 of the *Water Act 2000*

Previous government had planned to introduce fees to recover costs to manage WROLA. Despite this, DPC and Treasurer have declined our request to continue with that.

Preferred outcome is fees. Otherwise will need these funds to administer.

TITLE Mine Rehabilitation: Regulatory Framework and Implementation Enhancement Project

Sometime soon the public will discover that mine rehabilitation has almost never happened.

It will be important to demonstrate we have work underway to reassure the public that mines will be rehabilitated.

However, with current resources this wont occur for some time.

There is substantial public interest in this issue post Linq, Queensland Nickel etc.

TITLE Alternative management strategies for problem urban flying-fox roosts in North Queensland

This is an ask from Shane Knuth which Premier asked me to bring.

It may be helpful in addressing other flying fox issues (Cairns, Ipswich etc). However I think I'd prefer to have a source of funds to assist Council's rather than one big project.

TITLE Community Sustainability Action Grants

This is probably the most important one.

Most asks on me from backbenchers relate to support for local conservation activities, and for heritage restoration.

Many community orgs responsible for heritage buildings really struggle to fund maintenance let alone restoration.

This will allow around 120 grants per year for conservation and heritage projects. Small money for big bang.

It will also fund the EDO grant Jackie promised.

It is important that it looks different to the LNPs Everyone's Environment Grants, which were \$5M a year. That's why it should be more than that.

Title: Contaminated Land Register and Environmental Management Register

This database of contaminated land, which everyone checks as part of their conveyancing, is at risk of falling over.

It's running on like an Access database someone built 15 years ago.

Tiny money to avoid big risk.

TITLE Allocation of Quarry Materials and Royalties – Coastal Act

This work needs to be done to discover how much quarry material the state can sell out of Moreton Bay and how much state should charge.

All funds go to CF.

TITLE 'Our Environment' Dashboard

This dashboard will open up all of the environmental monitoring data EHP collect to the public.

It's a crucial part of our agenda to be better, more transparent regulator.

For a small investment I think it's an important, positive initiative.

TITLE Connect User Fee

This cost recovery fee is optional in that it only applies if customers choose to use the new system.

TITLE Regulated Waste Tracking

This new fee structure is fairer, and will deliver a small increase in revenue.



CCC Working for Queensland Action Plan 2021-22

This action plan has been developed in response to the results of the 2021 Working for Queensland workplace climate survey. It articulates at the CCC-wide level the actions, responsible officers and timings to be achieved in responding to the focus areas identified for further action by the Executive Leadership Team. It is supported by divisional action plans which provide more targeted actions for each division within the CCC.

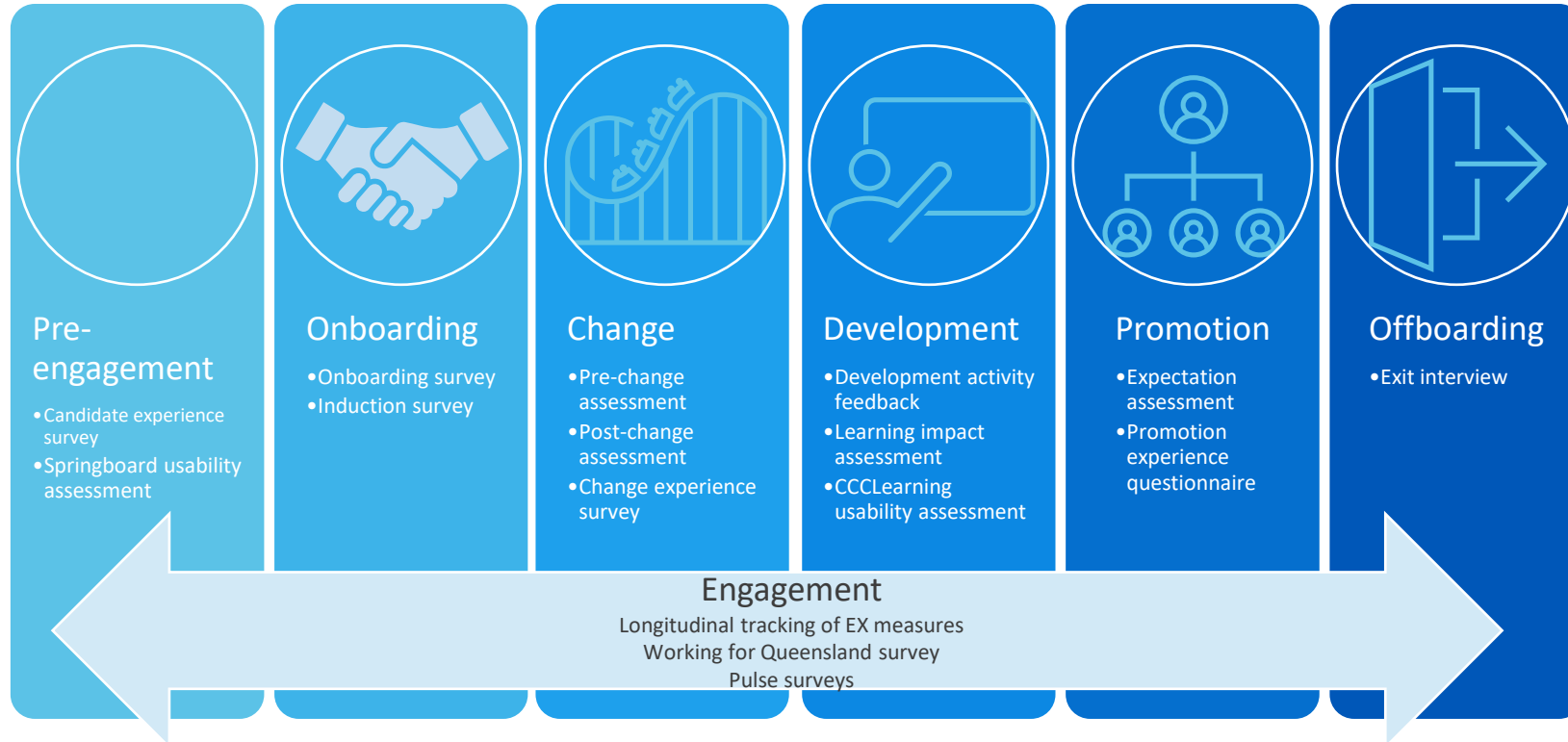
Focus area	Action	Responsible officers	Timing
Red Tape Reduction	Implement divisional processes (an “ideas tracker”) to capture ideas that seek to remove red tape.	Executive Leadership Team	March 2022
	Develop a template to assist commission officers to articulate and develop their ideas (Red Tape Reduction template).	Executive Director, Strategy and Performance	February 2022
	Circulate examples of red tape reduction to assist our people to identify red tape and ways to reduce it.	Executive Director, Strategy and Performance	Ongoing
Recruitment quality and efficiency	Trial relieving pools (similar to the SES/SO relieving pool) for selected positions at A06 and above.	Director, Human Resources	August 2022
	Develop a bank of behavioural questions focused on leadership capabilities for panels to access.	Director, Human Resources	April 2022
Flexible work	Subject to operational requirements, continue to support flexible working arrangements in accordance with QPS and CCC Policy and industrial agreements.	All Managers	Ongoing
Developing our people	Refresh CCC critical capabilities to align with the Workforce Strategy and recognise the full range of portfolio, operational, support and corporate capabilities.	Director, Human Resources	June 2022
	Ensure our centralised learning and development budget balances investment in leadership and management, and technical skills.	Executive Leadership Team	June 2022

CCC Employee Experience Management (EXM) Report

July 2021 – February 2022



Measuring EX through the lifecycle



There are a range of touchpoints at which employee experience (EX) can be measured through the employment lifecycle.

Starting in July 2021, the CCC has delivered measurements in the following categories:

- Onboarding
- Offboarding
- Engagement



EXM Platform Snapshot



4

EXM currently has four surveys to measure employee experience (3 onboarding and 1 offboarding)



32%

Completed **onboarding** survey from 88 participants



46%

Completed **offboarding** survey from 67 participants



75%

Responses indicated Work-life balance was a motivation to joining the CCC



25%

Salary and Superannuation was a motivator to join the CCC



100%

Indicated they are happy with their manager



68%

Responses indicated how accurately the role was described in the pre-appointment process



96%

Responses indicated they were satisfied with their first day induction



| Onboarding results



Candidate Experience

Candidate Experience

Question

Distribution

I have been treated with respect throughout the recruitment process.

100%

I was made to feel welcome when I arrived on my first day.

96% 4%

The information I received before my arrival helped me settle in.

93% 7%

I received my appointment letter within two weeks of being verbally offered the role.

93% 4% 4%

To what level of satisfaction or dissatisfaction did you receive communications about the progres...

89% 11%

The application process enabled me to illustrate my fit with the position.

79% 18% 4%

I knew what to expect on my first day.

79% 18% 4%

How clear were you on what to expect from the recruitment process?

75% 25%

To what extent did the application process meet your expectations?

25% 75%

Positive

Neutral

Negative

In reading the results across this report, responses have been categorised as positive, neutral or negative depending on the extent to which the participant agrees with the statements provided. Percentages of respondents are noted in each section of the graph.

Induction

Induction

Question

Distribution

I know who to ask for help when I need it.

100%

Overall how satisfied were you with your first day induction?

96% 4%

How satisfied were you with the information you received on your first day?

96% 4%

How satisfied were you with the workplace health and safety requirements of working in Green Square?

93% 7%

My team induction was helpful and informative.

93% 7%

My new role was explained to me and I was able to start work without unnecessary delay.

93% 7%

Overall I am satisfied with the information I was provided at my team induction.

93% 7%

How satisfied were you with the time the induction took to complete?

89% 11%

My manager or a member of my team helped me through the team induction checklist.

86% 11% 4%

How satisfied were you with the online modules you completed on your first day?

75% 25%



Job/team

Your job

Name

▼ Your job

How interesting do you find your current role at CCC?

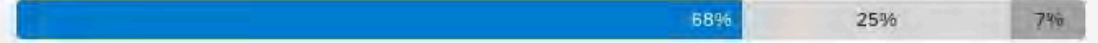
Distribution



I clearly understand my current job responsibilities.



How accurately was the role described to you in the pre-appointment process (ie. are you doing wh...)



Your Team

Name

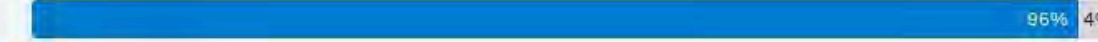
▼ Your team

How comfortable are you feeling working in your team so far?

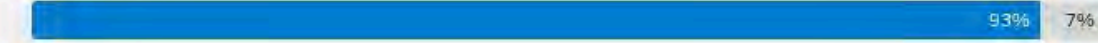
Distribution



How clearly do you understand the objectives of your team?



How clearly do you understand how your role contributes to the objectives of your team?



Manager

Your manager

Question

Overall how satisfied or dissatisfied are you with the support you are receiving from your manager?

How effective has your manager been at helping you resolve work-related issues so far?

Approximately how often have you had one-to-one time with your manager since joining?

Distribution



Training

Your training

Question

How satisfied are you with the training you have so far completed so far?

Distribution



eLearning modules (eg. Code of Conduct, Records Management etc)



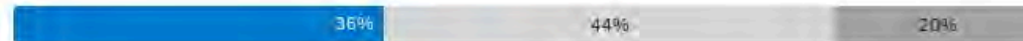
Content Manager (eg. saving and searching official records)



Employee Self Service (Aurion) (eg. completing timesheets, making a leave application)



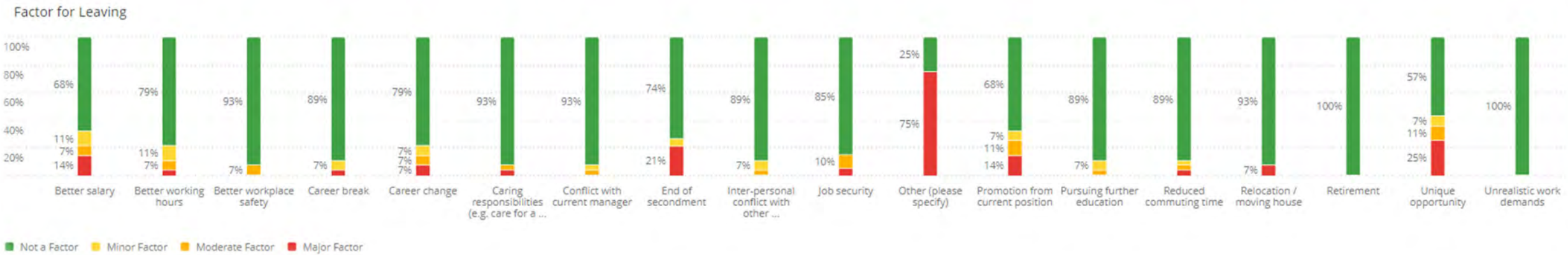
Use of office equipment (eg. telephone pick up, forward calls, setting recorded message, printing, photocopying)



| Offboarding results



Factors for Leaving (detailed)



N.B. Participants are able to select all factors that apply to their decision to leave and rate whether that reason was a major, moderate or minor factor for leaving. The results are shown for each category.



Job/Team

My job

Question

Responses * Distribution

I frequently had access to the equipment and resources I needed to do my job

31

87%

How often did barriers prevent you from successfully getting your work done?

31

97%

How appropriately did this role fit your skills and abilities?

31

97%

My team

Question

Distribution *

How effectively were you able to work with other members of your team?

87%

6%

6%

How adequately or inadequately was the workload distributed across your team?

77%

13%

10%



Manager

My manager

Question

How consistently were you acknowledged when you did good work on your team?

Distribution



I frequently met with my manager discuss my job performance.



How effective was your manager at helping you get your job done?



How effective was your manager at assessing your performance?



Overall

Overall

Question

Overall, how would you rate your experience working for the CCC?

Distribution



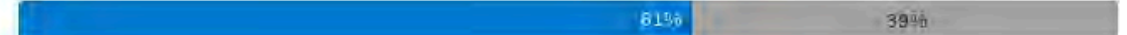
I believe the CCC is a values driven organisation



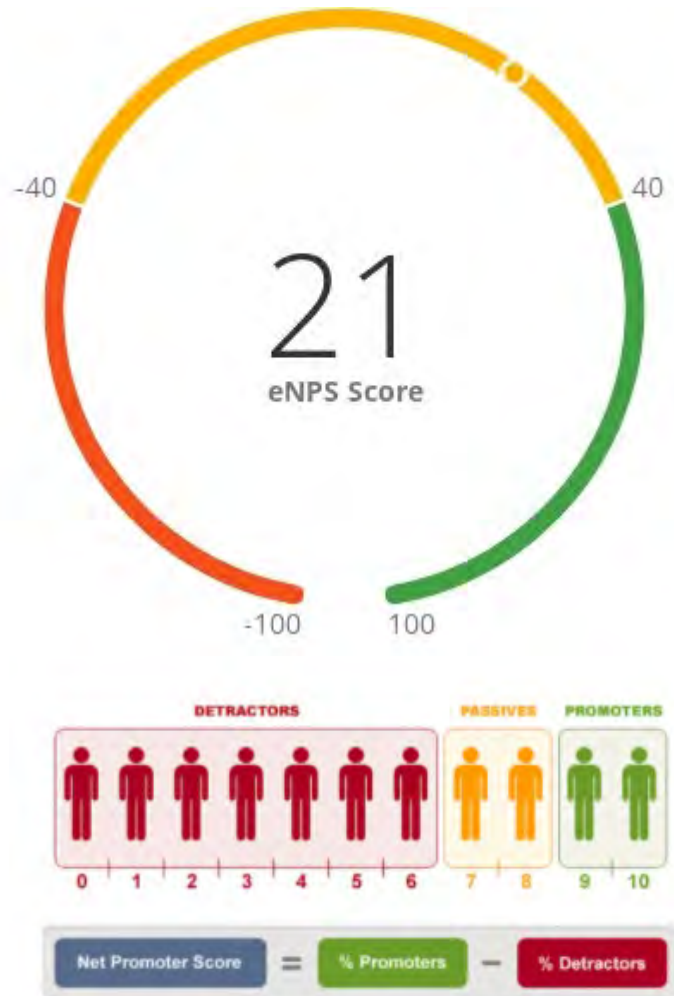
If you were given the opportunity in the future, would you ever consider returning to the CCC?



How likely is it that you would recommend working at the CCC to a friend or colleague who is look...



Net Promoter Score (NPS)



- CCC's NPS is derived from responses to the question - *"How likely is it that you would recommend working at the CCC to a friend or colleague who is looking for a job?"*
- NPS is a number from -100 to 100
 - » -100 = needs improvement
 - » 0 = good
 - » 30 = great
 - » 70 – 100 = excellent
- A 2020 study into 990 Australian businesses found the average NPS was +31
- Australian Government's NPS is +28[^]





Crime and Corruption Commission

QUEENSLAND