

Evan Moorhead

From: Chris Vernon
Sent: Thursday, 22 February 2018 6:35 AM
To: @Premiers Media
Cc: @Minister Bailey Media; Tam van Alphen
Subject: HIB - Bailey email 220118.docx
Attachments: HIB - Bailey email 220118.docx

Hi team,

Please find a HIB on today's private email RTI story in the Aus.

Cheers

Chris

Released under RTI - DPC

BAILEY – TRANSPORT & MAIN ROADS

EMAILS - RTI

As has been well reported, these matters have been fully investigated by the independent watchdog, and that investigation is now closed.

Minister Bailey fully co-operated with the investigation, and no issue was identified with the content of his emails.

Background

McKenna / Parnell story in the Australian, following the release of private emails under RTI between Minister Bailey and ETU officials.

Released under RTI - DPP

Evan Moorhead

From: Tam van Alphen
Sent: Wednesday, 21 February 2018 5:07 PM
To: @Premiers Media; @Minister Bailey Media
Subject: FW: RTI application 17-157 and 17-158 - Third party decisions
Attachments: 17-157 Decision notice - RTI.DOCX; 17-157 - File A - Release - DEFERRED ACCESS.PDF; 17-158 Decision notice - RTI.DOCX; 17-158 - File A - Release - DEFERRED ACCESS smaller.pdf

FYI this story is going to run tomorrow in the Aus.

From: Tam van Alphen
Sent: Monday, 15 January 2018 5:36 PM
To: @Premiers Media <premiers.media@ministerial.qld.gov.au>; Mark Bailey <Mark.Bailey@ministerial.qld.gov.au>; @Minister Bailey Media <MinisterBaileyMedia@ministerial.qld.gov.au>; Donna O'Donoghue <donna.odonoghue@ministerial.qld.gov.au>
Subject: FW: RTI application 17-157 and 17-158 - Third party decisions

Hi all,

The appeal period has expired and there has been no further contact. The RTI officer will be touching base with third parties to confirm no appeal first up in the morning (they have some discretion to accept notice of appeal after the deadline), and will then be releasing.

To note, the Aus mentioned to her that McKenna is going on 2 weeks leave from the end of this week, and might not get an opportunity to write up the story before he leaves.

Tam

From: Tam van Alphen
Sent: Wednesday, 3 January 2018 9:20 AM
To: Mark Bailey <Mark.Bailey@ministerial.qld.gov.au>; Chris Vernon <Chris.Vernon@ministerial.qld.gov.au>; Donna O'Donoghue <donna.odonoghue@ministerial.qld.gov.au>; @Premiers Media <premiers.media@ministerial.qld.gov.au>
Subject: FW: RTI application 17-157 and 17-158 - Third party decisions

For info – spoke with the RTI officer, the date is actually 16 January for release of documents, unless there is an appeal.

The Aus also called them yesterday to confirm that date.

Energy Qld is not appealing, but they are yet to hear from the ETU.

Tam

From: Tam van Alphen
Sent: Thursday, 14 December 2017 11:08 AM
To: Mark Bailey <Mark.Bailey@ministerial.qld.gov.au>; Zoe Russell <Zoe.Russell@ministerial.qld.gov.au>; Denise Spinks <Denise.Spinks@ministerial.qld.gov.au>; Kirby Anderson <Kirby.Anderson@ministerial.qld.gov.au>
Subject: FW: RTI application 17-157 and 17-158 - Third party decisions

For information – this means that the actual documents wouldn't be released before 19 January. Should either party decide to appeal, time will be further extended.

Thanks

Tam

From: MURRAY Rebecca (EHP) [mailto:Rebecca.Murray@ehp.qld.gov.au]
Sent: Thursday, 14 December 2017 10:10 AM
To: Tam van Alphen <Tam.VanAlphen@ministerial.qld.gov.au>
Subject: RTI application 17-157 and 17-158 - Third party decisions

Hi Tam

Just letting you know the third party decisions for 17-157 and 17-158 (applicant was Sean Parnell, the Australian) will be released today. I will be sending decisions to the following parties:

- The ETU responding to objections they made in relation to application 17-157 and 17-158; and
- Energy Queensland responding to an objection they made in relation to application 17-158.

Each third party will have 20 business days from today to lodge an internal or external review of the decisions. I confirm that the applicant will not receive a copy of these decisions, they will only go to ETU and Energy Queensland.

If the parties do not exercise their appeal rights within 20 business days, the documents are able to be released. I will contact you in the new year when this time period is up to let you know if the documents are going to be released to the applicant.

Please do not hesitate to contact me if you have any questions.

Kind regards



Queensland
Government

Rebecca Murray
Principal Right to Information Officer
Right to Information Services | Corporate

P 07 3330 5675 F 07 3033 0930
Level 3, 400 George St, Brisbane QLD 4000
GPO Box 2454, Brisbane QLD 4001
E rebecca.murray@ehp.qld.gov.au

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If you have received this message in error, you are asked to inform the sender as quickly as possible and delete this message and any copies of this message from your computer and/or your computer system network.

File/Ref: 17-157

4 December 2017

Mr Sean Parnell
The Australian
GPO Box 2145
Brisbane QLD 4000

Email: foi@theaustralian.com.au

Dear Mr Parnell

Decision notice under the *Right to Information Act 2009 (Qld)*

I refer to your application under the *Right to Information Act 2009 (Qld)* (RTI Act) which was received by the Office of the Minister for Energy, Biofuels and Water Supply (Minister's Office) on 16 October 2017 and validated on that day with payment of the \$48.00 application fee. In your application you requested access to:

The documents sought in RTI application 16-323 and subsequently destroyed by the Minister, specifically all correspondence on Mark Bailey's private email address - mangocube6@yahoo.co.uk - relating to the proposed merger of state-owned electricity companies to form Energy Queensland.

Time period: 16 February 2015 to 19 January 2017

During processing of your file, I advised that your application was large and attempted to negotiate the scope of the application to reduce the number of responsive documents. On 10 November 2017, you revised the scope as follows:

The documents sought in RTI application 16-323 and subsequently destroyed by the Minister, specifically all correspondence on Mark Bailey's private email address - mangocube6@yahoo.co.uk - relating to the proposed merger of state-owned electricity companies to form Energy Queensland.

Time period: 1 July 2016 to 1 February 2017

I confirm that your file has been processed on the revised scope.

As required under section 24(2)(d) of the RTI Act, you identified The Australian as seeking to use or benefit from access to the documents.

Right to Information Services
Department of Energy and Water
Supply
Level 3
400 George Street Brisbane
GPO Box 2454 Brisbane
Queensland 4001 Australia
Telephone + 61 7 3330 5675
Facsimile + 61 7 3033 0930
Website www.dews.qld.gov.au
ABN 91 416 908 913

Authority to make decisions

I am an officer authorised by the Minister under section 31(1) of the RTI Act to make decisions concerning the provisions of the RTI Act.

Search efforts

As a result of searches of the records within the Minister's Office, I was provided with one page of information relevant to the scope of your request. This page is contained in File A.

Results of third party consultations

During processing of your application, I decided it was necessary to consult under section 37 of the RTI Act with three third parties to determine whether they had any concerns regarding disclosure of the documents. I consulted with the following parties:

- The Electrical Trades Union (ETU)
- Energy Queensland; and
- The Crime and Corruption Commission (CCC).

On 29 November 2017, I received a response from ETU advising that they object to disclosure of the information on the basis that its disclosure would, on balance, be contrary to the public interest. I do not agree with ETU's objections and, accordingly, have decided to release the information to you.

On 29 November 2017, I received a response Energy Queensland advising that it did not object to disclosure of the documents.

The information in issue in this application has come from Minister Bailey's personal email account '*mangocube6@yahoo.co.uk*'. This email account was recently the subject of a CCC investigation. Accordingly, I consulted with the CCC to determine whether it had any concerns regarding disclosure of the information. On 27 November 2017, the Chairperson of the CCC advised that the CCC considered the exemption in schedule 3, section 10(4) of the RTI Act¹ applied to the information however, it had no concerns regarding disclosure of the information as its investigation was finalised and the CCC has reported publicly on its findings.

I have carefully considered the information in issue and I am satisfied that the page comprises exempt information under schedule 3, section 10(4) of the RTI Act. This is because:

- the information was 'obtained' as part of a CCC investigation regarding Minister Bailey's personal email address in March 2017; and
- the investigation undertaken by the CCC is finalised but the information is not '*about*' the applicant applying for the information, The Australian. This means the exception to the exemption does not apply.²

However, sections 44(4), 47(2) and 47(3)(a) of the RTI Act convey a discretionary power on an agency to make a decision to release exempt information, if the agency considers that disclosure of the exempt information supports the pro-disclosure bias of the RTI Act.

I have considered the content of the information in issue, the advice of the CCC and the significant public interest surrounding the investigation undertaken by the CCC and I have decided to exercise my discretion under sections 44(4), 47(2) and 47(3)(a) of the RTI Act and release the one page of information.

¹ Schedule 3, section 10(4) provides that information is exempt information if it was obtained, used or prepared for an investigation by a prescribed crime body, or another agency in the performance of the prescribed functions of the prescribed crime body. Schedule 3, section 10 defines a '*prescribed crime body*' to include the CCC.

² Schedule 3, section 10(6) of the RTI Act contains an exception to the exemption in schedule 3, section 10(4) if the investigation has been finalised and the relevant information is *about* the applicant applying for the information.

Access decision

A prescribed written notice is required to be provided under section 54 of the RTI Act to notify you of the access decision and the reasons for the decision. In summary, after examining the documents I have decided to:

- grant **partial** access to 1 page of information subject to the deletion of personal information under sections 47(3)(b) and 49 of the RTI Act

I made this decision on 4 December 2017.

Reasons for decision

I have decided that some information will not be released as it comprises personal information of an individual and release would not be in the public interest under section 47(3)(b) and Schedule 4 of the RTI Act.

A detailed statement of reasons for my decision can be found at Attachment A.

A schedule outlining the responsive documents is at Attachment B.

Assessment of processing charges

As less than five hours was spent processing your application, in accordance with section 56 of the RTI Act and regulation 5(1)(a) of the *Right to Information Regulation 2009 (Qld)*, no processing charges are payable.

Access arrangements

ETU has objected to the release of the information.

As ETU has objected to the release of the information, under section 37(3)(d) of the RTI Act, I must defer granting access to those documents until the ETU has exhausted their review rights. There is only one page of information responsive to the scope of this application and ETU have objected to its release. Accordingly, I must defer access to *all* information relevant to this RTI application.

The ETU has 20 business days to seek an internal review of my decision to release the information in question. I will advise you if the department receives an internal or external review application.

Disclosure log

Under section 78 of the RTI Act, a document in relation to this decision must be published on the disclosure log if the document does not contain the applicant's personal information and if the applicant accesses the document within the access period. If this occurs the agency should include the following on the disclosure log:

- a copy of the document;
- the applicant's name; and
- the name of the other entity, if the application states that access to the document was sought by the applicant for the benefit or use of another entity.

Prior to publishing the documents on the disclosure log, pursuant to section 78B of the RTI Act, the agency must remove the following types of information from documents:

- information that would unreasonably invade an individual's privacy, including an individual's name;
- information of a confidential nature that was communicated in confidence, and information protected from disclosure under a contract;
- information which may be defamatory;
- information the publication of which is prevented by law; and
- information where disclosure would cause substantial harm to an entity.

If the applicant does not access the documents within the access period, the agency will publish on the disclosure log details identifying the documents, how the documents may be accessed, and any applicable charges.

The disclosure log can be found on the department's website.

Review rights

Please refer to Attachment C for details regarding your review rights.

Further enquiries

If you wish to discuss your application in any way, please do not hesitate to contact me by email: rtiservices@ehp.qld.gov.au or phone: (07) 3330 5675.

Yours sincerely

Rebecca Murray
Principal Right to Information Officer
Right to Information Services

Released under RTI - DPC

**Statement of Reasons
RTI Application 17-157**

Information in issue

The information in issue (Information in Issue) has been removed from 1 part page and comprises the name of an individual.

Relevant law

Under the RTI Act, a person has a right to be given access to documents of a Minister. However, this right is subject to limitations, including grounds for refusal of access. Access to information may be refused where disclosure would, on balance, be contrary to the public interest.³

Section 49 of the RTI Act states that a Minister may refuse access to information where its disclosure would, on balance, be contrary to the public interest. The RTI Act identifies many factors that may be relevant to deciding the balance of the public interest and explains the steps that a decision-maker must take in deciding the public interest as follows:

- identify any irrelevant factors and disregard them
- identify relevant public interest factors favouring disclosure and nondisclosure
- balance the relevant factors favouring disclosure and nondisclosure; and
- decide whether disclosing the information would, on balance, be contrary to the public interest.⁴

Where does the balance of the public interest lie in this matter?

Irrelevant factors

I have examined the irrelevant factors in schedule 4 of the RTI Act and am satisfied I have not taken into account any irrelevant factors in reaching my decision.

Factors favouring disclosure

Section 44 of the RTI Act states that it is Parliament's intention that if an access application is made to an agency or Minister for a document, the agency or Minister should decide to give access to the document unless giving access would, on balance, be contrary to the public interest. Other than this general prodisclosure bias, I do not consider that there are any other factors favouring disclosure that apply to the information in this case.

Factors favouring nondisclosure

The RTI Act recognises that factors favouring nondisclosure will arise where disclosing information could reasonably be expected to:

- prejudice the protection of an individual's right to privacy⁵; and
- cause a public interest harm if it would disclose personal information of a person, whether living or dead.⁶

³ Sections 47(3)(b) and 49 of the RTI Act.

⁴ Section 49(3) of the RTI Act.

⁵ Schedule 4, part 3, item 3 of the RTI Act.

⁶ Schedule 4, part 4, item 6(1) of the RTI Act.

Personal information is defined in section 12 of the *Information Privacy Act 2009* (Qld) (the IP Act) as 'information or an opinion, including information or an opinion forming part of a database, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.'

I have carefully considered the Information in Issue and I am satisfied that the name of an individual can clearly be categorised as personal information and is of a private nature. I consider that the disclosure of this individual's name could intrude on their privacy and find that the public interest harm that could be anticipated from disclosure is relatively high.

For these reasons, I afford both factors favouring nondisclosure of the Information in Issue significant weight.

Balancing the relevant factors

Beyond the general public interest in furthering access to government held information, I can identify no factors which favour disclosure of the Information in Issue. I am not satisfied that this general public interest is, of its own, sufficient to displace the two public interest factors favouring nondisclosure, both of which I have afforded significant weight. Even if I had not afforded these two factors significant weight, I am unable to see how disclosure of limited and particular personal details of this individual could advance the general public interest in furthering access to government held information.

Accordingly, I am satisfied that access to the information can be refused under section 47(3)(b) of the RTI Act on the basis that its disclosure would, on balance, be contrary to the public interest.

Released under RTI/DPO

Schedule of Documents
RTI Application 17-157

File A

PAGES	DESCRIPTION OF INFORMATION REMOVED	ACCESS	REASON
1	Name of an individual	Part release	Schedule 4 CTPI

Released under RTI - DP

Right to Information and Privacy

Review Rights

If you are dissatisfied with a statutory decision the department has made while processing an information access or amendment application under the *Right to Information Act 2009* (the RTI Act) or the *Information Privacy Act 2009* (the IP Act), you can apply to have the decision reviewed. The right of review is available to:

- the information access or amendment applicant
- anyone who this department has consulted in the course of dealing with an information access or amendment application
- anyone who believes the department should have consulted them in the course of dealing with an information access or amendment application

An application for a review must:

- a. be in writing; and
- b. specify an address of the applicant to which notices may be sent; and
- c. give particulars of the decision for review.

There is no charge for a review application.

Internal review

An application for internal review must be lodged with the department within **20 business days** of the date of this decision notice.

If the internal reviewer considers the application for internal review to be valid, a fresh decision must be made within 20 business days of the application being lodged with this department.

The internal review decision will be made by an officer of this department more senior than the original decision maker.

Applications for internal review should be addressed to:

Internal Review Officer
Right to Information Services
Department of Energy and Water Supply
GPO Box 2454
Brisbane Qld 4001

External review

The Office of the Information Commissioner (OIC) is an independent body responsible for reviewing decisions made under the RTI Act and the IP Act.

An application to the OIC for external review must be made within **20 business days** of the date of the department's initial decision or internal review decision notice (whichever is relevant in the circumstances).

An applicant can apply to the Information Commissioner for a review if the department fails to issue a decision notice on the RTI or IP Act application within the statutory timeframe, and has not sought approval from the applicant to extend the timeframe.

An external review application can be made to the Information Commissioner if:

- the agency has failed to make a decision within the time limits
- you are unhappy with the department's initial decision or internal review decision

Applications for external review should be addressed to:

Office of the Information Commissioner
PO Box 10143
Adelaide Street
BRISBANE QLD 4000

For further information about external reviews, please contact the Office of the Information Commissioner at:

Telephone: (07) 3234 7373
Email: administration@oic.qld.gov.au
Facsimile: (07) 3405 1122
Web page: www.oic.qld.gov.au

Note: You may apply for an external review irrespective of whether the department has internally reviewed the decision.

File/Ref: 17-158

4 December 2017

Mr Sean Parnell
The Australian
GPO Box 2145
Brisbane QLD 4000

Email: foi@theaustralian.com.au

Dear Mr Parnell

Decision notice under the *Right to Information Act 2009 (Qld)*

I refer to your application under the *Right to Information Act 2009 (Qld)* (RTI Act) which was received by the Office of the Minister for Energy, Biofuels and Water Supply (Minister's Office) on 16 October 2017 and validated on that day with payment of the \$48.00 application fee. In your application you requested access to:

All correspondence on Mark Bailey's private email address mangocube6@yahoo.co.uk with ETU state secretary Peter Simpson and any other ETU official, including but not limited to Peter Ong and Stuart Trail.

Time period: 16 February 2015 to 16 October 2017

During processing of your file, I advised that your application was large and attempted to negotiate the scope of the application to reduce the number of responsive documents. On 10 November 2017, you revised the scope as follows:

All correspondence on Mark Bailey's private email address mangocube6@yahoo.co.uk with ETU state secretary Peter Simpson and any other ETU official, including but not limited to Peter Ong and Stuart Trail.

Time period: 1 July 2016 to 1 February 2017

I confirm that your file has been processed on the revised scope.

As required under section 24(2)(d) of the RTI Act, you identified The Australian as seeking to use or benefit from access to the documents.

Authority to make decisions

I am an officer authorised by the Minister under section 31(1) of the RTI Act to make decisions concerning the provisions of the RTI Act.

Right to Information Services
Department of Energy and Water
Supply
Level 3
400 George Street Brisbane
GPO Box 2454 Brisbane
Queensland 4001 Australia
Telephone + 61 7 3330 5675
Facsimile + 61 7 3033 0930
Website www.dews.qld.gov.au
ABN 91 416 908 913

Search efforts

As a result of searches of the records within the Minister's Office, I was provided with 182 pages relevant to the scope of your request. These pages are contained in File A.

Results of third party consultations

During processing of your application, I decided it was necessary to consult under section 37 of the RTI Act with three third parties to determine whether they had any concerns regarding disclosure of the documents. I consulted with the following parties:

- The Electrical Trades Union (ETU)
- Energy Queensland; and
- The Crime and Corruption Commission (CCC).

On 29 November 2017, I received a response from ETU advising that they object to disclosure of all 182 pages of information on the basis that the information is exempt or its disclosure would, on balance, be contrary to the public interest. I do not agree with ETU's objections and, accordingly, have decided to release the majority of the relevant information to you.

I also received a response from Energy Queensland advising that it objects to the release of seven pages of information. Energy Queensland objected to disclosure of the information on the basis that it comprises information subject to legal professional privilege under schedule 3, section 7 of the RTI Act. I do not agree with the objections raised by Energy Queensland and have decided to release the information.

The information in issue in this application has come from Minister Bailey's personal email account '*mangocube6@yahoo.co.uk*'. This email account was recently the subject of a CCC investigation. Accordingly, I consulted with the CCC to determine whether it had any concerns regarding disclosure of the information. On 27 November 2017, the Chairperson of the CCC advised that the CCC considered the exemption in schedule 3, section 10(4) of the RTI Act¹ applied to the information however, it had no concerns regarding disclosure of the information as its investigation was finalised and the CCC has reported publicly on its findings.

I have carefully considered the information in issue and I am satisfied that all of the information comprises exempt information under schedule 3, section 10(4) of the RTI Act. This is because:

- the information was 'obtained' as part of a CCC investigation regarding Minister Bailey's personal email address in March 2017; and
- the investigation undertaken by the CCC is finalised but the information is not '*about*' the applicant applying for the information, The Australian. This means the exception to the exemption does not apply.²

However, sections 44(4), 47(2) and 47(3)(a) of the RTI Act convey a discretionary power on an agency to make a decision to release exempt information, if the agency considers that disclosure of the exempt information supports the pro-disclosure bias of the RTI Act.

I have considered the content of the information in issue, the advice of the CCC and the significant public interest surrounding the investigation undertaken by the CCC and I have decided to exercise my discretion under sections 44(4), 47(2) and 47(3)(a) of the RTI Act and release the information.

¹ Schedule 3, section 10(4) provides that information is exempt information if it was obtained, used or prepared for an investigation by a prescribed crime body, or another agency in the performance of the prescribed functions of the prescribed crime body. Schedule 3, section 10 defines a '*prescribed crime body*' to include the CCC.

² Schedule 3, section 10(6) of the RTI Act contains an exception to the exemption in schedule 3, section 10(4) if the investigation has been finalised and the relevant information is *about* the applicant applying for the information.

Access decision

A prescribed written notice is required to be provided under section 54 of the RTI Act to notify you of the access decision and the reasons for the decision. In summary, after examining the documents I have decided to:

- grant **full** access to 92 pages
- grant **partial** access to 60 pages subject to the deletion of personal information under sections 47(3)(b) and 49 of the RTI Act
- **refuse full** access to 8 pages as the information comprises personal information under sections 47(3)(b) and 49 of the RTI Act
- **refuse full** access to 13 pages under section 23 of the RTI Act as the information does not comprise a document of a Minister; and
- **refuse full** access to 9 pages under section 73 of the RTI Act as the information is outside the scope of the RTI application.

I made this decision on 4 December 2017.

Reasons for decision

I have decided that some information will not be released, as the information does not meet the definition of a document of a Minister under the RTI Act, is outside the scope of the RTI application or release would not be in the public interest under section 47(3)(b) of the RTI Act.

A detailed statement of reasons for my decision can be found at Attachment A.

A schedule outlining the responsive documents is at Attachment B.

Assessment of processing charges

As less than five hours was spent processing your application, in accordance with section 56 of the RTI Act and regulation 5(1)(a) of the *Right to Information Regulation 2009 (Qld)*, no processing charges are payable.

Access arrangements

ETU and Energy Queensland have objected to the release of the requested information.

As these parties have objected to the release of the information, under section 37(3)(d) of the RTI Act, I must defer granting access to those documents until the third parties have exhausted their review rights. ETU have objected to all 182 pages of information and accordingly, I must defer access to *all* information relevant to this RTI application.

The third parties have 20 business days to seek an internal review of my decision to release the information in question. I will advise you if the department receives an internal or external review application.

Disclosure log

Under section 78 of the RTI Act, a document in relation to this decision must be published on the disclosure log if the document does not contain the applicant's personal information and if the applicant accesses the document within the access period. If this occurs the agency should include the following on the disclosure log:

- a copy of the document;
- the applicant's name; and

- the name of the other entity, if the application states that access to the document was sought by the applicant for the benefit or use of another entity.

Prior to publishing the documents on the disclosure log, pursuant to section 78B of the RTI Act, the agency must remove the following types of information from documents:

- information that would unreasonably invade an individual's privacy, including an individual's name;
- information of a confidential nature that was communicated in confidence, and information protected from disclosure under a contract;
- information which may be defamatory;
- information the publication of which is prevented by law; and
- information where disclosure would cause substantial harm to an entity

If the applicant does not access the documents within the access period, the agency will publish on the disclosure log details identifying the documents, how the documents may be accessed, and any applicable charges.

The disclosure log can be found on the department's website.

Review rights

Please refer to Attachment C for details regarding your review rights.

Further enquiries

If you wish to discuss your application in any way, please do not hesitate to contact me by email: rtiservices@ehp.qld.gov.au or phone: (07) 3330 5675.

Yours sincerely

Rebecca Murray
Principal Right to Information Officer
Right to Information Services

Statement of Reasons RTI Application 17-158

Document of a Minister

I have refused full access to 13 pages of information under section 23 of the RTI Act.

Section 23 of the RTI Act states that a person has a right to be given access under the RTI Act to:

- documents of an agency; and
- documents of a Minister.

As this application is to the Office of the Minister for Energy, Biofuels and Water Supply, the relevant definition for consideration is 'document of a Minister'.

Section 13 of the RTI Act defines 'document of a Minister' for the purposes of the RTI Act as 'a document in the possession or under the control of the Minister that relates to the affairs of an agency.' Accordingly, under this definition, information that does not relate to the affairs of an agency will not be a document of a Minister, even if it is in the possession or control of the Minister or the Minister is entitled to access it.

The relevant information comprises of correspondence between the Minister and the ETU in relation to issues to be brought to the Queensland Labor Advisory Council. I consider this correspondence comprises of party political information³ and is provided to and accepted by the Minister in his role as a member of the Labor party and his capacity as a Member of Parliament, it is not connected to the affairs of an agency.

Accordingly, I am satisfied that the information does not meet the definition of 'document of a Minister' under the RTI Act and there is no right of access to the information facilitated under section 23 of the RTI Act. For these reasons, I have refused access in full to these 13 pages of information.

Irrelevant information

I have deleted 9 pages of information under section 73 of the RTI Act.

Section 73 of the RTI Act states that where giving access to a document will disclose to the applicant information that an agency reasonably considers is not relevant to the access application, the agency may give access to a copy of the document with the irrelevant information deleted. This is not a ground for refusal of access, but a mechanism to allow irrelevant information to be deleted from documents which are identified for release to an applicant.

In deciding whether information is irrelevant or outside the scope of the application, it is necessary to consider whether the information has any bearing upon, or is pertinent to, the terms of the application.⁴

³ See the commentary on party political information in *Re Michael Nassib Said and John Dawkins, Mp* [1993] AATA 9 at paragraph 26.

⁴ *O80PCE and Department of Education and Training* (Unreported, Queensland Information Commissioner, 15 February 2010) at paragraph 52.

The scope of the RTI application requests access to 'all correspondence on Mark Bailey's private email address mangocube6@yahoo.co.uk with ETU state secretary Peter Simpson and any other ETU official, including but not limited to Peter Ong and Stuart Trail.'

The information contained in the 9 pages comprises *solely* of emails between the Minister and his Chief of Staff *about* ETU State Secretary Peter Simpson, but do not comprise correspondence *with* Peter Simpson. Accordingly, after carefully considering the scope of the RTI application, I am satisfied that this information falls outside the scope of the application and I have deleted it under section 73 of the RTI Act.

Contrary to the public interest information

Information in issue

The information in issue (Information in Issue) in this decision has been removed from 60 part pages and comprises:

- names and identifying information of individuals
- the names, position titles, telephone numbers and email addresses of individuals or private company employees
- the photograph of an individual
- the email address and mobile phone number of an ETU staff member
- the private email addresses of ministerial staff members
- the name, position title, contact details and curriculum vitae of a private individual; and
- information relating to the personal health of an individual.

Relevant law

Under the RTI Act, a person has a right to be given access to documents of a Minister. However, this right is subject to limitations, including grounds for refusal of access. Access to information may be refused where disclosure would, on balance, be contrary to the public interest.⁵

The term 'public interest' refers to considerations affecting the good order and functioning of the community and government affairs, for the wellbeing of citizens generally. This means that ordinarily, a public interest consideration is one which is common to all members of, or a substantial segment of the community, as distinct from matters that concern purely private or personal interests. However, there are some recognised public interest considerations that may apply for the benefit of an individual.⁶

How is the balance of the public interest determined?

Section 49 of the RTI Act states that a Minister may refuse access to information where its disclosure would, on balance, be contrary to the public interest. The RTI Act identifies many factors that may be relevant to deciding the balance of the public interest and explains the steps that a decision-maker must take in deciding the public interest as follows:

- identify any irrelevant factors and disregard them
- identify relevant public interest factors favouring disclosure and nondisclosure
- balance the relevant factors favouring disclosure and nondisclosure; and

⁵ Sections 47(3)(b) and 49 of the RTI Act.

⁶ *Wyeth and Queensland Police Service* [2015] QICmr 26 (18 September 2015) at paragraph 17.

- decide whether disclosing the information would, on balance, be contrary to the public interest.⁷

Where does the balance of the public interest lie in this matter?

Irrelevant factors

I have examined the irrelevant factors in schedule 4 of the RTI Act and am satisfied I have not taken into account any irrelevant factors in reaching my decision.

Factors favouring disclosure

Section 44 of the RTI Act states that it is Parliament's intention that if an access application is made to an agency or Minister for a document, the agency or Minister should decide to give access to the document unless giving access would, on balance, be contrary to the public interest. Other than this general prodisclosure bias, I do not consider that there are any other factors favouring disclosure that apply to the information in this case.

Factors favouring nondisclosure

The RTI Act recognises that factors favouring nondisclosure will arise where disclosing information could reasonably be expected to:

- prejudice the protection of an individual's right to privacy⁸; and
- cause a public interest harm if it would disclose personal information of a person, whether living or dead.⁹

Personal information is defined in section 12 of the *Information Privacy Act 2009* (Qld) (the IP Act) as 'information or an opinion, including information or an opinion forming part of a database, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.'

I have carefully considered the Information in Issue and the definition of personal information under the IP Act and I am satisfied that the Information in Issue can be categorised as personal information and is of a private nature. This information is not otherwise publicly available and its disclosure under the RTI Act would be an intrusion into the privacy of the relevant individuals. Given the disclosure of personal information in this case is likely to intrude on the privacy of other individuals, I consider that the public interest harm that could be anticipated from disclosure is relatively high.

For these reasons, I afford both factors favouring nondisclosure of the Information in Issue significant weight.

Balancing the relevant factors

Beyond the general public interest in furthering access to government held information, I can identify no factors which favour disclosure of the Information in Issue. I am not satisfied that this general public interest is, of its own, sufficient to displace the two public interest factors favouring nondisclosure, both of which I have afforded significant weight. Even if I had not afforded these two factors significant weight, I am unable to see how disclosure of limited and particular personal details of individuals could advance the general public interest in furthering access to government held information.

⁷ Section 49(3) of the RTI Act.

⁸ Schedule 4, part 3, item 3 of the RTI Act.

⁹ Schedule 4, part 4, item 6(1) of the RTI Act.

Accordingly, I am satisfied that access to the information can be refused under section 47(3)(b) of the RTI Act on the basis that its disclosure would, on balance, be contrary to the public interest.

Released under RTI - DPC

**Schedule of Documents
RTI Application 17-158**

File A

PAGES	DESCRIPTION OF INFORMATION REMOVED	ACCESS	REASON
1 to 2	Full release	Full release	Full release
3	Name of an individual	Part release	Schedule 4 CTPI
4	Full release	Full release	Full release
5	Information relating to the health of an individual	Part release	Schedule 4 CTPI
6	Full release	Full release	Full release
7	Name of private company employee	Part release	Schedule 4 CTPI
8 to 9	Full release	Full release	Full release
10	Information relating to the health of an individual	Part release	Schedule 4 CTPI
11	Full release	Full release	Full release
12	The names, position titles, telephone numbers and email addresses of private company employees	Part release	Schedule 4 CTPI
13 to 14	Full release	Full release	Full release
15	The private email address of a ministerial staff member and names of individuals	Part release	Schedule 4 CTPI
16	Full release	Full release	Full release
17	The private email address of a ministerial staff member and names of an individual	Part release	Schedule 4 CTPI
18	The private email address of a ministerial staff member	Part release	Schedule 4 CTPI
19 to 21	Full release	Full release	Full release
22	Names of individuals	Part release	Schedule 4 CTPI
23	Name of an individual	Part release	Schedule 4 CTPI
24 to 29	Full release	Full release	Full release
30	Names of individuals	Part release	Schedule 4 CTPI
31 to 32	Full release	Full release	Full release
33	Names of individuals	Part release	Schedule 4 CTPI
34	Full release	Full release	Full release
35	Names of individuals	Part release	Schedule 4 CTPI

36	Full release	Full release	Full release
37	Information relating to Queensland Labor Advisory Council	Full refusal	Not a document of a Minister under the RTI Act, Section 23 of the RTI Act
38	Information relating to Queensland Labor Advisory Council	Full refusal	Not a document of a Minister under the RTI Act, Section 23 of the RTI Act
39	Information relating to Queensland Labor Advisory Council	Full refusal	Not a document of a Minister under the RTI Act, Section 23 of the RTI Act
40	The private email address of a ministerial staff member	Part release	Schedule 4 CTPI
41	Full release	Full release	Full release
42	The private email address of a ministerial staff member	Part release	Schedule 4 CTPI
43	Full release	Full release	Full release
44	The private email addresses of ministerial staff members	Part release	Schedule 4 CTPI
45 to 47	Full release	Full release	Full release
48	Name of a private company employee	Part release	Schedule 4 CTPI
49	Information relating to Queensland Labor Advisory Council	Full refusal	Not a document of a Minister under the RTI Act, Section 23 of the RTI Act
50	Information relating to Queensland Labor Advisory Council	Full refusal	Not a document of a Minister under the RTI Act, Section 23 of the RTI Act
51	Information relating to Queensland Labor Advisory Council	Full refusal	Not a document of a Minister under the RTI Act, Section 23 of the RTI Act
52	Information relating to Queensland Labor Advisory Council	Full refusal	Not a document of a Minister under the RTI Act, Section 23 of the RTI Act
53	The private email address of a ministerial staff member	Part release	Schedule 4 CTPI
54 to 56	Full release	Full release	Full release
57	The private email addresses of ministerial staff members	Part release	Schedule 4 CTPI
58 to 60	Full release	Full release	Full release
61	Name of a private company employee	Part release	Schedule 4 CTPI
62	Full release	Full release	Full release
63	Information relating to Queensland Labor Advisory Council	Full refusal	Not a document of a Minister under the RTI Act, Section 23 of the RTI Act
64	Information relating to Queensland Labor Advisory Council	Full refusal	Not a document of a Minister under the RTI Act, Section 23 of the RTI Act
65	Information relating to Queensland Labor Advisory Council	Full refusal	Not a document of a Minister under the RTI Act, Section 23 of the RTI Act

66	Information relating to Queensland Labor Advisory Council	Full refusal	Not a document of a Minister under the RTI Act, Section 23 of the RTI Act
67	Information relating to Queensland Labor Advisory Council	Full refusal	Not a document of a Minister under the RTI Act, Section 23 of the RTI Act
68	Information relating to Queensland Labor Advisory Council	Full refusal	Not a document of a Minister under the RTI Act, Section 23 of the RTI Act
69	The private email address of a ministerial staff member	Part release	Schedule 4 CTPI
70	Full release	Full release	Full release
71	The private email addresses of ministerial staff members	Part release	Schedule 4 CTPI
72 to 74	Full release	Full release	Full release
75	Name of a private company employee	Part release	Schedule 4 CTPI
76 to 78	Full release	Full release	Full release
79	Name of a private company employee	Part release	Schedule 4 CTPI
80 to 82	Full release	Full release	Full release
83	Name of a private company employee	Part release	Schedule 4 CTPI
84	Full release	Full release	Full release
85	The private email addresses of ministerial staff members and names of private company employees	Part release	Schedule 4 CTPI
86	Full release	Full release	Full release
87	The private email addresses of ministerial staff members and names of private company employees	Part release	Schedule 4 CTPI
88	Names of a private company employee	Part release	Schedule 4 CTPI
89 to 90	Full release	Full release	Full release
91	Names of individuals	Part release	Schedule 4 CTPI
92	Full release	Full release	Full release
93	Name of a private company employee and names of individuals	Part release	Schedule 4 CTPI
94	Name of an individual and identifying information	Part release	Schedule 4 CTPI
95 to 97	Full release	Full release	Full release
98	The name, position title and contact details of a private individual	Part release	Schedule 4 CTPI
99	Curriculum vitae of a private individual	Full refusal	Schedule 4 CTPI
100	Curriculum vitae of a private individual	Full refusal	Schedule 4 CTPI
101	Curriculum vitae of a private individual	Full refusal	Schedule 4 CTPI
102	Curriculum vitae of a private individual	Full refusal	Schedule 4 CTPI
103	Curriculum vitae of a private individual	Full refusal	Schedule 4 CTPI
104	Curriculum vitae of a private individual	Full refusal	Schedule 4 CTPI
105	Contact details of a private individual	Part release	Schedule 4 CTPI
106	The name, position title and contact details of a private individual	Part release	Schedule 4 CTPI
107	Name of an individual and identifying information	Part release	Schedule 4 CTPI

108	Name of an individual and identifying information	Part release	Schedule 4 CTPI
109	Photograph of an individual	Full refusal	Schedule 4 CTPI
110	Name of an individual and identifying information	Part release	Schedule 4 CTPI
111	Name of an individual and identifying information	Part release	Schedule 4 CTPI
112	Photograph of an individual	Full refusal	Schedule 4 CTPI
113	Name of an individual	Part release	Schedule 4 CTPI
114	Email address of an ETU staff member	Part release	Schedule 4 CTPI
115	Full release	Full release	Full release
116	Mobile phone number of an ETU staff member	Part release	Schedule 4 CTPI
117	Email address and mobile phone number of an ETU staff member	Part release	Schedule 4 CTPI
118	Name of an individual and identifying information	Part release	Schedule 4 CTPI
119	Name of an individual and identifying information	Part release	Schedule 4 CTPI
120	Name of an individual and identifying information	Part release	Schedule 4 CTPI
121	Name of an individual and identifying information	Part release	Schedule 4 CTPI
122	Full release	Full release	Full release
123	Email address of private company employees	Part release	Schedule 4 CTPI
124	Full release	Full release	Full release
125	Email address and mobile phone number of an ETU staff member	Part release	Schedule 4 CTPI
126	Email address and mobile phone number of an ETU staff member	Part release	Schedule 4 CTPI
127 to 146	Full release	Full release	Full release
147	Email address of an ETU staff member	Part release	Schedule 4 CTPI
148	Mobile phone number of an ETU staff member	Part release	Schedule 4 CTPI
149 to 152	Full release	Full release	Full release
153	Names and email addresses of private company employees	Part release	Schedule 4 CTPI
154	Full release	Full release	Full release
155	Names and email addresses of private company employees	Part release	Schedule 4 CTPI
156	Full release	Full release	Full release
157	Names and email addresses of private company employees	Part release	Schedule 4 CTPI
158	Full release	Full release	Full release
159	Names and email addresses of private company employees	Part release	Schedule 4 CTPI
160	Name, position title and telephone number of a private company employee	Part release	Schedule 4 CTPI
161 to 162	Full release	Full release	Full release
163	Name, position title and signature of a private company employee	Part release	Schedule 4 CTPI

164	Email between the Minister and his Chief of Staff about ETU State Secretary Peter Simpson, but not correspondence <i>with</i> Peter Simpson.	Full refusal	Out of scope
165	Email between the Minister and his Chief of Staff about ETU State Secretary Peter Simpson, but not correspondence <i>with</i> Peter Simpson.	Full refusal	Out of scope
166	Email between the Minister and his Chief of Staff about ETU State Secretary Peter Simpson, but not correspondence <i>with</i> Peter Simpson.	Full refusal	Out of scope
167	Email between the Minister and his Chief of Staff about ETU State Secretary Peter Simpson, but not correspondence <i>with</i> Peter Simpson.	Full refusal	Out of scope
168	Email between the Minister and his Chief of Staff about ETU State Secretary Peter Simpson, but not correspondence <i>with</i> Peter Simpson.	Full refusal	Out of scope
169	Email between the Minister and his Chief of Staff about ETU State Secretary Peter Simpson, but not correspondence <i>with</i> Peter Simpson.	Full refusal	Out of scope
170	Email between the Minister and his Chief of Staff about ETU State Secretary Peter Simpson, but not correspondence <i>with</i> Peter Simpson.	Full refusal	Out of scope
171	Email between the Minister and his Chief of Staff about ETU State Secretary Peter Simpson, but not correspondence <i>with</i> Peter Simpson.	Full refusal	Out of scope
172	Email between the Minister and his Chief of Staff about ETU State Secretary Peter Simpson, but not correspondence <i>with</i> Peter Simpson.	Full refusal	Out of scope
173	Full release	Full release	Full release
174	Names and email addresses of private company employees	Part release	Schedule 4 CTPI
175 to 176	Full release	Full release	Full release
177	Names and email addresses of private company employees	Part release	Schedule 4 CTPI
178	Full release	Full release	Full release
179	Names of individuals and email address of a private individual	Part release	Schedule 4 CTPI
180	Full release	Full release	Full release
181	Names and email addresses of private company employees	Part release	Schedule 4 CTPI
182	Full release	Full release	Full release

Right to Information and Privacy

Review Rights

If you are dissatisfied with a statutory decision the department has made while processing an information access or amendment application under the *Right to Information Act 2009* (the RTI Act) or the *Information Privacy Act 2009* (the IP Act), you can apply to have the decision reviewed. The right of review is available to:

- the information access or amendment applicant
- anyone who this department has consulted in the course of dealing with an information access or amendment application
- anyone who believes the department should have consulted them in the course of dealing with an information access or amendment application.

An application for a review must:

- a. be in writing; and
- b. specify an address of the applicant to which notices may be sent; and
- c. give particulars of the decision for review.

There is no charge for a review application.

Internal review

An application for internal review must be lodged with the department within **20 business days** of the date of this decision notice.

If the internal reviewer considers the application for internal review to be valid, a fresh decision must be made within 20 business days of the application being lodged with this department.

The internal review decision will be made by an officer of this department more senior than the original decision maker.

Applications for internal review should be addressed to:

Internal Review Officer
Right to Information Services
Department of Energy and Water Supply
GPO Box 2454
Brisbane Qld 4001

External review

The Office of the Information Commissioner (OIC) is an independent body responsible for reviewing decisions made under the RTI Act and the IP Act.

An application to the OIC for external review must be made within **20 business days** of the date of the department's initial decision or internal review decision notice (whichever is relevant in the circumstances).

An applicant can apply to the Information Commissioner for a review if the department fails to issue a decision notice on the RTI or IP Act application within the statutory timeframe, and has not sought approval from the applicant to extend the timeframe.

An external review application can be made to the Information Commissioner if:

- the agency has failed to make a decision within the time limits
- you are unhappy with the department's initial decision or internal review decision

Applications for external review should be addressed to:

Office of the Information Commissioner
PO Box 10143
Adelaide Street
BRISBANE QLD 4000

For further information about external reviews, please contact the Office of the Information Commissioner at:

Telephone: (07) 3234 7373
Email: administration@oic.qld.gov.au
Facsimile: (07) 3405 1122
Web page: www.oic.qld.gov.au

Note: You may apply for an external review irrespective of whether the department has internally reviewed the decision.

Mark Bailey

From: Peter Simpson (ETU) <simmo@etu.org.au> on behalf of Peter Simpson (ETU)
Sent: Saturday, 24 September 2016 7:20 PM
To: Stuart Traill; Mark Bailey
Subject: Schedule 4 CTPI

Sent from my iPhone

Begin forwarded message:

From: <simmo@etu.org.au>
Date: 24 September 2016 at 7:19:31 pm AEST
To: "EFFENEY Terry (ENERGEX)" <terryeffeney@energex.com.au>
Subject: Schedule 4 CTPI

Terry,

You might want to pass this on too eh

"He also told me they are going to absorb SPARQ into energex/ergon, but haven't told the staff"

Sent from my iPhone

Donna O'Donoghue

From: Donna O'Donoghue
Sent: Tuesday, 6 March 2018 1:47 PM
To: Tam van Alphen
Subject: RE: [TRANSCRIPT] ABC Radio Brisbane Drive - Michael McKenna - 5 March 2018

Tam, what you propose is correct.

Also, the CCC said no such thing:
They said that it wasn't in line with the Ministerial Code of Conduct to have discussions between a minister and stakeholders such as the ETU.

From: Tam van Alphen
Sent: Tuesday, 6 March 2018 1:26 PM
To: Donna O'Donoghue <donna.odonoghue@ministerial.qld.gov.au>
Cc: Denise Spinks <Denise.Spinks@ministerial.qld.gov.au>
Subject: FW: [TRANSCRIPT] ABC Radio Brisbane Drive - Michael McKenna - 5 March 2018

Hi Donna –

Am going to do a few lines on RTI process, to cover off comments in here.

Would be great to get your input.

My understand is that it's usual for the individual to whom the RTI request relates to undertake the initial search. Ultimately it's the RTI officer who has delegated authority under the Act to determine whether documents are in scope – and the decision notices in question here actually show that.

Thanks

Tam

From: Chris Vernon
Sent: Tuesday, 6 March 2018 12:00 PM
To: Tam van Alphen <Tam.VanAlphen@ministerial.qld.gov.au>; Mark Bailey <Mark.Bailey@ministerial.qld.gov.au>
Cc: Emily Brogan <Emily.Brogan@ministerial.qld.gov.au>; @Minister Bailey Media <MinisterBaileyMedia@ministerial.qld.gov.au>
Subject: FW: [TRANSCRIPT] ABC Radio Brisbane Drive - Michael McKenna - 5 March 2018

From: Media Reporters [mailto:mediareporters@premiers.qld.gov.au]
Sent: Tuesday, 6 March 2018 11:59 AM
To: Chris Vernon <Chris.Vernon@ministerial.qld.gov.au>
Cc: @Minister Bailey Media <MinisterBaileyMedia@ministerial.qld.gov.au>; External - Media Reporters <mediareporters@premiers.qld.gov.au>
Subject: [TRANSCRIPT] ABC Radio Brisbane Drive - Michael McKenna - 5 March 2018

Hi Chris and team

Please find transcript attached of yesterday's Michael McKenna interview on ABC Radio Brisbane Drive program.

Regards
Jodi



Queensland
Government

Jodi Staunton Smith

Senior Media Consultant, External Relations & Services
Strategy and Engagement
Department of the Premier and Cabinet

P 07 3003 9495 M 5.73 Telephone Number
Level 29, 1 William Street, Brisbane QLD 4000
PO Box 15185, City East, QLD 4002

Please consider the environment before printing this email

From: Chris Vernon [mailto:Chris.Vernon@ministerial.qld.gov.au]
Sent: Tuesday, 6 March 2018 10:57 AM
To: Media Reporters <mediareporters@premiers.qld.gov.au>
Cc: @Minister Bailey Media <MinisterBaileyMedia@ministerial.qld.gov.au>
Subject: RE: Mediaportal Alert - Energy alert

Just saw you're already on this. Thanks.

From: Chris Vernon
Sent: Tuesday, 6 March 2018 10:56 AM
To: External - Media Reporters <mediareporters@premiers.qld.gov.au>
Cc: @Minister Bailey Media <MinisterBaileyMedia@ministerial.qld.gov.au>
Subject: FW: Mediaportal Alert - Energy alert

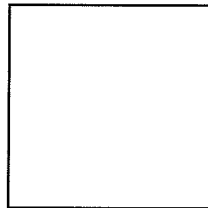
Hi team – can someone please send up the audio and transcript of the interview with Michael McKenna on Steve Austin (ABC Bris) yesterday? ASAP please.

Cheers

Chris

From: mediaportal.au@isentia.com [mailto:mediaportal.au@isentia.com]
Sent: Tuesday, 6 March 2018 7:22 AM
To: Chris Vernon <Chris.Vernon@ministerial.qld.gov.au>
Subject: Mediaportal Alert - Energy alert

MEDIAPORTAL ALERT
Energy alert



Interview with Queensland Bureau Chief with The Australian Michae
05 Mar 2018 5:39PM • ABC Radio Brisbane, Brisbane (Drive)
hosted by Steve Austin

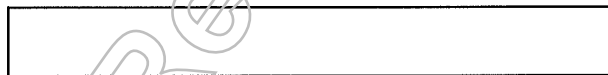
Interview with Queensland Bureau Chief with The Australian Michael McKenna Austin says journalists are watching to see of Opposition Leader Deb Frecklington follows through with her commitment to refer Cabinet Minister Mark Bailey to the Ethics Committee of Parliament whether he misled Parliament on his use of a private email account. The news was revealed by The Australian. McKenna says it began in 2017 after The Australian newspaper got a leaked partial email from Bailey's private account which shows he had been lobbied by the former State secretary of ETU Peter Simpson. Simpson has said Bailey he did not want a superannuation electricity fund in Queensland. Austin notes Bailey has deleted his private email account. McKenna says they have asked Bailey to release the entire exchange, which Bailey disagreed. Austin notes CCC have investigated but they did not find illegal action. However, they criticised Minister as his action is not in line with the ministerial code of conduct to have discussions with a Minister and stakeholders, such as the ETU. CCC have also said evidences are insufficient even if he was guilty of a technical breach of the public records in destroying documents. McKenna says around 600 work-related email exchanges have been found between Bailey, ETU and others. McKenna says the RTI [Right to Information Law] found 892 of correspondents. Austin notes McKenna labelled the emails as a back channel dialogue. McKenna says Bailey and Simpson did not talk about concerns of breaching the ministerial code. McKenna reveals Simpson has disputes with Ergon, Energex and Stanwell. Austin notes ETU is getting special treatment. McKenna has also reveals there is a dispute in employment pay. Austin asks the actions of the Premier about this. McKenna says the Premier has not introduced ministerial guidelines. Austin says the Integrity Commissioner of Parliament was critical of the process involving Bailey. McKenna says Integrity Commissioner Richard Bingham warned there will be a conflict of interest for Bailey when he was first put in his position as he had his ETU membership. McKenna says Freckling has indicated that she intends to refer the matter to the Ethics Committee. McKenna says this is a loophole in the RTI Act.

Brief: Energy Radio & TV • ASR: AUD 6,619 • Duration: 15 mins 00 secs • Market: QLD • Country: Australia • Item ID: X00073828825

Interviewees: Michael McKenna, Queensland Bureau Chief with The Australian

Audience: 18,000 (all people)

Demographics: 10,000 (male 16+) • 7,000 (female 16+)



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Released under RTIP - DPC

Kerryn Manifold

From: mediaportal.au@isentia.com
Sent: Wednesday, 7 March 2018 8:00 AM
To: Kerryn Manifold
Subject: Mediaportal Alert - Premier and Cabinet

MEDIAPORTAL ALERT Premier and Cabinet



AM Radio (5 items)

Queensland Opposition Leader Deb Frecklington says it's disturbin

07 Mar 2018 6:32AM • ABC Southern Queensland, Toowoomba (06:30 News)

hosted by Newsreader

Queensland Opposition Leader Deb Frecklington says it's disturbing a national body representing remote students hasn't been included in an anti-cyberbullying task force. Frecklington says the ICPA would have provided insight into the challenges faced by rural school children. She says the Queensland Premier Anastacia Palaszczuk needs to rethink her decision.

Brief: Ministerial - Radio & TV • ASR: AUD 92 • Duration: 0 mins 45 secs • Market: QLD • Country: Australia • Item ID: X00073849748

Interviewees: Deb Frecklington, Queensland Opposition Leader

Audience: N/A (all people)

Demographics: N/A (male 16+) • N/A (female 16+)

News Headlines - There has been a cautious response from US Pres

07 Mar 2018 6:46AM • ABC North Queensland, Townsville (Breakfast)
hosted by Michael Clarke

News Headlines - There has been a cautious response from US President Donald Trump to possible talks with the North Korean regime. Trump says in a tweet that possible progress was being made in talks with the country, but he added it may be false hope that the US is ready to go hard in either direction. Dan Coats, Director, Defence Intelligence Agency, was less than positive about the possibility of a breakthrough saying America's bottom line remains the dismantling of North Korea's nuclear weapons program. - BHP

CEO Andrew Mackenzie has joined the course of condemnation of the Trump Administration's decision to impose hefty tariffs on steel and aluminium imports. - State politicians have been warned not to think recent rain in Western Qld has broken the state's crippling drought. The member for the western seat of Gregory Lachlan Millar has told parliament the rain event lingering over the interior has dropped up to 400mm across the region, but he says it's still not enough. - Australia's David Warner and South Africa's Quinton de Kock have been charged by the International Cricket Council for their off-field confrontation during the first Test in Durban.

Brief: Ministerial - Radio & TV • ASR: AUD 229 • Duration: 1 mins 52 secs • Market: QLD • Country: Australia • Item ID: X00073849449

Audience: N/A (all people)

Demographics: N/A (male 16+) • N/A (female 16+)

Annastacia Palaszczuk, Queensland Premier, will unveil a new poli

07 Mar 2018 7:04AM • 4KQ, Brisbane (07:00 News)
hosted by Newsreader

Annastacia Palaszczuk, Queensland Premier, will unveil a new police memorial to be built in the Brisbane Botanic Gardens. It will replace the existing memorial on George Street, making way for the Queen's Wharf redevelopment. Palaszczuk notes that it's been a year since Brett Forte's death.

Brief: Ministerial - Radio & TV • ASR: AUD 704 • Duration: 0 mins 33 secs • Market: QLD • Country: Australia • Item ID: X00073849571

Interviewees: Annastacia Palaszczuk, Queensland Premier

Audience: 33,000 (all people)

Demographics: 18,000 (male 16+) • 13,000 (female 16+)

Levingston mentions the possibility that changes to towtruck indu

07 Mar 2018 7:13AM • ABC Radio Brisbane, Brisbane (Breakfast)
hosted by Craig Zonca and Rebecca Levingston

Levingston mentions the possibility that changes to towtruck industry laws may be passed in Queensland Parliament this week. She says Mark Bailey, Queensland Transport Minister, will be in the show after half past seven. Levingston also says another big news relating to Bailey relates to Mangocube6@yahoo.co.uk, adding that a lot of questions has been asked that private email account. Levingston also mentions that some of the details of conversations between Bailey and the ETU have raised some questions. Zonca mentions that yesterday, Deb Frecklington, Queensland Opposition Leader, wrote to the Speaker asking Bailey to be referred to the Ethics Committee. Zonca plays an audio clip of the previous interview of Frecklington. Zonca wonders if Bailey misleads Parliament.

Brief: Ministerial - Radio & TV • ASR: AUD 2,934 • Duration: 2 mins 13 secs •
Market: QLD • Country: Australia • Item ID: X00073849495

Interviewees: Deb Frecklington, Queensland Opposition Leader [excerpt]

Audience: 54,000 (all people)

Demographics: 26,000 (male 16+) • 28,000 (female 16+)



Interview with Ian Leavers, President, Queensland Police Service.

07 Mar 2018 7:16AM • ABC Radio Brisbane, Brisbane (Breakfast)
hosted by Craig Zonca and Rebecca Levingston

Interview with Ian Leavers, President, Queensland Police Service. Zonca says the job of any police officer in Queensland is always dangerous. He also recalls Brett Forte who was killed in the line of duty. He plays an audio clip of Brett's wife, Suzie. Zonca says a new memorial will be built in Brisbane to honour the 33 Queensland police officers who have been killed in the line of duty. He adds the previous memorial had to be moved to make way for the Queen's Wharf development. Leavers says the new memorial will be in the botanical gardens, and he adds that it is a great thing. Leavers gives thanks to the premier [Annastacia Palaszczuk], and the Police Commissioner for working with them to achieve the symbolic gesture. Leaver touches on what the memorial will look like, noting that the design will be worked out between the police union, the government, and the police service. Leavers agrees that public should go there and take the time to reflect. Leavers also says it has been about partnership.

Brief: Ministerial - Radio & TV • ASR: AUD 6,531 • Duration: 4 mins 56 secs •
Market: QLD • Country: Australia • Item ID: X00073849575

Interviewees: Ian Leavers, President, Queensland Police Service • Suzie Forte, Brett Forte's wife [excerpt]

Audience: 54,000 (all people)

Demographics: 26,000 (male 16+) • 28,000 (female 16+)



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Kerryn Manifold

From: Media Reporters <mediareporters@premiers.qld.gov.au>
Sent: Wednesday, 7 March 2018 12:16 PM
To: External - Media Reporters
Subject: The Australian: Anastacia Palaszczuk stays silent on Mark Bailey emails

<https://www.theaustralian.com.au/national-affairs/state-politics/anastacia-palaszczuk-stays-silent-on-mark-bailey-emails/news-story/0722acac99a306092eeb1f856cc4fe88>

Annastacia Palaszczuk stays silent on Mark Bailey emails

11:47AM March 7, 2018

SARAH ELKS

Queensland Premier Anastacia Palaszczuk will not say whether a taxpayer-funded government job was given to a person recommended by a powerful union boss in a private email to former energy minister Mark Bailey.

In the Queensland parliament's Question Time this morning, Ms Palaszczuk was peppered with opposition questions about Mr Bailey's back-channel private email correspondence with former Electrical Trades Union boss Peter Simpson and other officials.

Email correspondence to Mr Bailey's private email account — mangocube6@yahoo.co.uk — from Mr Simpson and others was recently released to *The Australian* after a year-long fight under Right to Information legislation.

One of the emails shows Mr Simpson forwarded a CV to Mr Bailey, who then forwarded it to his chief of staff.

This morning, Opposition leader Deb Frecklington asked whether that person — whose identity was redacted in the released documents — received a taxpayer-funded job in the Palaszczuk government and whether they were still employed.

Ms Palaszczuk refused to answer.

"Mr Speaker, as everybody in this house knows, those issues (relating to Mr Bailey's private email account) were fully canvassed by the anti-corruption watchdog in this state," Ms Palaszczuk said. "The CCC (Crime and Corruption Commission) thoroughly investigated all of those emails and concluded its investigation."

The opposition yesterday alleged Mr Bailey had misled parliament last year, when he said the private email account was used for "private purposes".

However, Mr Bailey today again denied he misled parliament over the matter.

"Certainly not, and this matter has been thoroughly scrutinised by the independent watchdog, the Crime and Corruption Commission," Mr Bailey told ABC Radio this morning.

"The LNP actually referred it there last year. They looked at every single email in that account in July last year, eight months ago, that they had no issue with the content of it."

The CCC found Mr Bailey was not responsible for criminal behaviour or corrupt conduct. However, CCC boss Alan MacSporran criticised Mr Bailey for breaking ministerial rules by using a private email account for ministerial business, for a technical breach of the Public Records Act (for deleting the private email account — which was later able to be reactivated) and for being foolish.

"Oh sure, and I've apologised for that," Mr Bailey told ABC Radio.

"If you make a mistake, you should be open and transparent about it, I was. But it has been thoroughly scrutinised by them, they said there's no issue with the content of it in July last year, so this has been a very strongly canvassed

matter. I certainly have not misled the parliament, and I'll defend myself in the process, but I respect the parliamentary process."

A longtime former ETU member, Mr Bailey was in charge of several power companies that employed thousands of the ETU's members.

Mr Bailey deleted his private account ten days after *The Australian* first sought access to his secret email contact with the ETU, which sparked a corruption probe.

After a year-long fight for access under state Right to Information laws, *The Australian* last month revealed that Mr Bailey had been in constant contact with the ETU on his private account despite his claims in parliament.

Covering just a seven-month period, Mr Bailey was in regular contact with ETU officials over a range of issues affecting thousands of union members working for the power companies that fell under his control as minister.

Please note: Links to all broadcast clips (video and audio) will expire 10 days from the date of airing. Due to copyright restrictions, video and audio clips are for internal use only.



Dominic O'Regan

Media Reporting Officer, External Relations & Services
Strategy and Engagement
Department of the Premier and Cabinet

P 07 3003 9024 M s.73 Telephone
Number
Level 29, 1 William Street, Brisbane QLD 4000
PO Box 15185, City East, QLD 4002

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Kerryn Manifold

From: Tam van Alphen
Sent: Wednesday, 21 February 2018 5:07 PM
To: @Premiers Media; @Minister Bailey Media
Subject: FW: RTI application 17-157 and 17-158 - Third party decisions
Attachments: 17-157 Decision notice - RTI.DOCX; 17-157 - File A - Release - DEFERRED ACCESS.PDF; 17-158 Decision notice - RTI.DOCX; 17-158 - File A - Release - DEFERRED ACCESS smaller.pdf

FYI this story is going to run tomorrow in the Aus.

From: Tam van Alphen
Sent: Monday, 15 January 2018 5:36 PM
To: @Premiers Media <premiers.media@ministerial.qld.gov.au>; Mark Bailey <Mark.Bailey@ministerial.qld.gov.au>; @Minister Bailey Media <MinisterBaileyMedia@ministerial.qld.gov.au>; Donna O'Donoghue <donna.odonoghue@ministerial.qld.gov.au>
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From: Tam van Alphen
Sent: Wednesday, 3 January 2018 9:20 AM
To: Mark Bailey <Mark.Bailey@ministerial.qld.gov.au>; Chris Vernon <Chris.Vernon@ministerial.qld.gov.au>; Donna O'Donoghue <donna.odonoghue@ministerial.qld.gov.au>; @Premiers Media <premiers.media@ministerial.qld.gov.au>
Subject: FW: RTI application 17-157 and 17-158 - Third party decisions

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The Aus also called them yesterday to confirm that date.
Energy Qld is not appealing, but they are yet to hear from the ETU.
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Sent: Thursday, 14 December 2017 11:08 AM
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Subject: FW: RTI application 17-157 and 17-158 - Third party decisions

For information – this means that the actual documents wouldn't be released before 19 January.
Should either party decide to appeal, time will be further extended.
Thanks
Tam

From: MURRAY Rebecca (EHP) [mailto:Rebecca.Murray@ehp.qld.gov.au]
Sent: Thursday, 14 December 2017 10:10 AM
To: Tam van Alphen <Tam.VanAlphen@ministerial.qld.gov.au>
Subject: RTI application 17-157 and 17-158 - Third party decisions

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Please do not hesitate to contact me if you have any questions.

Kind regards



Queensland
Government

Rebecca Murray
Principal Right to Information Officer
Right to Information Services | Corporate

P 07 3330 5675 F 07 3033 0930
Level 3, 400 George St, Brisbane QLD 4000
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E rebecca.murray@ehp.qld.gov.au

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Kerryn Manifold

From: Tam van Alphen
Sent: Thursday, 8 February 2018 4:51 PM
To: @Premiers Media; @Minister Bailey Media
Cc: Mark Bailey; Emily Brogan
Subject: RTI update
Attachments: 135-05460 Decision letter.pdf

For information this has been released today to Kelmeny.
The dept has also received 2 further applications from the Aus (similar scope to last time, just different timeframe).
Tam

From: Helen Adcock [mailto:Helen.Z.Adcock@tmr.qld.gov.au]
Sent: Thursday, 8 February 2018 2:44 PM
To: Tam van Alphen <Tam.VanAlphen@ministerial.qld.gov.au>
Cc: Louise Vasta <Louise.Z.Vasta@tmr.qld.gov.au>
Subject: FW: TMR RTI application 135/05460 - Decision Notice

Hi Tam

As discussed, attached is Louise's decision issued to The Courier Mail earlier today.

Kind regards,

Helen Adcock

Principal Advisor (RTI & Privacy) | RTI, Privacy and Complaints Management
Governance Branch | Department of Transport and Main Roads

Level 8 | 61 Mary Street | Brisbane Qld 4000
GPO Box 1549 | Brisbane Qld 4001
P: (07) 3066 0709 | F: (07) 3066 7022
E: helen.z.adcock@tmr.qld.gov.au
W: www.tmr.qld.gov.au

From: Louise Vasta
Sent: Thursday, 8 February 2018 11:10 AM
To: kelmeny.fraser@news.com.au
Cc: Helen Adcock <Helen.Z.Adcock@tmr.qld.gov.au>
Subject: TMR RTI application 135/05460 - Decision Notice

Good morning Kelmeny

Please find attached a copy of the decision notice for your above-mentioned application.

If you have any questions regarding this decision notice, please do not hesitate to contact this office.

Kind regards

Louise Vasta

Principal Advisor (RTI & Privacy) | RTI, Privacy and Complaints Management
Governance Branch | Department of Transport and Main Roads

Floor 8 | 61 Mary Street | Brisbane Qld 4000
GPO Box 1549 | Brisbane Qld 4001
P: (07) 3066 7105 | F: (07) 3066 7022
E: louise.z.vasta@tmr.qld.gov.au
W: www.tmr.qld.gov.au

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Sent: Tuesday, 16 January 2018 2:08 PM
To: @Minister Bailey Media; @Premiers Media; Mark Bailey
Subject: FW: RTI application 17-157 and 17-158 - Third party decisions
Attachments: 17-157 Decision notice - RTI.DOCX; 17-157 - File A - Release - DEFERRED ACCESS.PDF; 17-158 Decision notice - RTI.DOCX; 17-158 - File A - Release - DEFERRED ACCESS smaller.pdf

Confirming no appeal, and these documents will be released today.
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P 07 3330 5675 F 07 3033 0930
Level 3, 400 George St, Brisbane QLD 4000
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