

Queensland Legislative Assembly	
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## CCC finalises assessment of Minister Bailey's emails - 19 July 2017

The Crime and Corruption Commission (CCC) has completed its assessment of the use of a private email account by the Hon. Mark Bailey MP, Minister for Main Roads, Road Safety and Ports and Minister for Energy, Biofuels and Water Supply.

In March, the CCC directed the Department of Premier and Cabinet to work collaboratively with the State Archivist to review the contents of emails retrieved by the CCC to determine if any of them constitute a public record as defined by the *Public Records Act 2002*. The CCC received a report on 15 June 2017 from the Department.

Based on a review of the emails and advice in the report, the CCC considers a number of emails are public records.

The CCC's jurisdiction is limited to conduct that meets the definition of corrupt conduct in section 15 of the *Crime and Corruption Act 2001*. An important element as it relates to elected officials is that the conduct must, if proved, be a criminal offence.

In reviewing the emails, the CCC did not identify any evidence to support allegations Minister Bailey had used his personal email account to engage in negotiations with the Electrical Trades Union that would amount to corrupt conduct.

However, the CCC considers there is 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*.

In Queensland, the Office of State Archives is responsible for ensuring public records are appropriately made, managed and preserved. The *Public Records Act 2002* also provides the State Archivist relevant powers to investigate potential breaches of the Act.

As the only conduct the CCC considers raises a reasonable suspicion of corrupt conduct relates to the treatment of public records, the CCC has referred the matter to the State Archivist for investigation.

Noting the level of public interest, the CCC has determined to monitor the way the matter is investigated pursuant to sections 46(2)(b) and 48(1)(c)(i) of the *Crime and Corruption Act 2001*. If necessary the CCC may assume responsibility for the investigation in the future.

The CCC identified during its review of the emails a number of other ministers using private email accounts. No corrupt conduct was identified.

The use by a minister of a private email account for ministerial purposes is not of itself corrupt conduct. The types of emails, their content, conduct and decisions relating to such emails and how the emails are treated if they are public records needs to be considered to determine whether it is corrupt conduct.

The CCC is of the view the use of a personal email account for ministerial purposes is in breach of both the *Queensland Ministerial Handbook* and the *Ministerial Information Security Policy*. As these breaches are not criminal offences, they are not in the CCC's jurisdiction.

The CCC considers the use of private email addresses by any Member of Parliament or public servant for official business lacks transparency and is a corruption risk.

The CCC takes this opportunity to remind elected officials and the heads of public sector agencies in Queensland of the inherent corruption risks of using private emails for official business.

--ENDS--

For updates follow the CCC on Twitter: @CCC\_QLD

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**Contact the CCC**

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