

## Former Public Trustee's bid to stop details of CCC inquiry going public



By **Toby Crockford**

January 9, 2022 – 7.06pm

A former Queensland Public Trustee who resigned amid misconduct allegations is making a last-ditch effort to stop a report detailing the accusations made against him being made public.

Peter Carne was Public Trustee of Queensland in 2009-2014 and 2016-2020. The Public Trust Office manages the finances of incapacitated people and estates of deceased people across Queensland.



Peter Carne, pictured in 2014 while speaking at the memorial service for former premier Wayne Goss.  
MICHELLE SMITH

The state's anti-corruption watchdog, the Crime and Corruption Commission, compiled a report into alleged corruption by Mr Carne that included statements from 42 interviewed witnesses.

The inquiry was triggered in June 2018 when an anonymous informant claiming to be a Public Trust Office employee made allegations of corruption and maladministration against him to the CCC.

Specifically, it was alleged there had been improper use of Public Trustee Office resources to fund personal study by Mr Carne, according to court documents.

The CCC report on Mr Carne has been forwarded to the Parliamentary Crime and Corruption Committee and the CCC has asked the PCCC to give the report to the Speaker.

The significance of this is the report could be published and the allegations would be protected by parliamentary privilege – a legal defence that would nullify any defamation action by Mr Carne.

The former Public Trustee launched legal action in the Supreme Court in an attempt to stop the CCC and PCCC process, and therefore the release of the report.

Last year, Mr Carne's barrister Jonathan Horton argued the Crime and Corruption Act 2001 did not provide a basis for the CCC report to be published.

"The allegations against Mr Carne are not determined by the report. They remain unresolved. It is inappropriate to publish a report which consists only of allegations and then have Mr Carne suffer the personal and reputational damage the publication would bring, especially when Mr Carne's ill health has prevented him from answering the allegations," he said.

"There is no public interest in publishing the report as the recommendations as to improving public governance contained within it had already been implemented."

In September 2021, Justice Peter Davis ruled against him.

"Mr Carne's submission proceeds on a misunderstanding of the proper purpose and construction of section 69 [of the CC Act] ... [which is] largely silent on the question of parliamentary privilege.

"Once the PCCC has received the report, it must decide whether or not to direct that the report be given to the Speaker. That decision is part of the political process and the PCCC will take into account what it sees fit. However, an attack upon the report alleging a lack of procedural fairness is an attempt to impeach or question the report and therefore the proceedings of the PCCC."

Mr Carne is appealing that Supreme Court decision. According to court documents, his multiple grounds of appeal include the consideration that he was denied procedural fairness.

"The primary judge erred in holding parliamentary privilege to attach to the report [because] ... no act was done by or on behalf of the Parliament in respect of that report, no direction was given by the PCCC, the report was neither authorised by the clerk to be published nor taken to be tabled," Mr Carne's grounds of appeal include, according to court documents.

"The primary judge erred in finding the report was a report within the meaning of section 69 [of the CC Act] ... [and] construing section 69 as extending to a report which recorded material adverse to reputation, but not said to amount to corrupt conduct."

A date has not yet been set for the appeal to be heard.

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