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## Former Public Trustee awaits appeal court decision, after his latest bid to block release of an investigation report into him

A former top public servant has appealed to prevent the release of a Crime and Corruption Commission report into his alleged wrongdoing while at the helm of the Public Trustee of Queensland. Now, a crucial Court of Appeal decision is imminent.

**Kay Dibben**

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The Crime and Corruption Commission is an independent body set up to combat and reduce the incidence of major crime and corruption in the public sector in Queensland.

The Court of Appeal has reserved a decision on an appeal by former Public Trustee of Queensland, Peter Carne, who is trying to stop a potentially “adverse” report about him being made public.

The Crime and Corruption prepared a report into an investigation of alleged corrupt conduct by Mr Carne and forwarded it to the Parliamentary Crime and Corruption Committee.

The CCC asked the PCCC to direct that the report be given to the Speaker of the Legislative Assembly.

Mr Carne, who has always denied all allegations against him, was concerned that

the report could then be published and “cloaked with parliamentary immunity”, a court heard.

Mr Carne, who was Public Trustee from 2009 to 2014 and from 2016 until 2020, was suspended in 2019, after allegations of corrupt conduct were made against him.

The CCC had informed Carne only that the allegations were “potentially criminal in nature and related to offences including fraud”.



The former Public Trustee of Queensland, Peter Carne, is trying to stop a potentially “adverse” report about him being made public

Mr Carne was told it was alleged that there had been improper use of Public Trustee Office resources to fund his personal study.

In April 2019 the CCC advised the Attorney-General and Mr Carne that its investigation was completed and there would be no criminal prosecution of Mr Carne.

Mr Carne resigned as Public Trustee on July 31, 2020.

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In September that year the CCC wrote to Mr Carne's lawyers saying it intended to publish a report into its investigation and then asked the PCCC to direct that the report be given to the Speaker.

Last year Mr Carne applied to the Supreme Court, in an attempt to block the public release of the CCC investigation report.

He claimed that publication would be "unreasonable and an abuse of power".

He also maintained that the report was actually not a "report" for the purposes of a section of the Crime and Corruption Act

Justice Peter Davis considered at what stage parliamentary privilege attached to the report.

In September, Justice Davis dismissed Mr Carne's application, finding the preparation of the report and the resolution of the CCC to seek a direction from the PCCC were proceedings of the Parliament.

Justice Davis said: "The report of the CCC is a document which is a 'report' for the purposes of s69 (1) of the Crime and Corruption Act 2001 if the PCCC directs the (CCC) to give the report to the Speaker."

Mr Carne appealed that decision, with one ground being that he was denied procedural fairness.

On Monday the Court of Appeal judges heard from counsel for Mr Carne, Jonathan Horton, QC, Peter Dunning, QC, for the CCC, and Ruth O'Gorman, QC, for the Legislative Assembly.

Ms O'Gorman said the Speaker submitted that the CCC report was covered by Parliamentary privilege, as privilege extended to the work of parliamentary committees.

She said the report was a document presented to the PCCC in the course of the transaction of the business of the PCCC.

One of the appeal court judges, Justice Debra Mullins said she was not particularly convinced by Justice Davis's reasons for his decision, saying there was a gap in them.

The Court of Appeal will deliver its appeal decision at a later date.

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