

Court sides with ex-Public Trustee, keeps accusatory CCC report secret



By [Toby Crockford](#)

August 5, 2022 – 12.49pm

Accusations made against a former Public Trustee will be hidden from the public after he won a last-ditch appeal to block the release of a report by Queensland's anti-corruption watchdog.

Peter Carne was suspended by the Attorney-General in June 2019 in response to allegations made against him. He later resigned.



On Friday, the Court of Appeal handed down its judgment, in favour of Peter Carne. MICHELLE SMITH

Carne was Public Trustee of Queensland in 2009-14 and 2016-20.

The Public Trust Office manages the finances of incapacitated people and estates of deceased people across Queensland.

The state's corruption watchdog, the Crime and Corruption Commission, compiled a report into alleged corruption by Carne. It alleged there had been improper use of Public Trustee Office resources to fund Carne's personal study.

The CCC report on Carne was forwarded to the Parliamentary Crime and Corruption Committee (PCCC) and the CCC asked the parliamentary committee to give the report to the Speaker.

That would allow the report to be published and the allegations within would be protected by parliamentary privilege – a legal defence that would nullify any defamation action by Carne.

Carne launched legal action in the Supreme Court in an attempt to stop the process, and therefore the release of the report. [But he lost the case in September.](#)

In March, he challenged that ruling. His multiple grounds of appeal include the consideration he was denied procedural fairness [and the release of the report would breach his human rights.](#)

On Friday, the Court of Appeal handed down its judgment, in favour of Carne. Two of the three appeal judges ruled in Carne's favour.

Judges Philip McMurdo and Debra Mullins set aside the original ruling, allowed Carne's appeal, and ordered the CCC pay Carne's costs. They concluded the CCC report did not come under section 69(1) of the Crime and Corruption Act 2001.

"It is evident that [the original judge's] conclusion that this report was subject to parliamentary privilege was dependent upon the report being one which was made by the [CCC] and delivered by it to the PCCC in the performance of the [CCC's] functions," they ruled.

“However, those facts could not confer parliamentary privilege upon a document made and delivered to the PCCC in purported, but not actual performance of the Commission’s functions.

“The preparation and delivery of the report, without the operation of section 69, were not acts done in transacting the business of the Assembly or its Committee.”

However, the third appeal judge – Judge Paul Freeburn – decided against Carne, saying he believed ruling in favour of Carne would go against the principle that “parliamentary proceedings are immune from outside examination”.

“There is good reason to be sympathetic to [Carne’s] plight. If the PCCC does decide to direct that the report be given to the Speaker, then unproven and untested allegations against him will enter the public domain,” he said.

“However, the decision that the PCCC makes about that, and its balancing of the legitimate reputational interests of [Carne] as against the public interest as reflected in the CC Act, are a matter for the PCCC.

“It is not this court’s role to either enjoin the [CCC] from submitting the report to the PCCC or to enjoin the PCCC from deciding to direct that the report be given to the Speaker.”



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