

Crime and Corruption Commission to appeal decision to keep report into former Queensland public trustee secret

By state political reporter [Rachel Riga](#)

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The CCC didn't pursue any criminal proceedings against Mr Carne. (ABC News: Dan Peled)

Queensland's corruption watchdog is taking its legal fight over a report into the state's former public trustee to the High Court of Australia.

Crime and Corruption Commission (CCC) Chair Bruce Barbour confirmed the body will lodge an application seeking leave to appeal the case involving Peter Carne which he labelled as having "very significant ramifications".

The Queensland Court of Appeal decision — which was handed down earlier this month — will prevent a CCC report which investigated allegations of corrupt conduct against Mr Carne from being released.

Mr Barbour told a Parliamentary committee today, the CCC had major concerns about the decision and there were risks it could impact on the release of future reports.

"If the Carne decision was to stand then there would definitely be concerns about what we would be able to do in the future in terms of being open and transparent about our investigations," he said.

"Clearly there are very significant ramifications, and that decision is inconsistent with the way we and our predecessors have practised business in the corruption area for a long time.

"That's why it's important for us to seek a review."

Mr Barbour said it was an integral function of the CCC to report the outcomes and lessons learned from corruption investigations.

"There is a very important trend, and one that we agree with, in terms of more openness and transparency," he said.

"So the idea that we would have a situation where our powers to publicly report about important issues were in fact reduced, that would be inconsistent with that trend.

"And certainly inconsistent with what we believe is important to reduce the risk of corruption in the state."

Mr Carne was investigated by the CCC in 2018, after "allegations of corrupt conduct" were made against him including improper use of Public Trustee Office resources.

The CCC didn't pursue any criminal proceedings against Mr Carne, before he resigned as Public Trustee of Queensland in 2020.

Last year the Supreme Court ruled a report detailing the original accusations could be made public through a parliamentary process.

Key points:

- The CCC Chair said it was an integral function of the CCC to report the outcomes and lessons learned from corruption investigations
- Mr Carne was investigated by the CCC in 2018, after "allegations of corrupt conduct" were made against him including improper use of Public Trustee Office resources
- The CCC didn't pursue any criminal proceedings against him before he resigned in 2020

Mr Carne challenged the decision in the Court of Appeal on the grounds he was denied procedural fairness and the release of the report would breach his human rights.

Earlier this month two out of three Court of Appeal judges ruled in his favour.

Judges Philip McMurdo and Debra Mullins allowed Mr Carne's appeal, finding that the CCC report was "not a report for the purposes of section 69 of the Crime and Corruption Act".

That section of the act outlines CCC reports that the parliamentary committee can give to the Speaker to be tabled and publicly released.

The CCC was ordered to pay his court costs.

The ABC has contacted Mr Carne's solicitor for comment.

Mr Carne is a past CEO and president of the Queensland Law Society who practiced as a solicitor for more than 30 years.

Queensland corruption watchdog 'effectively muzzled'

Shadow Attorney-General Tim Nicholls said the court ruling "effectively muzzled" the corruption watchdog from releasing future reports on corruption investigations if criminal prosecutions were not pursued.

"It's vitally important to democracy that when the CCC carries out its investigations that it can report on them to the parliament and, through the parliament, to the people of Queensland," he said.

"If things are going wrong in the administration of government, police, in any other area of public activity, it's important that the people of Queensland can see that and that the government knows about it so steps can be taken to fix it.

"It's a silencing of the watchdog.

"It renders the CCC almost a toothless tiger, and it's a step back to the dark old days when government was done in secret."