



Speech by

Mr. R. CONNOR

MEMBER FOR NERANG

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CJC INVESTIGATION INTO ALLEGATIONS OF MISCONDUCT BY MEMBER FOR NERANG

Mr CONNOR (Nerang—LP) (12.10 p.m.): I rise to inform this House that the CJC has finally conducted its investigation concerning the alleged appointment of Pat O'Connor as a consultant. I table a letter from the CJC to that effect. Members may remember that on 24 April last year I resigned from my ministerial portfolio as a direct result of an article that appeared on the front page of the Courier-Mail. That article was headed, "Minister faces CJC misconduct investigation over consultancy." The article stated—

"Housing Minister Ray Connor's role in a controversial consultancy deal for a former government adviser will be investigated by the Criminal Justice Commission."

Members may also recall that, in turn, there followed in the Parliament a series of allegations by members opposite. Those allegations could be summed up generally as being that the consultancy was a sham and that the payment of Mr Patrick O'Connor was simply laundered through a solicitor's trust account. Unbeknown to me at the time, the acting Labor Leader, Jim Elder, made a formal complaint to the CJC. The first I was aware of this complaint was a front-page story in the Courier-Mail the following April. In that article, the head of the Official Misconduct Division, Mr Michael Barnes, was quoted as the "CJC spokesman" who confirmed that "there was an ongoing investigation into the matter."

It is Liberal Party tradition that a Minister under investigation by a judicial or semijudicial body such as the CJC should stand down. Owing to the media coverage and in the best interests of my family and the coalition, I not only stood down but also resigned from my portfolio. On the basis that it has caused my resignation as a Minister of the Crown, members, in common with me, would have assumed that the investigation into this consultancy would have been expedited—that it would have been completed quickly and the findings announced publicly.

That was not the case. Members may recall that the complaint was made in December 1996. It is now October 1998—almost two years since the complaint was made. What is of most concern to me, and has been since the newspaper article appeared, is the fact that, ever since, Barnes has been in charge of the investigation. Right from the start I have complained of Barnes' involvement in this investigation and the inexcusable delays. Through my lawyer, I brought to Mr Clair's attention Mr Barnes' direct involvement in the story leaking to the press and Barnes' political affiliations. I also detailed to the CJC Senator Abetz's complaint that Mr Barnes had misled a Senate committee by concealing his membership of the Labor Lawyers Association. That is dealt with in Senate Hansard of 31 May 1995. Barnes said—

"I am not a member of the Labor Lawyers and am not and never have been a member of any political party."

I table the relevant passages of Hansard. Barnes has since personally acknowledged his past membership of the Labor Lawyers Association, and I am informed that Mr Barnes was not only a member of the Labor Lawyers Association but also held executive positions.

Even after Mr Clair's attention was brought to these facts, he was not prepared to remove Mr Barnes from this investigation. So we have a long-term, senior member of the Labor Lawyers Association involved directly in the leaking of sensitive information to the media that brought about the

demise of a coalition Minister. In turn, Mr Barnes was placed in charge of an investigation into the same Minister. It was not only totally inappropriate that a Labor operative be investigating this matter but also, given Barnes' involvement in the leaking of the information, it was incomprehensible that he would be allowed to continue. Throw in Mr Barnes' performance before the Senate committee and the whole thing is absurd. Is it any wonder that Barnes dragged this on for two years?

There is now a new twist to all of this. Even if the events that were complained of were proven, they did not—and I repeat, they did not—constitute official misconduct on the part of any elected official. That is not just my advice; that is the opinion of the CJC itself. The questions are: when did the CJC become aware of this and why did it take almost two years for it to come out?

I have languished on the backbench now for approximately 18 months as a direct result of this matter. I have had to face a party preselection and an election with the public perception that I was under investigation by the CJC for improper conduct. On a number of occasions, Mr Clair was informed of the urgent need to have this matter finalised. A dozen or more letters have gone each way between my lawyers and the CJC trying to expedite the finalisation of this investigation. Only now, when there are days to go before Mr Clair retires as chair of the CJC, is this matter being finalised. One wonders why all of a sudden there is some urgency.

I have now made a formal complaint to the PCJC about the issues surrounding this investigation. Did Mr Barnes have the advice that there was no case to answer locked in a safe? Is this another case like that of the Carruthers inquiry, when Messrs Cooper and Borbidge were put through a multimillion-dollar witch-hunt while the CJC also had similar advice locked in a safe? Has the CJC's much-belated completion of the inquiry into this matter more to do with Mr Clair's retirement? Are they afraid that the incoming chairman may have an attitude totally different from the way in which this matter was handled?

Probably the most concerning aspect of this whole sorry affair is that the CJC had not only not found any evidence to prove that the consultancy was improper but also that, even if the events that were alleged were true, it would not constitute official misconduct. The leaking of this story to the press ended my ministerial career. According to the Courier-Mail, the publication of the investigation—

"... was enough to tip"—

my—

"career over the edge, towards the back bench and, most probably, on to the political scrap heap."

So what the CJC spent almost two years investigating, even if it had found it to be true, would not have amounted to official misconduct on my part. I will sum up the matter. Mr Barnes, a Labor operative who was directly involved in the leaking of this investigation to the press, proceeds to investigate me. Mr Barnes and his subordinates then spend almost two years and, quite obviously, spend hundreds of times more than the original consultancy cost investigating an alleged act that, even if they had found that it had been true, would not have constituted any unlawful conduct or official misconduct on my part.

The CJC has not found that the consultancy was a sham. The consultancy was an election commitment and the matters that the CJC investigated did not give rise to suspicions of official misconduct. The consultancy was of low cost—\$10,000—and was awarded and conducted totally in accordance with the State Purchasing Policy. However, the most important questions still remain unanswered. Why did I lose my Ministry as a result? Why did the CJC allow Barnes to spend almost two years investigating this matter?

It is now only reasonable for Mr Barnes to stand down, as I did, from any position at the CJC while the PCJC investigation is under way. Hopefully for him, the PCJC will not take two years to investigate his involvement in this investigation and the leaking of the information to the Courier-Mail.
