




Speech By
Michael Crandon

MEMBER FOR COOMERA

Record of Proceedings, 21 November 2013

MOTION: DRISCOLL, MR SN, FINDING OF CONTEMPT AND FINE

 **Mr CRANDON** (Coomera—LNP) (11.57 am): As the chair of the Ethics Committee I rise to say a few words in support of the motion before the House. It is indeed an historic day but also a very sad day for this House. It is not only sad because of the thing we have to do here today in relation to the former member for Redcliffe, Scott Driscoll; it is also sad because this matter has been turned into a political football by those opposite. Scammers get away with scamming because they are good at it. It is as simple as that. If they were not good at it, they would not get to first base. For you to turn this matter into a political football is an absolute disgrace.

Madam SPEAKER: Member for Coomera, I ask you to address your comments through the chair and not use the term 'you' in regard to other members.

Mr CRANDON: Thank you for your guidance, Madam Speaker. I heard the address to the House today by Mr Driscoll's counsel and I make the following points in response. Firstly, Mr Driscoll states that he was not able to actively participate in the Ethics Committee process due to his medical condition.

Of course, the Ethics Committee had a duty to investigate and report on the matters referred to it. The committee provided Mr Driscoll with numerous opportunities to participate in the inquiries. However, in the main, Mr Driscoll declined to participate on medical grounds. The committee would have welcomed the full participation of the former member for Redcliffe in its inquiries. Indeed, Mr Driscoll attempted on more than one occasion to sway the committee through his legal professional by preferring documents purporting to give evidence from—would you believe—unidentified sources. The scammer tries everything, and in this case he tried to scam the committee by using unidentified sources in his defence.

As I alluded to in my brief comments in tabling report No. 139, the task of the committee was made all the more challenging due to the limited participation in the committee's process by the former member. However, as detailed in the report, the committee sought the advice from the member's medical specialists, with the member's consent where appropriate, throughout the process. The committee took the advice of the medical specialist on face value. The advice from Mr Driscoll's medical specialist was that he was unfit to participate in the committee's processes for an unknown period of time. The committee simply could not put its inquiry on hold indefinitely and wait for the advice that Mr Driscoll's health had improved. By analogy, one can imagine what state the court system might be in if any matter before it were able to be delayed indefinitely on medical grounds. Accordingly, the committee resolved to proceed on the information before it and advised Mr Driscoll and his legal representatives of that resolution. The committee sought senior counsel advice that confirmed that its processes were legally sound.

It should also be noted that Mr Driscoll's obligations to register interests began from within a month of being sworn in as a member on 15 May 2012. His deliberate misleading of the House

occurred on 19 March 2013. So for a period of some 10 months we saw a situation where Mr Driscoll persistently and consistently misled this place. Accordingly, all of the offences the subject of the committee's report occurred well prior to diagnosis of Mr Driscoll's medical condition as advised by his treating physician.

Secondly, Mr Driscoll asks the House to take into account that his household is now without any form of income and that the House should take this into account when considering the recommendations regarding fines. There is some \$522,000 at question here and I would suggest to you that there might be a few dollars of that left in a bank account somewhere. The committee took the view, consistent with that taken by previous committees, that the penalties recommended to the House by the Ethics Committee should not be about punishing the person who commits the contempt but rather should be about setting standards. The committee was very conscious of its role in setting the standards that the Queensland community expects of its members of parliament. It is about keeping public life clean.

With respect to fines recommended by the committee, the committee looked to the precedent in the Nuttall case for guidance. Mr Driscoll's legal professional suggests that because Mr Nuttall was so many years in this place and Mr Driscoll was some months in this place they were different. I can assure the House that they were indeed very different, and the difference is quite stark. Mr Nuttall went to third parties and received payments from big business, and those payments made little difference to the people that he was receiving them from. On the other side of the coin with Mr Driscoll, two organisations—one in particular, RCAMB—were there to look after the people in the community who were most at risk and most needed to be protected and supported. Mr Driscoll, through his family company and income paid to his wife, ripped \$167,000 out of that system—\$167,000 just out of that system when those moneys were meant to be for people suffering mental illness, people experiencing domestic violence and so forth. The previous Ethics Committee found that Mr Nuttall should still be held to account for his contempts by way of fines, even though he was no longer a member at the time. The committee's recommendations are consistent with that precedent and today's motion before the House is also entirely consistent with the precedent set in Nuttall's case, as it should be.

As I outlined in tabling the report, the material before the committee in this matter was extensive and the issues to be considered were complex in nature. Accordingly, the committee gave very detailed consideration to the material and deliberated on it at length. With respect to the failure to register, as set out in its report, the committee felt that it was at somewhat of a disadvantage in not being able to call Mr Driscoll to question him under oath as to his knowledge of the requirements of the register. However, the committee was convinced on the information before it that Mr Driscoll was aware of his obligations to register interests and that he selectively chose not to register the interests that would reveal sources of income and conflicts of interest.

The committee was aware that Mr Driscoll, like most of the other 51 new members of the 54th Parliament, attended the new members' induction program, which included a session by the Clerk in relation to conflicts and register of interests on 17 April. At the end of that session the Clerk made an offer to make an appointment with all new members to go through each member's individual requirements regarding the register of interests. Mr Driscoll did not avail himself of the opportunity of an appointment with the Clerk. Given the findings of the committee regarding the veil used by Mr Driscoll to conceal sources of income and conflicts of interest, one can readily understand his motives for not taking that opportunity. As stated in report 139, the committee took the view that there is a positive obligation on all members to familiarise themselves with the requirements of the register and if in any doubt to seek assistance from the Clerk as registrar. I implore all current and future members to heed this advice.

The committee found a particularly damning fact was how Mr Driscoll demonstrated an understanding of the need to register such interests by correctly registering offices held in Norsefire Pty Ltd. However, at the same time the former member did not feel the need to register the offices held in other organisations which were significant sources of income for the company. Furthermore, the committee found the conflict of interest between Mr Driscoll's private interests in the receipt of his wife's income both directly from RCAMB and from RCAMB and QRTSA via Norsefire Pty Ltd were so obvious that his failure to register them had to be intentional.

With respect to the misleading of the House, the committee found that conduct was again aimed at concealing Mr Driscoll's continuing involvement with QRTSA. The committee placed great weight on findings of Deputy President Bloomfield at the QIRC regarding Mr Driscoll's purported

cessation of president of QRTSA at purported meetings of that organisation. On 30 May 2013 Deputy President Bloomfield stated—

... it appears to me that any of the resolutions said to have been made on that day (1 September 2012) are a total fiction.

In addition, the committee found the statement of Mr Bruce Mills to the CMC was pivotal in supporting the findings of the QIRC. Mr Mills stated—

It was about this time, 1 September 2012, Scott became the self-appointed patron of QRTSA and used this as a shield to enable him to control QRTSA whilst distancing himself in his role in parliament (Scott advised me as the patron, he could still manage QRTSA) ...

The committee was conscious that Mr Driscoll's statements regarding his ceasing as president were not made off the cuff but as part of a prepared personal explanation to the House following the arising of certain allegations in the media. The committee was convinced that Mr Driscoll was aware that the purported meeting on 1 September 2012 was a total fiction and therefore his purported cessation as president on that date did not actually occur. Accordingly, the committee reached conclusions that Mr Driscoll was aware of his statement to the House on 19 March 2013 was misleading and that he intended to mislead the House.

The committee also noted the failure by Mr Driscoll to advise the House of his continuing involvement in the management of QRTSA and relationship with RCAMB while at the same time advocating for those organisations in this House. Specifically, the committee notes that on 5 June 2012 Mr Driscoll made a speech in the House supporting independent retailers against the major retailers without declaring a pecuniary interest that the member and related persons had via QRTSA. In addition, the committee notes that Mr Driscoll made a speech on 10 July 2012 advocating for more federal funding for RCAMB without declaring his pecuniary interest.

Throughout its investigation the committee was continually presented with evidence that points to an intention on behalf of Mr Driscoll to conceal the receipt of income and to prevent the exposure of the inherent conflicts of interest of Mr Driscoll's private interests with his role as a member of parliament. On behalf of the committee I would like to thank the CMC, Mr Driscoll's medical specialist and Mr Peter Davis QC for the advice and assistance provided to the committee throughout the course of its inquiry. I also thank the other members of the committee for the way they have worked in sifting through the complex evidence presented to them, in applying that evidence to the elements of the charges of contempt before them and arriving at a considered and balanced consensus in relation to the finding and recommendations. We were one in that Ethics Committee when we came to the final conclusion that this was a report that we needed to present to this parliament, that this was a report that we needed to present to the people of Queensland, and a damning report in relation to Mr Driscoll.

The *Code of Ethical Standards* for members of the Legislative Assembly states—

The public's confidence in the institution of Parliament is essential.

Specifically, the code states—

Members are to strive at all times to conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of Parliament and avoid any action which may diminish its standing, authority or dignity.

Mr Driscoll's conduct has diminished the standing, authority or dignity of this place. I would like to hope that the Ethics Committee report No. 139 has resulted in restoring and strengthening the public's trust and confidence in the integrity of the Queensland parliament. I am sure that I speak for all members of the Ethics Committee in commending the committee's findings and recommendations to that end. I support the motion before the House.