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He's the conscience of Queensland

*This man gives Queensland politicians advice about behaving ethically. And as politicians around the nation face questions of impropriety, Gary Crooke talks exclusively to **Jamie Walker***

Here's an example of what can come across Gary Crooke's desk in the "back room" he occupies for the Queensland Government.

A Minister is travelling interstate on official business, the weekend rolls around and he decides to stay on to see friends.

Our man is fastidious about meeting his own expenses, so there's no question of taxpayers wearing the cost. But what about his air fare? Should the Minister pay the return leg because he's added personal time to the trip?

Queensland's Integrity Commissioner says the guidelines aren't as clear as they should be, and that's a problem, because there shouldn't be any ambiguity when it comes to MPs' entitlements.

"They ought to be made as crystal clear as possible," Crooke explains.

The veteran QC is probably best known to Queenslanders as the methodical Senior Counsel Assisting 1980's Corruption Commissioner Tony Fitzgerald, a role Crooke reprised at the Wood Royal Commission into police sleaze in NSW before heading the now-defunct National Crime Authority.

Now, as Integrity Commissioner, his job two days a week is to be a kind of conscience to the top tier of the State Government.

Crooke, 64, says he's the "back-room individual" who can be approached by Ministers, Government MPs, heads of department and other so-called designated persons for confidential advice on possible conflicts of interest.

Premier Peter Beattie also seeks his counsel on wider questions of ethical standards. The idea, says Crooke, is for the Integrity Commissioner to be a sounding board for senior public officials who fear they might be heading for trouble with a conflict of interest, or that staff under their management are doing so.

“In any situation of difficulty, of conflict of interest in particular, they can come to me for advice - but only advice,” he emphasises.

“My office has no investigatory function. Hopefully, they go away and do the right thing before they perhaps blunder and do something that would attract public criticism.”

By law, Crooke is prevented from identifying those who seek him out or to reveal what he tells them.

But a window on his behind-the-scenes role has been opened by the Merri Rose extortion case, which proceeded to court yesterday with the Tourism Minister’s appearance before a Brisbane magistrate.

Dressed in a drab, olive suit, a gaunt and nervous-looking Rose entered no plea to one count of demanding property, benefits or services through threats.

At this point, the allegations against Rose have not been specified. What is known is that the investigation was triggered when Beattie sought advice from Crooke, who recommended that the matter be turned over to the Crime and Misconduct Commission.

According to the latest annual report of his office, tabled in State Parliament, Beattie consulted the Integrity Commissioner on four occasions during the year ended June 30, up from the single request he had made to Crooke’s predecessor, Alan Demack, in 2003-04. The 2005-06 annual report also reveals that Crooke was approached by eight ministers or parliamentary secretaries, and six directors-general. None was named in accordance with his statutory obligation to secrecy.

But Crooke did offer this glimpse of his workload: “Matters raised” included the propriety of the government legislating on a special purpose issue rather than allowing it to be addressed through existing means, as well as conflict of interest issues involving friendships, political donations and personal shareholdings.

Interviewed for this article, Crooke cited the dilemma of the weekend Minister as one that’s “come up for discussion”. Although he won’t offer a view on what the person concerned should have done, there “has been some debate and uncertainty whether it’s one way or the other” in terms of the Minister being required to refund part of the air fare.

“They are a bit ambiguous”, he says of the guidelines covering the official travel of Ministers and MPs. And they bear looking at, yes.”

It’s not his only concern. While Crooke refuses to discuss any aspect of the Merri Rose case - except to confirm it wasn’t the first time he had recommended calling in the CMC - he acknowledges the succession of scandals over alleged misconduct of Ministers and former Ministers in State Labor Governments in Queensland, NSW and Western Australia will reinforce the public’s dim view of politicians.

In Queensland, the storm continues to grow over the Gordon Nuttall loan affair. The revelation that Nuttall, a former health, industrial relations and primary industries Minister in the Beattie Government, had accepted a \$300,000 loan from mining magnate Ken Talbot came on the heels of the resignation of the Atate Attorney-General, Linda Lavarch, who plunged herself into hot water by initially misleading journalists over her knowledge of a proposed deal to return rogue surgeon Jayant Patel from the US.

In NSW, former Aboriginal Affairs Minister Milton Orkopoulos, facing 30 drug and child sex charges, attempted to commit suicide this week. As he recuperated in hospital, Orkopoulos's friend and one-time campaign manager, Patrick John Roughan, was charged by police with sexual offences involving two children aged under 16.

Meanwhile, the fallout continues in the West after the exposure of influence broking by disgraced former Premier Brian Burke forced the resignation of Small Business Minister, Norm Marlborough.

Without taking a position on the allegations - "that would be inappropriate when they're yet to be tested", Crooke says - - he's disappointed that a member or former member of any government would "let the side down" when so much effort had gone into raising standards in public life.

"You can't have an ethical culture unless the leaders embrace culture, more so than anyone else", he says. "Their behaviour is under the microscope, they set the standards, and if they depart from the standards the damage is terrible ... that's why all that is happening is so terribly disappointing because there are so many people committed to the proper concepts of public service. It is very disappointing to see that it can be tarnished and damaged, perhaps irreparably, by the conduct of people who behave selfishly and thoughtlessly."

Drawing on his experience with the Fitzgerald Inquiry, Crooke repeatedly has taken issue with what he characterises as the public's willingness to forgive the ethical lapses of politicians otherwise seen to be getting results.

The late Sir Joh Bjelke-Petersen was a case in point. After his death, Crooke told a judicial conference: "One view propounded was that whatever might have been the failings of the late Premier in the ethical field, he left a legacy to be admired because of public works that he carried out."

"To me, this is a very disappointing attitude because it suggests that unethical behaviour can be dissolved by making a decision to carry out public works." In his last annual report, Crooke said he continued to be concerned about the "misconception held by some holders of public office" that they could set their own standards, regardless of what the public thought of them.

Asked to describe his current thinking, Crooke says: “Although there is all this earnest endeavour by people elected to serve the public as Members of Parliament there still seems to be this erosion ... of the good that’s been done by some notable examples of (people) departing from basic principles of integrity.”

“Not least is making a promise and failing to stick by it.”

In fairness to our political leaders, Crooke says it’s not all down to them. The media also needs to be more ethical and responsible, he argues. And the community must make the effort to tell its elected representative, loud and clear, what it expects of them.

Crooke says he can’t understand how the issue of State Governments circumventing Freedom of Information law slipped off the public’s radar. The hospitals inquiry sparked by the Jayant Patel patient abuse debacle mentioned both the Borbidge Coalition government and Beattie’s Labor outfit for misusing Cabinet confidentiality to put politically embarrassing information beyond the reach of FOI, and he thought: “This was going to be brought home to the Queensland public.”

Crooke continues: “Yet I sat back and waited to see reaction to it, and to my observation there was very little.”

“That’s one of the things that underpins my continuing concern ... Where is the groundswell of public opinion?”

He agrees there are grounds for concern about recently retired Ministers using their portfolio expertise to move into lucrative corporate jobs, but adds it’s a difficult issue, as are many of the ethical quandaries he encounters.

After pursuing the Howard Government over the business activities of former Federal Defence Minister, Peter Reith, and former Federal Health Minister, Michael Wooldridge, the Federal ALP has adopted a policy of a year’s “cooling off” for former Ministers, reflecting US arrangements.

Beattie has resisted following that lead. And Crooke isn’t sure it’s the answer, either.

“What happens the day after the cooling off period ends?”, he asks. Leaving aside MPs’ travel entitlements, you could actually stifle good government by writing too much into the codes of conduct for state parliamentarians and Minister that already exist in Queensland.

“In many of these situations, there’s nothing that’s absolute black and white - there’s a grey area and this is the thing that has to be contended with”, he says.

“This is where codes have their limitations and the principles underpinning them come to the fore.”

When all is said and done, the ethical test politicians need to apply is quite simple, he maintains. “If the person sitting there quite calmly and objectively looks at it and says “that’s a bit off, it probably is.”