



THE NEWMAN YEARS

RISE, DECLINE AND FALL



EDITOR

ANN SCOTT

CARTOONS

SEAN LEAHY AND ALAN MOIR



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FEBRUARY 2016

Printed by Print on Demand (POD)

University of Queensland:

<http://www.pod.uq.edu.au>.

Electronic version available on the TJRyan Foundation website:

www.tjryanfoundation.org

The 'Word Cloud' on the front cover first appeared during the January 2015 election campaign on 612 ABC. It is reproduced by kind permission of the Australian Broadcasting Corporation.

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FOREWORD

Ann Scott¹

The TJ Ryan Foundation is a progressive think tank focussing on Queensland public policy. The aims of the Foundation are to stimulate debate on issues in Queensland public administration and to review policy directions of current and past State governments on economic, social and cultural issues. Its website focuses on evidence-based policy, and provides links to a range of online resources.

The Foundation came into being at a time when universities were being urged to make their research more accessible to the general public, rather than hidden behind the paywalls of esoteric journals. In the world of public policymaking, decisions often have to be made rapidly, without the luxury of long-term, commissioned research projects. The Foundation strongly encourages engagement of our members in current policy debates.

At the Labour Day dinner in 2013 the then Leader of the Opposition, the Honourable Anastacia Palaszczuk, announced that she had invited Emeritus Professor Roger Scott to become Executive Director of the, as yet nonexistent, TJRyan Foundation.² The Queensland Branch of the ALP and the Queensland Council of Unions provided seed funding for the Foundation. The year 2013 was devoted to formalising the constitution of the Foundation, appointing a Board, an Executive and a large team of Research Associates. The TJRyan Foundation website³, designed by the Brisbane design company ToadShow⁴, went live at the end of May 2014.

The Foundation was formally launched by Ms Palaszczuk on 17 February 2014, at a function held at the Queensland University of Technology. The keynote speech, 'Nepotism, Patronage and the Public Trust' was given by the then Queensland Integrity Commissioner, Dr David Solomon AM. Professor Paul Mazerolle, Pro Vice Chancellor of Griffith University, and a TJRyan Foundation Board member, talked on the topic 'Beyond the "Common Sense Revolution" in Crime and Justice Policy Making In Queensland'. Professor Linda Shields, also a Board Member, and at the time

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She wrote her doctorate on 'The Ahern Committee and the education policy-making process in Queensland' (completed in 1984) <http://espace.library.uq.edu.au/view/UQ:205100>. She joined the Queensland public service 1985 working as a policy officer in a range of departments: Education, the Office of Cabinet, the Public Sector Management Commission, and the Queensland Police Service. She retired from her position as Director of the Office of Commissioner in 2004.

She is author of *Ernest Gowers: Plain Words and Forgotten Deeds*, Palgrave Macmillan, 2009 (<http://www.palgrave.com/gp/book/9780230580251>); and, with Professors Mervyn Eadie and Andrew Lees, *William Richard Gowers 1845-1915 Exploring the Victorian Brain*, Oxford University Press, 2012 (<https://global.oup.com/academic/product/william-richard-gowers-1845-1915-9780199692316?cc=au&lang=en&>).

² Full details about the TJRyan Foundation can be found on the website: <http://www.tjryanfoundation.org.au>

³ <http://www.tjryanfoundation.org.au>

⁴ <http://www.toadshow.com.au>

Professor of Nursing, Tropical Health, at James Cook University⁵ discussed 'Health Care in a Newman Queensland'.

A similar event was held to mark the first anniversary of the Foundation, at which Professor Geoff Gallop AC, Professor and Director of the Graduate School of Government at the University of Sydney, and former Premier of Western Australia, gave the keynote address on 'Mandates, Promises and Surprises'.

To mark the second anniversary of the Foundation, the Board decided to publish a compilation of the Research Reports that had appeared on its website over the previous two years. However, as the Foundation already had 38 Research Reports it was clear that this was not practical. The book, therefore, focuses on the political commentaries. The Foundation's own existence spanned most of the years of the LNP government, whose landslide victory in March 2012 led pundits to predict that the ALP might be 'wiped off the map' for years. In 2012 Queenslanders might reasonably have anticipated a minimum of two terms of LNP government, perhaps even three. But extraordinarily the 2015 election, called by Premier Campbell Newman on 6 January 2015, tipped the balance sufficiently far in the other direction that the ALP was just able to form a government.

The Foundation produces annual political chronicles. We were in the final stages of completing our report for 2014 when Premier Newman called the 2015 election. We followed the election campaign closely. Two of our Research Associates wrote post-election analyses. Dr Lorann Downer wrote 'Political leadership in contemporary Queensland' and "'Can Do' has been canned - and other political branding tales from the 2015 election'. Dr Chris Salisbury reviewed the post-election analysis by former Premier Rob Borbidge and former Deputy Premier and Treasurer Joan Sheldon, commissioned by the LNP. Dr Downer, Dr Salisbury and Simon Kelly were involved in the ABC's *Vote Compass* project during the election campaign. More recently, Emeritus Professor Roger Scott reviewed Gavin King's biography of former Premier Campbell Newman: *Can Do: Campbell Newman and the Challenge of Reform*. Their contributions are included in this book.

Sean Leahy and Alan Moir have provided outstanding cartoons on Queensland politics for the *Courier Mail* over the years. Many of Moir's cartoons were published in *Smile, It's Joh's Place* in 1982.⁶ Sean Leahy's cartoons can be found on his website archive.⁷ We are most grateful to both artists for allowing us to reproduce their cartoons here.

Dr Salisbury kindly checked the manuscript for typographical and other errors. His close knowledge of Queensland political history helped me avoid several significant errors, for which I am most grateful. I am responsible for any errors that remain.

In 1915 Thomas Joseph Ryan was elected Premier of Queensland, heralding what Emeritus Professor Tom Cochrane describes as an 'extraordinary age of reform'. In the first two chapters, Roger Scott and Tom Cochrane discuss the impact Ryan had on Queensland politics. A number of events took place in 2015 to mark the centenary of his becoming Premier. Ryan was instrumental in legislating to allow women to stand for parliament. It was notable that 100 years later not only was the Premier the first woman in Australia to become Premier of a state from Opposition, but she

⁵ Currently Professor of Nursing at Charles Sturt University: <https://www.csu.edu.au/faculty/science/nurse/staff/profiles/professorial-staff/linda-shields>

⁶ Alan Moir, *Smile, It's Joh's Place*, Penguin Books, 1982.

⁷ Sean Leahy's website and cartoon archive: http://www.leahy.com.au/leahy/comic_dayarchive.cfm

appointed eight women to her first Cabinet, out of a total of 14 members, including a female Deputy Premier.

Championing women was only one of T J Ryan's many of progressive reforms. He lit the torch of reform that another ALP Premier, Wayne Goss, grasped over half a century later.⁸ Between 1989 and 1996 the Goss government implemented sweeping reforms, including implementing recommendations from the Fitzgerald Inquiry into corruption in Queensland. Professor Glyn Davis, in a tribute to Goss, wrote that a single animating value drove Goss as premier: the need for integrity in government.⁹

Goss was quoted as saying that he hoped he had left Queensland 'a better place'. He had, and it was the memory of the dark years before this better place emerged that caused such disquiet on the part of so many observers who had been participants in the Fitzgerald reforms. Sadly, Wayne Goss did not live to see the outcome of the 2015 election.

The following chapters also remind us how many of these reforms appeared threatened under the Newman government.

⁸ Wayne Goss (1951-2014) was Premier from December 1989 until February 1996. He was the first Labor Premier in over 32 years.

⁹ 'This required new anti-corruption institutions, an overhaul of electoral laws to entrench "one vote one value", freedom of information, administrative law reform and major structural changes to the public sector.' Davis, G, 'Goss, a modernising leader who left Queensland a better place', *The Conversation*, <https://theconversation.com/wayne-goss-a-modernising-leader-who-left-queensland-a-better-place-34018>.

WHO WAS T J RYAN?

Roger Scott¹

Most Queenslanders probably know little about T J Ryan. They may have puzzled over his name being attached to medals awarded to senior school students for academic excellence and leadership or they may have noted his bronze statue in Queens Gardens in Brisbane.

Thomas Joseph Ryan was born in 1876 and died in 1921. The year 2015 marked the centenary of his becoming Premier of Queensland in 1915. The TJRyan Foundation received several contributions explaining his significance as the greatest Australian Labor Party leader ever to play a major role in both state and national politics. His career provided a measuring stick for all future leaders of progressive political organisations.

His first exposure to public life was the result of his admiration for the traditional liberal and egalitarian values espoused by Alfred Deakin but long since abandoned by the Liberal Party. Deakin started around the time of Federation.

TJRyan Research Associate Lyndon Megarrity has contributed a research report: 'The untold story of Queensland Liberalism (or how Liberal reforms paved the way for the Ryan Labor government)'.

T J Ryan was a great reforming Queensland Labor Premier. He set in place an ambitious program which saw successive Labor governments intervene in the economy, social affairs, parliamentary structure and industrial relations at an unprecedented level between 1915 and 1929.

While this level of state interventionism was unprecedented, it did not come as a massive shock to the Queensland electorate. Between 1859 and 1915, politicians espousing progressive liberal values had incrementally raised the expectations of Queensland electors about the role which government could play in the social, industrial, electoral and economic affairs of citizens.²

Ryan came to see that these values required concerted political action to overcome the entrenched interests of rural and urban capitalism. The Labor Party was embraced as the instrument most likely to deliver on the values and policy objectives he sought to establish within the wider political system. Ryan saw himself as acting on behalf of the less advantaged in society, including but not confined to the working class and supporters of the labour movement.

For Ryan, the ALP was not envisaged as based solely on class and the labour movement's support for manual workers. His view was that the Party would only flourish if it embraced its 'natural allies' among the disadvantaged in rural and regional Queensland, including those engaged in rural industries suffering from exploitation from wealthier groups inside and outside Australia.

Until I accepted my appointment as Executive Director of the TJRyan Foundation, I had little in-depth knowledge of Ryan. I refreshed my memory by re-reading the excellent biography written by my former University of Queensland colleague and ALP activist the late Denis Murphy. This was published under the simple title: *T J Ryan - A Political Biography*. Murphy wrote:

¹ Roger Scott is Executive Director of the TJRyan Foundation. He is also Emeritus Professor in the School of Political Science and International Studies, University of Queensland.

² Megarrity L, 'Liberalism in Queensland 1859-1915 - precursors to the election of the T J Ryan government', TJRyan Foundation Research Report No 30: http://www.tjryanfoundation.org.au/dbase/upl/Liberalism_in_Queensland_10.6.15.pdf

During the first half of the twentieth century, the Australian labor movement produced half a dozen or so outstanding political leaders. Ryan must be numbered among these. Yet his education and background set him apart from the other leaders such as Curtin, Chifley, Watson, Theodore, Forgan Smith, Hughes and Holman. Ryan's unique contribution was to demonstrate that a manual working-class background was not an essential pre-requisite to success in the Labor party. Political capability inside and outside the party, a capacity for work, intelligence, continued self-education and a firm understanding of the peculiar nuances of the labor movement were, in the last analysis, the qualities which mattered and which link the outstanding leaders. Ryan clearly was well endowed with these qualities and by making the most of each political opportunity as it arose earned his place in the front ranks of Australian labor.

In the broader political field he stood out as a giant among his contemporaries and remains, perhaps, Queensland's most outstanding Premier.³

I sought any corrective to Denis's own partisanship by reading more conservative historians of Ryan's own era. None was forthcoming – even the quirky conservative Charles A Bernays wrote that 'among the long array of leaders and other prominent politicians we have had, it can truly be said that he [Ryan] is unequalled in his common sense and direct methods'. Bernays provided a brief character sketch:

Emotional by nature, kindly and tender-hearted by instinct, he stands out with prominence as one of the few great successes among our party leaders of the past and present.⁴

And thus I studied the extraordinary range of Ryan's achievements which had led to his unique place in Queensland history and his wider and longer-term influence. How many remember, for example, that he legislated to allow women to sit in Parliament? That he inaugurated the abolition of capital punishment generations before this was universal in other states or in Britain? That he wanted locals appointed as governors and that he wanted the removal of imperial honours? That he had moved from teaching classics to practising law after studying the discipline externally while teaching in Rockhampton? That he became so proficient that he served as Attorney-General while he was Premier, and was so respected that he was regarded by a conservative profession as an ideal appointment as Chief Justice should he choose to retire?

Murphy offered a concise summary of the ALP in government under Ryan and his successor Edward Theodore:

Its essential feature was a pragmatic and practical approach to political issues, with little reliance on political theory, but with a strong streak of idealism and nationalism – and a determination to use the power of the state to provide for a more equal distribution of wealth.

Its other aims were to ensure that employees worked in safe and reasonable conditions, to provide state assistance for the aged, the invalids, and children and to assist "selectors" (small farmers) and to provide for government by the people on the basis of majority rule. State business enterprises were seen as a means of breaking the economic and therefore the political and social power of monopoly capitalism.⁵

³ Murphy D, *T J Ryan: A Political Biography*, UQ Press, 1990, p.523.

⁴ Bernays C A, *Queensland Politics during Sixty (1859-1919) Years*, Brisbane, 1919, p.179-80.

⁵ Murphy, p.518.

The next chapter, written by Tom Cochrane as a contribution to the centenary celebrations, provides a fuller picture of T J Ryan, in particular describing Ryan's role on the national stage.

T J RYAN: A CENTENARY NOTE

Tom Cochrane¹

In May 1915, Queensland saw the election of the Labor government of Thomas Joseph Ryan. One hundred years ago to the day, its assumption of office on 1 June took place. An extraordinary age of reform and change then took place in the next few years in Queensland.

Only a few weeks ago, two events occurred in Australia which received unprecedented saturation levels of political and media coverage. They were unrelated, but for anyone also aware of the significance of 2015 as a centenary year in Queensland politics and society, these two events could give one pause to consider what was happening in Queensland almost exactly 100 years before.

The first of these events was the Anzac Centenary, the commemoration of the military landing in Turkey that came to be the best known single event of Australia's actions in World War One, and the second was the pending and then actual capital punishment of Andrew Chan and Myuran Sukumaran in Indonesia.

In the case of the Anzac centenary, and indeed the entire time of Australia's involvement in the First World War, it is worth remembering that the Premier of Queensland shot to national prominence as the most senior political leader in Australia, willing to voice an alternative in the turbulent and apparently unstoppable rush to bring conscription to the country. Never an opponent of the war per se, Ryan, a formidable intellect committed to examining arguments on their merit and their supporting evidence, challenged not only the pro-conscription rationale of the day (that this was the only way to raise the numbers necessary for the continuing action and slaughter in France), but also the unrelenting censorious assault on those who had the contrary view.

In the case of capital punishment, the Ryan government was to usher in a wave of reform including its abolition. It is almost breathtaking to think that the ethical, moral and legal issues that were canvassed as the Queensland Parliament debated and then legislated the abolition of capital punishment almost a century ago, all surfaced in an Australian outcry on the same issue all this time later.

Opposition to conscription, and to capital punishment, were but two of a string of moral stances and commitment to change embraced by first the Ryan governments (1915 to 1919), and their successor the Theodore governments (1919 to 1925). Indeed, much of the reform program successfully put in place during the Theodore period was initiated during Ryan's time but had been delayed or deferred as the (unelected) Upper House of the day succeeded in blocking legislation.

Central to understanding the significance of Ryan is to understand the energy and momentum for reform, the intent to achieve social equality through change, and the redistribution of wealth, which accompanied the election of the first Ryan government 100 years ago. There have been other times and jurisdictions in Australia where the same pattern of a pent-up energy for reform has found expression in the election and subsequent activism of a reform government (1972 nationally, being probably the best example). However, what was extraordinary in the second decade of the

¹ Tom Cochrane is a member of the TJRyan Foundation Board. He is Emeritus Professor in the Faculty of Law, Queensland University of Technology. 'T J Ryan - a centenary note' appeared as *TJRyan Foundation Research Report No 28*: http://www.tjryanfoundation.org.au/dbase/upl/Research_Report_28_TJRyan.pdf

20th century in Queensland was the way that this energetic program was pursued in one of the most turbulent periods in Australian history ever known.

And it was turbulent. As a nation state Australia was literally a teenager, and there remains a view that at least some of the nationalistic fervour evident in the early years of committing shillings and men to the First World War was motivated by a sense of purpose in proving itself in engaging in this European calamity of ambiguous aims and aspirations. There has probably never been anything that had such a pervasively devastating effect in this country. Initially not particularly conspicuous, this effect grew through time and with legacy effects throughout the population right through the 1920s, the Depression and beyond.

Into this deteriorating state of social cohesion and fracturing common purpose, arrived TJ Ryan. The Labor government which assumed office in June 1915 was the first such in Queensland to govern with a clear majority in the lower house. It arrived with a purpose, and set to work with energy and urgency. Ryan himself was one of those Labor leaders that did not come from a union background. Rather he had been a teacher, initially in Victoria and Tasmania before Federation, and then in Queensland at the grammar schools in Maryborough and Rockhampton. In fact, unlike later Queensland Labor Premiers, Ryan had a particular and clear interest in education. But his principal calling was the law and he has been regarded, then and since, as possessing consummate skill in understanding how the law and constitutional provision might be used to advance socially and economically democratic agendas.

In terms of his personal style he was also both an assiduous worker and a commanding presence, who had a particular skill for reducing apparently complex arguments to simply grasped issues. According to his biographer, Denis Murphy, (who this author believes was personally strongly affected by Ryan's career and achievements in terms of his own political aspirations), 'it was this capacity for simplicity in argument, assiduous work, and attention to detail, combined with an easy manner', that led to his early popularity and success. By October 1909 he had been elected as the member for Barcoo.

Six years later he led what was by all accounts a capable Parliamentary majority, with a number of talented political lieutenants, and several strong and supportive senior public servants. The program of this 1915 government was to pursue social democratic reform on both economic and socio-legal fronts. Economically, the overall aim was to pursue the objective of the production, distribution and exchange "of all wealth for the benefit of the whole community". Conservative governments had already had some experience of seeking, unsuccessfully, to regulate monopolies, but the Ryan Labor objective was to move on this more purposefully. In this, the government stood to have the support of smaller landholders and farmers, particularly in acting against monopolies such as the Colonial Sugar Refining Company (CSR), or groups that were seen as being run by city-based merchants. The great areas of production and capital investment in Queensland at the time were sugar, meat, and land itself, particularly pastoral leases. Into each of these areas of investment the Ryan government ventured, seeking to dilute and dissipate price rings and anti-competitive practices. Although it is clear that Ryan believed that the Commonwealth government needed a greater power to regulate monopoly, in the absence of such a reform he sought to act using state government mechanisms to deal with monopoly practices.

It is worth remembering that the word 'profiteering' was an often used and heavily laden term during the Great War years. There is some evidence that even before Ryan came to power, his predecessor conservative Premier (Denham) had been disappointed by the behaviour of the meat

companies who sought to secure profits in all possible ways, exploiting the new markets quickly developing as the evidence grew that the First World War would not be a short-lived affair.

Contesting the power of monopoly capital by such means as developing competitive state enterprises, was one strategy of the Ryan government. Another was to develop new approaches to the arbitration and conciliation of labour disputes, to support better conditions, to develop workers' compensation (in association with a new State Government Insurance Office), and to bring down prices through strategies to reduce the power and influence of monopolies. An essential ingredient at this time was to seek to break up large land holdings to allow for increased farming, and to support closer settlement with policies on immigration and water conservation, all in the context of seeing common purpose between primary producers on smaller holdings, and wage earners.

As the war developed, Ryan's support for Australian involvement was never in question. But by 1916 the Commonwealth government, Prime Minister Hughes in particular, had determined that conscription must be introduced in Australia. Ryan had taken soundings on the issue of conscription while in London in early 1916. He had discussed the way it would be greeted in Australia with former Prime Minister Andrew Fisher (by then the High Commissioner in London), and also with Sir John Simon, a British Liberal opposed to conscription, as well as General Birdwood from the AIF. Ryan's position may initially simply have been to make sure that any decision was well based on the evidence. He may also have had some premonition about the divisiveness of the issue politically within the Labor Party.

So his initial aspiration was to keep the Labor Party together, something which was achieved, while it split in every other state and federally in Australia. But a position of not supporting conscription rapidly propelled Ryan to national prominence as the only significant political leader of the anti-conscriptionists. The other public figure of national prominence in opposition to conscription was Melbourne's Catholic Archbishop Daniel Mannix.

There is not the space here to talk about conscription referenda in detail, but suffice to say that anti-conscription stances were readily confused with anti-war stances, and the sectarianism of the time in which Catholics were seen as saboteurs (there were rumours that St Brigid's Church in Red Hill had caches of German arms in 1917!), increased social tension in a nation now well into experiencing the true trauma of the conflict.

The use of the 'gag' on anti-conscription arguments in the daily press by Prime Minister Billy Hughes was so great that even conservative papers objected. Premier Ryan and his ministers famously sought to have printed and distributed an edition of the Queensland Hansard in which emphasis was given to portions of speeches against conscription which would otherwise not be reported.

These tensions rapidly took the form of conflict between the Premier of Queensland and the Prime Minister of Australia. Hughes's vitriol, including the charging of both Ryan and Theodore with conspiracy ('with Germans') - and in another case, the establishment of the Commonwealth (now Federal) Police as a Prime Ministerial reaction to what he saw as the inadequacy of State Police protection after the Warwick 'egg' incident - ensured that Ryan became a national leader and hero for those opposed to conscription, whose view was to be upheld, as it turned out, in the referenda of both 1916 and 1917. Prior to the 1917 result Ryan had travelled to Sydney, where one conservative newspaper figured the size of the crowd receiving him at 200,000! Indeed, it can be argued that Ryan's eventual vacating of the position of Premier of Queensland in 1919 to take up the challenge of federal politics (an intent which at a personal level is by no means clear even

some time later than the conscription referenda), stemmed from the extraordinary tensions and hostilities of 1916 and 1917.

But probably the most important legacy as we look back from 2015 to Ryan's leadership of Queensland, is in the area of social and legal reform. From the time of his election onwards the government pursued a legislative program which ultimately saw not only the introduction of economic and social reforms aimed at improving standards of living and working conditions, but also significant initiatives in empowerment, as in the case of the right of women to stand for Parliamentary office, and to be admitted to juries.

But in almost all of these initiatives, the legislative program of Ryan's government was thwarted by the obstruction presented by the unelected and mostly deeply reactionary Legislative Council. Although Ryan was able to win the confidence of the Queensland Governor he was never able to achieve a situation in which the Legislative Council would endorse the legislative intent of the Assembly, but a referendum for its abolition failed in 1917, a failure which was partly attributed to a mistaken tactical decision to put it to the people on the same day as the federal election of that year.

The Legislative Council obstruction remained for the duration of Premier Ryan's period in office, so that much that had been passed through the lower house did not become law until Ryan had gone, and his successor Premier Theodore was able to finally resolve the issue through abolishing the Legislative Council in 1922. Taken together these reforms, and other executive decisions from 1915 to 1922 saw, *inter alia*, the abolition of property qualifications for jurors, the legislation of retiring age for judges, executive commutation of prisoners' terms of imprisonment, other proposed reforms in the legal practice arena, the establishment of an office of public curator, and finally, the abolition of capital punishment.

One of Ryan's signal achievements, and a very personal one, saw his legal skills deployed on several occasions to resist attempts by opponents to thwart the intention of the Executive arm of government in Queensland by legal action. This activity involved travelling to England to appear before the Privy Council, and to establish the 'bona fides' of the Queensland government, as in the two prominent (unlinked) cases of Mooraberrie and McCawley.

Premier Ryan favoured the idea that the people could express a view through a process of 'Referendum and Initiative', though these did not become a durable feature of the Queensland political landscape. He was also quite clearheaded that Australia needed some powers to be transferred to or adopted by the Commonwealth, and not retained by the states – particularly those concerned with regulating monopoly capital, and his successor Theodore developed strong views about the banking system for similar reasons.

Ryan himself, when he became Premier, held one other portfolio, that of Attorney-General. His great skill was in combining political reform with legal craft in optimising and protecting the progress that his and then Theodore's government was to make.

There is no doubt that his personable style, his skills as a speaker as well as a lawyer, his capacity to apparently be at ease with both political opponents and conservatives (he maintained friendships with those with whom he had done battle), as well as loyal party members and comrades, contributed to his success. Only 38 years old when he became Premier, his rise to national prominence through the heat of the conscription debates and social and political schisms of the time conferred on him an apparently inevitable status as the logical future leader of Labor

nationally (possibly even somewhat against his own career plans). So it was that he left Queensland politics in 1919 and entered the federal arena.

A contemporary of both Ryan and Theodore once said to this writer that it is easy for latter day commentators to lose the sense that these two leaders were “giants” of their age. Both had an imposing physical presence that accompanied their dominant influence on Queensland in these extraordinary years, though to Ryan is often attributed the superior skill in managing conflict in complex environments.

However before he left office in Queensland, both he and his wife Lily had become gravely ill with the Spanish influenza during a visit to England in early 1919. We can suppose that his physical resistance was impaired in a way that affected the degree to which he succumbed and died of a later respiratory infection while on the hustings for a federal colleague in Central Queensland in 1921. Looking back, we can only surmise that had he not been struck down, he may well have become Prime Minister of Australia in the 1920s and so led the charting of a different course for the nation into the Depression years.

BEYOND THE 'COMMON SENSE REVOLUTION' IN CRIME AND JUSTICE POLICY MAKING IN QUEENSLAND

Paul Mazerolle¹

I was most honoured to be asked to speak on this important launch of the TJ Ryan Foundation. The Foundation has a unique role to play in fostering a community of researchers and scholars willing to contribute to a comprehensive body of knowledge to better inform policy and practice and contribute to well-being across the community.

I was asked to talk about the crime and justice sphere as an area of utmost importance for public policy development in Queensland and an area whereby public policy can be most explicit and impactful.

The tension between ideology and evidence

Most people who have closely watched policy developments in the crime and justice area over time would attest to the ongoing tension between ideology and evidence in the formation of policy and practice. To be sure, the examples whereby governments of all political persuasions have done this well are easily outweighed by instances where ideology has entirely driven or informed the policy making agenda. Indeed, there is no doubt ample evidence to show when governments have tipped the balance too far in favour of ideology. Like the economy, crime is an area that generates strong personal feelings about what appropriate responses should look like. Given that most of us or our families have been touched by crime it stands to reason that personal beliefs will be materially shaped by those experiences. Thus, the pull toward ideological approaches to policy development is so strong and so personal that this is precisely why governments of all persuasions need to embrace research evidence to assist in informing their directions in policy development and implementation in the crime and justice area.

The 'common sense revolution'² in crime and justice policy

So the challenge to us, and indeed to the TJRyan Foundation, then becomes how - as opposed to why - we must move beyond the current 'common sense revolution' in crime and justice policy. For those of you unfamiliar with the common sense revolution in crime and justice policy, it dates to the mid to late 1970s and the 1980s whereby we saw increasing trends toward the politicisation of crime control across many western countries. Indeed the common sense revolution brought with it a strong emphasis on what has been termed by Paul Gendreau and others as the panaceaphilia of crime control - the common belief that our crime problems are easily identified, solved, and addressed by making tough, seemingly rational and commonsensical unidimensional responses. In short, crime problems require resolve and commitment and straightforward responses, as opposed to well-researched solutions.

¹ Professor Paul Mazerolle is a member of the TJRyan Foundation Board. He is Pro Vice Chancellor (Arts, Education and Law) at Griffith University. This talk was delivered at the launch of the TJ Ryan Foundation on 27 February 2014.

² The 'Common Sense Revolution' reform package was initiated in Canada under Ontario Premier Mike Harris and the Progressive Conservative Party of Ontario from 1995 to 2002. It was libertarian in nature, closely mirroring the platforms of British Prime Minister Margaret Thatcher and US President Ronald Reagan.

The common sense revolution in Queensland

The common sense revolution, unfortunately, has reared its ugly head both in Australia and in Queensland - indeed it is very difficult to kill off. With the globalised world we live in and the role of the internet, it appears that the common sense revolution is contagious. Indeed, it knows no borders and boundaries. 'Common sense' ideas about crime control are widespread.

Such crime and justice quackery³ has been fed no doubt by the increasingly unsophisticated media world we live in which strives for sound bites and quick and easy answers. It has also been fuelled by what others have observed as the fart catcher syndrome⁴ which involves the proliferation of a content free managerial class in the public service which serves short term political interests absent of critical content knowledge about crime and justice portfolios.

So what has the common sense revolution brought to our communities? Common sense responses to crime control have led to what I call a series of criminological abominations.

Responses like 'three strikes and you're out' policies, 'scared straight' programs, correctional boot camps, and 'no frills prisons' just to name a few.

These examples reflect areas where there is demonstrable, or indeed overwhelming, evidence that they do not work. In other cases, there are examples where there is an absence of evidence of effectiveness. In short, the common sense approach to crime and justice policy making operates and implements policies in the absence of evidence as well as in the face of counter or negative evidence.

So, in response to those who question what is so wrong with the common sense approach to crime and justice policy, let me identify some areas of concern. In my view, there are three clear reasons why this is the wrong direction for Queensland and indeed any society which takes seriously their duty to respond to challenges presented by crime and justice:

First - that it leads to crime and justice quackery. It fosters simplistic responses to sophisticated crime problems. It endorses panaceaphilia and to cut to the chase, common sense responses are ineffective and can be costly.⁵

Second - common sense responses can lead to iatrogenic effects. In other words, such approaches can directly and indirectly lead to worse outcomes. Some common sense approaches can magnify criminal outcomes - they can encourage recidivistic offending, and also have an impact on fostering negative mental health and social outcomes, which can indirectly foster further crime and victimisation. In sum, a clear and compelling risk with embracing common sense approaches to crime is that such approaches can, and often do, make things worse. In short, as Gendreau observed, policies that fail to take evidence and counter evidence seriously are at best worthless and sometimes even harmful.

Third, when governments embrace common sense approaches they divert resources away from opportunities whereby they could really make a significant difference. By investing in programs

³ Latessa E J, Cullen F T, and Gendreau P, "[Beyond Correctional Quackery- Professionalism and the Possibility of Effective Treatment](#)" *Federal Probation Volume* 66:2, 43-49, 2002.

⁴ Gendreau P, Smith P, and Theriault Y L, 'Chaos theory and correctional treatment: Common sense, correctional quackery, and the law of fartcatchers', *Journal of Contemporary Criminal Justice*, 25, 2009, 384-396.

⁵ Gendreau, et al.

lacking evidence they miss opportunities to really effect change and contribute to longer term positive outcomes. By taking the easy panacea approach, they miss opportunities to make lasting and substantial gains at reducing crime over the longer term. Investing in early intervention or nursing home visitation programs may not lead to short-term improvements in crime prevention, but through careful research, longer term benefits to crime and health outcomes have been observed. In short, making sustained differences for the community takes patience and commitment.

So how can we avoid common sense responses to complex crime and justice problems? How can we stop the common sense revolution?

First, as researchers we need to raise our game in terms of the quality and accessibility of our research. We must ensure the research we undertake is of high quality, addresses issues of substance and relevance, and is packaged for accessibility for multiple audiences - including academic and practitioner audiences.

Second, as professionals we must do our part to identify crime and justice quackery throughout the policy landscape and work to inform our colleagues in government of the risks and missed opportunities that are evident in the direction they may be forging. In so doing, there are opportunities to mobilise and inform the wider community of the larger risks when valuable public resources are expended on policies that are guaranteed to fail or make things worse. An increasingly demanding and sophisticated community will begin to question why resources are directed to failed programs and it will be a brave government and perhaps a short-lived one that ignores a broader community that expects evidence to inform crime and justice policy responses.

And that leads me to remark that the role of the TJ Ryan Foundation is instrumental on this journey of embracing evidence to inform policy in Queensland. We are uniquely placed in Queensland and particularly in Brisbane to have access to the combined resources of three large universities each with large capacity in the crime and justice area.

The city of Brisbane, at least since the Fitzgerald Inquiry, has borne witness to huge growth in crime and justice researchers and educators, such that we boast now one of the richest and well-resourced criminological communities in the world. Existing university-based researchers, combined with the Research Associates of the Foundation, will be instrumental into the future as they contribute to expanding the existing evidence as well as materially shaping the crime and justice policy context for the State.

The launch of the TJ Ryan Foundation presents us with an opportunity to forge ahead towards a new revolution in the area of crime and justice policy development. The Foundation provides a vehicle to drive new areas of innovation and reform and to counter the 'common sense' approach. The Foundation can provide an independent mechanism to foster knowledge transfer from researchers to policy officers and practitioners, and this is ultimately in the public interest. In addition, the Foundation can be at the forefront of fostering respect for research evidence: supporting bibliotherapy⁶ for public sector managers and leaders; making evidence about scientifically-supported programs accessible to practitioners; building trust between researcher and practitioner communities; and fostering a shared commitment for effective social policy

⁶ See Gendreau P and Ross B, 'Effective Correctional Treatment: Bibliotherapy for Cynics', *Crime & Delinquency*, October 1979 vol. 25 no. 4 463-489: <http://cad.sagepub.com/content/25/4/463.abstract>

development and implementation for the State. And that my friends I would argue is in our collective interest.

NEPOTISM, PATRONAGE AND THE PUBLIC TRUST

Dr David Solomon¹

In September 2013, the Crime and Misconduct Commission (CMC) published a report of an investigation it had conducted into alleged misconduct at the University of Queensland. The misconduct concerned a decision in December 2010 that a school leaver who did not satisfy the university's entrance requirements should receive an offer to enrol in Medicine which was not warranted according to the admission criteria at the time, there being 343 other applicants who were more qualified. The person who received the offer was the daughter of the then Vice-Chancellor. A formal complaint was made to the Chancellor of the university about nine months later. The following month the CMC began its investigation. The matter shortly afterwards became public knowledge through the media. Both the Vice-Chancellor and his deputy subsequently resigned their positions.

The CMC's report contains just one mention of a word which describes the particular form of misconduct that was involved in this case, nepotism. This was in the introduction to the report, where reference was made to how the public became aware of the matter through having 'read media accounts of irregularities and nepotism at the University'.² For the rest of the report, the allegations are referred to as official misconduct and as conflicts of interest. There was no analysis of what 'nepotism' means or involves.

Nepotism is a form of patronage.³ The exercise of both nepotism and patronage may give rise to a conflict of interest.⁴ It is noteworthy that there is a special word for nepotist behaviour in most European languages. It is almost invariably [but see below] used in a pejorative way.

The Macquarie dictionary defines nepotism as 'patronage bestowed in consideration of family relationship and not of merit' tracing it from the Latin for 'descendant'. My old (4th edition) Concise Oxford gives a more commonly used definition and source, 'Undue favour from holder of patronage to relatives (orig. from Pope to illegitimate sons called nephews)' and says the word is derived from the Italian for nephew.

According to an American book about nepotism:

The term nepotism was coined sometime in the fourteenth or fifteenth century to describe the corrupt practice of appointing papal relatives to office – usually illegitimate sons described as 'nephews' – and for a long time this ecclesiastical origin continued to be reflected in dictionaries... The modern definition of nepotism is favouritism based on kinship, but over time the word's dictionary meaning and its conventional applications have diverged. Most people today define the term very narrowly to

¹ Dr David Solomon was Queensland Integrity Commissioner from 2009 to 2014. 'Nepotism, Patronage and the Public Trust' was Dr Solomon's keynote address at the launch of the TJRyan Foundation in February 2014. Dr Solomon joined the TJRyan Foundation Board following his retirement in June 2014.

² Crime and Misconduct Commission, 'An examination of suspected official misconduct at the University of Queensland', September 2013, p.1.

³ The Government Research and Information Library (GRAIL) conducted a literature search on nepotism on Dr Solomon's behalf.

⁴ 'A conflict of interest, involving a person, is an issue about a conflict or possible conflict, between a personal interest of the person and the person's official responsibilities.' – *Integrity Act 2009*, s.10(1).

mean not just hiring a relative, but hiring one who is grossly incompetent – though technically one would have to agree that hiring a relative is nepotism whether he or she is qualified or not. But nepotism has also proved to be a highly elastic concept, capable of being applied to a much broader range of relationships than simple consanguinity. Many practices that seem normal and acceptable to some look like nepotism to others.⁵

It is necessary to take up two of the specific matters alluded to by the author, Adam Bellow, in that discussion of the definition of nepotism, as well as some of the other issues in his book, which is somewhat aggressively titled, 'In praise of nepotism'.

First, whether it is appropriate to apply the term nepotism only if it applies to the beneficiary being unqualified. Second, whether it is appropriate to apply the term outside 'simple consanguinity'.

The first raises what is one of the most important issues about nepotism, because it challenges the notion that nepotism is inherently improper or unethical. That issue is whether a relative or other person whose appointment could be described as nepotistic ceases to be so because they hold qualifications appropriate to the position to which they are being appointed. In my view it is still appropriate to use the nepotism label, even if the person benefitting from it is at least as qualified as anyone else who might be appointed. However the beneficiary should not be precluded from the appointment because of his or her familial or other relevant relationship, though there may be other reasons why such an appointment should not be made – for example, it may be difficult to remove such a person from their position if they prove to be unsuccessful, or the requirements of the position may be changed in a way that makes it desirable that they be replaced. What is essential, however, is that an independent observer, fully informed of the facts, can conclude that the person deserved to be appointed for reasons other than the nepotistic relationship. This would normally mean that the position has been open to all, and the merits of those interested in taking it have been properly and independently assessed.

This approach implies that the exercise of nepotism is not invariably or inevitably improper or unethical. It is necessary to determine the facts about its exercise in any particular case before reaching an objective conclusion about whether its exercise is wrong. The fact that there is a word for it does not mean that nepotism must always be condemned.

The second issue raised by Bellow's definition is how narrowly the term should be defined. Should it be linked, as he put it, to consanguinity. Clearly not. Consanguinity [related by birth] would not include one's spouse or partner and some other close relatives. But what about close friends and associates (including political associates), mates, business partners and the like? Strictly speaking, such associations would be covered by the term 'cronyism' [crony: an intimate friend or companion⁶] but I suspect popular usage now includes cronyism within nepotism. And what about the close relations (children in particular) of colleagues? In what follows I propose to use the word nepotism to describe the appointment by a person in authority of all such people, though later I will extend the discussion to cover the broader issue of patronage, which in relation to this matter, is defined as 'the control of appointments to the public service or of other political favours'.⁷

⁵ Bellow, A, 'In praise of nepotism', *The Atlantic*, July/August 2003, p.11.

⁶ *Macquarie Concise Dictionary*, 2009.

⁷ *Macquarie Concise Dictionary*.

Bellow is concerned to praise familial nepotism, or what he calls the new postmodern nepotism.⁸ He acknowledges that 'we' (meaning, in context, Americans) 'are in the midst of an enormous boom in **generational** [emphasis in the original] succession, one that seems to contradict our public creed of opportunity and merit'. His argument is that nepotism is a drive that is basic to human survival – 'it is not really a question of whether nepotism is bad or good: nepotism simply *is* [emphasis in the original]. The pertinent question is, How can we practice it so that it does not obstruct our efforts to create a just society? ... The solution is not to get rid of nepotism – something we neither can nor wish to do – but to apply it constructively'.⁹

His argument is concerned to justify the kind of nepotism we in Australia sometimes associate with business¹⁰, politics¹¹, and some of the professions, like medicine and the law, where children make their careers in the same occupation as their parents (usually their father). As he explains:

Nepotism in the traditional sense cannot have been involved in more than a handful of cases. Yet at the same time, it obviously didn't happen by accident, and in all these cases there is a remarkable sameness in the accounts successors give about the process of succession: they grew up around the business and developed an early interest in it; their parents never pressured them, and encouraged them to pursue their own ambitions; doors were sometimes opened, and people often proved happy to do favours for the children of important and powerful colleagues; but once in the door, the successors had to prove themselves to a skeptical (sic) public ...¹²

Nepotism of this kind occasionally attracts attention but relatively little concern. That is not the type of nepotism that I will be discussing here. However before turning in more detail to that problem I propose to refer to a fundamental principle that lies behind the ethical and integrity issues that should influence our approach to nepotism and related matters. I suggest this will point to the tests that we should apply in judging whether in a particular case nepotism is beneficial, benign or bad.

Public office and public trust¹³

Section 6 of the *Public Sector Ethics Act 1994* (Qld) says:

In recognition that public office involves a public trust, public service agencies, public sector entities and public officials seek to promote public confidence in the integrity of the public sector and

—

(a) are committed to the highest ethical standards; and

(b) accept and value their duty to provide advice which is objective, independent, apolitical and impartial; and

⁸ Bellow, A. Bellow's primary concern is with relationships within families and he devotes much of the book to examining successful American dynasties, mainly in politics and commerce.

⁹ Bellow, A, pp.22-3.

¹⁰ For example, the Murdochs, Packers, Lowys etc.

¹¹ The current [2014] Premier and Leader of the Opposition in Queensland, for example.

¹² Bellow, p.508.

¹³ Title taken from French, R, 'Public Office and Public Trust', Seventh Annual St Thomas More Forum Lecture, 22 June 2011.

- (c) show respect towards all persons, including employees, clients and the general public; and
- (d) acknowledge the primacy of the public interest and undertake that any conflict of interest issue will be resolved or appropriately managed in favour of the public interest; and
- (e) are committed to honest, fair and respectful engagement with the community.¹⁴

The section is somewhat different from the original formulation in the Act, having been amended in 2010. However those first nine highlighted words are unchanged.¹⁵ Indeed they are copied directly from the draft legislation prepared and recommended by the Electoral and Administrative Review Commission (EARC) in 1992.¹⁶

The notion of public office as a public trust is an old one, 'borrowed ... from the principles of equity which define the duties of trustees'.¹⁷ It was applied to Members of Parliament in Australia by the High Court in the 1920s. But as the current High Court Chief Justice, Robert French, explained recently:

The importance of the public trust metaphor diminished over time with the rise of specific mechanisms for oversight and accountability, including: statutory regulation of the public service, parliamentary scrutiny of official action, the political accountability of ministers and the employment arrangements of officials. However, a loss of faith in these mechanisms in the late twentieth century was, as Justice Finn has observed, 'one of the principal stimuli to renewed interest in the 'public trust' and in its implications both for officials and for our system of government itself'.¹⁸

As will be seen, 'public trust' was not a metaphor.

Professor Paul Finn, as he then was, was primarily responsible for the revival of the public trust doctrine. In 1990 and subsequently, he wrote and spoke extensively about the subject. He was one of the people consulted by EARC in its 'Review of codes of conduct for public officials'¹⁹ and was quoted extensively in that report. Subsequently he was a leading consultant to the West Australian Royal Commission into the Commercial Activities of government and Other Matters, otherwise known as the WA Inc. Royal Commission, which reported in 1992.²⁰

What are the consequences of the public trust doctrine? It is 'that the officers of government, whether elected or appointed, are trustees for the people and as such are accountable to them ... for the use and exercise of their offices'.²¹ Professor Finn expressed the fiduciary principle this way:

¹⁴ *Public Sector Ethics Act 1994*, s.6

¹⁵ See *Public Sector Ethics Act 1994*, s.9.

¹⁶ See, Electoral and Administrative Review Commission, *Report 92/R1*, May 1992, appendix E, ss.9 and 14.

¹⁷ French, p.8.

¹⁸ French, p.12. The quotation is from P D Finn, 'The Forgotten "Trust": The People and the State' in M Cope (ed), *Equity: Issues and Trends*, Federation Press, 1995, p.134; cf P D Finn, 'Public Trusts, Public Fiduciaries'.

¹⁹ Noted earlier. EARC, *Report 92/R1*, May 1992. p.21.

²⁰ Finn, 1995, 'A Sovereign People, A Public Trust' in P D Finn (ed) *Essays on Law and Government*, pp.9-10.

²¹ Finn, 1995, p.14.4.

The institutions of government, the officers and agencies of government exist for the people, to serve the interests of the people and, as such, are accountable to the people.²²

This is the principle that has been recognised in the law of Queensland (and some other States), and not merely as an ethical principle or metaphor. The Crime and Misconduct Act in Queensland, the Independent Commission Against Corruption Act in NSW, the Independent Broad-Based Anti Corruption Act in Victoria and the Western Australian Corruption and Crime Commission Act make those respective anti-corruption bodies responsible for safeguarding against 'a breach of public trust'.²³ The Commonwealth has also recognised the principle. The Statement of Ministerial Standards of the Abbott government says in s. 1. 2, 'In recognition that public office is a public trust...' ²⁴

In the Spycatcher case in 1987 in the NSW Court of Appeal Justice Michael McHugh observed that 'governments ... are constitutionally required to act in the public interest.'²⁶ Recently, former High Court Chief Justice Sir Gerard Brennan has explained that:

This notion of the public interest is not merely a rhetorical device – a shibboleth to be proclaimed in a feel-good piece of oratory. It has a profound practical significance in proposals for political action and in any subsequent assessment. It is derived from the fiduciary nature of political office: a fundamental conception which underpins a free democracy.

It has long been established legal principle that a member of Parliament holds 'a fiduciary relation towards the public'²⁵ and 'undertakes and has imposed upon him a public duty and a public trust'.²⁶ The duties of a public trustee are not identical with the duties of a private trustee but there is an analogous limitation imposed on the conduct of the trustee in both categories. The limitation demands that all decisions and exercises of power be taken in the interests of the beneficiaries and that duty cannot be subordinated to, or qualified by the interests of the trustee.²⁷

And he said:

Public fiduciary duties depend for their content on the circumstances in which power is to be exercised. The obligations cast on members of Parliament and officers of the Executive government are many and varied and the law takes cognisance of the realities of political life, but asserts and, in interpreting statutes, assumes that the public interest is the paramount consideration in the exercise of all public powers... Whenever political action is to be taken, its morality – and, indeed, its legality – depends on whether the public interest is the paramount interest to be served... Power, whether legislative or executive, is reposed in members of the Parliament by the public for exercise in the

²² Finn himself attributes 'the most sustained elaboration' of the fiduciary or trust principle between the people and the State to the WA Inc Royal Commission report. See 'The Forgotten "Trust": The People and the State', in M. Cope, (ed), *Equity Issues and Trends*, 1995, p.3, fn.6.

²³ For example, *Crime and Misconduct Act 2001*, s.14(b)(ii) and the ICAC Act, s.8.

²⁴ December 2013. This same phrase ('In recognition that public office is a public trust') appeared in the *Standards of Ministerial Ethics* issued by the Rudd and Gillard governments, though not in the equivalent documents issued by Prime Minister John Howard.

²⁵ *R v Boston*, 1923, 33 CLR 386, 412 per Higgins J.

²⁶ *ibid*, p.408.

²⁷ Brennan, G, 'Presentation of Accountability Round Table Integrity Award', Canberra, 11 December 2013, p.3: <http://www.accountabilityrt.org/integrity-awards/sir-gerard-brennan-presentation-of-accountability-round-table-integrity-awards-dec-2013/>

interests of the public and not primarily for the interests of members or the parties to which they belong.²⁸

The requirement that officers must act in the public interest is not novel. In Queensland, so far as appointed officers are concerned, the obligation is spelt out in the *Public Sector Ethics Act*, as I mentioned earlier, where it says they:

(d) acknowledge the primacy of the public interest and undertake that any conflict of interest issue will be resolved or appropriately managed in favour of the public interest;²⁹

Elected officials have a similar duty. They are obliged by the Code of Ethics Standards adopted by the Legislative Assembly to take account of 'the primacy of the public interest' and 'make decisions solely in terms of the public interest'.³⁰ That applies especially to Ministers who, under the Ministerial Code of Conduct, additionally 'must make decisions, and be seen to make decisions, with the objective of advancing the public interest ...'³¹

Those are the principles. That is the law. But how well is this understood and applied by those who are elected or appointed to positions of public office?

Nepotism, patronage and public trust

First, an old story, not widely known, but a true one. For quite a while in the late 20th century, it was an accepted practice for a Queensland judge to appoint as an associate, his son or daughter. The position of judge's associate is a public sector appointment and can and often does provide a pathway to a successful career in the law. Many judges considered it was their right to appoint a family member as an associate, or at least that it was a legitimate perquisite of office. The practice was challenged in the 1990s by the then Attorney-General, Matt Foley, who was given legal advice that he was personally responsible for such appointments, as it was he who would sign an Executive Council minute recommending each appointment. He disapproved of the practice and raised the problem with the Chief Justice and the Chief Judge of the District Court. Following discussions, a protocol was drawn up to require that vacancies in the position of associate had to be advertised, and appointments had to be made on merit. However Foley became aware that the new system was not entirely effective and would have to be strengthened. He held further consultations, including with some judges who insisted that their judicial independence was at stake. Foley suggested they could protect that independence by themselves paying the salary and other expenses of their associate, instead of relying on the public purse. That did not appeal. A second protocol was devised which was apparently more effective, though apparently not completely so.

In his book on 'Judicial Ethics in Australia', published some years earlier, then Supreme Court Justice J.B. Thomas made no mention of this issue, but included as an appendix the 'seven Canons of Judicial Conduct' published by the American Bar Association. Canon 3, under the sub-heading Administrative Responsibilities, states:

²⁸ Brennan, pp.4-5.

²⁹ Section 6(d).

³⁰ Attorney-General (UK) v Heinemann Publishers Australia Pty Ltd (1987) 10 NSWLR 86, at 191.

³¹ *Statement of Fundamental Principles*, s.2.

(4) A judge should not make unnecessary appointments. He should exercise his power of appointment on the basis of merit, avoiding nepotism and favouritism ...³²

One would have thought that should go almost without saying. But in Queensland it needed to be said. The principle applies equally to all appointed public officers. The *Queensland Public Service Act 2008* declares:

27 The merit principle

(1) The selection, under this Act, of an eligible person for an appointment or secondment as a public service employee must be based on merit alone (the **merit principle**).

Public service employees are defined by the Act to include the chief executives of the Public Service Departments, who are appointed by the Governor in Council. So their appointments too 'must be based on merit alone'. Even in the absence of this legislative direction, elected public officers (i.e. Ministers) making such appointments would need to apply the same rule, in order to meet their obligations to act in (indeed, to advance) the public interest.

Yet it is clear that the merit principle is not applied universally. Sometimes it is suspended or amended to allow nepotism or patronage to prevail.

Premier Campbell Newman has expressed the view that it is not appropriate for a Minister to employ on their personal staff a member of their own family, but it is possible that a minister could employ family members of other ministers.³³ The new Prime Minister has a slightly stricter rule: ministers' close relatives and partners must not be employed in the offices of other ministers 'without the Prime Minister's express approval'. And 'A close relative or partner of a Minister is not to be appointed to any position in an agency in the Minister's own portfolio if the appointment is subject to the agreement of the Minister or Cabinet.'³⁴

In Britain, following a seven-month long inquiry, the Committee on Standards in Public Life, known as the Nolan Committee after its first chairman, recommended several years ago a complete ban on MPs employing relatives on their staff. However the Independent Parliamentary Standards Authority decided that each MP could employ one 'connected party' at any one time. Almost a third of British MPs do so.

At the other end of the scale, the Australian Capital Territory has a complete ban on its legislators employing family on their staff.

These various rules are all directed to the problem of the public perception of nepotism. Other than those that prevent the employment of family, they are notable for not applying the appropriate principles that should apply to appointments to public office, namely, the merit principle and the requirement that Ministers making appointments should act in (and to advance) the public interest. Insofar as these rules recognise the public interest (as distinct from political interest) it is in a negative sense. That is, they seem to apply the principle that advancing the interests of one's family is acceptable so long as a particular appointment is not contrary to the public interest. But

³² Thomas, J B, *Judicial Ethics in Australia*, LexisNexis Butterworths, 2009, p.108.

³³ And this indeed has happened. One Minister appointed the daughter of another Minister as an adviser in her office. The daughter subsequently resigned after a drug-related incident.

³⁴ *Statement of Ministerial Standards*, December 2013, s.2.23.7.

that is not the test that should be applied. It is not a matter of avoiding harming the public interest; ministers have a duty to advance the public interest.

These rules that different jurisdictions have developed all appear to be directed to the problem of the narrowest form of nepotism, in that they specify the extent to which various family members and partners may or may not be employed. They ignore the broader nepotism or patronage problem, the placing in public positions and/or advancement of political and other associates, mates and cronies, and the jobs for the boys (and girls) syndrome.

That last category is used to describe the appointment of former politicians, political allies and political activists to public offices that may or may not require expertise. Last December, for example, Dennis Atkins in the *Courier-Mail* had a column, 'Tradition of jobs for mates continues in political appointments' in which he mentioned four such: former Australian Democrats leader Natasha Stott-Despoja made ambassador for women; Tim Wilson, a fellow at the conservative Institute of Public Affairs made freedom commissioner at the Human Rights Commission; former Treasurer Peter Costello made acting chairman of the Future Fund; and in South Australia former Gillard Minister Greg Combet appointed as a lobbyist on car manufacturing.³⁵ These appointments are either to newly created positions, or positions that are vacant.

Even more concerning than the standard 'jobs for the boys' are appointments that newly elected Prime Ministers or Premiers make to chief executive positions to replace incumbents who they have dismissed, sidelined or persuaded to resign to make way for people more acceptable to the Prime Minister or Premier. There is little pretence on most occasions that 'acceptability' involves a judgment that the new appointee is more meritorious than the person they are replacing. Rather, it is about the appointment of people the Prime Minister or Premier considers will be loyal, and/or sympathetic with the policies of the new government, and/or can be trusted to harness public resources to achieve those ends. They will often be people who have previously worked with or for the Prime Minister or Premier or their colleagues or are associated politically or in some other way with them.

Such appointments have become relatively common since the Australian public services came to be managed by men and women appointed as chief executives for relatively short (five years or less) fixed terms, rather than by 'permanent' secretaries. Notoriously, when Labor's Wayne Goss became Premier in 1989 a significant number of senior officers were sent to what came to be described as the 'gulag', to work on 'special projects'.³⁶ When John Howard became Prime Minister he promptly dismissed six departmental heads. Tony Abbott dismissed three, with another allowed to hold his spot for about six months. Campbell Newman on becoming Premier sacked seven chief executives, and others followed later. There are important issues about whether actions such as these have led to a politicisation of the public service, and possibly resulted in a diminution of the willingness of the public service to provide frank and fearless advice. Some are

³⁵ The previous month Daryl Passmore reported in the same paper that Premier Campbell Newman had appointed Geoff Cooper, the husband of a close political ally to chair Screen Queensland, where he had missed out previously on winning the chief executive's position. And see Sweetman, T, 'Friends put in high places', *Courier-Mail*, 21.2.14, p.33.

³⁶ This was because the new ALP government believed the public service had become politicised after several decades of non-Labor rule – see, for example, P. Coaldrake, *Working the System*, University of Queensland Press, 1989.

concerned about a fundamental shift towards the American system where all top appointments are political (though subject to Senate approval).³⁷ But this is not the place to discuss these issues.

However there has been some academic sympathy expressed for the exercise of patronage in the appointment of senior public servants. Recently, in an article described as a 'thematic review' of the relevant academic literature, Professor Matthew Flinders and Dr Felicity Matthews wrote: '... patronage, when viewed as a political resource, can be considered as a risk-reduction mechanism through which high-trust relationships and control capacity can be manufactured and sustained'.⁴⁰

The authors drew a distinction between bad and good patronage, between patronage and public appointments. They said:

Patronage appointments are those that can be made by elected politicians without any encumbrance in terms of due process or transparency. In reality, even patronage powers exist within a certain bounded rationality which constrains choices, such as political calculations or informal brokering. However, despite the existence of informal limits on patronage appointments, the underlying variable is one of centralised power in the hands of the patron. Public appointments, on the other hand, are made by elected politicians but against certain explicit standards and frameworks, which are independently verified, to ensure that the public interest is not sacrificed for political gain. Thus, although the capacity of politicians to make the final appointment remains, certain safeguards are in place to ensure that appointments are made on merit and following a transparent, competitive recruitment process.³⁸

Their reference here to the public appointment process is essentially that which has been adopted in Britain from 1995 on, in the wake of scandals about the abuse of patronage by Conservative governments in the 1980s and 1990s. For almost 20 years the Office of the Commissioner for Public Appointments had regulated, monitored and reported on Ministerial appointments to the boards of more than 1,000 public bodies and statutory offices. The system established by the Office requires the establishment by departments of panels to assess candidates and recommend which of them satisfy the selection criteria which Ministers have helped to determine. Ultimately Ministers make appointments, choosing from among those who have been recommended. In some special cases parliamentary committees can hold pre- or post-appointment hearings into appointments.³⁹

A different system applies to the appointment of Permanent Secretaries – the equivalent of Directors-General in Queensland or Secretaries in the Commonwealth. The Civil Service Commission runs the selection process, though the relevant Secretary of State (Minister) is consulted throughout about such matters as job description and the composition of the selection panel and also meets all of the short-listed candidates to provide feedback to the panel. The panel recommends one candidate for appointment, but the final decision as to whether the recommended person is appointed rests with the Prime Minister.⁴⁰

³⁷ See, for example, Solomon D, *Pillars of Power*, Federation Press, 2007, pp.74-79; Podger A, 'Introduction' to a Symposium on Departmental Secretaries, *Australian Journal of Public Administration* 56(4), December 1997: <http://onlinelibrary.wiley.com/doi/10.1111/j.1467-8500.1997.tb02484.x/abstract> ; and a recent article Podger, 'Abbott and the public service: where now for departmental heads?', *The Conversation*, 20.9.13: <http://theconversation.com/abbott-and-the-public-service-where-now-on-department-heads-18465>

³⁸ Flinders M and Matthews F, 'Think again: patronage, governance and the smarter state', *Policy & Politics*, 38.4, 639-56, 2010, p.642.

³⁹ Flinders and Matthews, p.647.

⁴⁰ Flinders and Matthews, p.647-650.

As Flinders and Matthews say:

Overall, the UK provides an important case of a polity in which the party patronage capacity of ministers has become heavily circumscribed in recent years. A proactive regulatory architecture has been put in place that, when combined with an extremely aggressive and sensationalist print media, have made the opportunity-costs of [patronage as corruption] appointments a very high-risk, high-cost strategy for incumbent politicians.⁴¹

They argue that the pendulum has swung too far, and that politicians should have:

the capacity to place competent state managers in key positions in order to develop the high-trust, low-cost relationships that are crucial to the effective governing. This also rejects the assumption of the incompatibility between party patronage and traditional democratic representation, because when exercised in accordance with the principles of merit, openness and transparency, party patronage is eminently compatible with the traditions of democratic responsibility by creating the space for an active dialogue between the appointers and the appointed (which, in turn, is crucial to the facilitation of effective high-trust, low-cost relationships); and in constructing overt lines of accountability across the semi-state back to political actors, who will be publicly accountable for the actions of those they appointed.⁴²

It is an interesting academic debate about whether Britain has gone too far down the road of removing the patronage powers of its Ministers. Aside from the strictures in such legislation as the Public Service Act in Queensland requiring appointments in the public service to be based on merit alone, the only legislation comparable to what is happening in Britain at the Commonwealth level are the procedures in the Australian Broadcasting Corporation Act 1983 and the Special Broadcasting Service Act 1991 setting out the merit-based appointment process now required for board members of the ABC and SBS.

I have quoted Flinders and Matthews at some length to emphasise the point that what has been happening in Australia over the past few decades is totally different from the public appointment process current in the UK. Here, some Premiers and Prime Ministers have indulged in an exercise in patronage apparently paying little regard to the principles of openness and transparency that are required in Britain. It may be that some, most or even all of their appointees might have won a merit-based competition for the positions to which they were appointed. That is not the issue. The process which was adopted was flawed. It would appear to have been contrary to the public interest and inconsistent with the public trust that those Prime Ministers and Premiers were bound by.

But wait. Before reaching that conclusion it is necessary to consider a caveat expressed by Professor Finn in an article published in 1992 in which he discussed the compromises we have to accept in making our system of government workable.⁴³ 'It is not enough' he said 'to rely on ritualistic formulae – "the public interest", "the public trust", "the Westminster system" – as if these, talisman-like, preordained the solutions to our problems. And he said:

⁴¹ Civil Service Commission, 'Recruiting permanent secretaries: Ministerial involvement'. p.9.

⁴² Flinders and Matthews, p.650.

⁴³ Flinders and Matthews, p.653.

What, above all, is necessary, in my view, is to understand the very fabric of the systems of public government which we have and to which we aspire. And this necessitates an informed appreciation of the legal, constitutional and democratic norms which express the order we have created. These are by no means static... But they are nonetheless fundamental to the roles and character we attribute to our officials; to the expectations we properly can have of them; to the strictures we can impose on them.⁴⁴

The fact is that the roles and relationships of and between Ministers and Chief Executives of the public services in Australia have changed considerably, perhaps fundamentally, in the past two or three decades. And this may well mean that there are some circumstances in which it may be perfectly acceptable for a Premier or Prime Minister to make a patronage appointment because trust and/or commitment and/or loyalty etc may be as important (or more so) as merit in delivering the best performance by government – that is, by elected and appointed officials jointly. We may need to recognise that there is such a thing as ‘good patronage’. We may need to change the rules and/or make them more flexible.

If that is so, it is no longer the case that there should be ‘reform of public sector appointments so that merit is the overriding consideration rather than nepotism and cronyism’.⁴⁵ That quotation is from the Liberal National Party’s submission to the Bligh government’s discussion paper on integrity and accountability in Queensland in 2009 and that policy is already required by the Public Service Act.⁴⁶ Rather we might need to consider a question that the same submission also posed: ‘Should government/political appointments be subject to Parliamentary probity or scrutiny by an independent body?’⁴⁷

That is already the case in relation to various integrity officers in Queensland (such as the Integrity Commissioner, the Chair of the Crime and Misconduct Commission, the Auditor-General, the Ombudsman and the Information Commissioner) where the relevant Parliamentary committee is involved in the appointment process.

But it is not the case with the appointment of Directors-General and other Chief Executives. If we are to permit and favourably sanction the exercise of ‘good patronage’ do we need to adjust the system to provide more openness and transparency, in ways such as those mentioned in the LNP submission? I think it time these issues were examined and proper safeguards adopted.

⁴⁴ Finn, ‘Integrity in Government’, *Public Law Review*, 1992, pp.243-257, p.257.

⁴⁵ LNP, ‘A response to the Integrity and Accountability in Queensland Discussion Paper’, 16.9.09, <http://www.premiers.qld.gov.au/publications/categories/reviews/integrity-and-accountability-reform/submissions/submissions-121-140/lnp.aspx>

⁴⁶ LNP, p.4.

⁴⁷ LNP, p.7.

THE NEWMAN GOVERNMENT 2012-2013: DRAWING BATTLE LINES

Ann and Roger Scott¹, cartoons by Alan Moir and Sean Leahy²



The events that took place over the 18 months after the 2012 state election when the Liberal National Party (LNP), led by Campbell Newman, had swept to victory³ led Tony Fitzgerald QC to end two decades of avoiding controversy by describing the political situation as bordering on a one-party state.⁴

Democracy is a state of grace that is attained only by those countries who have a host of individuals not only ready to enjoy freedom but to undergo the heavy labor of maintaining it.⁵

¹ This chapter was written in January 2014, and is Research Report No 14 on the TJRyan Foundation website: <http://www.tjryanfoundation.org.au>

² Alan Moir was cartoonist for the *Courier Mail* in the Bjelke-Petersen era. See *Smile, It's Joh's Place*, Penguin Books, Australia, 1982. Sean Leahy is the current cartoonist in the *Courier Mail*, see his website at http://www.leahy.com.au/leahy/comic_dayarchive.cfm

³ The LNP won 78 seats against only seven for Labor, taking 44 new seats on a two-party preferred swing of 13.7. It was the worst defeat a sitting government had ever suffered in Queensland.

⁴ 'Queensland verging on a one-party state, says corruption fighter Tony Fitzgerald', *The Guardian*, 23.11.13, <http://www.theguardian.com/world/2013/nov/23/queensland-one-party-state-tony-fitzgerald>

⁵ Norman Mailer, in a speech to the Commonwealth Club in San Francisco. Text published on Tuesday, February 25, 2003 by the [International Herald Tribune](http://www.ihtribune.com).

This quotation from a speech by Norman Mailer given in 2003 was cited by Tony Fitzgerald QC in his introduction to cartoonist Sean Leahy's *Power Point Pete: Queensland from Joh to Woe*⁶, looking back to the days of the corrupt Bjelke-Petersen government. In 2012-13, democracy came under threat again in Queensland with a government using its vast parliamentary majority to pass draconian laws that echoed the authoritarian approach of the Bjelke-Petersen years.

When the Bjelke-Petersen era finally drew to a close, and after the election of the reformist Australian Labor Party (ALP) government in 1989, great effort was put into establishing a more democratic, transparent, and accountable system of government in Queensland. Those who participated may be forgiven for having thought that these reforms would be permanent. However, this appears not to be so. This chapter about the Newman government is illustrated by cartoons from the Bjelke-Petersen era, using the work of cartoonist, Alan Moir, whose drawings from the 1980s have disturbing resonance today.⁷

The Labor government elected in 1989, after the ALP had spent 32 years in opposition, immediately started implementing a series of fundamental reforms recommended by the inquiry into corruption in Queensland, chaired by Tony Fitzgerald QC. Some of these reforms were uncomfortable for any government, particularly the establishment of the Criminal Justice Commission, an accountability watchdog recommended by Fitzgerald. Queenslanders had the right to believe that the crimes and misdemeanours that characterised the Bjelke-Petersen days were permanently consigned to history.

Parliament under Newman, 2012-13

The question in Queensland, after the 2013 parliamentary session drew to a tumultuous close in November, was whether the Queensland political system can be described as fundamentally liberal democratic any more. The electorate had grounds for concern that the Newman government seems determined to ignore basic democratic principles in order to ensure that it established a political landscape in which the opportunity for any opposition or external scrutiny was minimised or eliminated.

In a landslide victory on 24 March 2012, winning 78 out of the 89 seats in the Legislative Assembly, the LNP led by former Lord Mayor of Brisbane, Campbell Newman replaced the ALP government led by Anna Bligh. The ALP retained only seven seats. Two long-serving Independents were re-elected along with two new members, one of them, Shane Knuth, wasn't a new member - he was previously the LNP member for Dalrymple but left the party in late 2011 and joined Katter's Australian Party KAP), holding the seat for them at the 2012 election representing a rural splinter party.⁸ This gross imbalance had a significant impact on the operations of the Parliament, encouraging arrogance on the part of the government, and creating difficult challenges for the ALP in providing an effective opposition.

⁶ Leahy S, *Power Point Pete: Queensland from Joh to Woe*, Brisbane: Kookaburra Productions, 2005. The theme of a recent article emphasises similar continuities (see Keim S and McKean A, 'Avenging Sir Joh', <http://www.justinian.com.au/bloggers/avenging-sir-joh.html>).

⁷ Moir, Alan, *Smile It's Joh's Place*, Penguin Books, Melbourne, 1982. All the cartoons used in this article come from *Smile It's Joh's Place*, and are reproduced by kind permission of Alan Moir.

⁸ For more detailed discussion see Scott R, 'Political tsunami - the 2012 Queensland election and its aftermath in Parliament', *Australasian Parliamentary Review*, 27:2, Spring 2012, 90-8.

Towards the end of 2012 tensions were also developing within the LNP itself. The number of independents increased when, at different times during the session, four LNP members left the party.⁹ Given the government's massive majority, this had little effect, apart from irritating the government and, on the last occasion, creating the need for a by-election in early 2014.

- **The Speaker**

The new Speaker, Fiona Simpson, was a long-serving conservative MP, with National Party links over two generations. The media reported that she was disappointed not to be awarded a ministry, but she rapidly reasserted the authority of the Speakership. The role had been undermined in the later days of the ALP government led by Anna Bligh (and discussed by the then-Speaker John Mickel on a number of public occasions then and subsequently).¹⁰

The Speaker was clearly determined to assert her authority in her new domain. On 10 July 2012 independent television cameras were banned from the floor of Parliament until the end of August after news bulletins broadcast footage of a protest in the public gallery over changes to the law on civil unions. The Speaker warned that future bans would be imposed for any similar breach. In addition, at the end of July 2012 she issued a directive signalling that she would refuse gallery access to the public if parliament security staff had 'credible intelligence' that protest activity was intended or occurring in, or immediately outside, the parliamentary precinct, and/or that certain individuals or groups were intending to disrupt the proceedings of the assembly.

The physical presence of security officers escalated in October 2013 in response to the government's presumed fear of serious threats of criminal violence by 'bikie gangs' directed towards the Parliament itself. Those entering the Parliamentary Annexe to visit parliamentary offices, public committee proceedings and the Parliamentary Library were met on occasions by officers in the full body armour and armaments normally associated with a riot squad.

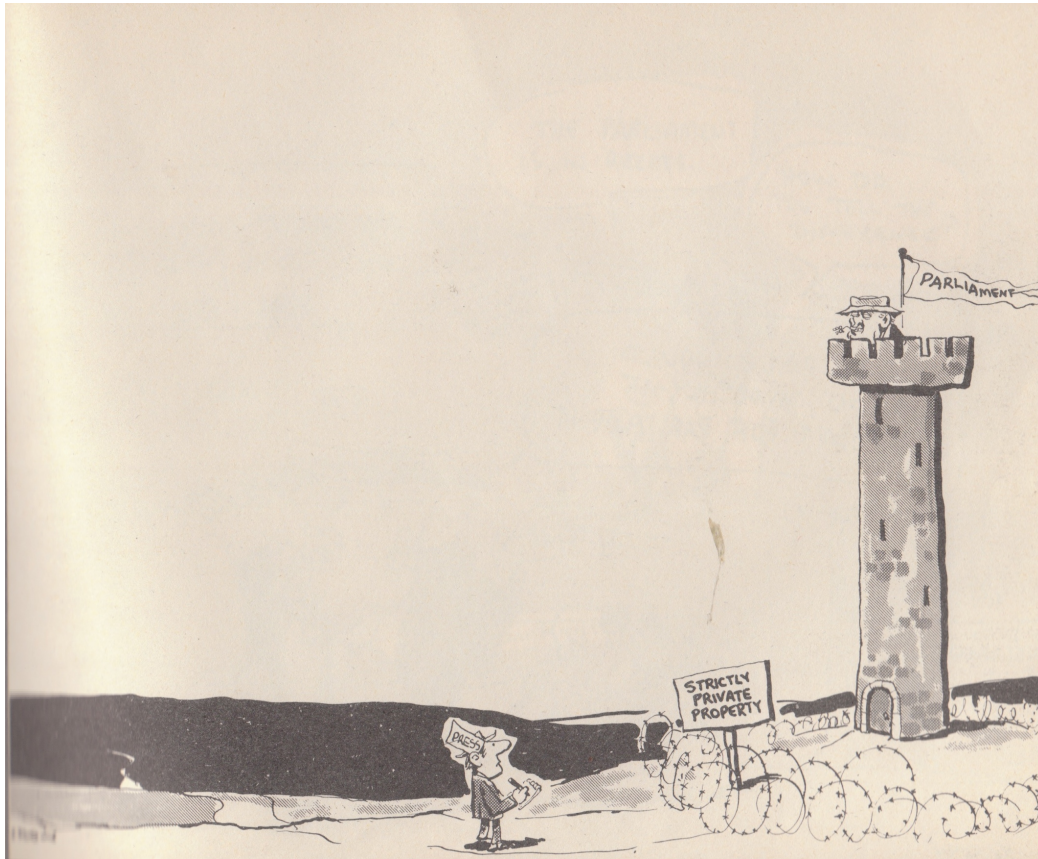
In terms of the actual administration of Parliament, as distinct from its security, Speaker Simpson developed a reputation for impeccable impartiality - not always true of some of her predecessors. Simpson has developed a close working relationship with her professional staff and was active both in promoting public awareness and as patron of the local branch of the quasi-academic Australasian Study of Parliament Group.

The manipulation of Parliament under Campbell Newman - the abuse of procedures historically designed to maximise public awareness and opportunity for detailed constructive amendments to proposed laws - was outside the Speaker's control. These changes have offset the Speaker's initiatives to provide blanket televising of proceedings of Parliamentary sittings and encourage non-closed sessions of parliamentary committees. Even though the media are selective about what they cover, with the major newspapers running their own agendas, the members of the public can

⁹ Dr Alex Douglas was accused of criticizing the government in public, and was removed from his positions as Chair of the Ethics Committee, and member of the Parliamentary Criminal Justice Committee. Ray Hopper defected to Katter's Australian Party, and 'wavering' Carl Judge was banned from the party room. Driscoll was expelled, as discussed below. 'Party mole: what's going wrong in Campbell Newman's LNP' *Crikey*, 29.11.12: <http://www.brisbanetimes.com.au/queensland/disgruntled-mp-stripped-of-new-committee-role-20121127-2acpi>

¹⁰ See, for example, 'Changes to the role of Speaker in Queensland' address to the Presiding Officers and Clerks Conference, Brisbane, July 2012; Jones K and Prasser S, 'Resisting executive control in Queensland's unicameral legislature - recent developments and the changing role of the Speaker in Queensland' *Australasian Parliamentary Review*, 27.1, Autumn 2012. See also an interview with John Mickel on *Queensland Speaks* <http://www.queenslandspeaks.com.au/john-mickel>

hear and see what is going on inside Parliament. The main problem was finding out what was going on outside these public arenas and this was carefully controlled by the party managers.



In any event, Parliament itself had made little impact on public debate over policy changes because of the overwhelming numerical superiority of the ruling LNP. Each of the seven members of the ALP 'shadow cabinet' had to develop expertise across multiple portfolios and their collective lack of experience inside government limited their capacity to make an impact - all the logical successors to Bligh as leader had perished in the electoral avalanche. In the reporting of the strategies being followed by the LNP during the campaign, it was asserted that resources were concentrated on defeating the 'tall poppies' who might make the strongest impact as opposition leaders. As a result, it was often the two experienced, longer-serving independents, from seats outside Brisbane, who supplied any balance in the lop-sided debates after the election, until the new ALP leadership found its collective feet.

- **Committees**

While the core machinery to support the adequate functioning of Parliament remained in place, the massive LNP majority presented an immediate challenge to the government in managing their own backbench. The committee system, revised under the former government with strong bi-partisan support, was one area into which backbench energies could be channeled.¹¹

¹¹ For discussion on this, see Spence J, 'A new era of parliamentary reform' *Australasian Parliamentary Review*, 27.1, Autumn 2012.

For most parliamentarians, the committee system offered the greatest opportunity to learn about and contribute to the processes of government. The massive LNP majority prompted significant changes to the parliamentary committee system. A bipartisan report to the previous government had to be revised: such a massive imbalance had not been contemplated. The original concept of reasonable party balance within each committee was impossible to maintain with so few members available from outside the LNP. It had originally been intended that each of the seven portfolio committees have at least six members, half of whom should be from outside the governing party, with the functions of scrutinising legislation, investigating issues, and reviewing budget spending.

Shortly after the election, the new Leader of the House indicated that this could not be sustained with only seven ALP members and four other Opposition members (two Katter Party and two regional independents), because the new arrangements provided for all seven committees to meet simultaneously.¹² A month later, it was decided to increase the size of each committee from six members to eight, giving the LNP 75% of the membership in each. This gave all LNP backbenchers an opportunity to serve and thus be gainfully employed (with additional remuneration).¹³ The expanded committee system allowed Lawrence Springborg, the former party leader and a key player in the committee reform process, to justify backing away from a 2009 LNP conference resolution which supported a referendum to re-establish an upper house, often seen as fulfilling a review role that was similar to the expanded committee system.

Inevitably, the government dominated the numbers in the committees.¹⁴ This reduced the committees' potential to provide the checks and balances on the exercise of the government's numbers in the House. However, despite establishing a committee structure that reflected aggregates of the government's broad portfolio areas, Premier Campbell Newman and his Cabinet soon became impatient with the delays committee deliberations imposed on the legislative program, and increasingly tended to ignore or sideline committee advice. From early on in his first parliamentary session, Campbell Newman felt free to decide unilaterally to bypass the whole committee apparatus on any issue where he wanted rapid action and minimal analysis and discussion. His rationale was that he had such an overwhelming 'mandate' that he could legitimately remove any obstacles that stood in the way of his personal preferences, regardless of what had been 'promised' during the election campaign. Many independent observers saw this as a blatant exploitation of a loophole - the provision allowing emergency provisions to apply to urgent legislation. Reformers on both sides had intended this to apply only in extreme situations and to be exercised in a non-partisan way. Campbell Newman used his numbers inside Parliament to treat as normal the arrangement that committee processes need not apply to any issue that might generate sustained criticism.

In 2012 Ken Coghill had questioned the effectiveness of the Queensland Parliamentary committee system, concluding that:

¹² Three more independents have emerged from within the LNP, one of whom subsequently attached himself to the Palmer United Party.

¹³ One important exception was the PCMC on which the independents were more strongly represented. See later discussion.

¹⁴ There is an additional benefit for committee members, who receive an annual allowance of \$8,217, taking their salaries from the base of \$137,149 pa to \$145,366.

Ultimately however, democratic principles dictate that it is Queenslanders who must judge the extent to which the Parliament and its committee system are meeting their wishes.¹⁵

Over the 18 months since Coghill wrote these words, the Queensland government has frequently displayed disrespect, bordering on disdain, towards the parliamentary committees. In the period between 17 May 2012 to 30 September 2013, 70 Bills were examined and debated, committees recommended 131 legislative amendments of which 67 (51%) were accepted. But there was a growing sense of déjà vu amongst those who remembered the Bjelke-Petersen regime of the 1970s and 1980s at the growing tendency for Cabinet to bypass the committees and rush significant legislation through the Parliament, often late at night.

For example, on 23 May 2013, the Finance and Administration Parliamentary Committee tabled a report following a meticulously researched inquiry into the operation of the Queensland Workers' Compensation Scheme. While numerous submissions were made and various contrary viewpoints considered, the committee only recommended relatively minor changes be made to the existing laws. On 29 October 2013, however, the Attorney-General rushed through amendments to the Workers' Compensation legislation that ignored the recommendations of the committee.¹⁶ Under the legislation some Queenslanders injured at work would no longer be able to sue their employers, and bosses would be able to access job applicants' workers compensation history. These were debated by the whole house in the middle of the night when the only reason for the urgency was the political one of avoiding protracted scrutiny by the many interested parties.



¹⁵ Coghill K, 'Queensland's parliamentary committees: dead, on life support, or lively?', *Australasian Parliamentary Review*, 27.2, Spring 2012, 99-106, p.106.

¹⁶ Moir's cartoon depicts Joh Bjelke-Petersen's similar disdain for Parliament.

- **Opposition parties and Independents**

The ALP's limited resources, and lack of access to those provided to LNP members through the bureaucracy, meant that it struggled to strike many blows on the floor of the House, except against the occasionally deviant behaviour of Ministers and accusations of nepotism.

One problem for the ALP was that it was stretched in several directions. Of the seven MPs, only four are from the Brisbane area, and the electorates of the remaining three are all on the distant north coast (Mackay, Mulgrave, and Rockhampton). This imposes a heavy burden on them all, but particularly on the Leader of the Opposition who had to travel extensively across the State to wave the party flag in areas once held by the ALP but currently lacking local representation. The other members were all multi-purpose shadow ministers.¹⁷ Given the vastness of the State (1,727,000 square kilometres) and the decentralisation of its population (over 4.5 million), having no MPs from west of the Ranges was a significant handicap.

The newest member of the ALP team, Jackie Trad, arrived in April 2012 as a result of a by-election created by the resignation of Anna Bligh, the previous ALP leader. She became one of the more prominent members of the parliamentary team. Her impact underlined the urgency for the ALP to inject new blood through the pre-selection of candidates who can help with this flag-waving, especially previous high-profile ALP parliamentarians who were the focus of the LNP's targeted efforts in the 2012 election campaign. United in diversity, the team inside and outside Parliament remained disciplined and coherent. ALP insiders had known they were going to lose the 2012 election; they did not realise by how much but were reconciled to their fate. There was nothing of the desperation which afflicted the LNP after losing a notionally 'un-losable' election in 2009 which resulted in the highly successful gamble of 'parachuting in' a new leader, Newman, from his role as Lord Mayor of the Brisbane City Council.

There was not likely to be much direct policy-oriented assistance for the ALP among the independents in providing parliamentary Opposition to the LNP. Two LNP members (Alex Douglas and Carl Judge) left the LNP benches to become independents in November 2012, concerned over process rather than policy (Judge protested at the government's broken election promises, including its treatment of public servants, and its failure to govern with 'humility'; Douglas was angry at being removed from his position as chair of the Ethics Committee). Both eventually joined the Palmer United Party (a party that originated, and was still registered, as the United Australia Party). There is no certainty that Clive Palmer (a vocal critic of Campbell Newman), elected to the federal parliament in September 2013, had any desire to expand his representation into the State arena: his party chose not to contest the Redcliffe state by-election in 2014.

The members of the Katter's Australian Party (KAP) and the defectors from the LNP were just as likely to support the LNP as the ALP on the wide range of social issues where they judge their constituents to match the LNP's conservatism. Their votes may have had little direct impact, but they obviously needed to assess how their positions on the parliamentary record can be used against them in any future election. Bob (Robbie) Katter junior, in particular, would have been conscious of the heavy swing against his father in the 2013 federal election, attributed in part to a preference deal he made with the ALP.

¹⁷ The Deputy Leader of the Opposition, for example, is Shadow Minister for State Development, Infrastructure, Planning and Racing, Agriculture, Fisheries and Forestry, Local Government, Science, IT and Innovation. Curtis Pitt () is Manager of Opposition Business, Shadow Minister for Treasury and Trade, Energy and Water Supply, Main Roads, Aboriginal and Torres Strait Islander Partnerships, Sport and Recreation.

The major voices outside the ALP were the two longest-serving Independents: Liz Cunningham (Gladstone) and Peter Wellington (Nicklin). Mrs Cunningham held her central Queensland seat with only a small swing to the LNP against her. She originally won the seat by replacing an ALP member, and benefitted from National preferences. Her subsequent record of asserting her role as the swinging voter to allow a coalition government to be formed to succeed the ALP Goss government in 1996, means that she was on relatively good terms with the current LNP government until recent events. However this amity may not survive the dramatic events surrounding the sacking of the entire Parliamentary Crime and Misconduct Committee (PCMC), which she chaired, at the end of the 2013 sitting (described later).

Peter Wellington, by contrast, voted regularly with the ALP members of the PCMC just as he had subscribed to minority reports by the PCMC concerning responses to earlier investigations into the conduct of the Crime and Misconduct Commission.¹⁸ Wellington holds a seat just north of Brisbane and had a diverse history of association with Nationals and Liberals. He had suffered a much more significant swing in the 2012 landslide, perhaps because of his independent stance in the past (including keeping ALP Premier Peter Beattie in power until the implosion of the One Nation members elected at the 1998 state election made his support irrelevant). He has been the frequent target of LNP criticism and seems to incur the personal hostility of Premier Newman.

- **Managing public information**

The Newman government quickly moved to minimise debate or criticism from outside the Parliament, restricting information to media releases, and Ministerial answers to Dorothy Dix parliamentary questions from government members.¹⁹ In the early days of the new government these answers were most notable for their mind-numbing slogans – with every Minister apparently expected to repeat the propaganda that the government was getting Queensland ‘back on track’. Which track they were returning the State to was not immediately clear, though as time went on it appeared to be the Joh Bjelke-Petersen track, as parliamentary democracy suffered, and civil liberties were eroded with breathtaking disregard for the basic elements of civil society such as freedom of speech and an independent judiciary.

The media, the primarily print-based Brisbane *Courier-Mail* (News Corp) and the online *Brisbane Times* (Fairfax), were initially critical of the Newman government’s broken promises, such as those on public sector job security. After the government was elected, the media in general embraced the time-honoured role of ‘the fourth estate’. The *Courier-Mail* has what is effectively a newspaper monopoly, at least in the south-east corner of the State. The paper pulled no punches in its coverage early on of the blatant disregard for election commitments when Newman sacked 14,000 public servants who had been told before the election that they had ‘nothing to fear’ from an LNP government.

However, the broader strategy of the Murdoch press, demonstrated in its overt political partiality during the 2013 national election, also played out in Queensland. On 14 June 2013 the online news report *Crikey*, under the headline ‘Murdoch rolls in, newspapers throw bodies overboard’ warned of the changes. Queensland editorial director David Fagan, a towering figure in Sunshine State journalism for decades, was sacked, as was the editor Michael Crutcher:

¹⁸ Scott, R, ‘Queensland transparency: lapdogs and watchdogs’, *Australasian Parliamentary Review*, 28:2, Spring 2013 2013, 71-9.

¹⁹ <http://www.brisbanetimes.com.au/federal-politics/silence-is-golden-20120716-22572.html>

Crikey hears that Murdoch has been unhappy with the *Courier-Mail's* often critical coverage of Premier Campbell Newman - particularly his public service job cuts. It'll be fascinating to see if the tone of the coverage changes under new editor Chris Dore, who's departing as head of the News Limited *Sunday Times* in Perth.

Change it did. After Murdoch's intervention, the coverage of Parliament in the *Courier-Mail* tended to view events through the prism of government media releases, to build support for the government and focus only on the deviant behaviour of individual MPs rather than on any limitations of the regime as a whole.²⁰

While the paper did carry some strongly critical opinion pieces written by people such as Tony Fitzgerald, it generally maintained its strong support for the government. Indeed, Campbell Newman paid a fulsome tribute to its contribution on the last sitting day of 2013, ironically for bringing attention to his own failure to act more urgently against the dereliction of duty of one his own party members, 'the disgraced member for Redcliffe'.

Minimising public scrutiny by going to war

- **The war against the unions**

The trade unions constitute a large and engaged element in civil society. They had been alienated from the former ALP government when, under the stress of the global financial crisis in 2007-8, Premier Bligh broke an electoral promise not to introduce privatisation of public assets. To exploit this alienation, Newman encouraged the public sector unions to remain quiescent during the election campaign by reinforcing statements made by the LNP in Parliament. Before the election, the Public Sector Union, rechristened 'Together', invited each of the party leaders to tell its members what to expect from a government each might lead. The recorded response of each leader was posted on the union website. It was here that Newman reassured the union movement that public servants had 'nothing to fear' from a change of government, and that there would be no further privatisation of assets without the government seeking a new electoral mandate specifically for this purpose.²¹

One of the earliest acts of the Newman government, justified under the guise of a Commission of Audit, appointed on 29 March 2012 with ex-Liberal federal Treasurer Peter Costello as Chair, was to impose massive budget cuts across all government departments.²² The new government

²⁰ The online and other non-print media have, however, been more informative. The *Brisbane Times* and the *ABC* have provided a more balanced view of the developments. It is worth recalling that it was the *7.30 Report* and *Four Corners* that were largely responsible for exposing the corruption in the Bjelke-Petersen regime. The Internet now helps overcome, to some extent, the monopoly of print newspapers.

²¹ Together Union, 'Campbell Newman Speaks with Together', http://www.youtube.com/watch?v=V_oKJL03XsY&feature=youtu.be

²² For a review of the Commission of Audit, see <http://media2.apnonline.com.au/img/media/pdf/QuigginAuditComm.pdf>; and http://www.uq.edu.au/rsmg/WP/Australian_Public_Policy/WPP13_1.pdf. These cuts included the management of the Parliament, where the Clerk of Parliament was required to find savings of \$2.5m. He met this target by cutting 15 senior support staff rather than shedding greater numbers of those in the lower ranks. This had an inevitable impact on morale amongst parliamentary staff and eliminated some areas of community engagement, but at least the core services remained intact and the reputation for professional discretion remained undimmed.

reversed its pre-election commitment that public sector workers had nothing to fear, by announcing it intended to sack 14,000 public servants.

From the moment that Newman backtracked on his election promise that no public servant had anything to fear, and instead set a numerical target for the level of cuts required to provide necessary budget savings, the union movement became a highly vocal and visible critic. The online *Brisbane Times*, owned by the Fairfax media group, was also a source of information about the human impact of the cuts, especially before its reporter Daniel Hurst moved first to the *Canberra Times* and then to *The Guardian Australia*. The anonymous *Brisbane Times* correspondent 'The Watcher' provided insights into how badly the cuts were handled and the human dimension of the distress within the public service, reminding readers of the human cost when 14,000 people's jobs were under threat, and the flow-on impact on small businesses (particularly noticeable in the Brisbane CBD).²³

Unions protested about the scale of the job cuts: protest rallies were held and the conflict dominated state political media coverage for months. The day after the budget, a crowd of between 8,000 and 10,000 people marched to Queensland Parliament to voice their anger. Newman then started to take punitive action against the unions.

The government rushed through a new law that stripped away employment security and limited-outsourcing protections from existing public service pay deals. The measure, passed in the name of reforming the public service, stirred controversy but a union challenge against the law was thrown out by the Court of Appeal in December.²⁴

The unions had declared war on the government, and the government started its retaliation, passing a series of Bills designed to prevent workers and unions from speaking out against government decisions. The axing of public service positions was matched by cuts to services. When the government started putting these services out to tender, it also threatened to withdraw funding from community organisations that spoke publicly against government decisions.²⁵

On Wednesday 5 June 2013, the government went further, to stop any union activity defined as 'political'. The legislation overrode existing agreements that union fees could be deducted through an employee's payroll and 'delegate rights' clauses in awards and collective agreements; any collective agreement provision that incorporated a departmental policy into the agreement; and imposed significant and costly red tape on union operations, including requirements to disclose the material interests and remuneration of officials, and money spent on 'political' campaigning.²⁶ Unions lost the right to use payroll deduction; delegates were no longer allowed to use work time and facilities for union activities; and members were prevented from talking to union officials during work time.

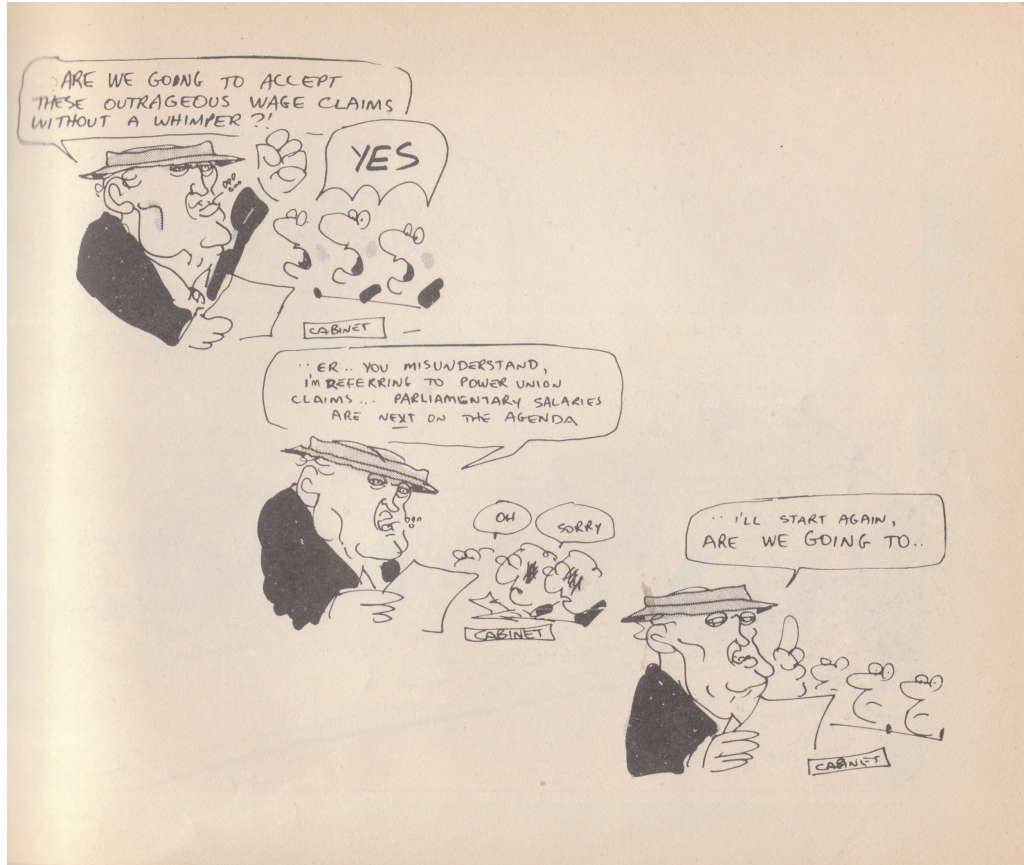
²³ A selection of 'The Watcher' articles are reproduced in full in the following chapter.

²⁴ Read more: <http://www.brisbanetimes.com.au/queensland/the-year-that-was-queensland-politics-in-2012-20121230-2c1ec.html#ixzz2nhnxGCpc>

²⁵ Calligeros M, 'NGOs blast government gag rule', *Brisbane Times*, 21.8.12, <http://www.brisbanetimes.com.au/queensland/ngos-blast-government-gag-rule-20120821-24ju3.htm>

²⁶ Together Union site: <http://www.together.org.au/stay-informed-news/member-news/new-industrial-legislation-newman-government/>

In the midst of a drawn-out campaign for a pay increase for core public servants by the Together Union, the politicians gave the impression they were about to award themselves a hefty pay increase. While the Premier was overseas, the Deputy Premier, Jeff Seeney revealed that the government had received Crown Law advice that pay freezes introduced under the former Labor government were illegal. Seeney said he had 'no choice but to act on the advice' and award the increase that would see backbenchers' base salary rise by about \$57,000.



Not surprisingly this caused public outrage, not least on the part of the unions involved in negotiating a pay rise for their members. The press reported that the changes would have put Newman's pay at around \$400,000 - almost on par with US President Barack Obama.²⁷

- **The war against 'bikies'**

Outlaw Motor Cycle Gangs (OMCGs) have long been a problem for law enforcement agencies, internationally, nationally, and in all Australian states and territories. In September 2013 a brawl in a restaurant between two gangs (apparently sparked by a lovers' tiff), was followed by the gangs descending on Southport police station to display their strength and independence. This led the government to declare war against all bokie gangs (not just the Bandidos and the Finks) and pass ill-conceived legislation. In the eyes of many observers, the open-ended range of the legislation and the ferocity of the penalties infringed the civil liberties of all Queenslanders, and, taken

²⁷ See Hurst D, 'The year that was: Queensland politics in 2012', *Brisbane Times*, 20.12.12: <http://www.brisbanetimes.com.au/queensland/the-year-that-was-queensland-politics-in-2012-20121230-2c1ec.html#ixzz3rX63rF6S>

together with equally draconian legislation on sex offenders passed two days later, set the government seriously at odds with the legal profession.²⁸

The government argued that legislation on OMCG gangs was a special case and the haste was justified because it was responding to an immediate threat to public order. In practice, police and criminologists know that some of the most effective crime gangs operate far from the public eye. The 'bikie' gangs, on the other hand, parade membership: with their bodies covered with tattoos, their 'patched' leather jackets, their Harley-Davidson motorbikes, and their fortified premises. The sense of urgency to do something about the OMCGs was aided by the media coverage of the Gold Coast brawl, with gripping television images showing frightened onlookers, the arrival of severely outnumbered police, and the ominous congregation of members on their Harley-Davidsons jamming the watch-house car park.

The laws declared a long list of gangs as unlawful, and imposed mandatory sentences on gang members convicted of various crimes 'in furtherance of the aims of an association'. In this case the definition of an association was any group of more than three people. A 'super prison' was to be established, offenders were to be held in solitary confinement for 23 hours a day, and it was suggested bikie prisoners would be required to wear pink overalls to shame them. The effect of the crackdown on OMCGs was to cause significant distress to motorcycle enthusiasts who had nothing to do with OMCGs. Rather than focusing on specific offences, the legislation significantly eroded civil liberties in Queensland by attacking freedom of association and assuming guilt²⁹, rather than basing the legislation on the presumption of innocence and pursuing offenders through more rigorous application of existing laws.³⁰



²⁸ Goldsworthy T, 'A phony war: bikies aren't the only problem on Queensland's Glitter Strip', *Brisbane Times*, 17.10.13: <http://www.brisbanetimes.com.au/comment/a-phony-war-bikies-arent-the-only-problem-on-queenslands-glitter-strip-20131017-2vpce.html>

²⁹ The Moir cartoon shows Joh Bjelke-Petersen with his Minister for Police, Russ Hinze, preparing for the Brisbane Commonwealth Games in 1982.

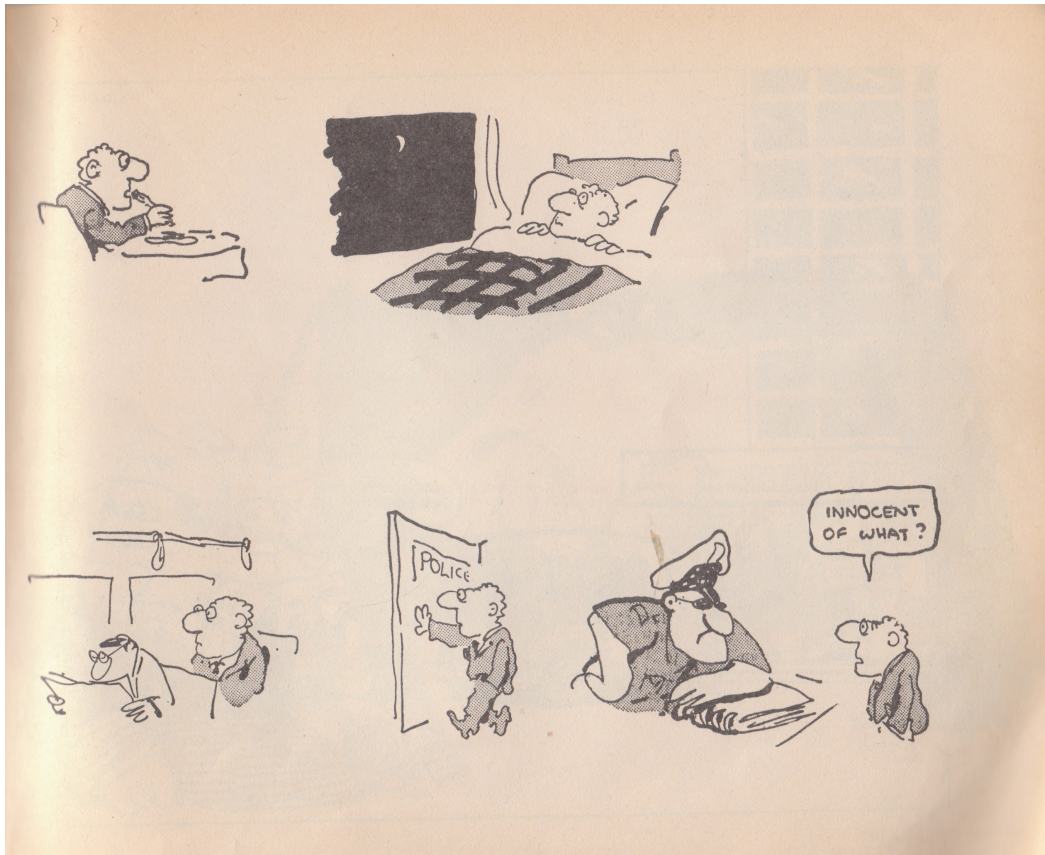
³⁰ The illustration that follows is Moir's cartoon of Bjelke-Petersen and Police Minister Russ Hinze preparing for the 1982 Brisbane Commonwealth Games

Once OMCGs were identified as a threat beyond the reach of existing legislation (a point contested by many legal authorities) the legislative activism of the young Attorney-General, Jarrod Bleijie, knew no bounds. The Premier, who had been out of Queensland when the brawl took place, reacted in keeping with his military training, led the charge in the media, constantly reiterating that the Parliament had unlimited authority and he had an unlimited mandate. He promised that, if these particular pieces of legislation were the subject of successful challenges in the High Court, he would come back with more until he achieved his objectives. In responding to challenges from various members of the legal profession, he confidently claimed that he spoke for 'all of Queensland'. A number of judicial figures expressed concern about the undermining of the doctrine of the separation of powers (a concept Bjelke-Petersen also had problems with). Premier Newman dismissed this as irrelevant - 'something to do with the Americans'.

Newman parachuted a retired army brigadier into the administration to coordinate interdepartmental civil administrators and police operations 'to lead the government's war on criminal gangs' that had been announced by Jarrod Bleijie.³¹



³¹ Remeikis A, 'Brigadier Bill Mellor, Campbell Newman's old superior, appointed to anti-bikie position', *Brisbane Times*, 5.12.13: <http://www.brisbanetimes.com.au/queensland/brigadier-bill-mellor-campbell-newmans-old-superior-appointed-to-antibikie-position-20131205-2ytdm.html#ixzz2u7ArSNYO>



- **The war against riotous parties**

The government also set its sights on 'out of control' social events in public places, not just entertainment strips but including neighbourhood streets. From time to time police had been called to parties that had been announced on social media, drawing large numbers who had become noisy, destructive, and sometimes dangerous. As with the bikies, this was not a new problem, and as with the bikies, the government response infringed basic human rights. A party ('a gathering of twelve or more people') is deemed 'out-of-control' if three people at the party are drunk in a public place, cause excessive noise, unreasonably block a pedestrian's path, litter in a way that might cause harm to the environment, or use 'indecent' language. Fines of \$12,000 or a year in jail can be meted out to a party host if any of their guests commit one of these misdemeanours. Police, who already had considerable powers (and discretion) in relation to unruly parties, were given additional discretion to act, arrest, and charge whoever they wish.

For all the absurdities of Queensland's anti-bikies legislation, its Bill cracking down on parties was probably worse in terms of interference in the rights of 'ordinary' citizens.³²

- **The war against sex offenders**

The *Vicious Lawless Association Disestablishment Act* (VLAD) was passed on 16 October 2013. Two days after this 'bikie' legislation passed, in the early hours of 18 October, Parliament passed

³² Berg C, 'Queensland party crackdown out of control', ABC *The Drum*, 19.11.13: <http://www.abc.net.au/news/2013-11-19/berg-queensland-party-crackdown-out-of-control/5101438>

sex offender laws giving the Attorney-General the power to keep serious sex offenders in prison indefinitely (taking that role from the courts).

Judges, lawyers and civil libertarians all voiced concerns about the changes, earning Premier Campbell Newman's dismissive label that they were 'apologists for paedophiles'. The government was not prepared to wait for committee deliberation on the detail. On 6 December 2013 the Court of Appeal dismissed an appeal by the Attorney-General to keep a 65-year-old notorious sex offender behind bars on the grounds that the legal amendments were invalid. Attorney-General Bleijie responded by announcing an extensive review of the dangerous prisoners legislation 'because we have a legal system, not a justice system'.³³ Lack of adequate consultation, particularly with the legal profession, characterised these rushed legislative changes, fuelling the impression that the government viewed with contempt the expression of opinions other than its own, despite the level of professional expertise and experience of those it might have been wiser to consult.

- **The war against the environment**

Over the past twenty or so years Queensland has been establishing environmental protection regimes, to protect the unspoilt natural environment that many overseas visitors come to Queensland to see: particularly (but not only) the Great Barrier Reef. It was clear from Campbell Newman's election campaign, to which the sand-mining company Sibelco contributed \$90,000 on postage and printing,³⁴ that the environment was going to suffer severely under an LNP government, ignoring the fact that the natural environment is not only precious in itself, but also the unique aspect of Queensland that attracts tourist dollars. This support for sandmining clashed with the general priority in the LNP electoral manifesto which promised tourism as one of the four pillars of the Queensland economy. Ironically it was Campbell Newman's father, Kevin Newman AO, who was federal Minister for the Environment when the decision was taken to cease sand mining on world heritage listed Fraser Island.

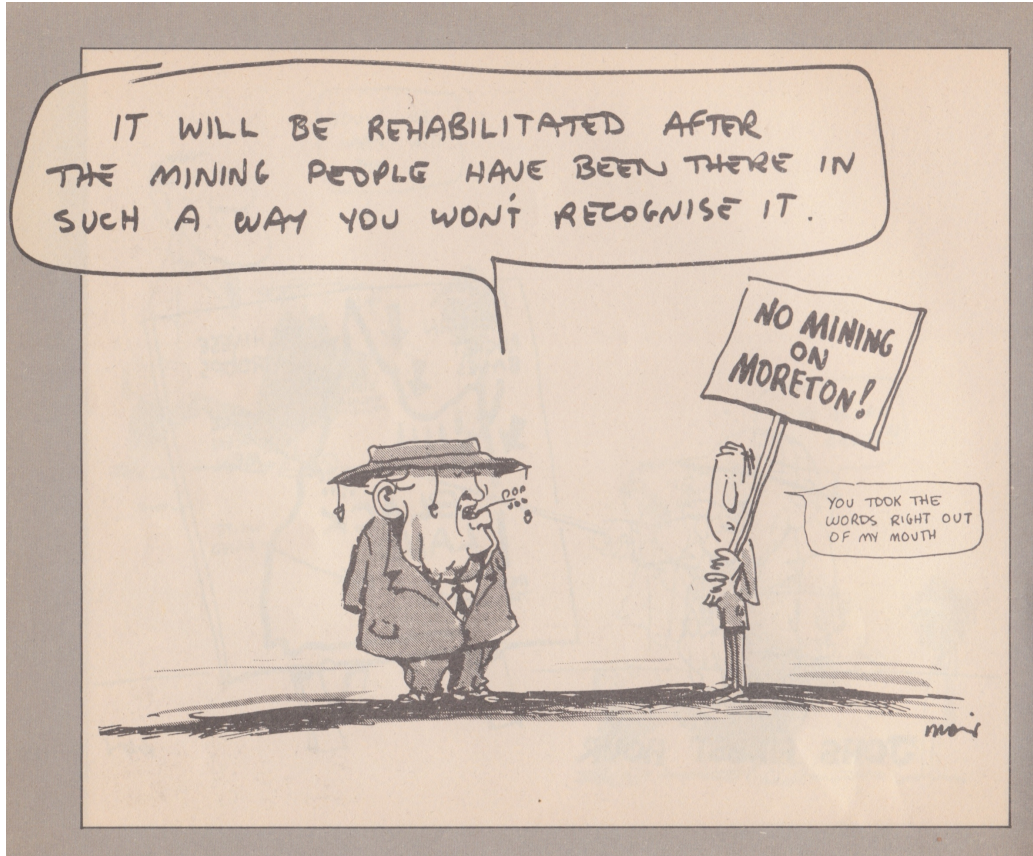
On the night of 20 November 2013, the *North Stradbroke Island Protection and Sustainability and Another Act Amendment Act* paved the way for the company Sibelco to extend sand mining on the island from 2019 (as had only recently been negotiated with the ALP government) until 2035. The legislation was drafted in close consultation with the mining company. Only one meeting was held with representatives of the Quandamooka People, who hold native title over North Stradbroke, in which the government's intention was not disclosed.

The *Vegetation Management Framework Amendment Act 2013* was also symptomatic of the LNP's disregard for Queensland's hard-won protections against wanton land clearing and another explicit breaking of a pre-election commitment. After protracted environmental struggles during the Bjelke-Petersen years, progress was still slower than many activists preferred during the intervening period of ALP government. Major changes had been put in place by 2006, and the new legislation cancelled these arrangements, opening up two million hectares of bushland to destruction. Environmental experts argued that this repeal created the likelihood of loss of biodiversity across

³³ 'Jarrod Bleijie announces review of dangerous prisoner laws', *Brisbane Times*, 8.12.13, <http://www.brisbanetimes.com.au/queensland/jarrod-bleijie-announces-review-of-dangerous-prisoner-laws-20131208-2yyyf.html>

³⁴ This contribution only became public after an inquiry on the national ABC program, *The 7.30 Report*. See McCutcheon P, 'Queensland government stands accused of political favours over mining lease' *ABC 7.30 Report*, 18.7.13: <http://www.abc.net.au/7.30/content/2013/s3806274.htm>.

the state, further shrinking remnant areas of native vegetation and increasing levels of greenhouse gas emissions. Vegetation once protected can now be cleared if land is deemed of 'high agricultural value' - an open-ended definition. The protection of regrowth vegetation has been dispensed with. It is now easier to bulldoze bushland along watercourses. If land-holders clear specially protected vegetation, the onus of proof is reversed so they can merely plead ignorance to avoid prosecution.³⁵



- **The war against the Parliamentary Crime and Misconduct Committee**

The 2013 parliamentary year came to a climax at the end of the final sitting day with the sacking of the Parliamentary Crime and Misconduct Committee (PCMC). This reflected the determination of Campbell Newman and his Attorney-General Jarrod Bleijie to override any opposition to, or criticism of, the 'track' down which they were leading Queensland. They found support from the Chief Magistrate and, in an acting capacity, the Chair of the Crime and Misconduct Commission (CMC) - two key appointments made after the LNP took office.³⁶ The Chief Magistrate, Tim Carmody QC, had served as the Chair of the Crime Commission when this was established by the previous, short-lived Borbidge coalition (1996-98) as a device for weakening the authority of the Criminal Justice Commission (CJC).³⁷

³⁵ 'Campbell Newman takes axe to Queensland', *Sunshinecoastbirds*, June 2013 <http://sunshinecoastbirds.blogspot.com.au/2013/06/campbell-newman-takes-axe-to-queensland.html>

³⁶ Tim Carmody QC was appointed Chief Magistrate on 16 September 2013.

³⁷ The Criminal Justice Commission (CJC), the predecessor of the CMC, was established in 1989 on the recommendation of the Fitzgerald Inquiry.

The confrontation was sparked when many magistrates and judges across the State were appalled at the removal of bail options and the introduction of mandatory sentences to be imposed on individuals for belonging to OMCGs, rather than for criminal offences committed. The Chief Magistrate stepped in to uphold the government's legislated intent to deny bail to OMCG members. He required that all bail decisions be made centrally in the Chief Magistrate's courtroom, thus overriding previous decisions by individual magistrates and removing any future discretion.

The Acting Commissioner of the Crime and Misconduct Commission, Dr Ken Levy, was appointed to the position after internal problems had emerged within the CMC. The Newman government had also created an independent inquiry over what was perceived as misuse of the CMC by the ALP during the 2012 election campaign. This report's recommendations left open the appropriateness of an appointment of the CMC head from bureaucratic ranks rather than the senior judicial figures previously supported by both parties. Writing about the two inquiries being taken contemporaneously into the operations of the CMC, an earlier assessment of the need for change concluded with the remark that 'It remains to be seen whether the newly-appointed leader of the CMC, a former public servant under an earlier LNP regime, exhibits the appropriate reformist zeal.'³⁸ On 1 November 2013, before that article appeared in print, the Parliamentary Crime and Misconduct Committee was asking the same question about Dr Levy's appointment.

The controversial legislative initiatives to crack down on Outlaw Motor Cycle Gangs was the focus of intense questioning during one of the committee's public hearings. The Committee asked why the CMC had not met its statutory obligation to inform the PCMC about heightened risks from the OMCGs, and why existing legislation was insufficient for prosecuting OMCGs' criminal activities.

The Leader of the Opposition, Annastacia Palaszczuk, participated as a substitute member for the regular ALP member Jackie Trad. A number of PCMC members voiced particular concern about the appearance of an article in the *Courier-Mail*, under Levy's own name, which supported Premier Newman's justification for urgent and specific legislation. Levy supported Newman's views about the judiciary being subordinate to the legislative supremacy of Parliament. Three times Palaszczuk asked whether this article had been written after consultation with anyone from the government, and the claim was thrice denied. Notwithstanding these denials, the Leader of the Opposition indicated that the ALP had lost confidence in Acting Commissioner Levy and would oppose an extension of his reappointment or his confirmation as Commissioner.³⁹ When the Committee voted, Peter Wellington (Independent) supported the ALP. The numbers were tied and the Chair, Liz Cunningham (Independent), declined to exercise her casting vot.

On 10 November the government *Gazette* reported that Levy had been given an extension of his acting appointment. The same day, two remarkable letters to the Chairman of the PCMC were published on the Committee's website: one from Levy and one from his deputy, countersigned by one of the CMC external members. These letters sought to explain that Levy had inadvertently misled the Committee in his three denials, a failure of memory about a conversation with the Premier's media adviser. The letter claimed that the article that appeared in the press under his name, the article at the heart of the criticism, was also mistakenly attributed to him. In fact the contents were only notes he had subsequently provided as background for the journalist when the journalist seemed not to be taking a sufficiently detailed record of the conversation.

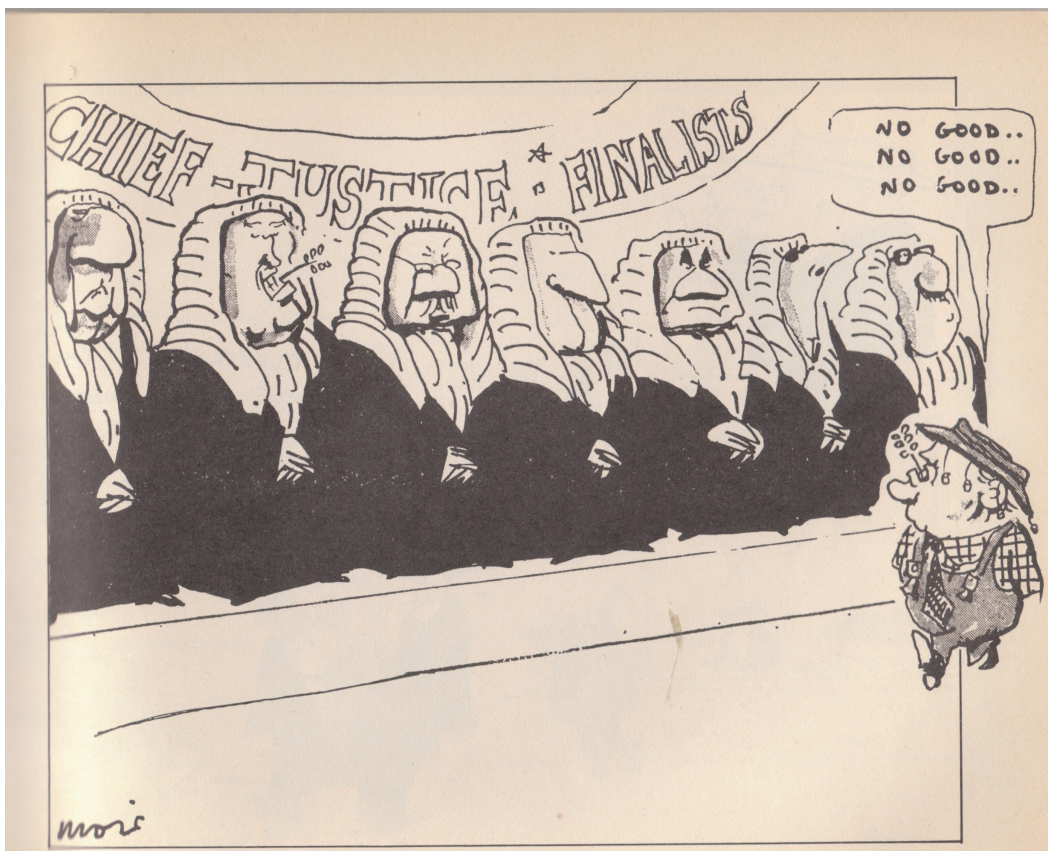
³⁸ Roger Scott, 'Queensland Transparency: Lapdogs and Watchdogs', *Australasian Parliamentary Review*, 28.2, Spring, 2013: http://www.aspg.org.au/journal/2013spring_28_2/Queensland%20transparency.pdf

³⁹ The Fitzgerald reforms required that this latter decision must have bi-partisan support.

Suddenly Parliament was the centre of public attention again, thanks to a committee reform flowing from an earlier era when the executive arm of government seemed to be beyond the control of the normal checks and balances of the Westminster system. The last act of the Parliamentary session on 21 November 2013 was the sacking of the entire PCMC, discharged over perceived bias against Dr Levy. In response, Mrs Cunningham drew attention to the disturbing question that this action raised:

I think that's the core issue here that a committee that has progressed a matter contrary to the way the government may have liked it to have progressed has been dismissed and I think in the community's mind the question could be how independent will committees be allowed to be.⁴⁰

- **The war against the judiciary over the separation of powers**



When Parliament rose in November 2013, Newman was still in confrontation with the judiciary. In October, Tony Fitzgerald had written:

It is extremely arrogant and socially destructive for politicians to slander citizens who disagree with their 'political solution' or to denigrate the judicial branch of government and its generally conservative judges who must make sometimes unpopular decisions in accordance with the law and available evidence and their oath of office.

⁴⁰ Volger S, Ironside R and Wardill S, 'Newman government axes PCMC critical of CMC boss Ken Levy supporting bikie laws', *Courier-Mail*, 22.11.13.

The Moir cartoon shows that conflict over judicial appointments was not new. Former Premier Bjelke-Petersen was also criticised for his interventions.

And it is incomprehensible that any rational Queenslander who is even remotely aware of the state's recent history could for a moment consider reintroducing political interference into the administration of criminal justice, even to the point of making decisions about incarceration.⁴¹

Ross Fitzgerald, political commentator and author of several books on Queensland political history, noted in *The Australian* that the independence of the judiciary had always been a central Liberal Party policy. Sadly, he wrote, this no longer applies in Queensland:

The Newman government's savage attacks on the judiciary have damaged Queensland's national and international reputation. This matters mightily in today's global economy, as it directly affects the state's ability to attract investment, research money and economic growth.

It is not in Queensland's business interests to look like an autocratic banana republic. In particular, the Newman government's slanging match with nationally respected crime fighter Tony Fitzgerald is extremely damaging among most voters who respect the separation of powers.⁴²

The first two years of the Newman government became increasingly turbulent. 2014 was already heavy with anticipation of the State election to be held at some stage before March 2015. The police had been given significant new powers, to deal with bikies, parties and sex offenders; these powers had been significantly expanded for the G20 meeting being held in Brisbane in November 2014. In 1982, there were fears about how welcome the visitors coming to Queensland for the Commonwealth Games might feel.

We had witnessed the re-creation of the atmosphere of fear, suspicion and intimidation that we remember from the Bjelke-Petersen days. Parliament has become a rubber stamp for the Newman Cabinet. This erosion of basic democratic principles that we witnessed over the first two years of the Newman government had been deeply distressing to observe. The 'track' we found ourselves back on appeared disturbingly reminiscent of the 1980s.

⁴¹ Fitzgerald, T, *Courier-Mail*, 28.10.13.

⁴² Fitzgerald, R, 'Attacks on the judiciary do extreme damage', *The Australian*, 4.12.13.

THE PURGE OF THE PUBLIC SERVANTS (2012)

'The Watcher'¹

A series of articles was written in 2012 for the *Brisbane Times* by 'The Watcher', an anonymous public service insider. They not only contemplated the pressures public servants worked under and the value of their work, but they also the desperation as the Newman government's purge moved through, but also drew attention to the fact that this sort of treatment of the public service makes public servants risk averse, and therefore less likely to provide 'frank and fearless' advice.

Public servants more than pen pushers²

Politicians just love to be photographed with community figures: the local nurse, the policeman, the firefighter or the SES worker. They are figures of community respect.

Public servants, on the other hand, are faceless and generally the subject of public derision. That's a perception politicians and their media minders ruthlessly tap into. They encourage the age old stereotype of the public servant in long socks, shorts and a cardigan with the often unspoken implication that they are lazy pen-pushers who feed from the public trough but who contribute little.

But the reality is that the complex health, transport and criminal justice systems do not operate only with frontline workers. These workers are supported by those who sit at desks, answer phones and keep the records. They are a critical part of the state's infrastructure machinery – without them the systems so relied on do not operate.

So who are these faceless public servants?

Public servants are the people who provide the thousands of decisions, records, telephone calls and support networks needed to keep the complex structure of modern government operating. They are the ones who work to support the police, the nurses, the firefighters and the ambulance officers.

Public servants are those people who left their own homes and families and worked around the clock during Cyclone Anthony and Cyclone Yasi to help communities get financial relief, shelter and assistance.

Public servants are those who take the details and the records to make sure your child is enrolled in school; they manage the teacher transfers; they make sure there is somewhere for teachers to live in regional and rural Queensland; they clean the schools.

Public servants are those people who operate the administrations desks in public hospitals and make sure you get to see who you need to see.

¹ Introduction by Ann Scott, written in December 2014.

² 'The Watcher', 'Public servants more than pen-pushers', *Brisbane Times*, 27.6.12: <http://www.brisbanetimes.com.au/federal-politics/public-servants-more-than-faceless-penpushers-20120627-212lf.html>

Public servants are architects, economists, lawyers, mechanical engineers, town planners, drafting technicians, administration assistants, security officers, speech pathologists, finance officers, managers, electricians, psychologists, environmental officers and hundreds of other professions.

Few wear uniforms. Few are in the public eye – and therefore identified by the politicians as ‘frontline’. Fewer still are in demand to be photographed with the local politician, but they are, according to the government's own website, the people who can make a difference.

Public servants are those answering phones, taking details and finding answers for members of the public and who tolerate levels of abuse and rudeness most would not.

Public servants are those who work with out of date technology and data and still try to meet escalating informational demands. They work with technology that would not be tolerated in the private sector.

Public servants work within constraints imposed by a political environment that can be risk averse and at times, more concerned with cheap politics and a headline rather than good public policy.

Public servants are the ones who find the way to dig the minister out of the hole when he or she screws up in the media or in Parliament.

Public service accountability is vastly more demanding than in the private sector where a certain amount of failure is tolerated. The benchmarks accepted for companies are not accepted for public servants.

And don't expect too much support from executive government – they are one of the few employers who would paint workers facing redundancy as being unwanted and unnecessary. Generally, they work the same hours as most in the community. Pay rates are reasonable but nowhere near as good as many claim. Some get overtime, many do not.

Politicians and politicians' staffers need them to do their thinking for them. Public servants are those who understand that if the minister screws up, then they will cop the blame.

The message from the government on this was clear when, in a spectacular display of political weaseling, a senior public servant was dumped by Arts Minister Ros Bates over a recycled speech. The fact that it went to the minister's staff for approval before going to the minister; the fact that it was a procedural speech that explained legislation that had already been introduced was irrelevant.

A minister feels embarrassed so therefore someone else must be to blame.

The message was not lost on senior levels of the bureaucracy – ministerial responsibility might be the mantra but don't expect it to be exercised.

Public servants work to keep the machinery of state operating. The community perception that bureaucrats are lazy pen-pushers is no more realistic than the claim that all the talented and clever people work in the private sector.

The reality is that few people can take the heat of the criminal justice system, the child protection system, the transport system or the constant organisational restructures and mergers or the ad hoc demands of the political system.

They are not faceless – they have families, mortgages, ambitions and dreams for their kids. They are part of the local community.

It is something governments would do well to remember.

Frank and fearless when it suits³

Politicians live in a fantasy land. It's a basic part of their professional armour. And part of this is Mr Frank and Mr Fearless – part of the mythology used by politicians to defend bad decisions. When something goes wrong, there is the usual raft of excuses. Usually it goes something like, 'I wasn't fully briefed; I wasn't briefed on that specific issue; the department didn't raise that with me' etc.

Is this starting to sound familiar?

Then, the politicians will tell you there is a longing for an apolitical public service that gives frank and fearless advice.

The implication is that somehow all this has changed. The reality is that frank and fearless advice is still delivered – usually on a daily basis. However, ministers only want frank and fearless advice when it suits. And that is if it delivers a strong and positive headline. (If it delivers anything else, then the conversation is always about who – apart from the minister – is going to handle it and who can we blame.)

Government decisions are not made in a protected policy vacuum; they are made with one eye on the politics of the day, to local members, vested interests and local lobbying and, sometimes, even with the consideration of good public policy.

For instance, there are a large number of small schools scattered throughout suburban Brisbane which, given financial constraints, should be closed. That would be the frank and fearless advice. The reality is that closing them and the chances of the decision surviving the outrage of local parents and MPs is very low. Every politician loves their local parents and citizens association – none want to be known as the local member who closed their local school.

Government is about votes – not good public policy outcomes. So public servants, based on past experience of the lack of political will on some subjects, find ways to provide reasonable public policy despite political sensitivities.

Obviously, the way advice is provided has changed. The public service does not exist in management isolation; it will continue to change to reflect the way politics is played and public sector management practised.

It doesn't mean the advice has become more politicised or less robust. What it does mean is that there is a massive risk-aversion culture in the public sector that places a higher priority on protecting a minister from tabloid headlines.

³ 'The Watcher', 'Frank and Fearless when it suits', *Brisbane Times*, 10.7.12, <http://www.brisbanetimes.com.au/federal-politics/frank-and-fearless-advice-when-it-suits-20120709-21rhv.html>

This is now more important because it is a sad fact of modern politics that few ministers either have the experience, skills or content knowledge capable of carrying a public argument – as opposed to a few television grabs – that could persuade a community to accept unpopular new policies and outcomes.

And the need to protect the minister has extended to the constant demands of the 24-hour news cycle. Ministers are briefed every day about media implications. It is the first consideration and beware the public servant who fails to recognise the media sensitivity of an issue and does not ensure the warning messages are passed up the line.

Public servants have watched politicians go to extraordinary lengths to avoid negative media and if that means publicly blaming the public service – well, far better to blame a group that will not publicly contradict you than to suffer a little political embarrassment.

That tends to breed self-protecting behaviour. They see the influence of media advisers within a ministerial office and note that the major area of interest for the minister is the press release and the press conference.

They also see the media strategies in play – putting up the director-general for bad news press conferences and leave the lovely, glowing ‘positive’ stories for the minister. This strategy was abandoned during the Beattie years on the grounds that the directors-general were becoming better known than the ministers.

Ministers are protected by the fact that no one knows what advice has been given. Certainly the briefing notes are not generally released, except when it suits a political strategy. The advice only becomes an issue when things go wrong. That’s when you can see politicians sprint for the umbrella of wriggle words, which brings me back to: ‘I wasn’t fully briefed; I wasn’t briefed on that specific issue; the department didn’t raise that with me’.

The show *Yes, Minister* is still the best primer on the interaction between the public service and executive government and more recently, there is an embarrassing alignment with *Hollowmen*. The oldest strategy is still in use, that is for the minister to side-step the issue and allow the department or agency to take the full force of the blame. After all, who is going to publicly contradict a minister or government? Public servants rarely correct the public record.

Part of the problem with Mr Frank and Mr Fearless is the political illusion. Public servants sit and hear political promises of the support for a frank and fearless public service culture and then see politicians:

- sprinting to blame someone – ‘I didn’t write that speech, it was the department’s fault’;
- introduce changes to employment to make it easier to sack public servants – security has always been seen as the protection needed to provide frank and fearless advice and increases their vulnerability to the minister’s whim (‘Tell me what I don’t want to hear but don’t worry – there’ll be no splashback’); and
- focus ministerial attention on press releases, media clips and one-page cheat sheets for media conferences and parliamentary question time.

All of which makes it difficult to accept the premise that bad government decisions are the result of a lack of frank and fearless advice from the public sector.

Then there is the ministerial fear of Freedom of Information, Right to Information and 101 other avenues now existing for information to escape – the prospect of this, and how it might be responded to, occupies a great deal of ministerial attention.

The other great myth is the general idea that there has been increased politicisation of the public service.

Concerns about the love of an apolitical public service would carry a great deal more weight if:

- the government didn't appoint a former Liberal MP and one-time Queensland Liberal Party president Michael Caltabiano as one of the first acts to head a major department and push professional public servants to one side;
- you don't appoint the former Opposition Leader's chief of staff David Edwards to head the Department of Employment, Economic Development and Innovation; and
- you don't appoint one of your transition team, Ross Musgrove, to a major position within the Public Service Commission.

Like most work forces, public servants watch the rhetoric and the actions. When they see the direct contradiction between the act and the statement they know they are simply dealing with another bunch of politicians.

Drip becomes a flood⁴

It started as sackings by drip. Yesterday, it became clear it would be sackings by flood.

Staff in some areas are waiting to be called in for 'the talk'. Others are waiting for 'the letter'. Positions and entire services and units have disappeared overnight. And all the time the state government has maintained the absolute number of sackings is unknown.

Hand on his heart, Premier Campbell Newman said: 'we need to make tough decisions before the end of September, we need to square this away, and then we've essentially executed this plan to get this state back on track - to actually make sure we've sorted out our finances'.

Which is all well and good, except Treasurer Tim Nicholls wrote to every minister in the second week of July – a fortnight ago – showing the level of savings and required staffing cuts that had already been approved by the Cabinet and Budget Review Committee.

They had previously been under consideration for almost a month while the departments have worked on their new management structures and focus.

But the final body count has always been known.

Certainly it may have been refined, with CBRC [Cabinet Budget Review Committee] demanding more or fewer bodies. But there are no secrets.

⁴ 'The Watcher', 'Drip becomes a flood', *Brisbane Times*, 1.8.12: <http://www.brisbanetimes.com.au/federal-politics/the-drip-becomes-a-flood-20120731-23c39.html>

In a small line in the list of approved savings from the Treasurer is the total number of positions to be 'downsized', or 'right sized' as noted in the Premier's media statement – so much nicer than sackings.

It seems very few words to determine the fate of thousands of employees.

There is also a nominated dollar figure as to how much each department is required to 'deliver in savings to meet the government's election commitment savings requirements'.

So, the Premier's statement that he had told Cabinet to sort it out by September is no more than political and media spin. Ministers already knew. This 'new' timing of Newman's allows him to exploit the distraction of the Olympic Games and the Ekka.

After that, there will be a raft of pre-budget stories – so the human cost becomes merely part of the problem.

Many agencies have nominated August 31 as the date to finalise redundancies, which means there is a probability that there will be a wave of retrenchments in December.

Certainly, you can expect more job losses as the review teams from the Public Sector Renewal Board sweep through departments – after all, they will have to deliver some bodies to justify their existence.

The government is also demanding another 3 per cent cut in corporate staff next year and again the following year. And while there has been much made about returning the state's AAA rating and paying off debt, there is one reason for the slash and burn that the government doesn't make too much of, but is central to the depth and breadth of the sackings: the government's demand that departments find the savings to fund the government's election commitments.

Let's be clear here – 20,000 people and their families are going to be sacrificed to pay for political promises. Somehow, I don't think that was clear during the election campaign. I might have missed it.

One senior public servant said there is a deep sense of despair and helplessness, from senior managers to the lowest level of administration: 'There is a lack of understanding as to why the changes and job losses are taking so long to be announced.'

Friction between staff is on the increase there is suspicion and a developing gap of understanding and communication between program areas, between operational and support staff, between central office and regional office and field staff and between corporate support and program areas.

Lists of redundant positions are finalised in most areas yet there is a real bottleneck in advising those staff of their futures. Staff are simply asking to be treated with respect and consideration and be told the truth.

What needs to be understood is that this information cannot be released without the government's agreement, so politicians ensure that rumour and fear breed while they seek political advantage and convenience.

It is part and parcel of the crisis strategy used to justify the shock and awe assault on the public sector. It's the same as Newman has used on the state's financial situation.

To rebuild something, to restructure any organisation, first you have to trash it and then tear it down. Otherwise there's no kudos in it for the pollies. There are no votes in a managed and planned restructure.

It's difficult to imagine under what other circumstances you could orchestrate the sacking of 20,000 people – a figure that is so huge that you need a special framework to deliver the slash and burn.

To put it into perspective, think of it this way: the state government is sacking just short of the entire city of Maryborough (population 23,263) or just short of half the population of the Premier's seat of Ashgrove (42,954) or 6000 more than the number who voted for him.

But a crisis, real or self-induced, has significant dangers.

If it has a shaky foundation – such as a report that might be seen as partisan – there is a serious risk that it will be exposed as, perhaps, not quite honest.

Having senior managers talk with staff who have been identified as surplus, while maintaining no-one knows how many will go, erodes what little trust is left. Public servants hear the spin but know the truth.

Over-managing a crisis unleashes two dangerous reflexes in politicians. The first is that calm analysis is crowded out by political spin and uncertainty, doubt and dissent are no longer welcome, not even behind closed doors.

The second reflex, much loved by politicians of all persuasions, is to gag debate. Those who voice doubt about what is being done are sidelined, accused of politicking and discounted as apologists for old remedies.

Public servants have been subjected to one of the ugliest campaigns of demonisation by orchestrated cheer squads.

These are campaigns by party machines which organise party members, provide them with the messaging and turn them loose on the internet. Political strategists used to stack talk back radio. The same now applies to news websites.

Trashing the state's financial reputation makes it difficult to go on trade missions spruiking the strength of the state's economy.

(Note to the Premier: The days when you could tell different audiences different facts disappeared with the development of communications technology. The difference between being a lord mayor and a state premier is that, as a premier, what you say matters on a local, national and sometimes, international level.)

Trashing the state's public sector is going to make the rebuilding of professional trust a long and difficult journey.

Here's some frank and fearless advice for the Assistant Minister for Technical and Further Education and Can Do Member for Mt Cootha Saxon Rice. Ms Rice was one of the fortunate few elected first-time MPs who copped an immediate \$24,500 pay rise by being appointed an assistant minister. If you are telling everyone in your department to save money by printing on both sides and black and white, don't have a glossy four page flyer delivered in your electorate. It sends the message of 'do as I say and I'll do as I want'. Secondly, if you must do it, then try not to have 11 photographs of yourself in the first three pages. When you are boasting about what you have helped to achieve – as all politicians do whether they have had a hand in it or not – you might want to acknowledge the sacking of public servants.

Lastly, don't ask people to complete an LNP survey asking them how they voted or what party they supported. Many would see it as an unwelcome and unwanted intrusion and be likely to tell you to mind your own business.

The 'road to recovery' on the bodies of sacked workers⁵

A lot of good people lost their jobs yesterday.

Managers had the job of delivering the talk. Staff were told that it's not their fault and has nothing to do with their work performance. But they are, as politicians are fond of saying (because it sounds so much more pleasant) 'surplus to requirements'.

You'd like to think it was for a good reason. You would like to think that. But at the end of the day, it wasn't about the triple AAA credit rating or paying back debt. It was a brutal body counting exercise – 14,000 jobs to fund the government's election promises.

The reason for the slash and burn was never in doubt. It was made clear in the letters from the Treasurer in July to all ministers. Just as it was clear in internal Cabinet and Budget Review Committee documents that departments are expected to deliver another 3 per cent staff cuts in 2013-14, 3 per cent in 2014-15, and 3 per cent in 2015-16. This was about generating savings to meet election promises. The road to recovery will be on the bodies of sacked workers.

The total of 20,000 public servants was nominated as the number the state couldn't afford. In the end, the government claimed credit for 'saving' 6,000 jobs and only sacking 14,000.

The unions claimed credit for saving 6,000 jobs and only having 14,000 people sacked.

There are a couple of ways to read how the government manipulated this number as part of a political and media strategy. Firstly that the government indulged in an old, but vicious and deliberate manipulation of fear in its workforce. That is, talk it up – a bit along the lines of the over the top Spain and bankruptcy rhetoric – and then, at the last moment, sweep in and 'save' 6000 jobs.

The problem with these strategies is that they are well known. And when political and media strategies are identified, they become more of a liability because, for obvious reasons, no one believes them. Former federal Treasurer Peter Costello's report falls within the same category.

⁵ 'The Watcher', 'The road to recovery on the bodies of sacked workers': *Brisbane Times*, 12.9.12: <http://www.brisbanetimes.com.au/queensland/road-to-recovery-on-the-bodies-of-sacked-workers-20120911-25qem.html>

There is a second suggestion that the government had this number in mind before the Costello report was delivered. In May, a briefing note was prepared for Housing and Public Works Minister Bruce Flegg, on the financial case for the sale/redevelopment of the 1 William Street site – otherwise to be known as Project X.

In the document, there is a list of bullet point assumptions. Among those assumptions is that there will be a reduction in the public sector of 20,000 and the number expanding to 22,000 by 2017. The Costello report, which doesn't actually canvas the sacking of public servants, only came out in June. Despite what some ministers would have you believe, public servants do not go off and prepare material on a whim. It is under direct instructions from the minister or ministerial staff – including the assumptions.

As you watch the human cost of this purge you realise how little comfort can be taken from the words you offer and how puerile most of the political rhetoric is in the face of the personal destruction.

PARLIAMENT UNDER NEWMAN IN 2014

Roger Scott¹, cartoons by Sean Leahy²

Party Games

The year started badly for the LNP government with a by-election in the seat of Redcliffe, vacated by LNP member Scott Driscoll, who had resigned in the wake of the parliament's ethics committee investigating his misuse of public funds and recommending in November 2013 that he be expelled and his seat declared vacant. The expulsion power had not been used before in Queensland, but the Ethics Committee had deemed it necessary 'to protect the honour and dignity' of parliament.³ In the February by-election there was a sizeable swing against the LNP, and the seat was won by the ALP's Yvette D'Ath. So the year began with eight, rather than seven ALP members.

The second by-election took place in July 2014, after Dr Chris Davis had been sacked from Cabinet in May, in response to his speaking against the government on a number of matters. The Premier said Davis had failed to observe the cabinet convention that its decisions are unanimous, and assistant ministers are bound by this unanimity. Davis resigned from the Parliament on 23 May, sparking another by-election.



¹ Roger Scott is Executive Director, TJRyan Foundation.

² All these cartoons can be found on Sean Leahy's website: http://www.leahy.com.au/leahy/comic_dayarchive.cfm

³ 'Committee recommends expelling controversial Queensland MP Driscoll', ABC, 19.11.13, <http://www.abc.net.au/news/2013-11-19/parlcommittee-recommends-expelling-controversial-qld-mp-driscoll/5101774>

The Stafford by-election was held on Saturday 19 July 2014. The ALP candidate, Dr Anthony Lynham, won the seat from the LNP with a 19.1% two-party-preferred swing (incorrectly reported after the by-election as 18.6, but later updated⁴). So by mid-2014 there were nine Opposition members - all of whom held numerous shadow portfolios.

The ALP conducted its pre-selection processes through the year, gradually announcing its candidates. The only public comment related to unfounded speculation about whether Kate Jones might not re-contest the seat of Ashgrove that she had lost to the Premier in 2012.

There were more problems for the LNP. There were ructions in the pre-selection of three sitting members of the LNP whose cases went to the state executive for approval after they had been involved in political misdemeanours of different dimensions, ranging from charges of nepotism to transmission of lewd images on social media. After presumably deciding that lewdness was no disability, the state executive decided that Peter Dowling could proceed to face the local pre-selection committee, only to discover that the committee disagreed.



More spectacularly Dr Bruce Flegg, a former Liberal Party leader, was vetoed by the executive for preselection for the Moggill seat he had represented for many years. But in October the branch rejected the only alternative candidate Dr Christian Rowan, leading the media to comment 'LNP Member for Moggill Bruce Flegg could rise from the political grave after local party members rejected the party executive's hand-picked replacement'.⁵

This gave rise to the speculation, earlier fanned by Flegg himself, that Moggill had been identified as a seat which would serve as a secure life-line for the Premier. The Premier's future tenure of the marginal seat of Ashgrove has been called into question by successive polls. This, in turn, created

⁴ see <http://www.abc.net.au/elections/qld/2014/stafford/result.htm>

⁵ 'LNP vote lifts Flegg from political grave', *Brisbane Times*, 20.10.14: <http://www.brisbanetimes.com.au/queensland/shock-lnp-vote-lifts-flegg-from-political-grave-20141020-1190wp.html>

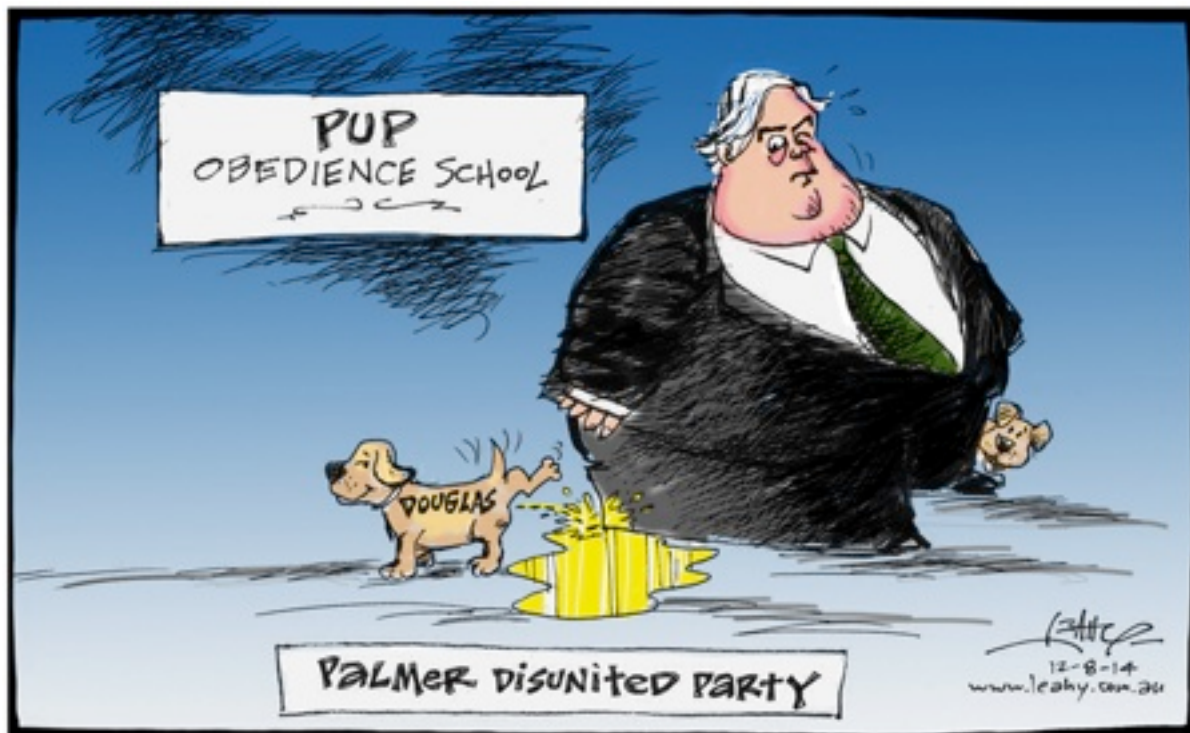
uncertainty among many parliamentarians about their future prospects and the likely direction the party might take should there be an enforced change of leadership. Leadership contenders quietly promoted their credentials while swearing undying fealty to Campbell Newman.

By the end of 2014, Newman appeared to have definitively ruled out moving from Ashgrove and was summoning support from major financial backers who had supported him in the past. He also pointed out to his local constituency with pride the exaggeratedly large amount of public funding which had been directed to local infrastructure.⁶

In the meantime, Flegg had strengthened his position when he faced off against the opponent endorsed by the central executive of the party. Days before the crucial meeting of the local pre-selection committee, he circulated to them (and to the media) a letter of commendation he had circulated for endorsement by his parliamentary colleagues. A large majority had signed, including the Premier, the Deputy Premier and the Treasurer; notable omissions were the names of Newman's two most credible replacements outside that list - Health Minister Lawrence Springborg and Education Minister John-Paul Langbroek, both former LNP leaders.

- **Defections to and from the Palmer United Party**

There were also internal ructions within the Palmer United Party. In April 2013 two LNP members had defected to Clive Palmer's party, after earlier leaving the LNP. Dr Alex Douglas (Gaven) and Carl Judge (Yeerongpilly) chose to sit as Independents and then aligned with PUP. Douglas left the Palmer United Party in August 2014, followed by Judge in October. Both reverted to their status as Independents. This left the PUP with no official standing in the local parliamentary environment although it announced that it intended to endorse candidates for a range of seats.



⁶ Remeikis A, 'Campbell Newman to remind Ashgrove he has delivered for electorate, *Brisbane Times*, 23.2.14: <http://www.brisbanetimes.com.au/queensland/campbell-newman-to-remind-ashgrove-he-has-delivered-for-electorate-20140324-35d6k.html>

Palmer's remaining attempt to influence the Queensland Parliament was, at the end of September 2014, to get the ALP and the Greens to support the establishment of a Senate Select Committee on 'Certain Aspects of Queensland government Administration related to Commonwealth government Affairs'. This Committee, chaired by PUP Senator Glenn Lazarus, held public hearings in November and was open to public submissions until the end February 2015.

Contempt for Parliament?

- **Legislation by stealth**

Despite by-election losses and defections, the LNP still held a massive majority in the House. The government persisted with its control over decisions to send issues to committee, usually by setting tight time limits, hours and days rather than the weeks which might have facilitated genuine consultation with affected interest groups. In addition, where the committee stage had a more sensible timetable, the recommendations formed in a spirit of consensus were also frequently ignored.

An even greater abuse of process was the willingness of the government to use its overwhelming numbers to introduce major amendments after the committee stage had been completed – a tactic often used at the end of late night sittings which minimised any capacity for public objections and media scrutiny. Apparently trivial amendments with limited scope could thus be opened up to major changes in the legislation, often to the advantage of specific beneficiaries.

Sometimes these changes were hidden in 'omnibus' Bills introduced as part of the government's injunction to departments to remove from existing legislation 'red-tape' (often characterised as environmentalist 'green-tape'). Precise performance indicators for each department were used to measure this success, often to the good effect of cleansing the Statutes of century-old dead letters, but occasionally with more immediate impact.

An apparently mundane example of this emerged in a bundle of changes introduced at the end of the 2014 Parliament. On December 1, the *Sunshine Coast Daily* reported:

Young car buyers are being warned they now have less protection from being sold a lemon because of 'ludicrous' changes to Queensland laws. The RACQ said State Parliament had scrapped the requirement for licensed dealers to provide a one month statutory warranty for vehicles more than 10 years old or those with more than 160,000km on the clock. RACQ Executive Manager Technical and Safety Policy Steve Spalding said it was a bad decision that effectively left some of Queensland's most vulnerable motorists with limited consumer protection. ...

Mr Spalding said the government's justification that the removal of the warranty would reduce red-tape was ludicrous. 'This protection had been in place for more than a decade and had served car buyers well,' he said. 'The only people who benefit from the removal of the statutory warranty are the car dealers as they will no longer have to pay for repairs to cars they have just sold.'⁷

A much more significant issue of Ministerial intervention was substantiated at the end of the year as the result of a Right To Information request by the media. In June 2014 it had been reported that Karreman Quarries had avoided prosecution for unlawful sand and gravel extraction through retrospective legislation, despite departmental advice:

⁷ 'Young car buyers to be hit hardest by 'lemon' car law changes' *Sunshine Coast Daily*, 1.12.14: <http://www.sunshinecoastdaily.com.au/news/young-buyers-be-hit-hardest-lemon-car-law-changes/2470028/>

An aide to Mr Seeney even drafted a letter for him to sign on March 31 warning quarry owner Dick Karreman he lacked the permit required since 2010 for such quarrying. The letter was never sent. Instead, just days later, Mr Seeney ordered an amendment be drafted that made prosecution of Karreman Quarries impossible and authorised the company to extract sand and gravel at Harlin for a further five years.⁸

- **Question Time**

The 2014 Parliamentary sittings saw the continuing manipulation of Question Time to take advantage of the overwhelming numerical supremacy on the government side of the House. There was relatively little of the Opposition theatrics which have characterised both houses of the national parliament, not least because such behavior tended to fall flat or be the subject of derision in front of such a large hostile audience.

The government by contrast could use its dominance, both numerical and procedural, without restraint. This approach was captured in a press report on proceedings during which the Premier maliciously attacked the Independent member for Nicklin, Peter Wellington by urging him 'to stop showing active support for members of criminal motor cycle gangs'.⁹ Newman then refused to offer an unconditional withdrawal until he had created sufficient chaos to ensure wide publicity for his accusations.¹⁰

On the other hand, the use of 'Dorothy Dix' questions providing Ministers with the opportunity to laud their achievements before admiring local members (and to be reported in the regional media) was a prominent feature, as was the use of tightly scripted answers. The Speaker tended to facilitate this, although with less obvious partisanship than that shown by her opposite number in Canberra, Bronwyn Bishop.

This discussion had been sparked by a period of intense information management by the government as it sought to focus attention away from the poor personal image of the Premier and the Attorney-General Jarrod Bleijie, on to other achievements, a strategy labelled 'Operation Boring'.

If boring the public and the media was the aim, the strategy paid off. Otherwise unheard-of backbenchers repeated identical questions for their electorates directed at different Ministers, complete with the approved slogans and catch-cries about 'the Strong Plan for growing businesses, helping the economy'.

The Newman LNP government's 'Strong Plan' to revitalise front line services is delivering Queenslanders better access to health services and better education results' reads the briefing notes providing the 'message of the week' (leaked to Fairfax Media).

⁸ <http://www.abc.net.au/news/2014-12-04/seeney-law-change-caught-own-officials-off-guard/5935504>

⁹ The Speaker was unforthcoming when Wellington complained about the general processes of Question Time and the way in which the government was able to dominate proceedings. (<http://www.sunshinecoastdaily.com.au/news/mp-seeks-ruling-on-relevance/2412435/>). The Leader of the Opposition was more protective of the processes of Question Time when this issue of perceived bias and time-wasting was debated later in the year. Remeikis A, 'No nixing Dorothy Dixers in Queensland Parliament', *Brisbane Times*, 17.10.14: <http://www.brisbanetimes.com.au/queensland/no-nixing-dorothy-dixers-in-queensland-parliament-20141016-117c1t.html>

¹⁰ Remeikis A, 'But and thrust of duelling polities', *Brisbane Times*, 14.10.14: <http://www.brisbanetimes.com.au/queensland/but-and-thrust-of-duelling-polities-20141014-11608e.html>

The Newman government is continuing its PR push to turn public perceptions around, with this week's plan to again focus on what it considers its education and health successes. Don't believe it? Its ministers will tell you. And tell you. And tell you.¹¹

- **Parliament and anti-corruption mechanisms**

A longer-running and potentially more damaging saga confronting the government was its reform and restructuring of one of the most significant parliamentary devices for ensuring accountability in Queensland – the Parliamentary Crime and Misconduct Committee.

During 2013, there had been two inquiries into the then Crime and Misconduct Commission (CMC) and the government had largely supported a set of recommendations to change the name and focus of the organisation. It became the Crime and Corruption Commission (CCC), shedding lesser concerns for misconduct, which were devolved back to government departments, and inserting a stronger role for the Attorney-General in determining its research agenda.

At the end of 2013, disagreement over these proposals expressed by Liz Cunningham, the long-serving Independent member chairing the PCMC, was used as the justification to dismiss the whole committee, which was then re-formed under an LNP Chair with the same partisan balance as before and much the same membership (apart from Cunningham).

An implementation committee had been set up by the government to assess the relevance of the findings of the two investigatory committees. It attracted a range of critical submissions, including one from Tony Fitzgerald, the author of the anti-corruption changes which had led to the original creation of a committee responsible to Parliament.

In May, the *Brisbane Times* reported the following:

The government has been given the green light to make its changes to the Crime and Misconduct Commission, including removing the need for appointments to receive bipartisan support – despite strong opposition from former commissioners and the legal community.

The Legal Affairs and Community Safety parliamentary committee has recommended the Attorney-General's CMC amendments be passed in a majority decision.

Non-government committee members, Labor's Bill Byrne and Independent MP Peter Wellington did not agree with the committee's decision and wrote a dissenting report, claiming the Bill was 'a signal to Queenslanders that the Newman government is prepared to let Queensland return to the bad old days of the Bjelke-Petersen government where corruption and misconduct were able to flourish'.

The remaining committee members, chaired by LNP MP Ian Berry, concluded the government's amendments were sound and in line with the recommendations of the two reviews into the CMC and its procedures.

Despite strong and vocal opposition to removing the requirement for bipartisan support for commission appointments, the committee was not convinced that the need for a joint tick-off still

¹¹ See Remeikis A, 'Leaked briefing tells MPs to spruik uniform message', *Brisbane Times*, 25.8.14: <http://www.brisbanetimes.com.au/queensland/leaked-briefing-tells-mps-to-spruik-uniform-message-20140825-1089xh.html#ixzz3rXDIlvT0>; and Remeikis A, 'Langbroek plays 'Nostradamus' as the chorus plays for the conductor' *Brisbane Times*, 26.8.14: <http://www.brisbanetimes.com.au/queensland/langbroek-plays-nostradamus-as-the-chorus-plays-for-the-conductor-20140826-108reo.html?>

existed. It found that the model used by the New South Wales Independent Commission Against Corruption, in which the Minister refers an appointment to the oversight committee which had the power to veto an appointment, 'was appropriate'.¹²

The rest of 2014 was marked by the CCC occasionally surfacing with reports on on-going cases and contributing informally to the work of other police security organisations. But the key position of Chair remained unfilled. The Acting Chair, Dr Ken Levy, had been widely criticised for his pro-government stance in a press article, and he was then accused of misleading the PCMC about meetings 'over how much contact he had with government media officers prior to publishing an opinion piece which supported the LNP's anti-gang laws'.¹³ This specific charge was referred to the Parliamentary Ethics Committee and thence to the Queensland Police in May, where it rested without resolution throughout the year.

Levy's term of appointment as Acting Chair had been extended until November 'to ensure a smooth transition period'. Despite being declared eligible by the Premier, he announced he would not be a candidate for the permanent position. The post was advertised and selection processes were conducted within the office of the Attorney-General.

There was on-going public concern about the danger of this appointment being perceived to be partisan. Robert Needham, a former Chair of the earlier CMC had written to the implementation committee with this warning:

Public confidence in the commission's independence will only exist if these senior appointments are seen by all sides of politics, by the media, by the staff of the Commission and by the public to have been made without any suggestion of political favour. ... The only attempt at a rationale that I have heard was in a statement by Mr Bleijie in a television interview where he stated words to the effect that the removal [of the bipartisan requirement] would 'take politics out' of the appointment process. This statement is either naive or disingenuous. Rather than taking politics out of the appointment process, the removal of the requirement for bipartisan political approval will ensure that the appointment is seen as political.¹⁴

Mr Needham's warnings proved accurate. At first the Premier and the Attorney-General declined to embrace any notion of bi-partisanship at all. Then, in the brief period of 'atonement' when various policy concessions were offered, the Premier announced that he would accept Opposition input into the decision. In practice, this proved to be a false dawn.

When Premier Campbell Newman had announced in July that he was reinstating bipartisanship, he called on the Opposition to respond sensibly: 'We'll go through a formal recruitment process and the Opposition will have their say in that and they will have to ultimately, essentially they'll have a right of veto,' Mr Newman told 612 ABC Brisbane. 'But I hope they can be sensible about it, I call for them to do the right thing in approaching this and I would assume that they would'.¹⁵ Opinions

¹² Remeikis A, 'Queensland Government's CMC changes get green light', *Brisbane Times*, 30.4.14: <http://www.brisbanetimes.com.au/queensland/queensland-governments-cmc-changes-get-green-light-20140430-37hzt.html>

¹³ Remeikis A, 'Queensland Police investigating CMC Acting Chair', *Brisbane Times*, 9.7.14: <http://www.brisbanetimes.com.au/queensland/police-investigating-cmc-acting-chair-20140509-zr8br.html>

¹⁴ Remeikis, A, 'Former CMC boss pans watchdog changes', *Brisbane Times*, 2 April 2014: <http://www.brisbanetimes.com.au/queensland/former-cmc-boss-pans-watchdog-changes-20140402-35xty.html>

¹⁵ 'Campbell Newman calls on Labor to "be sensible" when considering new CCC chair', *ABC News*, 23.7.14: <http://www.abc.net.au/news/2014-07-23/campbell-newman-calls-labor-be-sensible-in-ccc-chair-appointment/5616978>.

obviously differed over what seemed sensible in the circumstances, and what 'having a say' meant. It was assumed that this commitment meant that the Leader of the Opposition would be consulted confidentially and her endorsement sought before any decision was published.

Instead the government chose a candidate, Paul Favell, with an apparently suitable and bi-partisan history of working as a special counsel for the parliamentary committee overseeing the CMC/CCC.¹⁶ This name was then placed before an LNP party meeting, then leaked (as doubtless intended) to the media. Only then was it proffered to the Leader of the Opposition who declined to comment in advance of getting advice from the members of the Parliamentary Committee. The advice from the two ALP members was that the candidacy should be rejected, essentially on procedural grounds: there was no element of bipartisanship in being presented with a public fait accompli.¹⁷

- **Campaign finances and political donations**

A persistent theme throughout the life of the 2014 parliamentary year was the issue of the limits of, and accountability for, political party and electoral donations.

In *Independent Australia* in August 2014, lawyer Alex McKean recorded a long list of allegations:

There have been revelations, this week, of another cash for legislation deal involving the Newman government. But, like those that have gone before, it has just been shrugged off by those involved.

The *Australian Financial Review* has revealed that the largest single donor to the Queensland LNP was granted approval to dredge his Airlie Beach marina, close to the Great Barrier Reef, a week after making a donation of \$150,000. Billionaire Paul Darrouzet, a former mining magnate who owns the Abell Point marina in Airlie Beach, made the donation in two installments through his privately owned investment company. He has yet to individually declare the payments to the Electoral Commission.

A week after the payments were made, the Queensland Department of Environment and Heritage Protection amended the environmental authority relating to the marina, allowing the dredging of 100,000 to 200,000 cubic metres of material. But Andrew Powell MP, the Queensland Environment Minister, is reported to have strongly denied any link between the donation and the dredging approval, saying it was '... an outrageous link to be making'. This is the latest in a string of allegations about apparent cash for legislation deals under the Newman regime that have garnered a headline or two before disappearing back into the white noise. Earlier this month, reports emerged that the company which took over court transcription services in Queensland, Auscript, had made donations to the LNP. Since Auscript had won the contract, the costs to users of the courts had increased very significantly.

In June 2014, the ABC broke the story that Karreman Quarries had donated \$75,000 to the Queensland LNP coffers and then avoided prosecution for unlawful sand and gravel extraction when a retrospective legislative amendment was quietly passed by the government. Despite the investigating body finding evidence to support a prosecution of Karreman Quarries, shortly after a

¹⁶ Mr Favell, a barrister with a background in commercial, property, defamation and media law, was appointed to the Parliamentary Crime and Corruption Commissioner role by the former Labor government in August 2011. He has practised for more than 30 years and has served as a Crown Prosecutor and on tribunals including the Commercial and Consumer Tribunal and the Queensland Civil and Administrative Tribunal.

¹⁷ Remeikis A, 'PCCC rejects Favell as crime watchdog boss', *Brisbane Times*, 28.10.14; <http://www.brisbanetimes.com.au/queensland/pccc-rejects-favell-as-crime-watchdog-boss-20141028-11d1j4.html>.

meeting with the Deputy Premier Jeff Seeney, legislation was passed which, retrospectively, declared Karreman's activities to be legal, and '... to always have been legal'. ...

Possibly the most serious allegations have been those involving Sibelco, the Belgian company conducting sand-mining on Stradbroke Island. Sibelco made an undisclosed donation of \$90,000 to fund a misleading letter-writing campaign directed at Premier Newman's electorate of Ashgrove in 2012. Following the donation, the Newman government passed legislation, apparently drafted by Sibelco. That legislation is intended to enable an extension of sand-mining leases on Stradbroke Island from 2019 until 2035, which is likely to enrich Sibelco by \$1.5 billion. The ALP has referred Sibelco to the Crime and Corruption Commission (CCC) for investigation. There are, however, indications that the CCC may be ill-equipped to get to the heart of the controversies that government spokespeople so easily and blithely put behind them.¹⁸

The same theme was being pursued right at the end of the parliamentary year in a submission to the Senate Inquiry set up at the behest of the Palmer United Party. Former Assistant Minister of Health, Dr Chris Davis, who had become alienated from the Newman government and resigned his seat (sparking the by-election in Stafford) argued that the lack of transparency in donations was damaging the integrity of the whole system of parliamentary government. His complaint focused on changes to electoral donations which raised the cap from the \$1,000 to \$12,400 and lifted the electoral spending cap so that political parties can spend as much as they want in the forthcoming election.¹⁹

When this change had been debated earlier in Parliament, the Leader of the Opposition expressed similar concerns and sought to reverse the situation, promising she would adhere to placing all ALP donations above the \$1,000 limit on the public record. This was then incorporated into the first item on the ALP's election manifesto, linked to measures concerning impartiality in the appointment of judges and specifically the head of the anti-corruption commission reporting to Parliament.

The response from the Deputy Premier was to deride this priority compared to the bread-and-butter issues of living costs, jobs and public investment, 'the things that really matter to Queenslanders'.²⁰

The leaders of the LNP government saw little need for restraint, given their massive majority, a supportive Murdoch press²¹, and the absence of an upper house.

- **Compressed Estimates Committee hearings²²**

The ultimate check on public maladministration is public opinion, which can only be truly effective if there are structures and systems designed to ensure that it is properly informed. A government can use its control of Parliament and public administration to manipulate, exploit and misinform the

¹⁸ McKean, 'Qld LNP's dodgy donations for deals: Move on, nothing to see here', *IndependentAustralia*, 20.8.14: <https://independentaustalia.net/politics/politics-display/qld-lnps-donations-for-deals-move-on-nothing-to-see-here,6794>

¹⁹ Remeikis A, 'Donations and election advertising eroding public trust: Chris Davis', *Brisbane Times*, 13.10.14: <http://www.brisbanetimes.com.au/queensland/donations-and-election-advertising-eroding-public-trust-chris-davis-20141013-115jq2.html>

²⁰ *Courier-Mail*, Brisbane, 2.07.14.

²¹ Online media were becoming more diverse. The Fairfax-owned *Brisbane Times* kept a close watch on the government, and *The Guardian* (Australia) also carried some articles about Queensland. So the Internet weakened the thought-control exerted by the paper-based, or pay-wall protected, Murdoch press.

²² Ann Scott was an observer at the Legal Affairs and Community Safety Committee hearings.

community, or to hide matters from it. Structures and systems designed for the purpose of keeping the public informed must therefore be allowed to operate as intended.

Secrecy and propaganda are major impediments to accountability, which is a prerequisite for the proper functioning of the political process. Worse, they are the hallmarks of a diversion of power from the Parliament.

Information is the lynch-pin of the political process. Knowledge is, quite literally, power. If the public is not informed, it cannot take part in the political process with any real effect.²³

Estimates hearings were introduced in 1994, as part of the Fitzgerald reforms. Between 1994 and 2013, portfolio areas were examined sequentially, with the whole process covering seven days. They were held in the old Legislative Council meeting room, with ample space for participants and observers.

The hearings, the one time of year ministers and senior public servants are compelled to honestly answer questions on how government departments spent taxpayer funds, were put in place following recommendations from the Fitzgerald report, as a way of publicly questioning where money was going. ...

In what was labelled a 'trial' by Deputy Premier Jeff Seeney earlier this year, the eight committee hearings were held simultaneously across two days, instead of the usual one session at a time over seven days. Mr Seeney and the government strenuously denied criticism the changes would back reforms put in place after the Fitzgerald Inquiry.²⁴

The LNP-style Estimates Hearings trial ran simultaneously over two days, making it impossible for one person to attend all the hearings - a strategy that minimised media coverage.²⁵ By the time the LNP introduced this 'trial', the government lost significant public trust. Observers were sceptical about the motives behind this experiment.

As an interested member of the public, I decided to sit in on two days of hearings of the Legal Affairs and Community Safety Committee chaired by Ian Berry MP, member for Ipswich.

- **The Police and Emergency Services portfolio**

Police and Emergency Services Minister, Jack Dempsey, opened proceedings at the Estimates hearing on Thursday 17 July by telling us that the LNP was making Queensland a 'safe place to live and raise a family', after the 'mismanagement' of the ALP. The ALP had given only 'slaps on wrists' to offenders. But now Queensland was 'back on track' with its crackdown on crime. This first burst of rhetoric over, the Minister then boasted of increases in police numbers, iPads and the government wireless network. The great success was the 'myPolice' website with its up-to-the-minute spread-sheet of crime statistics. A question from a government member allowed the

²³ *Fitzgerald Report*, p.126.

²⁴ Remeikis A, 'Government estimates hearings change cost taxpayers almost \$8000', *Brisbane Times*, 11.9.14: <http://www.brisbanetimes.com.au/queensland/government-estimates-hearings-change-cost-taxpayers-almost-8000-20140911-10frsc.html>

²⁵ Remeikis A, 'Queensland Government accused of winding back the Fitzgerald reforms', *Brisbane Times*, 2.4.14: <http://www.brisbanetimes.com.au/queensland/queensland-government-accused-of-winding-back-fitzgerald-inquiry-reforms-20140402-35z1o.html>

Minister to talk about the Outlaw Motor Cycle Gangs. He then passed the question to the police to provide further details about the operations against OMCGs on the Gold Coast.

When Bill Byrne, ALP member for Rockhampton, started asking about the crime statistics things became more interesting. Mr Byrne had attempted to reconcile the crime statistics in the QPS Budget's Service Delivery Statement with the statistics he had extracted from myPolice. He had found inconsistencies. What was the explanation?

The Minister responded with a non-answer. We heard that the new website had reengaged the police service with the community. Mr Byrne was told he should remember that there was a 'disclaimer' about the statistics on the website.

There are plenty of valid reasons for the inconsistencies between the sets of data, but it appeared the crime statistics were indeed an area of sensitivity for the government. When the Police Commissioner was about to reply, the Minister interrupted, and we were treated to another hurrah statement about the myPolice website, transparency, and Queenslanders' increasing peace of mind.

Apart from the mind-numbing rhetoric the audience had to sit through, the day was notable for the calm efficiency and directness of the police responses compared to the defensiveness of the Minister when blocking responses on two particular issues.

The first was the crime statistics. The second was in response to questions on the proportion of organised crime for which Outlaw Motor Cycle Gangs were responsible, compared to other organised, but less visible, groups. The police were barely allowed to answer questions on this either.

On 15 July, civil libertarian Terry O'Gorman had warned the police Commissioner to stop publicly backing the LNP's law and order agenda. Mr O'Gorman pointed out that Queensland now lacks an independent source of crime statistics and sentencing information, after the Sentencing Advisory Council was shut down, and that the Crime and Corruption Commission's research division could now only carry out research into crime statistics with the Attorney-General's permission:

We are now back in the position where crime statistics can be released close to elections in order to bolster the law-and-order vote with no independent bodies being able to comment on crime figures and clear-up rates.²⁶

This comment followed a report in the *Courier-Mail* the previous day, four days before the Stafford by-election, 'Criminal reforms pay off: top cop'.²⁷

Police issues dominated Thursday's hearings, because the Dorothy Dix questions focussed mainly on eliciting good news stories about crime in specific electorates. The officers who had to be present 'in case' a question required their expertise sat in the back row, reading their iPads, 'tweeting', and watching the clock. Some were not called upon to speak. No-one seemed interested in asking a question about the G20, for example, although members of the senior planning team were present. It was a long day.

²⁶ 'Police Chief told to stop Queensland Government backing' *NineNews*, 15.7. 14 (no longer on NineNews website).

²⁷ 'LNP government's criminal reforms pay off says Queensland's top cop', *Courier-Mail*, 14.7.14.

- **Justice and Attorney-General's portfolio**

'The LNP has saved Queensland from ALP Havoc and Chaos', proclaimed Jarrod Bleijie.

At least this resounding self-congratulatory rhetoric by the Attorney-General woke us up at the end of a long morning. We heard that after the 'revolving door' detention centres run under the ALP, the LNP's new boot camps had a '90+ percent success rate' in keeping young people out of the criminal justice system. A 28-day residential program followed by a six-12 month mentoring program had provided participants with the employment skills and attitudes to keep them on the straight and narrow. Cynics might wish for some hard evidence to support this assertion. Long term trends are more instructive than a single year's figures.

There had been some close questioning (again by the Member for Rockhampton) about the awarding of a contract to run a 'boot camp' to the organisation that came tenth in the department's recommended list to the Attorney-General.

Justice director-general John Sosso was forced to admit that courts were given the power to sentence juvenile offenders to boot camps while none were operating, labelling it an 'impossible' situation. Mr Sosso said he considered the selection process to be 'suboptimal'.²⁸

Unlike Thursday, there were no uniforms, medals or braid at this hearing. Staffers around me came in with the obligatory folders. They muttered about a long, boring day ahead. They were not wrong. They also carried in take-away coffees (a bit of spillage under the seats given the crowded conditions), iPads and mobile phones. Some proof-read Cabinet submissions while others followed the Twitter feeds about the imminent verdict in the Baden-Clay trial.

The Attorney-General fielded most of the questions giving folksy home-spun answers, or listing programs planned, and throwing the occasional gratuitous insult in the direction of the ALP. We heard that JPs were going to have some of their costs (stamps) refunded and now sported special shirts - and that their training had been outsourced to private providers so that public servants could be put on 'frontline services'.

The committee members were probably as bored as the staffers - the only real engagement came from the Member for Rockhampton, Bill Byrne, who doggedly pursued the question about boot camp contracts. Independent Peter Wellington also did his best, barely concealing his contempt for the new format, and 'tweeted' his disapproval at the dominance of Dorothy Dix questions as proceedings dragged on.

He was not the only one who watched the clock and communicated with the outside world as the clichés and political doublespeak kept rolling off the tongue of the Attorney-General. The most disturbing moment came at the end when, with an air of triumphalism, he informed us all that Gerard Baden-Clay had just been found guilty of murdering his wife.²⁹ The tone seemed quite inappropriate coming from an Attorney-General.

The LNP version of Estimates was incomparably worse than its flawed predecessor because of the imbalance between government and Opposition members within each committee, and the fact that

²⁸ Remeikis A, 'Campbell Newman unscathed in Estimates hearings', *Brisbane Times*, 15.7.14: <http://www.brisbanetimes.com.au/queensland/campbell-newman-unscathed-in-estimates-hearings-20140715-ztfu8.html>

²⁹ <http://www.brisbanetimes.com.au/queensland/day-21-gerard-badenclay-trial--the-verdict-20140715-3by69.html>

the opposition, minor parties, and the media had to be so sparsely spread across the various hearings.

Mr Ian Berry MP, Member for Ipswich, chaired both days of the Legal Affairs and Community Safety Committee hearings. Apparently after the Tuesday hearings he had been criticised for unduly favouring the government questions. At the end of Thursday he announced that he had counted the time allocation from Tuesday, and had proved this to be an ill-founded criticism. He chaired the proceedings efficiently and fairly, but the impression remained that the times allotted to Dorothy Dix answers far outweighed those afforded the genuine questions - probably because the answers seemed to drag interminably on.

I was generously greeted by Minister Dempsey at the hearings on Thursday because he had asked if any member of the public was actually present, and I was identified as the only one.

Following the shock 19.1 percent swing against the LNP in the Stafford by-election held on 19 July 2014³⁰, Campbell Newman announced that the government 'had got some things wrong', the Estimates 'trial' being one of them, and that in future they would revert to their earlier format.³¹

³⁰ <http://www.abc.net.au/news/2014-07-19/lnp-concedes-defeat-in-stafford-by-election/5609504>

³¹ Remeikis A, 'Government Estimates hearings change cost taxpayers almost \$8,000', *Brisbane Times*, 11.9.14: <http://www.brisbanetimes.com.au/queensland/government-estimates-hearings-change-cost-taxpayers-almost-8000-20140911-10frsc.html>

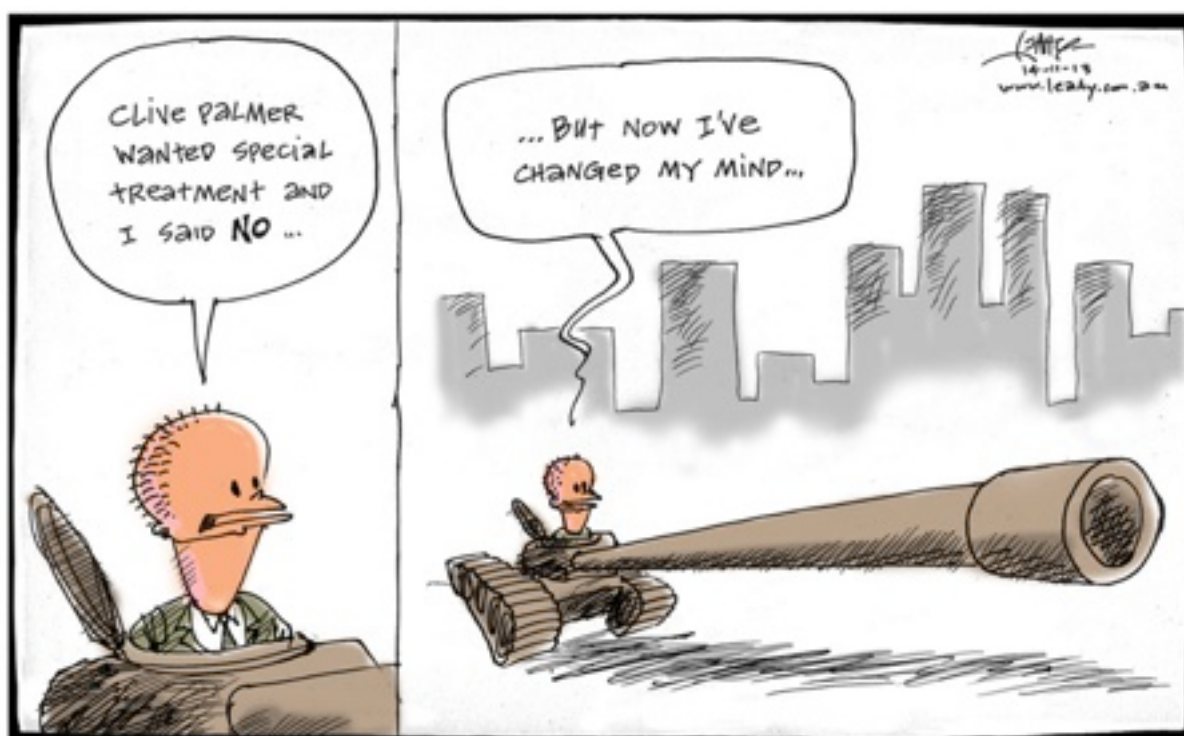
NEWMAN GOVERNMENT 2014: POLITICAL BATTLEGROUND¹

Roger and Ann Scott

Outside the Parliament the government fared increasingly badly throughout 2014. The next election was due to take place in 2015. It was reasonable to assume that its massive parliamentary majority guaranteed at least a second term, but the Premier's combative style became a significant liability.

Sean Leahy portrayed Campbell Newman in military uniform in the political cartoons that appeared in the *Courier-Mail* because Premier Newman on several occasions reminded the Queensland public of his military service before entering local government. He made frequent metaphorical use of notions of strong or hard choices, winning battles and declaring wars. The notions of campaigns, strategies and tactics all have similar derivation. Our analysis of Queensland policy-making during 2014 has been framed in similar terms, borrowed from military history and the study of international relations.

The uncertain advantages of external alliances



State governments may or may not benefit from having party allies in power at the national level. The state ALP had to fight the 2012 election with the significant handicap of a federal party torn by internal conflict. The historical divisions between those to the left and right of the party were already blurred by the shifting alliances behind the two national leaders, Julia Gillard and Kevin Rudd (who held the Queensland seat of Griffith). Under Tony Abbott the Coalition parties fought a

¹ This article provides an overview and commentary on discussions in the print media and online. The bulk of this research and writing was completed over the 2014 Christmas break, before the snap election was called in early January.

negative campaign, playing on this weakness, and the electorate demonstrated that it was prepared to shift away from the major parties in favour of a variety of minor parties and independents.

During 2014, the Queensland ALP had the unusual luxury of its federal party, now on the Opposition benches, being united by the need to re-create its appearance as a viable alternative to the Liberal/National coalition. Offsetting this advantage was the existence of a well-funded minor party which had fortuitously gained a strategic voting bloc in the Senate. The Palmer United Party (PUP) did not exist at the time of the 2012 state election. But, while it waged a highly successful federal campaign, its initial purpose was to reduce the influence of the LNP in Queensland, and Campbell Newman in particular. At the State level, it the natural home for MPs and voters who were alienated from the Newman government.

At the end of May 2014, Dr. Paul Williams, the leading academic commentator on Queensland politics (and frequent columnist with the *Courier-Mail*) wrote that PUP was now making an appeal directly to all of 'middle Australia' and needed to be taken seriously.² But Clive Palmer also made no secret of the fact that his primary focus was on Queensland. Opinion polls suggested that PUP had a future and this became a major focus of the LNP's own policy responses during the first part of the year.

In September 2014, Palmer was able to use his influence in the Senate to have a PUP-inspired and PUP-chaired Senate inquiry into Queensland.³ This was often constructed by the media (and by Palmer himself on occasions) in highly personal terms, settling scores with former Liberal and National colleagues and with Premier Newman in particular. The PUP press release stated: 'This inquiry will put an end to the Premier's abuses of power'. With a reporting date of 27 March 2015 this inquiry had the capacity to throw a few hand grenades into the 2015 election campaign.

The Palmer United Party deflected public attention from the ALP early in 2014. The ALP was perceived as being led by a little-known leader, Anastacia Palaszczuk, and a handful of survivors from the 2012 electoral holocaust. Unions had been opposed to the policies of her predecessor, Anna Bligh, and were themselves under the federal spotlight of a punitive Royal Commission. But even the most devoted loyalists did not anticipate much improvement in the ALP's situation for several years to come.

However it was the LNP who had most to fear from any backlash against their allies in Canberra. When Newman came to power in 2012, he had the advantage of close affiliations with powerful allies among conservative parties across the country, all of them gaining in popularity and most facing ALP incumbents. His family background also helped – both parents had served with distinction in coalition governments in Canberra while they were based in Tasmania. But, as Australia found on the international stage, powerful friends may require the acceptance of unpopular obligations.

One significant shift for the Queensland government in 2014 was adjusting to the Abbott government and its unpredictable policy stances. Despite the fact that this might be seen as the

² Paul Williams, 'Populist Palmer drops his jester act to appeal to middle Australia', *The Conversation*, 20.5.14: <https://theconversation.com/populist-palmer-drops-his-jester-act-to-appeal-to-middle-australia-26919>

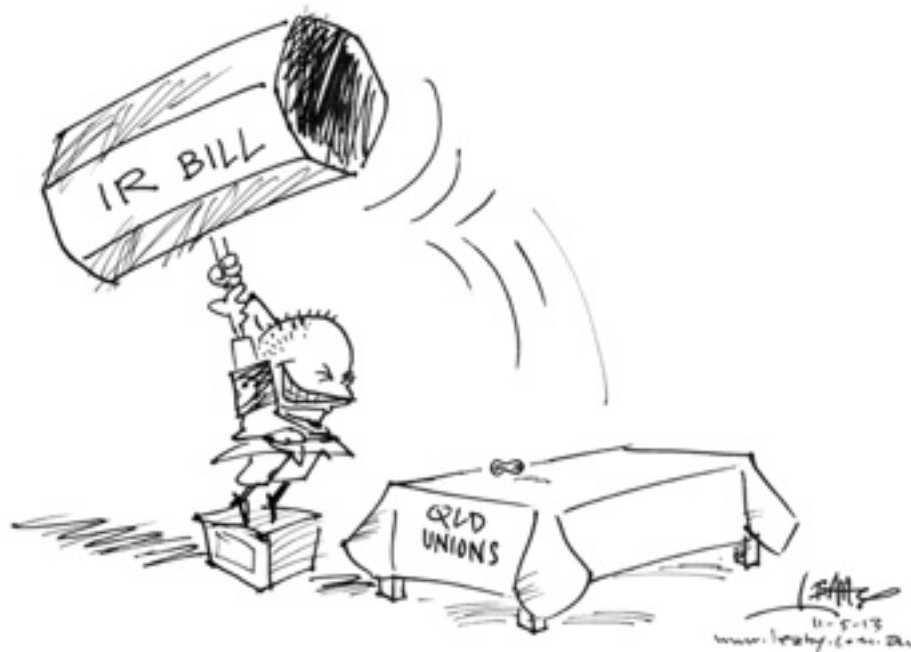
³ On 30 September 2014 the Senate resolved to establish the Select Committee on Certain Aspects of Queensland Government Administration related to Commonwealth Government Affairs. The closing date for submissions is 27 February 2015. The reporting date is 27 March 2015.

advantage of a friend in higher places, the commonwealth-state relationship shifted from a battle with a clear foe, an ALP government, to a more nuanced relationship typical of federal-state bargaining. Further, this ally proved fickle at times, particularly when applying the same 'shock horror' debt crisis rhetoric appropriated from Newman (or the US Tea Party) to justify financial cuts that would have severe repercussions for the states.

The Abbott government's approach in 2013 so closely echoed that of Newman in 2012: the need for a Commission of Audit, the horror of a 'debt crisis', 'the mess that Labor left', and the immediate reversal of election promises, that it undermined the messages that Newman was trying to sell. Newman's, and then Abbott's, 'surprises' increased the public's general disdain for politicians who made voter-friendly promises during an election campaign and then rapidly abandoned them afterwards to implement policies that had not been mentioned in the campaigning before they were elected.

The Abbott government's protracted problems in government during 2014 - spectacularly in its budget-making - constantly invited voters to be wary of election promises from all parties. This distaste for Abbott became a major issue in the lead up to the 2015 Queensland election campaign, called unexpectedly for the last day in January.

- **The war against the unions**



In a strategic sense, the LNP government had won its battle against the unions well before the end of 2013, particularly those with large public service membership. It had deprived them all of members or potential members with the savage cuts in the various elements of the public service, despite the Premier's pre-election assertion that public servants had nothing to fear. It had also set out to legislate to destroy their capacity for political resistance using whatever funds unions had saved for this rainy day. Newman now had the advantage of the Abbott government appointing a Royal Commission to investigate accusations of corruption and misconduct against prominent members of the ALP, including Julia Gillard.

At the beginning of 2014, the Newman government set out to please private employers by backing the reduction in the allowable range of workers compensation claims and by legislation requiring unions to give 24 hours notice before undertaking inspections in response to delegates' complaints about industrial safety issues.

Mr Bleijie said the bill should not be seen 'as a lowering of safety standards' but a way to make workplaces safe without 'choking businesses with paperwork and unnecessary red tape'.⁴

On another front - the battle against the main public sector union - the government started to lose ground in its attempt to muzzle the union. In June 2013 it had introduced legislation to impose accountability requirements that were intended to stop the unions from spending money on anything that the government judged to be 'political' rather than industrial.

However the main public service union, 'Together', had acted swiftly.⁵ Echoing its usual pro-government perspective, on 15 February 2014 the *Courier-Mail* carried the headline: 'Together Union sets up fund for members' cash for political campaigns'. This referred to 'union-controlled slush funds' which, after a membership ballot, had been funnelled into a private company in the interval between the government announcing its intentions and the Parliament passing the legislation with its usual alacrity.

The next day, the *Brisbane Times* reported that Attorney-General Bleijie had ordered an urgent inquiry into the legality of this move. His stated intention was to bring in legislation to close this loophole.⁶ Nothing more was heard of the inquiry in the public press, suggesting that the union had been operating on sound legal ground.

The union movement engaged more strongly than ever in the political process when a by-election in Redcliffe was held in February, following the resignation from Parliament of LNP MP Scott Driscoll in November 2013. The LNP lost the by-election more heavily than had been predicted, with a swing against the party of 17 per cent. Commentators noted that, if repeated in the election in 2015, the LNP would lose 43 seats and government.⁷

In the aftermath, the government attacked various unions that were actively involved in campaigning. The *Courier-Mail* headline asserted that Premier Newman's wife had been abused by members of the United Firefighters Union present at polling booths, although no independent evidence was offered in support.

In March, the government attacked the Electrical Trades Union (ETU) over its use of anti-government messages on billboards, using the legislation relating to the misuse of union funds. The *Courier-Mail* provided coverage of the issue, uncharacteristically sympathetic to the unions,

⁴ 'Unions to give at least 24-hours written notice before entering work sites under new legislation', *Brisbane Times*, 14.2.14: <http://www.brisbanetimes.com.au/queensland/unions-forced-to-give-24-hours-notice-before-worksite-inspections-under-new-legislation-20140213-32nbi.html#ixzz3Jq6He9XQ>

⁵ 'Attorney-General orders department to investigate union', *Brisbane Times*, 16.2.14: <http://www.brisbanetimes.com.au/queensland/attorney-general-orders-department-to-investigate-union-20140216-32ttx.html>

⁶ 'Together Union sets up fund from members' cash for political campaigns', *Courier-Mail*, 14.2.14.

⁷ 'LNP loses Redcliffe by-election in Qld' online news.com 22.2.14: <http://www.news.com.au/national/breaking-news/redcliffe-residents-head-to-polling-booths/story-e6frku9-1226834470695>

with an opinion piece by Paul Syvret, headlined as: 'Newman government's billboard stoush with the ETU is about silencing critics'.

Amendments to the state Industrial Relations Act decree unions must conduct a full ballot of their members before conducting "political campaigns" costing in excess of \$10,000. The arrant idiocy of this requirement is that to poll thousands of members is likely to cost far more than any campaign itself. In this particular instance the federal body with which the Electrical Trades Union is affiliated is running the campaign and, as ETU state secretary Peter Simpson points out, the CEPU does not fall within Bleijie's jurisdiction, 'it's just out and out harassment'.⁸

The ETU ended up in court two months later over allegations that it had breached laws regulating the transparency of its funding, after provocatively calling the disclosure website 'www.opposethesefascistlaws.com'. The *Courier-Mail* noted that the presiding magistrate was Bernadette Callaghan, who made a point of declaring her past union membership.⁹ Callaghan was one of the ALP-appointed magistrates who had roused the ire of Attorney-General Bleijie in his legislative onslaughts by consistently offering non-custodial sentences when incarceration was a legal alternative. The ETU also pointed out in its defence that the legislation in question was the subject of a High Court challenge:

After that incident, the government wanted to avoid drawing attention to its 'Strong Choices' on unions and leave this battle to its federal allies, who continued the offensive by coopting the states into their own inquiry into potential union corruption.¹⁰ The reason for this quiescence at the state level was that the unions had launched their High Court challenge to the legislation that prevented them from spending funds above a specified level without a referendum of all members.¹¹

Similar actions in New South Wales had also been the subject of a High Court challenge and the Court had unequivocally ruled in favour of the unions.¹² At first, the Queensland Attorney-General pretended that nothing had happened. From the Queensland government's perspective, delaying a response to this judgement meant leaving the existing punitive rules in place for as long as possible, whatever the legal costs to all parties. But, in the end, certainty that their defence would fail (in the light of the NSW precedent) meant a quiet withdrawal in the middle of the night at the end of June, while media attention was distracted by a last-minute amendment to the *Water Act* designed to provide retrospective protection from prosecution for an LNP donor (discussed later).¹³

One particular union stands out as an exception in any consideration of Queensland trade unions: the Queensland Police Union. This organisation had been a staunch ally of conservative

⁸ 'Newman government's billboard stoush with the ETU is about silencing critics', *Courier-Mail*, 4.3.14.

⁹ 'Queensland union found not guilty of breaching State Government union financial disclosure laws', *Courier-Mail*, 8.7.14.

¹⁰ Royal Commission into Trade Union Governance and Corruption was established on 13 March 2014.

¹¹ 'We complied with disclosure laws', *Brisbane Times*, 24.5.14: http://www.brisbanetimes.com.au/queensland/we-complied-with-disclosure-law-qld-union-20140526-zroiw.html?eid=email:nnn-13omn633-ret_news1-membereng:nnn-0

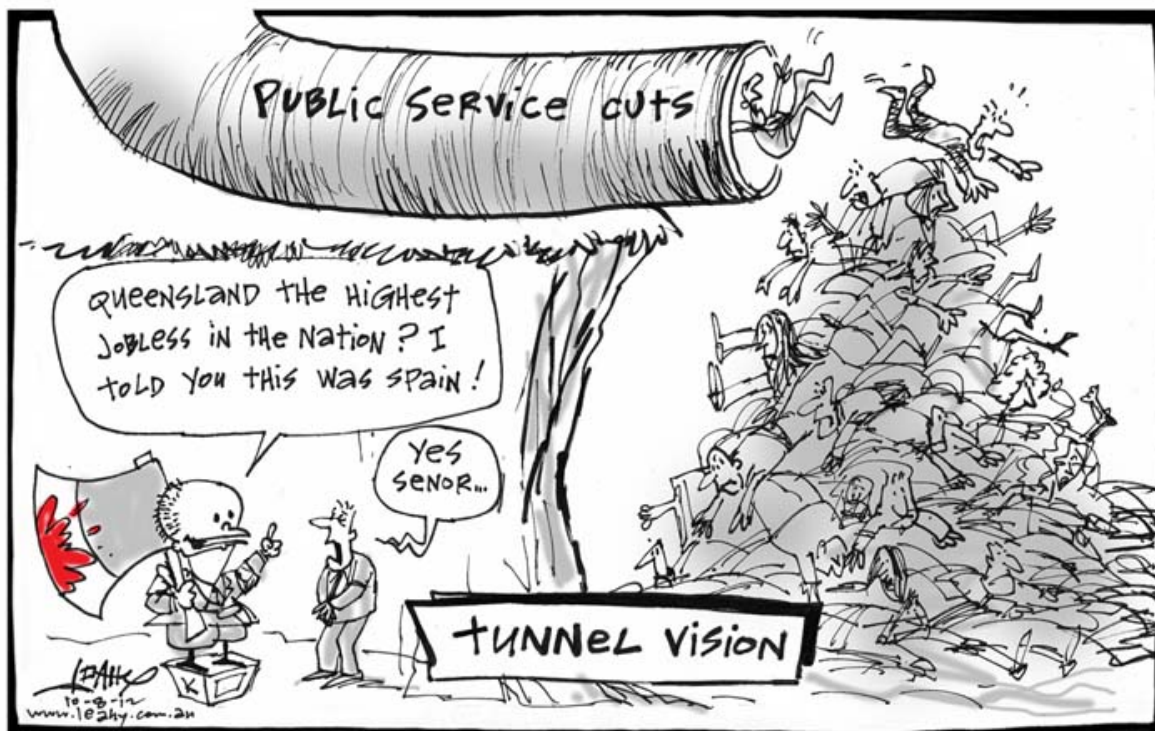
¹² 'High Court rules against NSW Government's electoral donation laws after union challenge', *ABC News*, 18.12.13: <http://www.abc.net.au/news/2013-12-18/high-court-rules-on-nsw-donation-laws/5163654>

¹³ 'Government must explain last minute law change and LNP donation', *ABC News*, 23.6.14: <http://www.abc.net.au/news/2014-06-24/government-must-explain-last-minute-law-change-and-lnp-donation/5546360>; 'Deputy Premier Jeff Seeney says no special treatment given to Queensland LNP donor Karreman Quarries', *ABC News*, 23.6.14: <http://www.abc.net.au/news/2014-06-24/deputy-premier-rejects-special-treatment-given-to-qld-lnp-donor/5545454> Seeney denied that the donor was given preferential treatment.

governments in the Joh era, and had then signed an infamous 'Memorandum of Understanding' with Rob Borbidge and Russell Cooper (both Nationals) during the 1995 election campaign which ultimately brought the Borbidge/Sheldon coalition to power. The MOU traded electoral endorsement for powers in relation to senior police appointments - the secret MOU was inadvertently made public through the careless use of a fax machine.¹⁴ With less fanfare and public opprobrium, the union had similarly endorsed the LNP in 2012. With or without a written agreement, initially the Police Union gave strong support to the Newman government and its attitudes to law and order, ensuring a flow of resources, equipment and recruits as well as increasing prominence in the media. However, as will be seen, the relationship became strained towards the end of 2014.

In January 2015, the Queensland Council of Unions and individual union leaders embarked on their own election campaign against the LNP. They dissociated themselves from the ALP in order to encourage support from all dissident parties. Union members were invited to vote for whichever group they favoured – Greens, PUP, Katter or an independent or even the ALP – but to ensure that their preferences counted by filling in all the squares and placing the LNP last.¹⁵

- **The war against public employment**



The war against the public service had broken out immediately after the 2012 election, the government side reinforced by the controversial Commission of Audit which produced an Interim Report in June 2012, and a Final Report the following April.¹⁶ The dramatic change of attitude was epitomised by the Leahy cartoon drawn in the middle of 2012 at a time when Spain was suffering

¹⁴ See report at Institute of Criminology website: <http://websearch.aic.gov.au/firstaicPublic/fullRecord.jsp?recno=136703>

¹⁵ 'Queensland Council of Unions says forget 'just vote one', better to number every box on ballot', Courier-Mail, 2.1.15.

¹⁶ Queensland Commission of Audit: <http://www.commissionofaudit.qld.gov.au>

massive unemployment as a result of the global financial crisis. Unemployment statistics began to look bad for the government, and the jobless rate continued to rise through to the end of 2014.

By the end of 2013, the Newman government was issuing statements reassuring the public that the worst was over in terms of public sector personnel cuts, and that front-line services were protected from the consequences of these changes. In practice, the party's commitment to privatisation which underpinned the various specialised exercises in bureaucratic reform meant piecemeal reductions and redundancies continued. In April 2014 the *Brisbane Times* reported on public service cuts since the election.¹⁷ Political leaders reported a range of estimates from zero ('no-one's being sacked' – Newman) to 'secret plans to remove 41,753' in job categories ranging from health workers to fire services and forensic laboratories.¹⁸

The government had not been helped by accepting a federal remuneration tribunal decision in July 2013 to increase Queensland politicians' salaries by 42 percent (linked to federal rates). At the same time the Queensland government had lodged an appeal in the Supreme Court against a 2.2 percent pay rise for public servants.¹⁹ This 42 percent increase was roundly condemned in the media. In an opinion piece in the *Courier-Mail*, Paul Syvret reflected the community's response when he wrote that the political hypocrisy on the issue was 'indecent'.²⁰ 'Premier's pay will rival Obama's' was another headline.²¹ The outrage in the community led to a government backdown.²² In August it introduced a Queensland remuneration tribunal. In December, the public sector finally achieved its 2.2 percent.²³ In March 2014 the politicians received a pay rise, with Newman awarded a 22 percent rise.²⁴ The media coverage was still unsympathetic: 'Queensland's politicians have been handed massive pay increases, with some hikes totalling more than the average Australian's salary'.²⁵ The ALP caucus announced it would give up the pay rise, and that the ALP would spend the money funding community projects.²⁶

It was the LNP government itself which brought privatisation back into the public eye towards the end of 2014 after the Opposition Leader, Annastacia Palaszczuk made a parliamentary statement that claimed the total public sector job losses had reached 20,000. The Newman government had

¹⁷ 'Queensland public service job cuts continue', *Brisbane Times*, 1.4.14: <http://www.brisbanetimes.com.au/queensland/queensland-public-service-job-cuts-continue-20140401-35w97.htm>

¹⁸ Audio link to the Estimates Hearings when Newman was quizzed on this issue, *Brisbane Times*, 9.10.12: <http://www.brisbanetimes.com.au/queensland/rolling-coverage-premier-ministers-quizzed-at-hearings-20121009-27a99.html>

¹⁹ 'Newman government heads to Supreme Court in bid to block pay rise for public servants', *Courier-Mail*, 8.7.13.

²⁰ Paul Syvret, 'Opinion: Political hypocrisy on pay is indecent', *Courier-Mail*, 8.7.13.

²¹ 'Premier's pay will rival Obama's', *Brisbane Times*, 9.7.13.

²² 'Queensland Government backs down on pay rise for MPs', *ABC News*, 9.7.13: <http://www.abc.net.au/news/2013-07-09/qld-government-backs-down-on-mp-pay-rise/4809130>

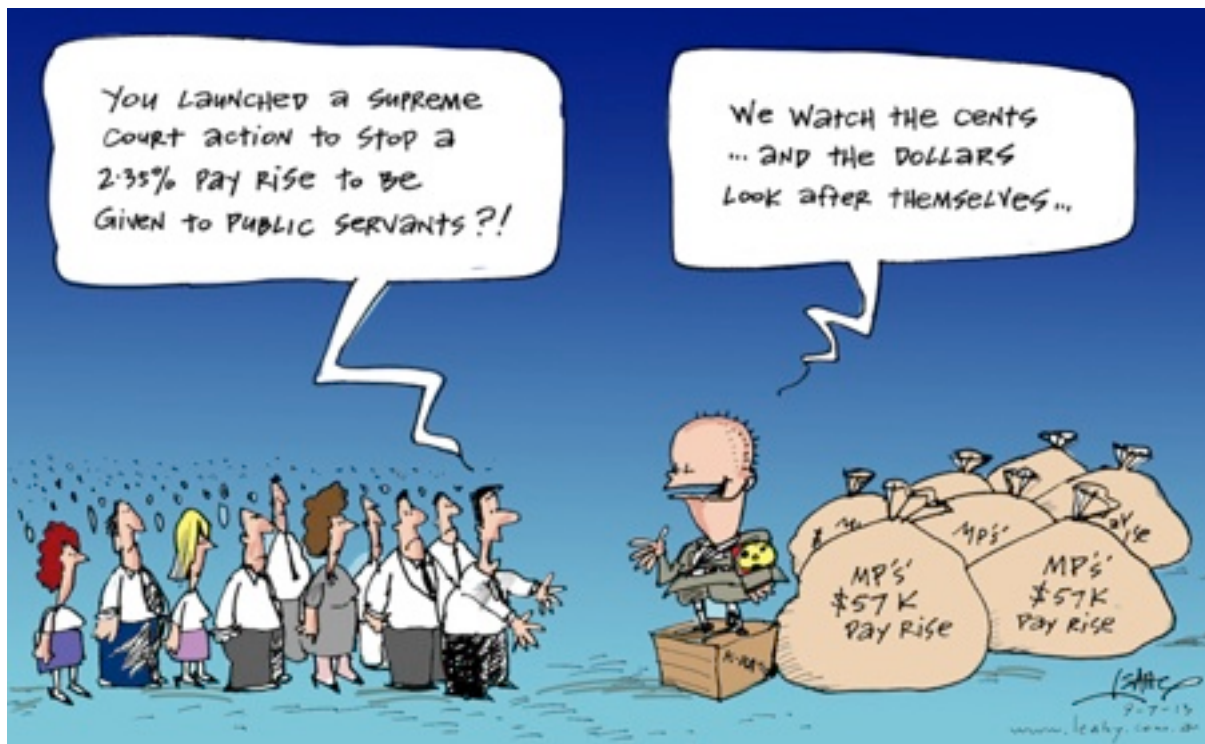
²³ 'Public servants get Christmas pay rise', *Brisbane Times*, 10.12.13: <http://www.brisbanetimes.com.au/queensland/queensland-public-servants-get-christmas-pay-rise-20131210-2z2tj.html>

²⁴ 'Queensland Premier Campbell Newman gets \$70k pay rise as tribunal increases politicians' pay', *ABC News*, 27.3.14: <http://www.abc.net.au/news/2014-03-27/qld-premier-campbell-newman-gets-70k-pay-rise/5349186>

²⁵ 'Qld MPs score massive pay rises', *Sydney Morning Herald*, 27.3.14: <http://news.smh.com.au/breaking-news-national/qld-mps-score-massive-pay-rises-20140327-35jym.html>

²⁶ 'Queensland Opposition vows to give up pay rise', *ABC News*, 31.3.14: <http://www.abc.net.au/news/2014-03-31/queensland-opposition-vows-to-give-up-pay-rise/5357152>

passed legislation that made lying to Parliament a criminal offence, so could refer the issue to the Parliamentary Ethics Committee on the grounds that she had misled Parliament. Palaszczuk was able to offer a spirited defence to the committee and even the LNP members accepted that there were several ways of calculating job losses and the Leader of the Opposition was entitled to offer different figures from those provided by the government.



This was hardly an earth-shattering finding, but the whole incident then was followed up by a TV commercial produced by the Together Union which coincided with the union referring the Premier to the same Parliamentary Ethics Committee. The union's advertisement suggested that the Premier, too, was guilty of misleading Parliament by claims he had made both in the House and in public relations publications that his government deserved praise from 'hard-working public servants' because they had benefitted from above-average wage settlements.

The TV advertisement included a five second clip from a speech given by the Premier in Parliament (as well others in a variety of locations). The Clerk of the Parliament referred this advertisement to the Privileges Committee.

The union representing public servants claimed the Queensland Premier Campbell Newman had lied to Parliament about wage rises and has called for him to be investigated by the Parliamentary Ethics Committee.²⁷

The dominant theme from the government's point of view was the privatisation of public services and public assets. Employment, with the functions and assets, would ultimately be transferred to the private sector. Privatisation, according to this view, would deliver better services at lower cost due to the efficiency of market mechanisms and the elimination of regulatory hindrances such as 'red (and green) tape'. This rationale allowed the incoming government to promise that the total impact of the changes would be a dramatic cut in the total level of unemployment. This narrative

²⁷ 'Campbell Newman 'lied to parliament about wage rises', says union', *The Guardian*, 1.11.14: <http://www.theguardian.com/australia-news/2014/nov/01/campbell-newman-lied-to-parliament-about-wage-rises-says-union>

had to be drastically re-cast when the level of unemployment continued to rise through to the end of 2014. The new narrative laid the blame on external influences such as the decline in the mining industry and consequent and rapid job losses. The reality of increased unemployment carried with it a political consequence, with the steady increase in unemployment throughout the year matched by the steady decreases in the LNP's popularity. It is possible that the public sector cuts were welcomed by workers in the private sector, receptive to media claims of bureaucratic wastefulness, and by employers fancying the opportunities presented by the public sector vacating a range of essential services and thus opening new market opportunities. Private employers were also freed of 'red tape' or even 'green tape' as regulatory functions were either abandoned or scaled back in the search for budget 'efficiency dividends'. But the polls seemed to reflect that the cascading effect on public servants, their families and local communities, was seriously affecting their voting intentions. The unions promised to draw attention to Newman's perceived dishonesty over job security all the way to the next election.

The ideology of privatisation had an impact at the local government level. At the end of July, the *Brisbane Times* carried a report that the Brisbane City Council had sacked the man who made Brisbane's buses run on time for the past 14 years, opening the door to privatising Brisbane's profitable bus runs. The Council Opposition said the Lord Mayor was 'secretly clearing the decks' for privatisation.²⁸ Translink, the entity that coordinates Brisbane's public transport is, however, a division of the state government's Department of Transport and Main Roads, and it appears privatisation would be an imposition and not the preference of the Brisbane City Council.²⁹

Similar plans for privatisation were applied to Queensland's information technology services – delivered through a corporate structure called CITEC. The *Brisbane Times* reported in May on the rapid turnover of senior executives, in one case after nine months and the other after four weeks. When CITEC was 'put on the market' during the year, it failed to find a bidder.³⁰

None of this chaos escaped the attention of the Auditor-General in his report to Parliament in June 2014:

Service standard measures used within government fell 'well short' of 'being direct measures of the efficiency or the effectiveness of the services they deliver' and that could have an impact on whether privatisation or outsourcing services proved cost-effective.³¹

Six months earlier, the Auditor General had suggested that there had been little improvement during 2013 and that in some cases contracts for out-sourcing were either poorly monitored or not monitored at all.³² His carefully balanced June 2014 report was capable of wildly different

²⁸ 'Clearing the decks for privatisation?', *Brisbane Times*, 29.7.14: <http://www.brisbanetimes.com.au/queensland/brisbane-transport-chief-to-leave-post-after-14-years-20140728-zxt7z.html>

²⁹ 'Council 'strongly committed' to bus network', *Brisbane Times*, 29.7.14: <http://www.brisbanetimes.com.au/queensland/council-strongly-committed-to-bus-network-20140729-zy031.html>

³⁰ 'For sale: one unwanted government agency', *The Age*, 29.4.14: <http://www.theage.com.au/it-pro/government-it-for-sale-one-unwanted-government-agency-citec-20140429-zr0ox.html>

³¹ Cited in 'Campbell Newman says results speak for themselves', *Brisbane Times*, 26.6.14: <http://www.brisbanetimes.com.au/queensland/audit-report-campbell-newman-says-results-speak-for-themselves-20140626-zsnb5.html#ixzz3JqFCV6lx>

³² See overview of Auditor-General report: <http://www.brisbanetimes.com.au/queensland/more-work-needed-to-make-queensland-government-accountable-20140626-zsmfb.html?rand=1403772222884>

interpretations. On the one hand, the Premier said that the results spoke for themselves and the report only pointed to the problem of measurement:

'The Auditor-General is talking about the measurement of improvements, he is talking about a measurement, I am talking about that and I am talking about the actual delivery, the improvements the government has already delivered – whether it be health, education, community safety, public transport, particularly in the metropolitan region of South East Queensland,' he said. 'We are delivering those improvements in terms of getting measures better in the next year's budget, we'll be doing that.'

The leader of the Together Union offered a different perspective:

Clearly this report shows that the focus of the government on cutting jobs and cutting services means they have failed at any commitment to measuring the impact on the Queensland community of the services provided. ...

If the government doesn't understand the importance of government services, is unwilling to measure them, they can't be trusted to privatise them because the only thing they have focused on is the cost of the services and the money that is contributed to the bottom line, rather than the impact on the Queensland community.³³

Education became an important battleground because of its visibility in the wider community. It was also one of the areas of the government's greatest success, partly attributable to the competent handling of the portfolio by one of Newman's most senior Ministers (and his predecessor as leader of the merged LNP).

Ideological disputes between the government and the unions focused on privatisation in its many forms in education. Private schools had long been a prominent feature of Queensland education. The government took the opportunity of general debates on educational leadership and curriculum to privatise the management of specialist public high schools and a number of designated primary schools, creating independent boards of management with greater authority over staffing as well as decisions on resource allocation.

Much of this passed unnoticed beyond those who were directly affected, the issue over-shadowed by the substantial retreat by the Abbott government from resource commitments linked to the Gonski Committee³⁴ recommendations. The state government had been a reluctant party to these reforms, in fact consistently unwilling to sign up to the federal Labor government's resource agreements on education funding, until they seemed inevitable when the Coalition led by Tony Abbott made its pre-election 'commitment' to Gonski. Educational reform in general stayed off the public radar in Queensland under the LNP until the very end of the year.

One exception was with the decision to allow private providers access to public assets in the form of Technical and Further Education (TAFE) college buildings. 'Contestability' became a catch-cry facilitating the expansion of the previous year's policy of allowing private providers access to TAFE classrooms to conduct their courses with comparable funding arrangements. By the end of 2014

³³ Cited in 'Campbell Newman says results speak for themselves', *Brisbane Times*, 26.6.14: <http://www.brisbanetimes.com.au/queensland/audit-report-campbell-newman-says-results-speak-for-themselves-20140626-zsnb5.html#ixzz3JqFCV6lx>

³⁴ Australian Government, *Review of funding for schooling*, December 2011, <https://docs.education.gov.au/system/files/doc/other/review-of-funding-for-schooling-final-report-dec-2011.pdf>.

the inevitable consequence of this was the closure of under-utilised spaces, and then whole institutions. Staff numbers in TAFE rapidly reduced and administrative rationalisation and centralisation limited access to TAFE training in regional areas. The TAFE saga was merely one example of the determination of the Newman government to link public service 'waste' with the argument for privatisation of both the services and then of the assets needed to deliver those services.

The year ended with the release of the government's response to a review by the Australian Council for Educational Research of Queensland's senior school assessment and tertiary entrance system³⁵, flagging the partial reintroduction of the external examination system that had been abolished in the 1970s. The report was released by the Minister on 29 December, just after the 2014 cohort of Year 12 students had received their tertiary entrance scores. But education seemed unlikely to feature strongly in the election campaign during the following month.

The war against debt and public assets - and a 'retreat'



There was a more far-reaching debate over privatisation. This related to the selling of major public assets which generated significant current income to government. The sale of these assets could be used in one form or another to reduce Queensland public debt.

The LNP summoned up witnesses for its prosecution of asset sales, including the Commission of Audit headed by former federal Treasurer Peter Costello. It was argued that selling major public assets could be used to significantly diminish payments of interest. Astronomical numbers were mentioned which only expert economists and private sector entrepreneurs could comprehend. The simpler notion of restoring a AAA rating given by international agencies rendered the narrative

³⁵ Australian Council for Educational Research, *Review of Queensland Senior Assessment and Tertiary Entrance Processes*, September 2014: <https://www.acer.edu.au/queensland-review>

more comprehensible to the general public, together with drawing parallels with domestic budgeting practices.

The public lost confidence in the government's argument while unemployment rose and the use of gross debt as the measure of the state's fiscal position lost its political shock value and was largely discredited by economists as a sensible remedy for the state's economic health. Further, as external forces intervened, including the Abbott government exacting punitive budget penalties on all the states, and a collapse in the coal price, the Newman government's 'budget repair' rhetoric lost credibility as the state's debt position deteriorated.

This was best illustrated in Treasurer Tim Nicholls' 2014 mid-year economic review published just before Christmas.³⁶ The deficit had widened by a further \$571m and unemployment was the highest among the mainland states. The government disguised its embarrassment at the further deterioration in its fiscal position and the employment rate by issuing a lengthy press release about the mid-year review that buried the bad news towards the end.³⁷ Nicholls reverted to the LNP script, talking about the 'strong' decisions that had been made when the government came to power and the potential for future improvement despite a number of critical factors, among them the worldwide collapse in coal and oil prices, that were likely to militate against such improvement in the short to medium term at least.

However, polling results consistently reflected the scepticism about the arguments for privatisation among all shades of political opinion. One sensed the frustration of the leader writer of the *Courier-Mail*, seeking to articulate the paper's characteristic editorial enthusiasm for the LNP's stance on privatisation: 'It seems amazing that three out of four Queenslanders still can't accept the selling off of public assets'.³⁸

So the LNP rationale shifted in two directions to convince a recalcitrant electorate. First, the purpose of the sale of assets was broadened to include expenditure on new public infrastructure, not just debt reduction. It argued that the community would be served by swapping one set of assets for another. Second, the government quietly jettisoned its ideological preference of 'smaller government'. Reducing the state's debt remained an important justification for asset sales, but a significant slice of income from the sales would now be tied to some more tangible benefits than easing the debt burden for future generations.

Finally, when the public attitude towards asset sales appeared immovably recalcitrant, the government decided on a comprehensive policy 're-badging'. The language changed from asset 'sales' to asset 'leases' (leases were proposed for at least 49 years with options for a further 50 years). Changing the rhetoric from sales to such long-term leases did little to shift public opinion, particularly when the federal government's own proposed asset recycling subsidies recognised long-term leases, effectively, as sales.

Treasurer Tim Nicholls said the turnaround came following consultation on the government's asset sales draft plan. He said the majority of Queenslanders said they preferred a lease over a sale, which the Premier, who had fought to keep the poles and wires off the table, echoed. 'People have

³⁶ <https://www.treasury.qld.gov.au/publications-resources/mid-year-review/mid-year-review-2014-15.pdf>

³⁷ <http://statements.qld.gov.au/Statement/2014/12/18/midyear-review-shows-queensland-heading-back-to-black>

³⁸ 'Outsourcing work not stacking up', *Brisbane Times*, 4.12.13: <http://www.brisbanetimes.com.au/queensland/outsourcing-work-not-stacking-up-auditorgeneral-warns-government-20131203-2your.html#ixzz3JqHPi9dH>

reflected to us that they would prefer to see the leasing of assets, that is what Tim Nicholls is talking about,' Mr Newman said. 'We are listening to people and people are saying a lease is good, because ultimately it comes back to our children or our grandchildren.'



The bulk of expert opinion concluded that this had little practical effect because, in the longer term (ie, beyond the current electoral horizon), there was no practical difference between sales and long-term leases. Economics Professor John Quiggin, a persistent critic of privatisation and the 'debt crisis' rhetoric, whose universally-recognised scholarly status was regularly impugned by the LNP, minimised the significance of 'leasing' rather than selling.³⁹

But perhaps the LNP believed that the voting public could be convinced by its claims that the government and household 'debt' are exactly comparable, making leases more palatable than selling-off a productive asset. However, rural interests within the party expressed concern that the profit motive made the private sector a less reliable service provider to regional centres, and tended to place local providers at a competitive disadvantage at the expense, overall, of the local community.⁴⁰

This was a theme taken up by non-ALP cross-bench members from regional areas previously represented by the LNP, who saw an opportunity to fight together on this issue if they held the balance of power after the 2015 election:

³⁹ 'Potato, potatoh - government plan "the sale you have when you're not having a sale"', *Brisbane Times*, 18.9.14: <http://www.brisbanetimes.com.au/queensland/potato-potatoh--government-plan-the-sale-you-have-when-youre-not-having-a-sale-20140917-10ie8u.html#ixzz3JqWykFzK>

⁴⁰ In 2014 retiring LNP MP, Vaughan Johnson, who had represented the seat of Gregory for 25 years referred to the negative impact of the privatisation of QBuild services in rural communities. See 'Folly of Newman government cuts exposed by one of its own', *Sunshine Coast Daily*, 16.10.14: <http://mysunshinecoast.com.au/articles/article-display/folly-of-newman-government-cuts-exposed-by-one-of-its-own.36100>

We all feel strongly enough on this issue that whoever takes government in the next Parliament needs to know that we're a force here making a stand. ... We want to give a message to the people of Queensland that there is hope to stop the sale of assets and stop this leasing and privatisation. ... We're very like-minded in particular on these critical issues, so it's important that people in Queensland know this is not a fait accompli.⁴¹

What may have had the most negative impact on the government's attempts to persuade the electorate about the merits of privatising Queensland's assets is the secretiveness about their value and the conditions under which they will be leased. The Treasurer refused to be specific about these issues despite his insistence of the impact privatisation will have on reducing the state debt and the benefits to the state's economic future.⁴²



Despite this lack of public information on the longer-term benefits of assets sales or leases, the government filled the press at the end of 2014 with an upbeat story of its economic achievements over the year, which would be consolidated into a bright future once it had been re-elected. The LNP clearly hoped that the immediate reality for most voters of increased living costs and high unemployment would be discounted against the claims to a bright future.

This was typified by the *Courier-Mail* headline: 'Queensland surplus promise remains intact: Newman'.⁴³ The next day the paper reported that 'the Queensland mid-year fiscal and economic review put Queensland ahead of states despite drop in coal prices'.⁴⁴

⁴¹ 'Queensland independent and minor party MPs band together against LNP's lease of assets plan', *ABC News*, 16.10.14: <http://www.abc.net.au/news/2014-10-16/queensland-crossbenchers-band-together-against-lnp-assets-plan/5817700>

⁴² 'Queensland government scoping studies on asset sales to remain in the dark', *Sydney Morning Herald*, 19.12.14: <http://www.smh.com.au/queensland/queensland-government-scoping-studies-on-asset-sales-to-remain-in-the-dark-20141218-12a4n4.html>

⁴³ 'Queensland surplus promise remains intact: Newman': *Courier-Mail*, 15.12.14.

⁴⁴ 'Queensland mid-year fiscal and economic review put Queensland ahead of states': *Courier-Mail*, 16.12.14.

Two days later the paper's main columnist chimed in with further positive reassurance: 'Gas boom to fuel Queensland economy as nation's strongest'.⁴⁵ The editorial on the same day endorsed this analysis in its headline: 'State in good position but we must reinvest'. The editor admitted that, 'at first blush, the numbers don't look pretty but they deserve greater scrutiny' and 'with nothing currently in the planning pipeline, we need to start seeing what the government might commit to if re-elected. The government has shown that it is willing to take the tough decisions to create an economically vital environment'.



- **The war against violent crime**

The high-profile war against bkie gangs was also a fight for approval in the polls for the Newman government's law and order crackdown. The level of approval had fluctuated as portrayed in Leahy's cartoon drawn at the start of 2014, and the issue became less publicly controversial.⁴⁶

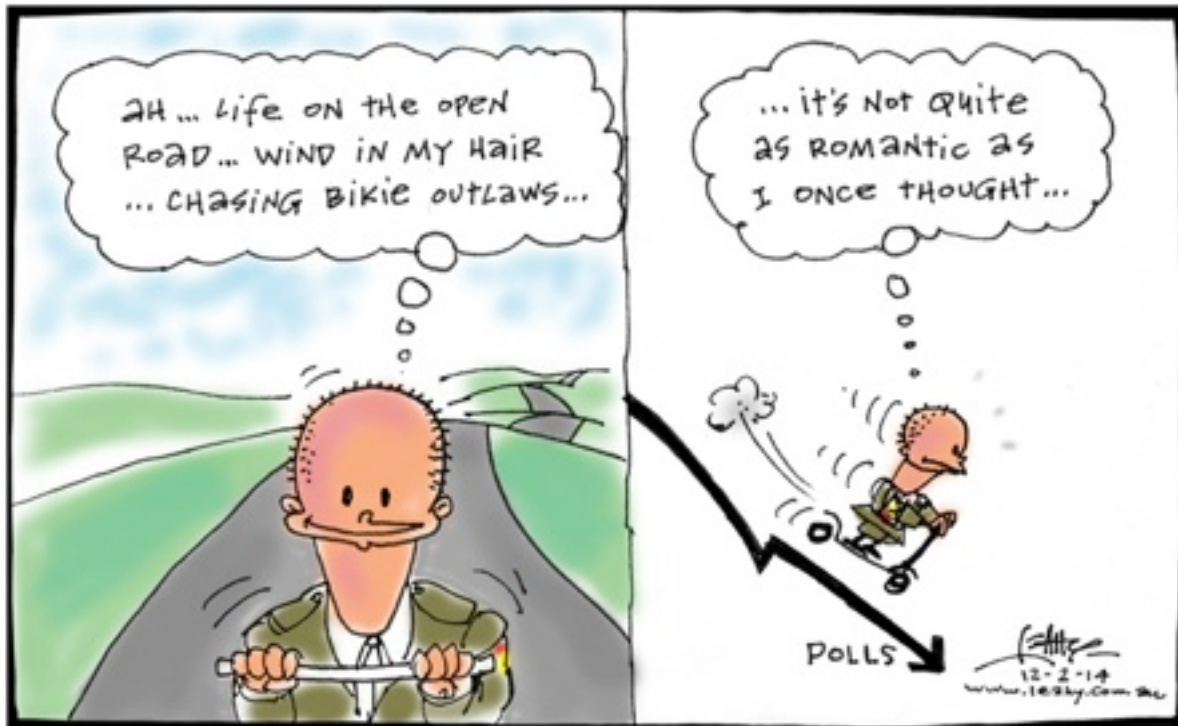
The government and especially the Attorney-General could identify a number of victories and poll evidence suggested that the public had come to recognise this success. There was a clear shift in public opinion towards the end of 2014 over the most highly-publicised example of 'strong choices'

⁴⁵ 'Gas boom to fuel Queensland economy as nation's strongest': *Courier Mail*, 18.12.14.

⁴⁶ 'The man overseeing Queensland's bkie crackdown says the State government is winning the battle but losing the public relations war': ABC News, 23.7.14 <http://www.abc.net.au/news/2014-07-22/queensland-police-winning-battle-against-bikies-on-gold-coast/5614982> and

'Taskforce Maxima's 14-month investigation, codenamed Operation Lima Hacksaw, has resulted in the arrest of 75 people on 252 charges so far. The offences range from drug trafficking to car theft,' *Brisbane Times*, 27.11.14: <http://www.brisbanetimes.com.au/queensland/rebels-drug-raids-hit-70-properties-20141126-11uw2l.html.html>

– against bikie gangs implicated in organised crime. This war was waged on several fronts – the anti-bikie *Vicious Lawless Association Disestablishment Act* (VLAD) legislation which had been enacted in October 2013; criticism of 'soft sentencing' of all violent offenders (and sexual predators in particular); and legislative action on the problems of regulating street violence.



The year also ended with High Court judgments rejecting appeals against the first of a series of the 'strong' measures which had been incorporated into the LNP's constant narrative on this theme – the VLAD laws had been adjusted and implemented during 2014. For Premier Campbell Newman and Attorney-General Jarrod Bleijie, the High Court's decision was vindication for the aggressive and decisive approach they have taken to the scourge of bikie violence and corruption.

The *Courier-Mail* applauded the officer-in-charge of the operation:

His perseverance, in the face of stiff opposition within his own force, has been a primary reason for the clean-up. Now, other states are likely to follow Queensland's lead. It is a terrific outcome.⁴⁷

The government vaunted its status as a 'law and order' trend-setter for the rest of Australia and indicated that it intended to make whatever changes were needed to ensure that it avoided any future constitutional impediments.⁴⁸

The growing public popularity of the VLAD laws encouraged the Attorney-General, early in the 2014 parliamentary year, to expand the targets for a tougher approach to a range of other anti-social activities.

⁴⁷ *Courier-Mail*, 16 November 2014.

⁴⁸ 'VLAD: High Court rejects challenge to Queensland anti-bikie laws', *Courier-Mail*, 14.11.14.

Throughout 2014 there was a recurring pattern of governments seeking to direct courts to lengthen sentences and in particular to impose indefinite detention on violent sex offenders who had completed their 'life' sentences. This took place against the background of a protracted criminal investigation, then trial and conviction, over the murder ten years previously of 10-year-old Daniel Morecombe. Public opinion had been mobilised in a campaign by the Morecombe parents, which penetrated the school system, with warnings about 'stranger danger'. In other states, this had led to 'paedophile registers' although Premier Newman intervened to suggest that this sort of law 'might not be right for Queensland'.⁴⁹

But the Attorney-General was less constrained in other areas and started with strengthening the powers of officers in charge of 'boot camps' for juvenile offenders (established by legislation late in 2012). Certain of his support by the LNP parliamentary majority, he chose the end of the May sitting to introduce a wide range of changes increasing the severity of other penalties. The *Brisbane Times* reporter gives the flavour of the discussion:

Boot camp staff will be given the power to use force or restrain young offenders, animal torturers will face up to seven years in jail and sports betting 'cheats' could be imprisoned for up to a decade under changes introduced during a mass legislative dump on the last day of parliament this week.

Attorney-General Jarrod Bleijie announced changes to several Acts while introducing the Criminal Law Amendment Bill during Thursday's afternoon session. The changes had been drip fed out over the past few months - the amendments to the double jeopardy laws, which will allow offenders 'who got away with serious crimes in the past' to be retried if new evidence comes to light - were announced last week.⁵⁰

Brisbane hosting the G20 in November 2014 had consequences for law and order, particularly as two earlier meetings (Toronto and London) had resulted in violent protests, which Brisbane was keen to avoid.⁵¹ But the meeting also broadened into concerns over national security and counter-terrorism. At the national level, the emergence of the Islamic State, then the engagement of the Abbott government in support of the American re-engagement with Iraq and then with Syria, led to the National Terrorism Public Alert System to be shifted to 'High' in early September. At the state level, the uncovering of several explosives 'factories' added to the sense of threat in the lead-up to the G20 meeting, even though no link was established between these back-yard explosives factories and terrorism.

The heightened terrorism alert led the Police Commissioner Ian Stewart to order all police to carry firearms. The direction, dated 18 September, read:

⁴⁹ 'Campbell Newman says Queensland won't support any laws which might encourage vigilantes against child predators', *Sunshine Coast Daily*, 31.10.14: <http://www.sunshinecoastdaily.com.au/news/newman-daniels-law-may-not-be-right-queensland/2438282/>

⁵⁰ 'Boot camp staff will be given the power to use force or restrain young offenders, animal torturers will face up to seven years in jail and sports betting "cheats" could be imprisoned for up to a decade under changes introduced during a mass legislative dump on the last day of parliament this week' *Courier-Mail*, 9.5.14: <http://www.brisbanetimes.com.au/queensland/state-government-boosts-penalties-for-series-of-crimes-20140508-zr75n.html>

⁵¹ 'November's G20 may act as a trial run for the Commonwealth Games and other designated 'major events' held across the state under new legislation introduced into Parliament', *Brisbane Times*, 26.8.14: <http://www.brisbanetimes.com.au/queensland/stuckeys-bill-boosts-police-powers-at-major-queensland-events-20140826-108s8x.html?e>

Unless otherwise exempted, the wearing of firearm and accoutrements while on duty is now compulsory. All officers qualified ... are to wear their service issued firearm, oleoresin capsicum (OC) spray, extendible baton and handcuffs at all times while on rostered duty.⁵²

This change took place not long before the G20 meeting in mid-November. The G20 was peaceful, and the police were applauded for their management of security for the event. Unfortunately there was a series of shooting incidents shortly afterwards in which civilians armed only with knives were shot by police - four deaths over a short period. There was no suggestion that this was a result of the instruction. However, the Police Commissioner, who had greatly enhanced his reputation in supervising a notably non-violent G20, was constrained by these shootings to set up a review of procedures governing the use of firearms.⁵³



Even before the start of the official 2015 election campaign, Attorney-General Jarrod Bleijie ended the final session of Parliament as he had ended the mid-year session in May, rushing an omnibus of legislative changes through Parliament, closing loopholes and strengthening penalties.

One outstanding problem was domestic violence - and particularly domestic homicide. Criminal justice experts and women's groups constantly pointed out that the major component of violent crime statistics was domestic violence. In 2013, the Australian Institute of Criminology's National Homicide Monitoring Program released data that showed that 36% (or 185) of all homicides in Australia between 2008 and 2010 were domestic-related.

⁵² 'Armed in public: Queensland police chief alert, not unarmed', *Courier Mail*, 29.9.14.

⁵³ 'Queensland police shootings: Commissioner orders immediate review', *Brisbane Times*, 25.11.14: <http://www.brisbanetimes.com.au/queensland/queensland-police-shootings-commissioner-orders-immediate-review-20141125-11t8lg.html>. See also the *Police Union Journal*, December 2014 - January 2015: http://www.qpu.asn.au/files/secure/yjyjnEfUbZWCLaT8q6JUvYKBT8MerCr8LtKRxHmJYaGo5pNHF6cdqRFqO3lkyzfms6QpCPjwxtAxkZJu7IRbP4QE0v_UDoxVlzm6N8tBmIEXpSdqSdpTrqDBiNEmbPRdcccNmxaKW6ar4.pdf

The grim statistics were tragically illustrated by one high-profile domestic murder in a middle-class suburb in Brisbane in 2012 that gripped the attention of the media until the trial and conviction of the alleged perpetrator in July 2014. In the rather disturbing process the police revealed tactics and developments with unprecedented candour:

Even more enticing [to the media] were the daily police briefings during the investigation and live blogging during the trial, both of which fit perfectly into the daily news cycle.⁵⁴

The year ended with an even starker reminder of domestic violence, which is not just between partners, with the multiple-murder of eight children in Cairns just before Christmas.

An ALP Private Member's bill introduced in May 2014 had sought unsuccessfully to increase penalties for past offenders who breach domestic violence orders and expanding the range of support for victims to compensate for federal government cuts to services such as legal aid. That resources were scarce was reflected in the overload of demand for refuges for women and children subjected to domestic violence.⁵⁵ But oppositions cannot act unilaterally and the Premier scored a public relations coup when he enlisted the support of the recently-retired (ALP-appointed) Governor-General, Quentin Bryce to head a domestic violence taskforce.⁵⁶ In welcoming the appointment, the Leader of the Opposition commented that she had not been consulted, despite the ALP's previous action on the topic.

At the end of 2014 the Newman government could clearly point to a major victory in gaining public support for instigating draconian laws, re-allocating police resources to implement them and ensuring that the media received full support in demonstrating the outcomes to a receptive public. Fighting organised or violent crime is also a never-ending war. The Newman government was able to take pride in its achievements while simultaneously seeking a mandate to continue the conflict. An article in the *Courier-Mail* of December 20 offered testimony from the police themselves:

Senior police have vowed to ramp up even further their crime crack-down which has already dramatically reduced the ranks of the 'patched' (bikie gang) members. ... the bikie blitzes offer an opportunity of a lifetime and we fully intend to intensify our operations in 2015 ... we now have confirmed intelligence in relation to who is a patched member, who is an associate, who has dissociated and the anticipated movements of members and gangs. Police Taskforce Superintendent Niland asserted that the operation which thinned the number of gang members was 'one of the most successful crusades against organised crime in Australian history'.⁵⁷

The year 2014 ended with Tony Abbott reshuffling his Cabinet, which empowered a new Minister or Immigration (who held the outer Brisbane seat of Dickson) to demonstrate his commitment to the same crusade when he announced on Facebook:

⁵⁴ Terry Goldsworthy, 'Intimate partner homicide, the media, and the Baden-Clay case', *The Conversation*, 15.7.14: <https://theconversation.com/intimate-partner-homicide-the-media-and-the-baden-clay-case-28103>

⁵⁵ 'One hundred people from the Sunshine Coast seek placement in an emergency housing shelter every week because of domestic violence': *Sunshine Coast Daily*, 10.11.14 <http://www.sunshinecoastdaily.com.au/news/shelters-bursting-at-seams-on-coast/2447419/>

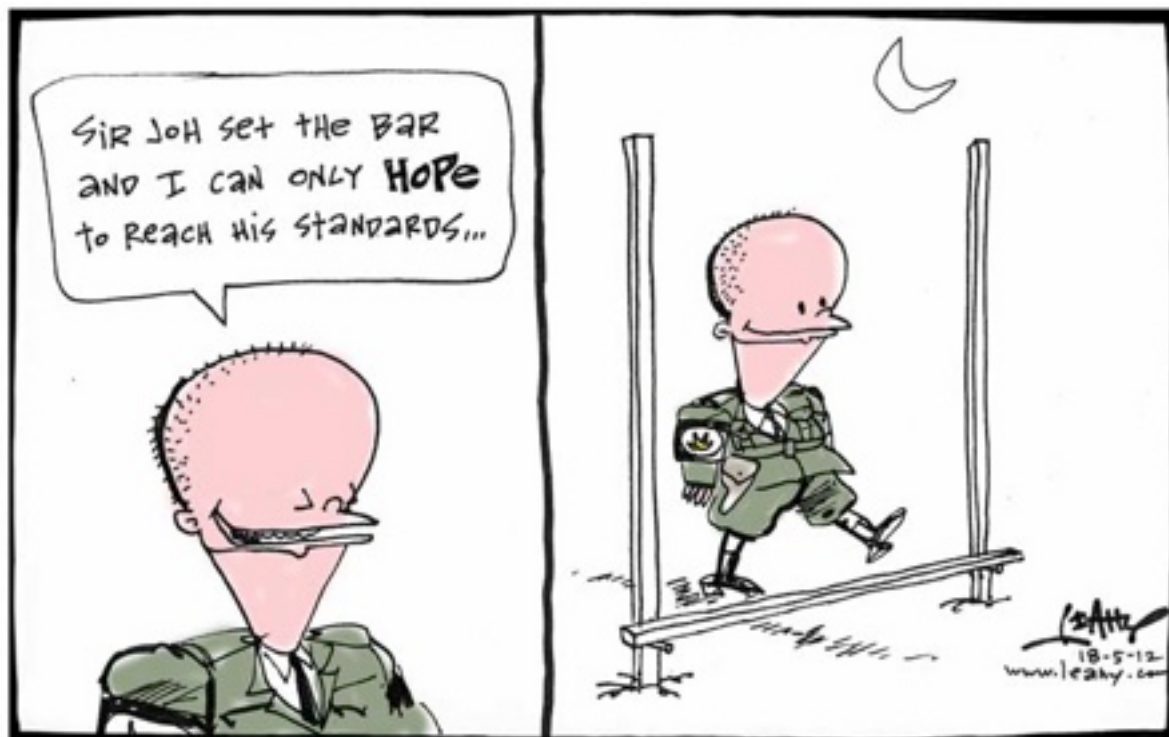
⁵⁶ Bryce was a former University of Queensland law school academic; Director, Human Rights and Equal Opportunity Commission, Queensland; and Federal Sex Discrimination Commissioner, Human Rights and Equal Opportunity Commission. She had been appointed Governor of Queensland by an ALP Premier in 2003.

⁵⁷ 'Queensland war on bikies continues despite gangs being decimated', *Courier-Mail*, 20.12.14.

If you're an illegal bkie, if you're part of an outlaw motorcycle gang involved in organised criminal activity, you've just made it to the top of my list. ... Coming to Australia is a privilege and if you're coming here harming Australians, ripping off our welfare system, committing serious crimes, then you're at the top of my list for deporting.⁵⁸

The members of the public cannot check the accuracy of the government's claims about its crime statistics because one of the first casualties of the public service cutbacks was the cessation of the *Queensland Police Service Annual Statistical Review*. This provided graphs of long-term trends, with explanatory notes about how they should be interpreted. The last issue covered 2011-12.⁵⁹ From this one can see that most crimes had been trending downwards before the Newman government was elected, although assault had risen. The explanation for that was a widening of the types of crimes in the category. The greatest increase was in Far North Queensland. It is impossible to assess the 'crackdown' on crime, or whether Mums and Dads can feel safer at night without access to these trend graphs and explanations.

- **The war against the judiciary**



However popular among voters in Queensland, all this 'toughening up' challenged the discretionary role of the judiciary, and established conventions on the separation of powers.

In 2012 the Newman government promised to 'restore' accountability in government:

⁵⁸ 'Immigration Minister Peter Dutton targets bkie gang members as 'top of my list for deporting'', *Sydney Morning Herald*, 23.12.14: <http://www.smh.com.au/federal-politics/political-news/immigration-minister-peter-dutton-targets-bkie-gang-members-as-top-of-my-list-for-deporting-20141223-12cp0c.html>

⁵⁹ *Queensland Police Service Statistical Review 2011-12*: <https://www.police.qld.gov.au/corporatedocs/reportsPublications/statisticalReview/Documents/StatReview2011-12.pdf>

A key commitment is to make the government more open, accountable and accessible for all Queenslanders.⁶⁰

Accountability was among the first casualties of the Newman wars. In '2014, the year that was' John Watson, politics editor of the *The Conversation*, provided a general review of the year's political events. He suggested that:

The mixing of money and power by party machines that resist public scrutiny and input makes for an unhealthy brew. ICAC lifted the lid on corruption that crosses party lines in New South Wales. In Victoria, the toothless IBAC is an issue in the debate on integrity in government.

And in Queensland, the Newman government seemed intent on rolling back the years to pre-Fitzgerald Inquiry days.⁶¹

Watson was referring, in part, to a long-running and damaging saga still confronting the government at the end of 2014 - its 'reform' and restructuring of one of the most significant parliamentary devices for ensuring accountability in Queensland – the Parliamentary Crime and Misconduct Committee (PCMC).

The concern over the specific issue of an anti-corruption agency engaged the attention of those members of the legal profession with long memories of the Bjelke-Petersen era. Of more general concern were the implications of the missionary zeal exhibited by the Attorney-General. The confrontation over the implications of the VLAD laws for civil liberties and legal processes was joined during 2014 by a man who symbolised the continuity between the regimes of Joh Bjelke-Petersen and Campbell Newman.

In the 1980s Jesuit priest Frank Brennan had been an activist using his law qualifications to defend students arrested in protests against the Bjelke-Petersen government, before moving on to a distinguished academic career at the Australian Catholic University. His Brisbane address to the Civil Liberties Council on 8 July 2014 echoed much of the criticism throughout the year from members of the Queensland legal profession:

There is a place for conscience and courage in the law, especially when the prevailing political orthodoxy of those who exercise legislative or executive power is contrary to one's deeply considered assessment of human rights and human dignity. ... Three decades on, Queensland once again has a premier who finds some political advantage in skewing the balance between law and order, impugning the integrity and vocation of the legal profession.⁶²

The government continued its criticism of the magistracy both for the leniency of their judgments (often leading to appeals from the Attorney-General) and for the general antipathy among the legal profession towards the mandatory sentencing which appeared to have been introduced in some laws specifically to remove this discretion. The government denigrated the legal profession for being out of touch with the more authoritarian values of the wider community.

⁶⁰ Six-month action plan (July - December 2012): <http://www.thepremier.qld.gov.au/plans-and-progress/plans/6-months-july-dec-12.aspx>

⁶¹ John Watson, '2014, the year that was', *The Conversation*, 29.12.14, <https://theconversation.com/2014-the-year-that-was-politics-society-35415>

⁶² Text of Frank Brennan's speech can be found at: http://www.tjryanfoundation.org.au/dbase_upl/Too_Much_Order_and_Too_Little_Law_30_years_on.pdf

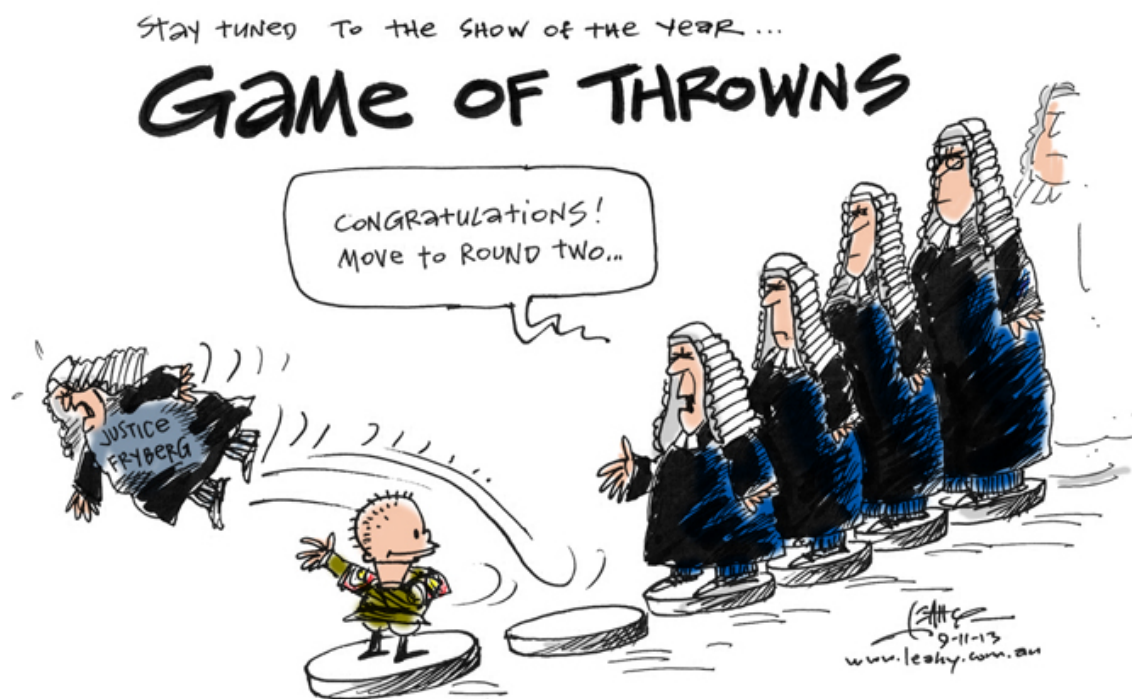
Supreme Court Justice George Fryberg had stayed an application for a review of a magistrate's bikie bail decision because of concerns about the public comments about the judiciary by Premier Campbell Newman.⁶³ His decision was overturned on appeal. In an article headed 'Jarrod Bleijie snubs farewell for judge in bikie laws stand-off, the *Brisbane Times* reported:

Justice Fryberg made headlines last month when he stayed an alleged bikie gang member's bail hearing amid concerns about a public perception of political interference by the premier. But the Court of Appeal eventually ruled that Justice Fryberg had erred when he froze the government's bid to revoke the bail of alleged bikie Jarrod Kevin Anthony Brown because of comments Premier Campbell Newman had made.

The appeals court found Mr Newman's reported comments would not make the public think judges had been influenced in their decision-making.

The premier was quoted in media reports urging judges to act within community expectations.⁶⁴

When he retired at the end of 2013 Judge Fryberg gave an assessment of some of the problems in a wide-ranging interview aired on the ABC in November 2013 which attracted widespread media attention.⁶⁵



⁶³ 'Queensland courts in crisis over Newman's remarks', *Brisbane Times*, 30.10.13: <http://www.brisbanetimes.com.au/queensland/courts-in-crisis-over-newmans-remarks-20131030-2wfm9.html>

⁶⁴ 'Jarrod Bleijie snubs farewell for judge in bikie laws stand-off', *Brisbane Times*, 28.11.13: <http://www.brisbanetimes.com.au/queensland/jarrod-bleijie-snubs-farewell-for-judge-in-bikie-laws-standoff-20131128-2ycfo.html>

⁶⁵ Full interview: Queensland's retiring Supreme Court Judge, Justice George Fryberg, talks to Matt Wordsworth about the bikie bail stand-off, the Patel trial and the latest developments in the law, *ABC 7.30 Report*, 22.11.13: <http://www.abc.net.au/news/2013-11-22/view-the-complete-interview-with-justice-fryberg/5112326>

Hostilities resumed after the Christmas break. In early February 2014 the Premier, supported by the Attorney-General, made a provocative intervention, arguing that the legal team recruited to help defend those accused under the VLAD legislation were themselves guilty of criminal conduct simply by the fact of this association:

These people (lawyers) are hired guns. They take money from people who sell drugs to our teenagers and young people.'

Yes, everybody's got a right to be defended under the law but you've got to see it for what it is: they are part of the machine, part of the criminal gang machine, and they will see, say and do anything to defend their clients, and try and get them off and indeed progress ... their dishonest case.⁶⁶

The lawyers involved launched a defamation action which made its way through the court system during the course of the year. The Senate, in Canberra, was also persuaded to issue a formal rebuke to the Premier.⁶⁷ A prominent Queensland expert in constitutional law Professor Gerard Carney said he found Mr Newman's comments hard to believe:

As someone who has invested a career in constitutional law, he says he has never heard of a government in Australian modern history accusing members of the judiciary of living in 'ivory towers' and being unaccountable to the community. 'I think this is unprecedented in Australia in modern times and it's incomprehensible,' he said.

'One of the paramount principles that we have enjoyed is the benefit of public confidence in the integrity of our judges and our courts. That is in fact now a constitutional requirement that nothing be done in a way to impair public confidence in that institutional integrity. To have the Premier come out in those terms is appalling, it damages our constitutional system and the attorney traditionally has had the role to protect the courts from that sort of scandalous comment.'⁶⁸

In March 2014 there was a furore over the confidentiality of the consultations over judicial appointments when a lawyer, well-respected in the legal profession but dubbed 'architect of the bikie laws' by the media, Walter Sofranoff resigned from the public service post of Solicitor-General.⁶⁹ He called on the Attorney-General to resign, accusing Jarrod Bleijie of defaming a senior judge after discussions over judicial appointments were leaked, saying he was unethical and could not be trusted.

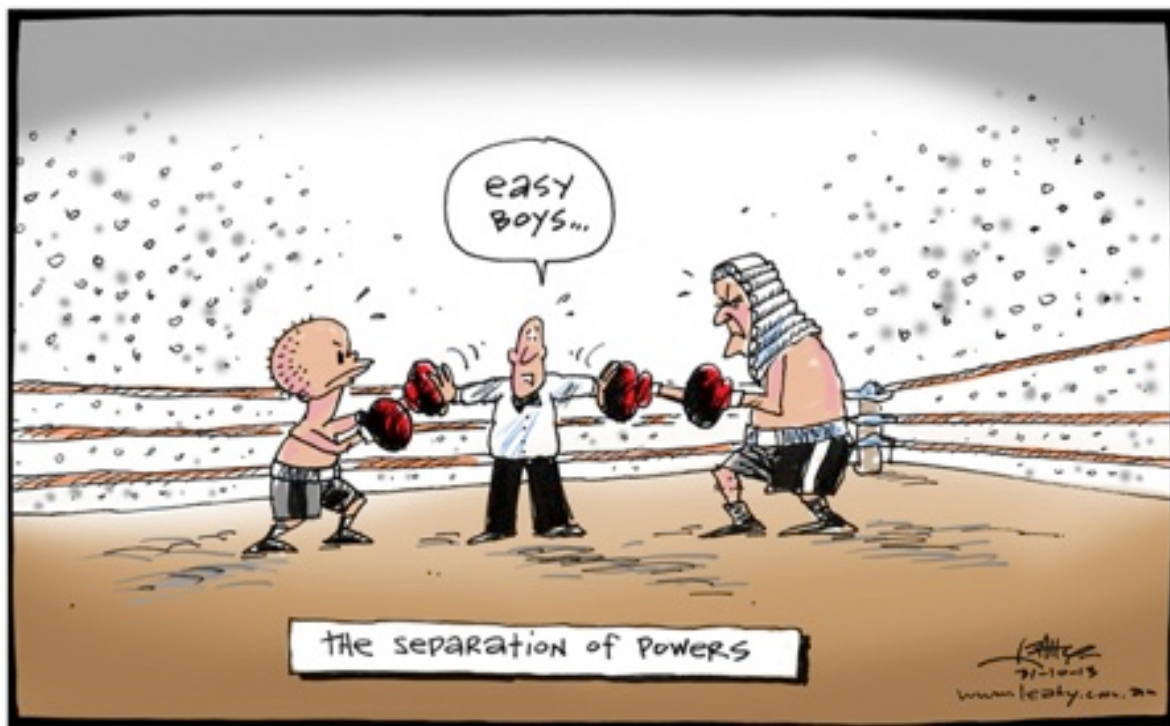
Clearly the Premier and his Attorney-General held a contrary view to that of the experts about the separation of powers, established procedures, and the need for magistrates and judges to be more responsive to the government's interpretation of public opinion on issues of law and order. When the opportunity arose they found someone sympathetic to their position to appoint as Chief

⁶⁶ 'Campbell Newman says lawyers for bikies are part of criminal gang machine', *Courier-Mail*, 6.2.14.

⁶⁷ 'Senate rebuke for Premier Campbell Newman over lawyer comments', *Brisbane Times*, 13.2.14: <http://www.brisbanetimes.com.au/queensland/senate-rebuke-for-premier-campbell-newman-over-lawyer-comments-20140213-32k0i.html#ixzz3JCZyX6tW>

⁶⁸ 'Expert lashes Queensland Premier Campbell Newman's "reprehensible" swipes at judicial system', *ABC News*, 26.10.13: <http://www.abc.net.au/news/2013-10-25/expert-lashes-newman27s-swipe-at-judicial-system/5047008>

⁶⁹ 'Walter Sofronoff, former Queensland solicitor-general, calls on Attorney-General Jarrod Bleijie to resign', *ABC News*, 26.3.14: <http://www.abc.net.au/news/2014-03-25/solicitor-general-says-a-g-jarrod-bleijie-defamed-judge/5343300>



Magistrate, Tim Carmody, who promptly used his new authority to rein in 'soft' uses of magistrates' discretion on bail conditions and publicly affirm his support for the new laws he was asked to administer.

Going outside the normal conventions that applied to qualifications for judicial appointments was consistent with views expressed earlier by the Premier and his Attorney-General. In defending the new laws aimed at keeping serial sex offenders in jail rather than being eligible for bail or parole, the Premier had been quoted as saying that 'judges and magistrates who criticised his government's new powers to overrule the judiciary were living in 'ivory towers'...

Queenslanders are sick of those people who get appointed into these jobs who are then totally unaccountable...Judges and magistrates don't actually have to go for re-election – they're there appointed, they have tenure, they're there until a retiring age and I can't influence and I don't try to influence them.⁷⁰

However, when an opportunity for influence did arise, it was fully exploited. Chief Justices had on occasion in the past been elevated to the role of Governor. When the incumbent's term came to an end the government promoted the sitting Chief Justice, Paul de Jersey, to the position in July 2014. This created a vacancy in the post of Chief Justice, which like the Governorship was in the gift of the government. Conventions about consulting the legal profession and the judiciary were not binding, so there was no legal barrier to appointing Carmody straight from his brief spell as Chief Magistrate to become Chief Justice.

The appointment of Carmody as Chief Justice caused a major outcry from across the legal fraternity, identifying a major infringement of the principle of the 'separation of powers' between

⁷⁰ Quoted in 'Premier Campbell Newman sinks "to a new low" over Qld's sex offender laws criticism', *ABC News*, 25.10.13: <http://www.abc.net.au/news/2013-10-24/newman-sinks-to-a-new-low-over-sex-offender-laws-criticism/5042940>

executive government and the judiciary.⁷¹ The Bar Association joined the fray in the early stages; their position was then supported by a recently retired judge; and then Justice Tony Fitzgerald AC (chair of the 1987-9 Fitzgerald Inquiry) added his weight to the criticisms:

It's deeply troubling that the megalomaniacs currently holding power in Queensland are prepared to damage even fundamental institutions like the Supreme Court and cast doubt on fundamental principles like the independence of the judiciary.⁷²

The online coverage said it all: 'Legal figures question the suitability of Tim Carmody as the new Queensland Chief Justice'; 'Newman and Bleijie a pair of schoolyard bullies'; 'Chief Justice Carmody and the "merit principle"': 'Supreme Court judges snub public ceremony for Queensland's new Chief Justice Tim Carmody'; 'Power in the state has been transferred to "a small, cynical, political class"'.⁷³

Finally, the entire body of judges indicated their disapproval by boycotting the ceremony held to install Chief Justice Carmody.

The year ended with a show of magnanimity from the main beneficiary of the Newman war against the judiciary. Under the headline of 'Courage of Convictions', the *Courier-Mail* reported the following:

Chief Justice Tim Carmody used his first Christmas greeting to call on the judiciary to maintain 'civility, respect and courtesy' in the aftermath of his controversial appointment to the top job'. Carmody's inaugural address to new barristers at the Banco Court was fully attended by his judicial colleagues, in marked contrast to his own inauguration.

'I do not want in any way to avoid reality, the last few months have been difficult for the judiciary and there have been flow-on consequences for the judiciary as a whole'. He asked the judiciary to

⁷¹ 'Expert lashes Queensland Premier Campbell Newman's 'reprehensible' swipes at judicial system', *ABC News*, 26.10.13: <http://www.abc.net.au/news/2013-10-25/expert-lashes-newman27s-swipe-at-judicial-system/5047008>

⁷² 'Tony Fitzgerald slams Newman's "politically motivated" apology', *Brisbane Times*, 25.7.14: <http://www.brisbanetimes.com.au/queensland/tony-fitzgerald-slams-newmans-politically-motivated-apology-20140725-zwtxn.html>

⁷³ 'Legal figures question the suitability of Tim Carmody as the new Queensland Chief Justice', *ABC News*, 13.6.14: <http://www.abc.net.au/news/2014-06-12/qld-government-appoints-tim-carmody-as-chief-justice/5519358>;

'Newman and Bleijie a pair of schoolyard bullies', *Brisbane Times*, 27.3.14: <http://www.brisbanetimes.com.au/queensland/blogs/that-thinking-feeling/newman-and-bleijie-a-pair-of-schoolyard-bullies-20140326-35ict.html?>;

'Chief Justice Carmody and the "merit principle"', Andrew Lynch, *Australian PolicyOnline*, 18.8.14: <http://apo.org.au/commentary/chief-justice-carmody-and-merit-principle>;

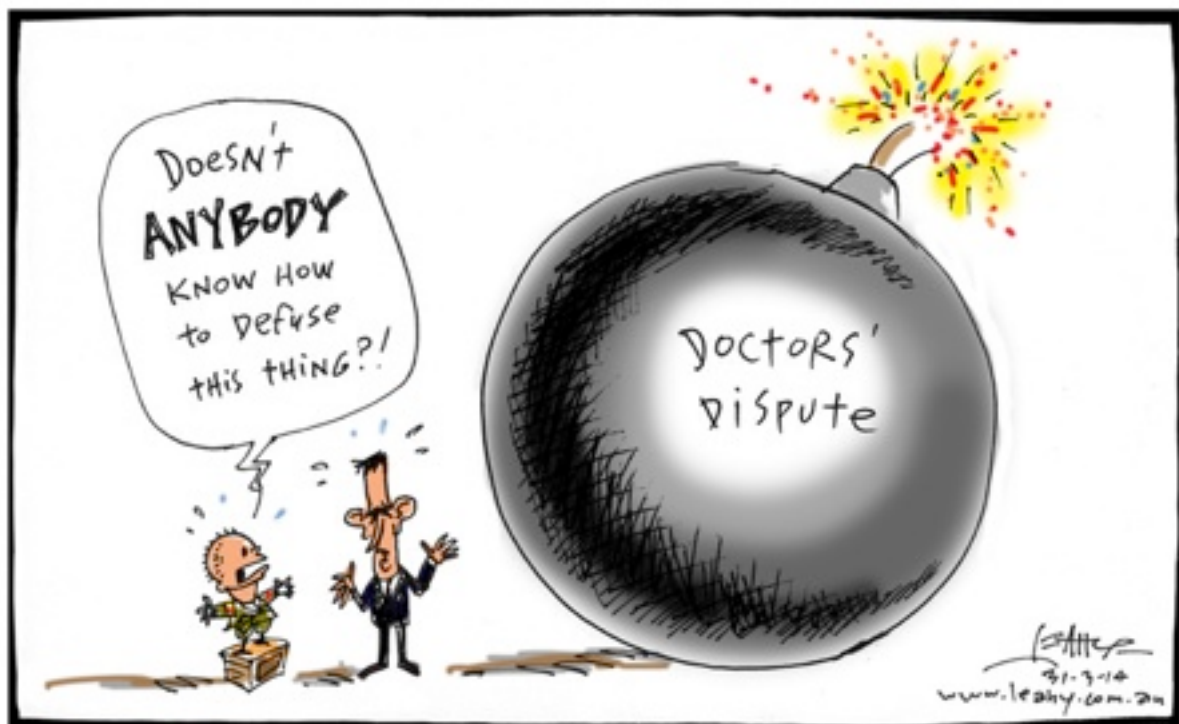
'Supreme Court judges snub public ceremony for Queensland's new Chief Justice Tim Carmody', *ABC News*, 1.8.14: <http://www.abc.net.au/news/2014-08-01/supreme-court-judges-snub-public-ceremony-for-chief-justice/5641092>;

'Populist' Newman government hiding behind facade: Tony Fitzgerald', *Brisbane Times*, 11.9.14: <http://www.brisbanetimes.com.au/queensland/populist-newman-government-hiding-behind-facade-tony-fitzgerald-20140910-10f6r5.html>

maintain a high level of civility, respect and courtesy for one another in the understanding that while differences between them may continue, he hoped they would diminish.⁷⁴

Two days later, an article in the *Courier-Mail* suggested that the vanquished might remain unreconciled to their fate. After reportedly hesitating to make the Banco Court available for the valedictory address of one of his critics, Carmody attended to hear Justice Muir once again emphasise that confidence in the court system depended on the quality of appointments to the most senior offices. Under the headline 'One Last Word of Judgment', the reporter noted that Carmody was seated in the public gallery beside some of the state's most senior legal administrators while the outgoing judge was surrounded by his Court of Appeal colleagues.

- **The war against the doctors – two battles on a new front**



The Newman government could claim to be representing the views of 'ordinary people' in its criticism of the legal profession, and the judiciary in particular, for being out of touch with community expectations. It entered a minefield when it took on the medical profession.

There were two dimensions to the LNP government's war against the doctors: a sub-set of the war against violence in which doctors were pitted against the liquor industry, and a sub-set of the war against the unions during which doctors were pitted against hospital boards of management and, ultimately, the Minister. It seems that the doctors lost the first war because of the continuing power of the Newman government's allies, and might have won the second once the fine print of industrial relations agreements had been examined. But the dispute inflicted significant collateral damage on the LNP itself.

The violence associated both within nightclubs and the consumption of liquor in public places surfaced incidentally with the much-revisited video of a brawl on the Gold Coast between rival bikie

⁷⁴ 'Courage of convictions', *Courier Mail*, 18.12.14.

gangs in September 2013. There was also concern about alcohol-fuelled violence in Brisbane's Fortitude Valley nightclubs, and particularly the rising incidence of 'one-punch' deaths in interstate nightspots. The suite of measures introduced in Queensland as a result was an attempt to reduce the disorder, confrontations, serious injuries and in some cases deaths, arising from fights amongst inebriated 'revellers', and with police seeking to restore order.

Reducing alcohol trading hours had had a positive effect in an experiment in Newcastle in regional NSW, later replicated in Sydney's King's Cross. The Queensland Police Union strongly supported a similar change being introduced, particularly on the Gold Coast and in the Fortitude Valley district in Brisbane, as the police officers had to deal with the immediate violence. This proposal was taken up by the local medical fraternity, and in particular by Dr Anthony Lynham, a maxillofacial surgeon who regularly had to deal with appalling consequences of the public brawling that took place in the vicinity of the premises where liquor could be consumed until the early hours of the morning. Lynham appeared regularly on local ABC radio voicing his concerns.

The Newman government set up an inquiry in January 2014 and also undertook a process labelled 'community consultation'. It announced a 'Safe Night Out' strategy in March which explicitly rejected the idea of advancing closing hours from 5am back to midnight because of the economic impact this would have on nightclubs' alcohol sales and general business. The government preferred measures to increase offences and strengthen the supervisory role of night club operators.⁷⁵ The Premier would have pleased the Queensland Hotels Association when he argued against reducing trading hours on the basis that the peaceful majority should not be punished for the bad behaviour of the few.

The Police Union led the strong reaction against the Premier's view, with the April edition of the *Police Union Journal* offering this comment:

We all know the Premier seems to be a law unto himself when it comes to such issues. Even when faced with cold, hard facts supporting a particular notion, he refused to see the forest for the trees. ... What is Mr Dempsey [Police Minister] doing to protect our members and the communities of Queensland by listening to the experts and pushing our Premier and the current government to reduce trading hours?

Here's ... a novel idea for our Premier and Police Minister. Take a walk through any community in Queensland where they have had to endure deaths from senseless violence at 5am in the main street of town and ask the members of those communities what they think.⁷⁶

The medical profession and researchers in the field voiced their concern privately to no effect, then more publicly when legislation was introduced later in the year by the Attorney-General to extend the opening hours of pubs and service clubs into the suburbs instead, to 'spread' the problem. In Parliament, this was duly endorsed by the Legal Affairs and Community Safety committee and then by the House.

⁷⁵ 'Safe Night Out' strategy document: <http://statements.qld.gov.au/Statement/2014/3/23/safe-night-out-strategy-to-stop-the-violence>

⁷⁶ 'Alcohol-fuelled violence: Queensland Police Union journal criticises Campbell Newman government for not reducing hotel trading hours', *Courier-Mail*, 3.4.14.

The final component of the 'Safe Night Out' policy was put in place in November, when a tender was let, with a ceiling cost of \$100,00, for a company to perform alcohol service tests for pubs and clubs, a so-called mystery shopper trial.⁷⁷

The medical profession, and its representative body the Queensland branch of the Australian Medical Association, generally supported restricting trading hours. But the AMA(Q) and many of its key public identities were distracted from the middle of the year by an Audit Office report which suggested that a significant number of doctors employed in public hospitals were guilty of fraud by manipulating their terms of employment.

This was referred to the new Crime and Corruption Commission which ultimately dismissed the claim in November.⁷⁸ But by this time the accusations of waste and feather-bedding had become part of the public narrative. The idea of greedy specialists exploiting the system framed discussions on a new enterprise agreement between employer and employees in the hospital industry. Contracts offered by the recently devolved local Hospital Boards of Management sought to dramatically change arrangements that in the past had provided doctors with a measure of discretion.

Protracted discussions ensued involving the local branch of the AMA, the unions covering doctors who worked in a public service environment and the Minister for Health acting on behalf of the local boards. The AMA(Q) was at the time headed by Dr Christian Rowan, a former National Party candidate for the regional seat of Gympie. Rowan had signalled his support for the government's position by signing a new contract and commending it to others. Doctors employed in hospitals strongly disagreed. They gained sufficient support for their case among their colleagues in private practice to force Rowan to the sidelines because of his compliant attitude towards the proposed changes. This elevated the dispute to the national level where the national President of the AMA engaged in discussions with the national representatives of the relevant unions.⁷⁹

Publicly-employed doctors were gagged from commenting but mass protest meetings attracted widespread media interest. Doctors in private practice distributed letters to their patients and to the media expressing concern for their public sector colleagues.

On 19 March the Assistant Minister for Health, and former president of the AMA(Q) Dr Chris Davis addressed a meeting of more than 1,200 of his former medical colleagues. He gave them his support when they voted against signing amended contracts put forward by his Minister, saying that 'one should take extraordinary care when introducing organisational change that can affect thousands of employees and the untold numbers of patients who rely on them'.⁸⁰

⁷⁷ 'Queensland Government seeking professional drinks buyer', *Brisbane Times*, 6.8.14: <http://www.brisbanetimes.com.au/queensland/queensland-government-seeking-professional-drinks-buyer-20140805-100slq.html>

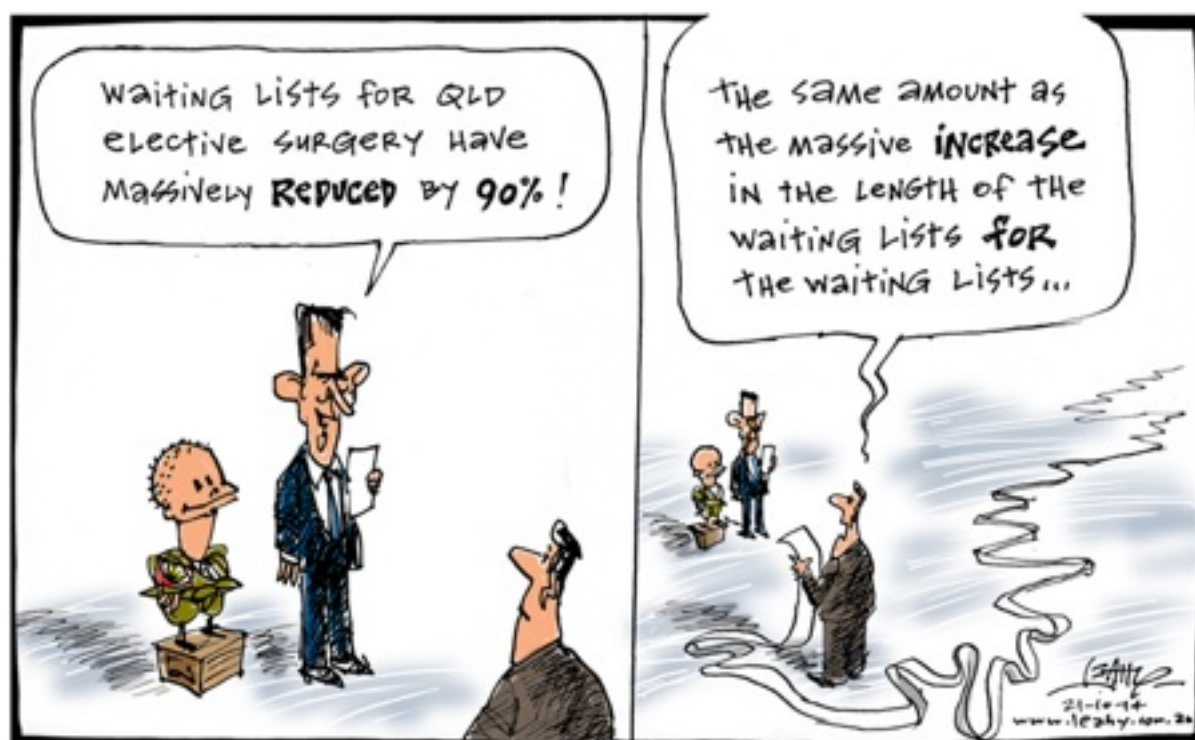
⁷⁸ 'Doctors will not be investigated for alleged Queensland Health rot', *ABC News*, 23.9.14: <http://www.abc.net.au/news/2014-09-23/doctors-ccc-investigation-dropped/5763652>

⁷⁹ 'Doctors' chief gagged over contracts', *Brisbane Times*, 27.2.14: <http://www.brisbanetimes.com.au/queensland/doctors-chief-gagged-over-contracts-20140227-33jb6.html>

⁸⁰ 'Queensland Ministers divided on doctor dispute', *SBS News*, 20.3.14: <http://www.sbs.com.au/news/article/2014/03/20/qld-ministers-divided-doctor-dispute>. The doctors were concerned that they would effectively be banned from public comment on issues, and would cede the right to choose the best treatments for patients to administrators whose primary concern would be cost.

After headlines such as 'Queensland Ministers divided on doctors dispute' relationships within the government were tense. On 13 May Dr Davis was dismissed as Assistant Minister. He remained on the back-bench briefly before resigning his seat (Stafford) later in May on yet another issue: concern for transparency of party funding and the potential for corruption.⁸¹ Relationships with the doctors played a central role in the Stafford by-election, held on 19 July. The ALP endorsed Dr Anthony Lynham, who had argued strongly for limiting opening hours for alcohol consumption, a message that featured strongly in the Stafford campaign.

The by-election result was a resounding win for Lynham and the ALP, with a 19.1% swing against the government. The Stafford by-election proved the catalyst for a significant change in approach by the LNP government, and Premier Campbell Newman in particular. Dr Lynham's stunning victory led to a range of symbolic policy withdrawals although the liquor industry escaped unscathed and opening hours remained unchanged.



So in 2014 many members of the medical profession, usually regarded as conservative and likely to support the LNP, had joined the ranks of influential professional groups potentially alienated from the LNP's policies and attitudes. The extent to which they were impressed by the concessions offered during Campbell Newman's 'peace-keeping' mission⁸² in late 2014 became clearer in 2015.

This campaign, supported by heavy TV advertising and the proposed changes in tertiary entrance requirements, meant the year ended with the Newman government publicising what it hoped were

⁸¹ 'Premier Campbell Newman has sensationally sacked Assistant Health Minister Chris Davis from his Cabinet', *BrisbaneTimes*, 13.5.14: <http://www.brisbanetimes.com.au/queensland/campbell-newman-sacks-assistant-health-minister-chris-davis-20140513-zrbot.html>

⁸² This may be affected by the introduction of a dramatic new approach to managing surgery waiting lists by using public funds to outsource operations by private hospitals. This was announced at the end of the parliamentary year, so the only serious parliamentary debate focused on the cost and appropriateness of a simultaneous massive advertising campaign. But Dr Chris Davis in his evidence to the PUP-initiated Senate Committee Inquiry had testified about the capacity for 'gaming' waiting lists and other performance indicators to allow politicians to claim particular outcomes.

its two strong points electorally, in addition to its law-and-order crackdown. The devil in the detail did not surface until after the 2015 election but some members of the medical profession were still sceptical, former Assistant Minister for Health, Chris Davis, for one. When he gave evidence to the Senate Committee Inquiry into the Queensland Government, he voiced the suspicions of a former insider that bureaucrats and politicians had well-developed skills in 'gaming' any system of performance indicators.⁸³

- **The war against the environment**

In 2014 Queenslanders found themselves with governments at both state and commonwealth levels strongly committed to climate change denial and with a similarly strong commitment to fossil fuel and other extractive mining at the expense of investing in renewable energy sources.

Support for the coal seam gas (CSG) industry dated back to at least 2011 under the ALP. In 2012 the ABC produced a report: *The Coal Seam Gas Rush* which included a map of all the coal seam gas mining in Australia, mostly concentrated in Queensland:

The scale and speed of its growth has been nothing short of astonishing: billions of dollars have poured into regional areas; new jobs have been created; state and national coffers have swelled; export contracts have been signed and sealed; massive liquefied natural gas facilities have been approved for construction at regional ports.

Farmers fear they are losing control of their land. Miners and some politicians say coal seam gas offers a much greener energy choice. Environmentalists and other politicians have cast doubt on those claims.⁸⁴

While coal seam gas spread across the state, traditional coal mining concentrated, in particular in the Galilee Basin in north Queensland, inshore from the Great Barrier Reef. During 2014, a constant theme of the LNP was winding back the accountability 'green tape' measures that provided for environmental protection either for agricultural land or the Reef. The government justified subsidies and infrastructure it provided, at huge cost to the taxpayer, to mining companies to expand their resource extraction activities in Queensland based on the economic benefits and job creation. Mining companies became unhindered by public accountability.

Community rights to object were overridden. For instance, the Mining and Energy Resources Bill which passed through Parliament in a late night sitting in September 2014, limits those able to object to mining lease applications to affected landholders, their immediate neighbours and local councils. In effect, the vast majority of the state's citizens would be denied their right to object to the way land was zoned or used if extractive industries were to be conducted. There was also concern about the contracts drawn up by CSG companies, and the erosion of farmers rights.⁸⁵ Protests on the issue drew strange bedfellows: such as 'shock jock' Alan Jones, and 'Lock the Gate' environmentalist Drew Hutton.

⁸³ The Select Committee into Certain Aspects of Queensland Government Administration related to Commonwealth Government Affairs.

⁸⁴ 'Coal Seam Gas Rush', ABC Special, April 2.12: <http://www.abc.net.au/news/specials/coal-seam-gas-by-the-numbers/>

⁸⁵ See 'Keep the Scenic Rim Scenic' website at: <http://www.keepthescenicrimscenic.com/coal-seam-gas-information.php>

There were vast differences in scale in the mining industries the government was willing to support. At one end, there were the massive coal developments in the Galilee Basin. This was the source of Clive Palmer's falling out with Campbell Newman in 2012 when Palmer launched legal action against the government, saying it had failed to explain why it rejected a bid from his company Waratah Coal to build a rail line from its coal mine in the Galilee Basin to a coal terminal in Bowen. Instead it gave the lucrative contract to rival company GVK Hancock. An Indian company, Adani, came under the spotlight over subsidies it was given by the Newman government to mine in the Galilee Basin.



At the other end of the scale was sand-mining on Stradbroke Island (by a company that provided funding for Newman's campaign in Ashgrove in 2012) and quarrying building materials in the Brisbane Valley. The scale of competing interests also differed widely. One common theme, however, was that most of the companies involved in the extractive industries that received preferential treatment were generous donors to the LNP.

The preservation of the Great Barrier Reef became a highly emotive, symbolic issue through 2014. Controversial mining approvals led UNESCO to consider whether its status as a World Heritage Area should be classified as 'endangered'. In June, UNESCO decided to defer this decision for a year.⁸⁶ Quite apart from its intrinsic merit, it is a major tourist attraction and contributes to the Australian economy. As the Federal Government's own website notes:

The Reef is one of the richest and most diverse natural ecosystems on Earth. The Great Barrier Reef attracts more than 1.6 million visitors each year, contributes more than \$5 billion to the Australian economy, and generates about 63,000 jobs.⁸⁷

⁸⁶ 'UNESCO ruling: Decision on whether Great Barrier Reef as 'in danger' deferred for a year', *ABC News*, 19.6.14 <http://www.abc.net.au/news/2014-06-18/unesco-defers-decision-on-great-barrier-reef-danger-status/5530828>

⁸⁷ Description from the Commonwealth Government's website: <http://www.environment.gov.au/heritage/places/world/gbr>

When the two governments released their draft *Reef 2050 Long-Term Sustainability Plan*⁸⁸ in September 2014 they received a hostile response from the scientific community:

The country's leading scientific academy has released a scathing critique of the draft plan to manage the Great Barrier Reef, warning it was inadequate to restore or even maintain the health of the World Heritage site over the next three decades.

In its submission to the Federal and Queensland governments' draft *Reef 2050 Long-Term Sustainability Plan*, the Australian Academy of Science stated the plan failed to acknowledge the Reef had already suffered greatly from the pressures of climate change, poor water quality from land run-off, fishing and coastal development. It concluded the Reef 2050 plan had insufficient targets or resources to reverse the Reef's downward spiral, documented by countless scientific studies and several government reports.⁸⁹

These views were backed up by a team of local analysts based at the James Cook University, North Queensland.⁹⁰

On 6 May 2014, the *Brisbane Times* exposed the fact that the chief adviser on the mining industry in the Premier's Department was effectively on secondment from a mining company at the centre of a dispute with pastoral interests over its diversion of a watercourse.⁹¹ This sounded an alarm bell, and was interpreted as a minor symptom of the wider dominance of mining over all other public policy interests in Queensland. This situation was the subject of close scrutiny by Richard Dennis, Director of the *Australia Institute*.⁹²

- **Planning interventions**

At the other end of the policy continuum, environmental protection issues also affect urban dwellers, in particular the competition between real estate developers and members of local communities concerned about preserving access to open space such as local parkland, beaches or adjacent forests.

Local councils were often the arena for these contests, conducted within a framework set by the state government which determines the powers of local government authorities.

⁸⁸ 'The Reef 2050 Long-Term Sustainability Plan': <http://www.environment.gov.au/marine/great-barrier-reef/long-term-sustainability-plan>

⁸⁹ 'Scientific academy slams government's Great Barrier Reef plan', *Brisbane Times*, 27.10.14: <http://www.brisbanetimes.com.au/technology/sci-tech/scientific-academy-slams-governments-great-barrier-reef-plan-20141027-11cjwj.html>

⁹⁰ 'The plan to save the Great Barrier Reef is destined to fail unless', Jon Day, Bob Pressey, Jon Brodie, Terry Hughes, *The Conversation*, 28.10.14: <https://theconversation.com/the-plan-to-save-the-great-barrier-reef-is-destined-to-fail-unless-33542>

⁹¹ 'QCoal worker developing LNP green policies', *Brisbane Times*, 6.6.14: <http://www.brisbanetimes.com.au/environment/qcoal-worker-developing-lnp-green-policies-20140505-zr57v.html>

⁹² Mick Peel, Roderick Campbell, and Richard Denniss 'Mining the age of entitlement' The Australia Institute, 23.6.14: <http://www.tai.org.au/content/mining-age-entitlement>

The Deputy Premier, as Minister for State Development and Minister for Infrastructure and Planning, intervened to overrule a local council, and potentially dislocate long term residents, to rezone a caravan park on the Sunshine Coast. The effect of this intervention was to enable the owners to achieve a much higher price for its sale as development land rather than a caravan park, a move deplored by the influential local newspaper:

Queensland Deputy Premier Jeff Seeney used his ministerial powers to rezone a privately-owned caravan park on the Sunshine Coast against the wishes of the local council and the advice of his own department. Experts said the eleventh-hour move was highly unusual and compared it to controversial interventions in local planning decisions by ministers in the Bjelke-Petersen government of the early 1980s.⁹³

This specific example was widely perceived to be symptomatic of the attitudes of the Newman government that it should want to attract as little attention as possible to any legislative changes removing the ability of the members of the public to object on environmental issues.⁹⁴

In Parliament, committee reports were amended by the government at the last minute, in the middle of the night, to facilitate these changes and – in one notorious quarrying case – to legislate retrospectively to ensure that someone who had ignored previous environmental restrictions was retrospectively exonerated from violating them. Freedom of Information applications revealed, at the end of 2014 that Seeney, had acted against the advice of bureaucrats, taking them by surprise with his last-minute intervention on this issue.⁹⁵

Seeney attracted further media attention towards the end of the year with another council intervention. In a letter dated 28 November, he wrote to the Moreton Bay Regional Council: 'I direct council to amend its draft planning scheme to remove any assumption about a theoretical projected sea level rise from all and any provision of the scheme.' Like a number of local councils on the Queensland coast, Moreton Bay included the prospect of 0.8m rises in sea levels by 2100, based on scientific evidence. Some of the biggest coastal councils including Brisbane, Sunshine Coast and Townsville have also incorporated the same assumption, and were anxious about their own status. In what was interpreted by critics as an ideologically motivated intervention, Seeney used his legislative power to direct the Moreton Bay Council to remove references to rising sea levels associated with climate change. It emerged later that the MP for Pumicestone, Lisa France, had lobbied Seeney on the issue. It was reported that contrary to her statement in Parliament her

⁹³ 'Questions raised after Queensland Deputy Premier Jeff Seeney rezones caravan park with LNP link', *ABC News*, 10.11.14: <http://www.abc.net.au/news/2014-11-10/questions-raised-after-qld-deputy-premier-rezones-caravan-park/5880504>

⁹⁴ 'Arrow Energy, which controls all of the coal seam gas permits in the Scenic Rim, has publicly said it will be drilling in four locations in our region before the end of the year': <http://www.keepthescenicrimscenic.com/coal-seam-gas-information.php>

⁹⁵ 'Mining law amendments restrict rights to object to lease applications, sparking anger from opponents', *ABC News*, 12.9.14: <http://www.abc.net.au/news/2014-09-12/late-night-amendment-changes-right-of-qld-landholders-mining-lea/5741032>

'Queensland LNP donor Karreman Quarries escapes prosecution for illegal quarrying after Deputy Premier orders legislation change', *ABC News*, 23.6.14: <http://www.abc.net.au/news/2014-06-23/karreman-quarries-escapes-prosecution-for-illegal-quarrying/5543896>

'Jeff Seeney: Queensland deputy premier caught own officials by surprise with retrospective law change preventing possible prosecution of LNP donor', *ABC News*, 4.12.14: <http://www.abc.net.au/news/2014-12-04/seeney-law-change-caught-own-officials-off-guard/5935504>

parents would be affected by any fall in property values as a result of the provision.⁹⁶ An editorial 'Good service lost in murky waters' in the *Courier-Mail* reported:

When first challenged this month by the *Courier-Mail*, Ms France insisted that no member of her family, 'immediate or extended', were affected by the draft plan. ...

When pressed by the paper she 'conceded the fact but said she had 'never, ever' spoken with her parents about the impact the planning scheme would have on their block.

Today we reveal that it was her father and her husband, both of whom work in the real estate industry - who first alerted her to the potential impact the rules ... would have on properties across the coastal council area. ...⁹⁷

This dispute dragged on, with Seeney unapologetic about protecting the rights of property owners and developers exposed to the potential effects of rising sea levels, and France shrugging off a vote of no confidence from the council.⁹⁸ The Moreton Bay Council argued that 'the inclusion of climate change factors, including sea level rise, based on the best scientific and technical information available to the council, was necessary to protect it against legal liability'.⁹⁹

Concerns widened when it became clear that all councils would be subjected to the same enforced removal of any references to climate change in their future plans. This brought criticism from expected quarters – academic climate scientists who pointed to the irresponsibility of deferring action:

The time will eventually come when governments cannot ignore this issue, and by then there may be even more properties with reduced value and increased insurance premiums. Planning for impacts now will let governments spread the huge cost burden of dealing with sea-level rise over time. Waiting will just make the problem even more expensive.¹⁰⁰

But criticism of Seeney also came from an influential columnist in the *Sunday Mail*. In a column under the headline 'LNP Turns Back Rising Sea Levels by Decree', Terry Sweetman drew comparisons with King Canute and also Russ Hinze, an infamously pro-developer Minister in the Bjelke-Petersen years. He also reported on the frequency of accusations coming from local government about meddling in their affairs through direct Ministerial intervention:

⁹⁶ 'MP in over her head in Moreton Bay council flood rezoning stoush', *Courier Mail*, 21.12.14.

⁹⁷ 'Good service lost in murky waters, *Courier-Mail*, 28.12.14.

⁹⁸ 'Jeff Seeney orders Moreton Bay Regional Council to remove references to climate change-derived sea level rises from regional plan', *ABC News*, 9.12.14: <http://www.abc.net.au/news/2014-12-09/seeney-removes-climate-change-references-from-council-plan/5954914>

⁹⁹ Their concern is reinforced by a lengthy analysis of historical sea level trends, carried out by a research team led by the Australian National University, released in 2014, reported that the rise in sea levels seen over the past century had been unmatched by any period in the past 6,000 years ('Sea level rise over past century unmatched in 6,000 years, says study', *The Guardian*, 14.10.14: <http://www.theguardian.com/environment/2014/oct/14/sea-level-rise-unmatched-6000-years-global-warming>); and another study found that many of the 30 million people living near the UK's coastline – which has 291 inhabited islands – will need to anticipate how climate change will affect them (Climate change 'will wreak havoc on Britain's coastline by 2050', *The Guardian*, 6.3.11, <http://www.theguardian.com/environment/2011/mar/06/climate-change-coastline-joseph-rowntree>).

¹⁰⁰ 'Complacency rules as Queensland makes risky edict on sea-level rise', Justine Bell, *The Conversation*, 12.12.14: <https://theconversation.com/complacency-rules-as-queensland-makes-risky-edict-on-sea-level-rise-35363>

It's no secret that some in local government are concerned (and always have been concerned) about ministerial meddling and political lobbying in their affairs. Scratch the surface and you find anger at the re-zoning of the Maroochy River caravan park, which allegedly added millions of dollars to the value of the land with a ministerial stroke of the pen. And there are misgivings (and political divisions) about moves to remove developmental height restrictions on a peachy position on the same coast. If councils are to regulate developers in the name of the greater good maybe the state should have similar powers to override councils for the same reason. However, unpleasant history has shown this ministerial prerogative should be exercised rarely and carefully.

We should accept that councils (which are admittedly susceptible to political skulduggery and idiocy) do have local insights that often elude governments, And they have community responsibilities that outlive the tenure of governments and ministers.

It is odd how governments that favour devolution of power when it comes to hospitals and schools are centralist when it comes to the developmental dollar.¹⁰¹

This trend of making last-minute and ill-examined legislative changes affecting environmental protection continued right to the end of 2014. In the final sitting of parliament, the government made fundamental changes over the regulation of water being made available to miners. The ABC reported in the following terms:

Miners in Queensland will no longer need a licence to take ground water and will be exempt from reporting requirements for 'low-risk' activities. State Parliament last night passed new water management laws that will allow the government to guarantee water access for large-scale mining and agriculture projects earlier during the assessment process. Mines Minister Andrew Cripps, who introduced the bill, said the legislation cut red tape, provided certainty for developers and increased private sector investment. ...

Critics said the water reform and other legislation would give coal companies the right to extract billions of litres of ground water without having to buy licences or to adhere to caps. Environment groups feared the legislation would damage aquifers and the Great Barrier Reef. Labor's environment spokesperson Jackie Trad said the bill removed environmental checks and would result in the degradation of water supplies. 'The government can agree to give a mining company a water development option, which is essentially a right to exclusive water use without any scientific or hydrological assessment taking place beforehand,' she said. 'Also, without taking public submissions. In essence, this is a shameful bill. It is an utter disgrace.'¹⁰²

By way of contrast, it is worth noting that one other environmental change was implemented in the middle of the year with virtually no public debate despite its long-term implications. The Newman government had announced in September 2013 that it was breaking an electoral promise about continuing the ban on uranium mining. This ban was lifted in Parliament in July 2014 with scarcely a murmur, given that the ALP was internally conflicted on this issue.

It was left to economists like Professor John Quiggin to address the practical limitations of any idea that Australia might use its own uranium as an alternative to other forms of power generation:

¹⁰¹ Terry Sweetman, 'Opinion: Deputy Premier Jeff Seeney controls rising sea levels': *Sunday Mail*, 14.12.14.

¹⁰² 'Controversial mine water bill passed in Queensland', *ABC News*, 27.11.14: <http://www.abc.net.au/news/2014-11-27/water-bill-passed-by-queensland-parliament/5922396>

With Australia's energy and climate-change policy in a state of chaos, it's not surprising that we are seeing renewed calls to pursue nuclear energy. But in thinking about the possibility of nuclear power, particularly for Australia, it is important to avoid wishful or magical thinking.

The history of commercial nuclear power is, by and large, one of failure. Costs have proved far higher than expected, catastrophic accidents more frequent, and routine breakdowns more common. After a burst of construction in the 1970s and 1980s, most countries abandoned the technology for these reasons, along with public concern about safety and radioactive waste.¹⁰³

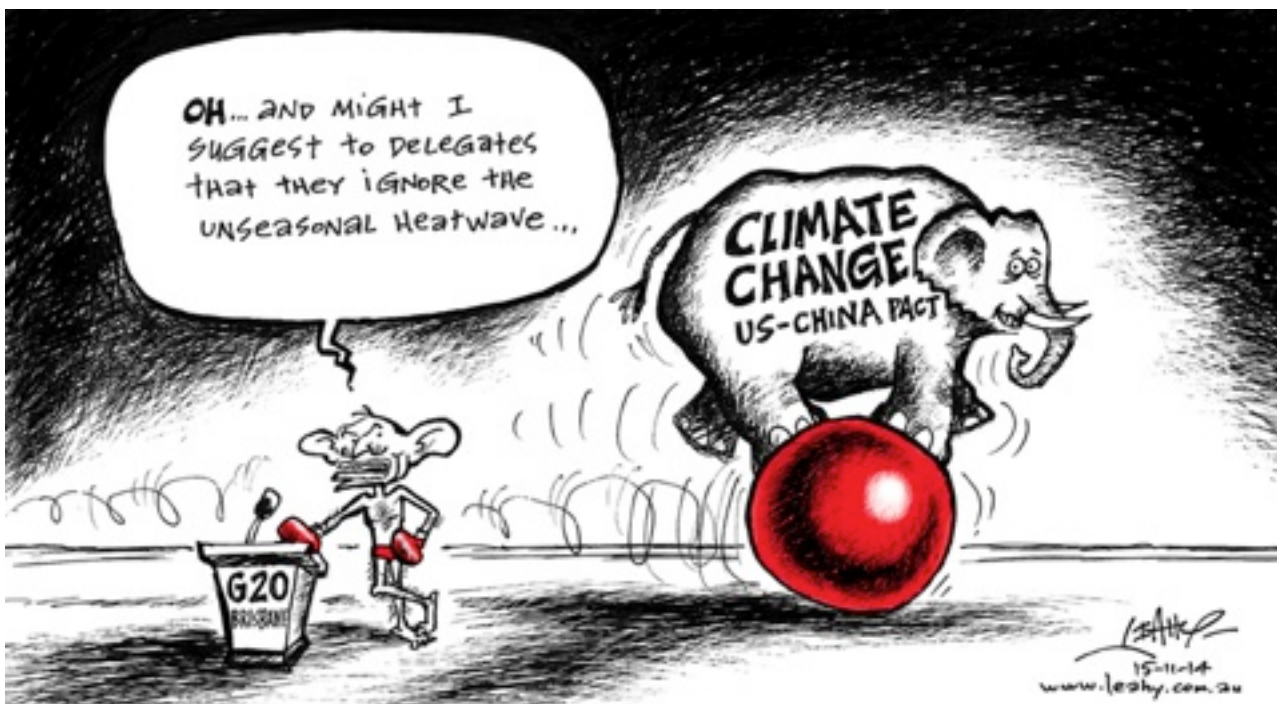
- **The G20 and unwelcome publicity**

Two months after the Barrier Reef sustainability report had been released, and the issue had become less immediately conspicuous in the media, it came back into the limelight with the G20.

In November, Brisbane hosted the 2014 meeting of the 'Group of Twenty' (G20). Australia was the host country in 2014, and the decision to hold the meeting in Brisbane had been taken by the previous ALP governments at state and national level. Brisbane not only hosted the participants, the event was also covered by the world's media.

As host country, Australia had some influence on the agenda for the meeting, and had lobbied hard to keep climate change off the agenda, despite international pressure.

This strategy backfired when US President Obama gave a public speech (invitation only) at the University of Queensland during the G20 in which he not only discussed the challenge of climate change but specifically mentioned the threat to the Great Barrier Reef.



This received a mixed response. The cover of the G20 souvenir edition of the *Sunday Mail* carried a photograph of Obama facing the UQ audience under the heading: 'Wham Bam: Obama Hails "Stunning" Queensland, Shirt Fronts PM on Climate Change':

¹⁰³ 'Tell them they're dreaming', John Quiggin, *Inside Story*, 11.12.14: <http://insidestory.org.au/tell-them-theyre-dreaming>

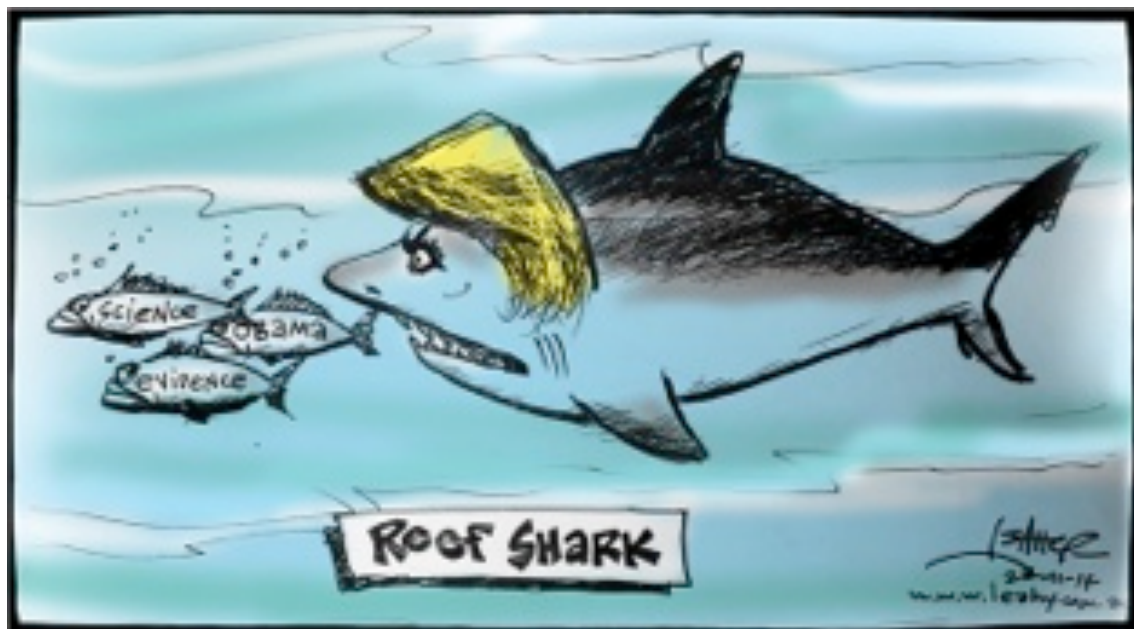
Obama didn't mince words. And it has put Abbott in a corner ... he probably didn't count on his strong ally from the US shirt-fronting him on climate change. He must now rethink his policy. The Australian public won't let him forget it.¹⁰⁴

The tone changed in the *Sunday Mail's* sister publication the next day, closer to the conventional climate scepticism roundly espoused by News Corp publications. The day after Obama left, on Monday 7 November, the *Courier-Mail* carried a photograph of Obama waving goodbye to Brisbane, with the headline 'Barack Off: Abbott takes on Obama over climate change as world leaders hail Brisbane summit a success'.¹⁰⁵

Overnight this issue became an international embarrassment and a more significant political problem at home.

The attitude of Prime Minister Tony Abbott to the global challenges of climate change is 'eccentric', 'baffling' and 'flat earther', according to a group of senior British Conservatives. The group, including Prime Minister David Cameron's Minister for Energy and a former Thatcher Minister and chairman of the Conservative Party, Lord Deben, says Mr Abbott's position on climate change represents a betrayal of the fundamental ideals of Conservatism and those of his political heroine, Margaret Thatcher. Conservatives are supposed to conserve, they are supposed to hand on to the next generation something better than they received themselves.

In a series of 'wide-ranging, separate interviews on UK climate change policy' with Fairfax Media, the British conservatives warned that Australia was taking enormous risks investing in coal and would come under increasing market and political pressure to play its part in the global battle against climate change.¹⁰⁶



¹⁰⁴ *Sunday Mail*, 16.11.14. The 'shirt-front' referred to Abbott's language about how he would talk to Russian President Vladimir Putin about the Russia's involvement in the shooting down of flight MH17 over Ukraine.

¹⁰⁵ *Courier-Mail*, 17.11.14. The editorial that day welcomed the High Court rejection of the bikie challenge.

¹⁰⁶ 'UK Tories slam Tony Abbott on climate policy: Tony Abbott's stance on global climate change has prompted some scathing criticism from a group of senior British Conservatives', *Sydney Morning Herald*, 21.11.14: <http://www.smh.com.au/federal-politics/political-news/uk-tories-slam-tony-abbott-on-climate-policy-20141121-11qos6.html>

Obama's public intervention meant that the elephant in the room was spotted by the world's media. Both the federal and state governments went into damage control, and the Foreign Minister chided Obama for not understanding how much Australia was doing to protect the Reef.¹⁰⁷

Missing in action - 'Operation Boring' and a peacekeeping mission

The Great Barrier Reef became a potent issue in the opinion polls. The LNP's position was clear. How the other parties will address the problems of environmental protection, the preservation of agricultural land, and the mining companies, remained to be seen. The ALP remained enigmatic on the issue because of concern over employment levels.

Managing public opinion became the top priority for the LNP after the Stafford by-election, held only a year from the latest day on which the 2015 election could be held. The strength of the swing, just over 19 percent, against the government in a seat adjacent to the Premier's seat of Ashgrove seems to have concentrated the Premier's attention upon getting value for money from his public relations machine and listening to advice on how to change his image. He also embarked on a peacekeeping mission.

The result was a dramatic shift of tone and a list of symbolic policy changes to show that he was capable of 'listening' to the electorate as well. Addressing the media, Newman stated:

'I just want to say I am sorry today if we have done things that have upset people. We will be doing a lot better in the future to try and explain our decisions and take Queenslanders with us.'

The *Brisbane Times* reporter was sceptical:

And with those words, Premier Campbell Newman is hoping to draw a line under the last two-and-a-bit years and start afresh. ... It doesn't include asset sales or large scale changes to legislation which has raised the eyebrows and the ire of the voting public. But on Monday afternoon, clutching a small piece of paper on which he had sketched notes about his peace offerings, Mr Newman stood, flanked by the majority of his cabinet and promised change. Those charged under the government's anti-gang legislation will no longer have to don a pink jumpsuit or be segregated from the rest of the prison population. But the strict bail conditions and extra jail time for club members and officer bearers remain. Bipartisanship support for the head of the crime and corruption watchdog will be reinstated, but as acting chair, Ken Levy can continue to serve out his term without the support of the Opposition. Mr Newman said he, his senior leadership team 'and the Attorney-General' will seek a meeting with the heads of the legal and judicial fraternities, but Tim Carmody will remain Chief Justice. And Estimates Hearings will return to its usual scheduling, with the 'trial' deemed to have not sold the right message. 'There has been criticism that this wasn't allowing enough scrutiny by both

¹⁰⁷ 'Foreign Minister Julie Bishop chides Barack Obama over Great Barrier Reef climate change remarks', *ABC News*, 20.11.14: <http://www.abc.net.au/news/2014-11-20/julie-bishop-chides-barack-obama-over-climate-change-remarks/5906570>; 'Andrew Robb: Obama misinformed in 'unnecessary' Great Barrier Reef speech', *The Guardian*, 23.11.14: <http://www.theguardian.com/australia-news/2014/nov/23/andrew-robb-obama-misinformed-in-unnecessary-great-barrier-reef-speech>

the media and indeed the opposition, there were claims that this was, in some way, not the right way to do it,' Mr Newman said. 'We are listening'.¹⁰⁸

Critics noted that the policy changes represented minor withdrawals rather than major retreats on the various battlefields - more a case of trying to reach an armistice with the voters than concede much to his various opponents.

Continuing the military metaphor, his posturing was promptly christened by the media as 'Operation Boring'. The aim was to take the spotlight off the Premier in order to minimise his naturally combative approach to criticism. Other Ministers with better public images would be pushed on to centre stage and the focus would change to collective problem solving.

There was particular concern to build bridges with the judiciary:

We acknowledge that there has been some bad blood there in recent times and I will be therefore seeking a meeting with the senior members of the leadership team and the Attorney-General and the heads of the legal profession and the judiciary, to sit down and really mend some fences, to actually sit down and very much recognise that we must work together for the good of all the people of this state. We must respect one another and I want to repair those relationships.¹⁰⁹

Speaking to FM radio Triple M's breakfast show, Mr Newman joked he had 'the UN coming in' for his meeting as he engaged in a 'bit of peace making'.¹¹⁰

The *Courier-Mail* received its usual in-depth briefing on the internal changes, in particular that Cabinet Ministers would now play a more active role in the promoting of policies:

Yesterday's united Cabinet front was a graphic demonstration that ministers were behind the call to retreat from some decisions, each more symbolic than substantial. It also showed that Cabinet planned to wrestle more control of the agenda from Level 15. Many of the backflips were in Jarrod Bleijie's portfolio and the Attorney-General appeared, at times, like a school kid who had lost his cut lunch as they were announced. It renewed Opposition calls for his resignation, but Annastacia Palaszczuk hopes it has the contrary effect, because Labor believes Bleijie is one of its best assets.

But blaming Bleijie misinterprets the internal machinations. What yesterday really revealed was that the Premier's promise to improve listening in the wake of the Stafford by-election actually begins internally. And ministers no longer want to be the poor fire-trucks putting out flames fanned by Level 15.¹¹¹

¹⁰⁸ 'Campbell Newman tries to draw line under backlash', *Brisbane Times*, 22.7.14: <http://www.brisbanetimes.com.au/queensland/campbell-newman-tries-to-draw-line-under-backlash-20140721-zvfzr.html>; 'Campbell Newman backs down on bikies, plans to mend fences with lawyers following Stafford by-election backlash', ABC News, 22.7.14: <http://www.abc.net.au/news/2014-07-21/queensland-premier-campbell-newman-makes-major-policy-changes/5611970>

¹⁰⁹ 'Campbell Newman backs down on bikies, plans to mend fences with lawyers following Stafford by-election backlash', ABC News, 21.7.14: <http://www.abc.net.au/news/2014-07-21/queensland-premier-campbell-newman-makes-major-policy-changes/5611970>

¹¹⁰ 'Premier Campbell Newman peacekeeping mission continues', *Brisbane Times*, 24.7.14: <http://www.brisbanetimes.com.au/queensland/premier-campbell-newman-peacekeeping-mission-continues-20140724-zwan2.html>

¹¹¹ Steven Wardill, 'Opinion: Government insiders comparing Premier Campbell Newman's office to Kevin Rudd's', *Courier-Mail*, 22.7.14.

There was a similar but more modest 'mea culpa' from Deputy Premier Jeff Seeney, who had taken the lead in the middle of the year in a protracted slanging match with Justice Tony Fitzgerald:

Facing a poll showing support for the LNP had dropped behind Labor for the first time since the party's historic landslide win in 2012, Deputy Premier Jeff Seeney admitted that the government may have pushed its massive change agenda too hard, too fast. It is the strongest reaction the government has had to polls, which have been showing successive drops in support for the past few quarters, to date:

I think in retrospect, it is arguable that our change agenda was too much, too quick ...

Not for us it wasn't. I'd been 16 years in opposition, 16 years in parliament, 14 years in opposition, I was, like so many of my colleagues, very keen to embark on the change agenda we believed the people of Queensland wanted. ... We now face the challenge of catching up, in terms of explaining to the people of Queensland, what we did and why we did it and the benefits to them.' Mr Seeney said the government did not regret its policies, but conceded it had not done enough to explain what it was doing and why.¹¹²

The fortunes of the Newman government seemed to have improved after this change of strategy. This may suggest that the alienation from the LNP was superficial - responding to packaging and symbols of atonement - or that public opinion was more volatile than many commentators appreciated. The former explanation gave the government confidence to resume its normal hostilities; the latter was the straw to be grasped by an ALP whose leader had persistently failed to win majority approval in opinion polls.

The LNP then moved into a form of trench warfare which kept the general well out of sight. The main effect was to minimise the Premier's impact in setting the tone for the rest of his Cabinet, particularly in seats outside Brisbane. He claimed to be buoyed by poll results later in the year which showed the LNP government had not slipped further in popularity. He then stepped up his re-branding strategy, moving from boring to serene.

Adopting the political version of the parental I'm-not-angry-at-you-I'm-disappointed voice, Mr Newman danced through this week's parliamentary sitting, his vocal cords no more strained than those of a Play School presenter.

It was up to lieutenants Jeff Seeney, Lawrence Springborg and Scott Emerson to take his place in the political sparring ring, but with all ministers under instruction to 'keep calm and stay on message', the government stubbornly stuck to its agenda.¹¹³

Newman himself concentrated on winning the now-marginal seat of Ashgrove and reiterated the benefits in a material sense that were conferred by having the Premier as the local member.¹¹⁴ He

¹¹² 'Newman government pushed too hard, too fast: Jeff Seeney', *Brisbane Times*, 30.6.14: <http://www.brisbanetimes.com.au/queensland/newman-government-pushed-too-hard-too-fast-jeff-seeney-20140630-zsqxi.html>

¹¹³ 'Campbell Newman: Now and Zen', *Brisbane Times*, 12.9.14: <http://www.brisbanetimes.com.au/queensland/campbell-newman-now-and-zen-20140911-10fq08.html>

¹¹⁴ 'Queensland Premier Campbell Newman rules out switch from Ashgrove despite Stafford by-election results', *ABC News*, 22.7.14: <http://www.abc.net.au/news/2014-07-22/queensland-premier-campbell-newman-rules-out-safe-seat-swap/5614032>; 'Campbell Newman to remind Ashgrove he has delivered for electorate', *Brisbane Times*, 23.3.14: <http://www.brisbanetimes.com.au/queensland/campbell-newman-to-remind-ashgrove-he-has-delivered-for-electorate-20140323-35d6k.html>

persistently ruled out conjecture that he might be found a safer seat, denying involvement in discussions alleged to have taken place about an inducement by party officials to the Moggill incumbent, Dr Bruce Flegg, to stand aside in 2012.¹¹⁵

The *Brisbane Times* Newman as saying:

'Again, we are drawing a line in the sand and we are going to move on to work together for Queenslanders.'

That line in the sand was mentioned three times by the Premier in the space of eight minutes on Thursday. It is a phrase he has repeated several times since Monday but now, with these meetings, it's official.

'I think this week, again, has demonstrated that not only is there a strong team with a strong plan for the State that will take Queensland forward, but you have people who are prepared when they've got it wrong to do the right thing and that's what today's all about,' he said.

'So thanks very much, we've got to get going and do some work for Queenslanders.'¹¹⁶

The strategy was seen to be paying off within a month, to judge from private polling by the LNP leaked to the press.¹¹⁷ However, other journalists later suggested that this claim of success was cynically invented and lacked any foundation in August poll numbers which continued to be dire for the LNP.¹¹⁸

Like so many pro-business Premiers before him, Newman enjoyed being photographed in 'high-visibility jackets' and building site 'hard hats'. Cranes on the skyline was the measure of achievement preferred by Bjelke-Petersen; Newman preferred trench-diggers and 'lines in the sand'. The choice of metaphor is indicative of Newman's continuing pugnacity. He was using it to mean turning the page and starting with a clean sheet. The more conventional meaning is more defiant, implying a threat to fight anyone who crosses that line.

An unrepentant Attorney-General was kept out of sight in the short term, although once the party's crisis of confidence had passed by the end of 2014, and they faced an imminent election campaign, he re-surfaced. 'Operation Boring' was perceived to have been a striking success in changing public opinion by hiding the Ministers associated with the LNP's more unpalatable policies or changing their public demeanour. This meant that the strategy would be carried through into the planning for the election campaign.

¹¹⁵ 'LNP plotting exposed in Bruce Flegg secret recordings where he discusses vacating Moggill for Campbell Newman', *Courier-Mail*, 14.6.14.

¹¹⁶ Remeikis A, 'Sorry time is over for Campbell Newman', *Brisbane Times*, 25.7.14: <http://www.brisbanetimes.com.au/queensland/sorry-time-is-over-for-campbell-newman-20140724-zwm49.html>

¹¹⁷ 'Operation Boring is working. ... It's working for Campbell Newman and for us', *Brisbane Times*, 29.10.14: <http://www.brisbanetimes.com.au/comment/that-thinking-feeling/operation-boring-leading-to-surprise-comeback-for-campbell-20141029-11du64.html>

¹¹⁸ 'Labor closing in on LNP in latest Qld poll; Newman hangs on as preferred Premier', *ABC News*, 19.8.14: <http://www.abc.net.au/news/2014-08-18/queensland-premier-campbell-newman-popularity-slips/5678222>; and 'Annastacia Palaszczuk a viable alternative Premier, poll shows', *Brisbane Times*, 18.8.14: <http://www.brisbanetimes.com.au/queensland/annastacia-palaszczuk-a-viable-alternative-premier-poll-shows-20140818-105971.html>

The polls were not looking particularly good by December, especially for Newman.¹¹⁹ At the end of the year, the political editor of the *Courier-Mail* was warning readers to 'Prepare yourself for the Newman government's sizzling summer of love'.¹²⁰ We can assume that the editor would have been as surprised as his readers to discover that the sizzle came from the electoral barbecue lit at the earliest possible moment in the New Year.

The war of words: slogans, broken promises and the tyranny of silence

Opinion polls consistently through the year indicated that the general voting public was concerned about issues of corruption and the breaking of promises, both seen as betrayals of trust. The LNP had used similar accusations in its previous successful campaign, as had Abbott at the national level. In both instances, there were more embarrassing examples provided when the opponents of breaking promises started to break promises themselves and were subject to accusations of corruption. A compliant media could downplay this volte face but not diminish it altogether due to the rise of social media.

Following a disturbing trend in many governments across the western world both the Newman and Abbott governments sought to muzzle dissent, and hide evidence of the impact of their policies. A disquieting example of this was requiring community organisations to sign contracts that they would not engage in public policy debate in the media. There were several examples when ministers imposed conditions on community organisations engaged in the framing of public policy that forbade them from making public comment under the threat of public funds being removed. When this issue came to media attention, Health Minister Lawrence Springborg's spokesman argued the government was simply 'making it clear that we want to fund outcomes but not advocacy'. The Minister's office later confirmed that clauses were inserted into funding contracts that imposed the following conditions:

Where the Organisation receives 50 per cent or more of its total funding from Queensland Health and other Queensland government agencies, the Organisation must not advocate for State or Federal legislative change. ... The Organisation must also not include links on their website to other organisations' websites that advocate for State or Federal legislative change.¹²¹

The Newman government also raised concerns about advocacy when it announced in May 2012 that it was stripping about \$2.5 million from the Queensland Association for Healthy Communities, which Queensland Health had previously funded to target HIV/AIDS prevention among gay men:

In an interview with the Brisbane Times to mark his 100th day in office in July, Premier Campbell Newman said QAHC had lost funding partly because of its advocacy. Mr Newman argued the organisation had not improved HIV rates 'and they had become an advocacy group [and] we're not going to fund advocacy groups'.¹²²

¹¹⁹ A ReachTEL poll in December 2014 found Mr Newman's primary support had dropped to 36.6 per cent. See other results in the poll at: <https://www.reachtel.com.au/blog/7news-sunday-mail-the-state-were-in-2014-ashgrove-december2014>

¹²⁰ Steven Wardill, *Courier Mail*, 14.12.14.

¹²¹ 'NGOs blast Government gag', *Brisbane Times*, 21.8.12: <http://www.brisbanetimes.com.au/queensland/ngos-blast-government-gag-rule-20120821-24ju3.html>

¹²² 'NGOs told they are right to remain silent to keep funding', *Brisbane Times*, 21.8.12: <http://www.brisbanetimes.com.au/queensland/ngos-told-they-are-right-to-remain-silent-to-keep-funding-20120820-24ilb.html>

Community-based legal aid centres were subjected to the same restrictions. In legislation introduced in the last sitting, the Attorney-General indicated that funding was conditional on not offering public comment, even though the Director of the Service was able to point to changes in areas such as tenancy law which had materially improved the quality of outcomes for the most disadvantaged groups in society.

Issues burst through this cloak of silence, like the tragic impact of the closure of an adolescent mental health facility, the Barrett Centre at Wacol, or the case of the Cairns and Hinterland Health Service decision to suspend two doctors who publicly expressed concerns about the way a suspected ebola case was handled. There was a flurry of parliamentary comment in August 2014 when 'United Voice', a union covering 'miscellaneous' workers, mainly in the private sector, took up the case of a prison officer who had been suspended by her employer for exposing the safety problems associated with prison overcrowding, at the privately-run Arthur Gorrie Correctional Centre. The problem had been exacerbated, according to her, by the ban on smoking in Queensland prisons, announced by the Attorney-General in 2013, and which took effect in May 2014.

At the national level, and locally, funding cuts also inhibited the production of objective data from specialist research organisations. There was no such inhibition on the funding for government to produce its own version of 'facts'. The Newman government, like many before it, used public advertising to promote its achievements and made extensive use of public relations companies to shape its appeal to the public. It defended itself on the grounds that this was acceptable behavior by governments of all political persuasions, although it resisted pressure at the Estimates Committee hearings to say what this had cost taxpayers:

Those behind the scenes were once again front and centre in the Queensland Parliament, with the government unable to say how much it is paying consultants to help it sell its privatisation plan. On Tuesday, Premier Campbell Newman confirmed Liberal Party pollsters and campaign strategists Crosby Textor were on the books. The Phillips Group have also been engaged. On Wednesday, the Opposition added PPR and Burson-Marsteller to that list. The government has budgeted \$11.2 million in total for its Strong Choices advertising campaign. Opposition leader Annastacia Palaszczuk once again questioned how much the consultancies were costing the government. And once again Mr Newman said it would be revealed once the campaign was finished - after the election. 'The reason I make that point is that the work is still underway,' he said.¹²³

As far back as 1998 Michelle Grattan warned of the dangers of spin:

Although lagging behind the excesses of current US and British spin doctors, Australia's spin industry is growing rapidly, raising questions about the impact of media management on effective scrutiny by journalists of political processes and issues. Political leaders can appear more visible but in fact be less accessible to detailed questioning by informed interviewers, and election campaigns are now dominated by sophisticated levels of media management by governments and oppositions. The rise of spin has had a negative impact on journalism, distorting news processes and encouraging more passive forms of journalism.¹²⁴

¹²³ Remeikis A, 'Queensland Government unable to put figure on PR costs' *Brisbane Times*, 27.8.14: <http://www.brisbanetimes.com.au/queensland/queensland-government-unable-to-put-figure-on-pr-costs-20140827-109i8c.html>

¹²⁴ Grattan M, 'The Politics of Spin', *Australian Studies in Journalism*, 7, 1998, 32-45: <https://espace.library.uq.edu.au/view/UQ:11333/grattan98.pdf>

By 2014 Australian spin doctors had well and truly caught up with their overseas counterparts. In December 2014 Lenore Taylor wrote that Tony Abbott had been 'punished for his reliance on mantras and oversimplifications instead of real policy solutions':

2014 has been, above all else, the year the slogans stopped working. It was the year when it became painfully clear actual solutions were much more complicated than election jingles and pamphlets promising 'a plan for real action' but containing no such plan.¹²⁵

Richard Denniss of *The Australia Institute* wrote of Abbott's first year: 'Slogans don't make good policies', noting that the Liberals have taken more and more leaves from the 'Tea Party play book':

The stunning victory by the ALP in Victoria on the weekend raises a number of big questions for the Coalition parties nationally, the most significant of which is whether their strategy for winning elections in recent years has ruined their chances of governing like grownups. ...

Simple solutions and simple slogans are used to attack their opposition and to whip the fires of discontent in the community. Conservative strategists know it's easier to change the votes of angry people than reflective people, so they have set out to make people angry. It worked. When in opposition.¹²⁶

And so it was with the LNP in Queensland. In 2012, once the Newman government was elected, the public were told:

The Queensland government has already made a strong start in getting Queensland back on track by delivering all of the 58 actions committed to in our First 100 Days Action Plan. Delivery of these commitments clearly shows that what we promise, we will deliver. ...

For the next six months, this document will be both a map and a report card, outlining our work towards ensuring that Queensland has the necessary frameworks, infrastructure and front-line services to ensure a bright future for our state and its people.¹²⁷

The electorate is still being sold the 'strong' choices and 'bright' future as if some advertising test had determined that these are two words people respond to most positively - words more appropriate to soap powder ads than policy statements. Attorney-General Jarrod Bleijie and Police Minister Dempsey refer to 'Mums and Dads' being so much safer now, when the crime statistics had demonstrated a steady downward trend over the years before the LNP (but now the police *Annual Statistical Review* was a casualty of the cuts, so we have no basis for comparison).

It was unclear how 'trustworthiness' might affect voting behaviour. Queensland has a strong tradition of church-based activism. This was manifest in the strong positions taken by the established mainstream churches in an earlier era over the Bjelke-Petersen denial of civil liberties such as the right to march. These same groups became engaged with concerns over the Newman government's promotion of casino-style gambling and its deference to the liquor industry.

¹²⁵ Taylor L, 'Politics in 2014: the Coalition dished out slogans, and its sentence is clear', *The Guardian*, 19.12.14: <http://www.theguardian.com/australia-news/2014/dec/19/politics-in-2014-the-coalition-dished-out-slogans-and-its-sentence-is-clear>

¹²⁶ Richard Denniss, 'Slogans don't make good policies', *Financial Review*, 2.12.14.

¹²⁷ Queensland Government, *Getting Queensland Back on Track: 6-month Action Plan July-December 2012*, <https://www.cabinet.qld.gov.au/documents/2012/dec/six%20month%20action%20plan/Attachments/Six%20Month%20Action%20Plan%20July-December%202012.pdf>

The churches linked the reality of falling living standards and unemployment to their complaints against a Newman government promoting the interests of pubs and clubs not only by extending opening hours but also encouraging spending on gambling by permitting machines to accept \$50 and \$100 notes. 'Healthy communities are where people have employment opportunities and support. ... Poker machine operators live off unhealthy communities'.¹²⁸

In other states, church leaders often seem marginalised in their comments on social issues but Queensland has a tradition of stronger engagement. Several MPs and some Cabinet Ministers identify themselves with fundamentalist religious groups unsympathetic to gambling. It was uncertain how much these highly committed voters will react when confronted with the poor performance of some of their champions.¹²⁹

In the absence of certainty or a moral compass, contemporary commentators on political conflicts sometimes make allusions to writers from classical Athens. In a lecture in 1983 at the University of California, Berkeley, the philosopher Michel Foucault took as his topic the universal significance of the Greek word, *parrhesia* 'frank speech'. For him 'frank speech' was one of the central concerns of Greek philosophy. The Greeks, he suggested, posed certain questions for themselves and for us:

Who is able to tell the truth? What are the moral, the ethical, and the spiritual conditions which entitle someone to present himself as a truth-teller? About what topics is it important to tell the truth? (About the world? About nature? About the city? About behavior? About man?) What are the consequences of telling the truth?

And finally: what is the relation between the activity of truth-telling and the exercise of power?¹³⁰

¹²⁸ 'Poker machine spending up by tens of millions in Queensland', *Courier-Mail*, 6.12.14.

¹²⁹ It is worth noting that in 2008 former Premier Wayne Goss expressed his regret at having approved the introduction of poker machines in Queensland: 'Goss reveals regrets over legalising pokies', *Brisbane Times*, 19.9.08: <http://www.brisbanetimes.com.au/news/queensland/goss-reveals-regrets-over-legalising-pokies/2008/09/19/1221331162883.html>

¹³⁰ 'Concluding remarks' from *Discourse and Truth: The problematisation of parrhesia*: <http://foucault.info/documents/parrhesia/index.html>. This was cited by Professor Alastair Blanshard, Paul Eliadis Chair of Classics and Ancient History, in his inaugural lecture at the University of Queensland in November 2014. This lecture is to be published in the January issue of *Nova: the Journal of the Friends of Antiquity*.

POLITICAL COMBATANTS¹

Roger and Ann Scott



*Cannon to right of them,
Cannon to left of them,
Cannon in front of them
Volley'd and thunder'd.²*

In 'normal' circumstances, generals who appear well positioned to win a war have little to fear from mutinies or palace coups. Generals who command only a handful of front-line troops are more at risk. But the battlefield in Queensland during 2014 was anything but normal.

¹ This is taken from Roger and Ann Scott's paper '2014: Queensland Political Battleground': http://www.tjryanfoundation.org.au/dbase/upl/Qld_2014_Political_Battleground_with_Epilogue.pdf

² Excerpt from Tennyson's 'Charge of the Light Brigade' (1854), image: 'The Charge of the Light Brigade', Simpson W, 1823-1899 (artist), Walker, E (lithographer) - (Library of Congress available through Wiki Commons media)

Cannon to left of them

The focus of dissent was firmly on the conservative side of politics in the run-up to the 2015 election, so the cannons to the left were decidedly muffled.³

Opposition Leader Anastacia Palaszczuk trailed Campbell Newman in the personal popularity stakes throughout the year, constantly behind the LNP and only edging towards parity in December. She also had the distraction of consistently encouraging poll results for the Palmer United Party, who were seen by many uncommitted voters as a more attractive option for protesting against Newman than shifting to (or back to) the ALP.

Despite this weakness, there was only one occasion when a prominent ALP member publicly raised the idea of Palaszczuk's replacement and asserted that the 2015 election was unwinnable while she remained at the helm. And he came from outside State Parliament – Milton Dick was the leader of the ALP inside the Brisbane City Council. The only apparent explanation for the outburst could have been the desire to clear the way for other leadership aspirants, including his brother Cameron, a former Queensland Attorney-General, who had been pre-selected to return in a safer seat.

There were three possible reasons for this quiescence and image of solidarity. The first was the acknowledged shortage of replacements inside a caucus of only nine members, three of whom were there as a result of by-elections, and most lacked any prior ministerial experience. The idea of 'doing a Newman' and identifying a party leader outside Parliament had little appeal, given that this had been so roundly criticised in the past. Nor was anyone in the leadership group attracted to the suggestion that pre-selected candidates with past ministerial experience might be included in the Shadow Cabinet to boost the pool of expertise.



³ 'Cannon to right of them, / Cannon to left of them, / Cannon behind them / Volley'd and thunder'd', lines from Alfred Lord Tennyson's, *Charge of the Light Brigade*, December 1854.

The second reason was structural – involuntary changes of party leadership are by definition messy and divisive; the electorate would be reminded inevitably of the chaos which had reigned inside the national ALP through the machinations first of Kevin Rudd and then of Julia Gillard. New mechanisms established in response, through ALP reforms at both state and national level, had deliberately created formal mechanisms designed to create stability.

The third reason was more personal. Palaszczuk had been thrust into the role as a result of a targeted LNP strategy of concentrating resources to defeat stronger potential replacements for former Premier Anna Bligh from among the ranks of former senior ministers (including Cameron Dick). But once in place she had performed beyond expectations, even though she battled for public recognition or sympathetic coverage in the print media. Gender stereotypes also worked against her, with a shadow cast by Bligh and Gillard. However she had settled into the role by the end of 2014, making inroads into the gap in personal polling despite the Newman ‘charm offensive’. It was clear that party members and the wider public felt she was entitled to be given ‘a fair go’.

The ALP conducted its pre-selection processes through the year, gradually announcing its candidates. The only public comment related to unfounded speculation about whether Kate Jones might not re-contest Ashgrove, the seat that she had lost to the Premier. Then right at the end of 2014, there was a minor hiccup when the candidate for Lytton, a potential ALP gain, was the subject of a complaint about his inappropriate conduct with a female fellow candidate on a campaign training camp. This had occurred in June, but the legal advice provided to the party administrators had recommended counselling rather than more drastic action. When she became aware of the matter in late December, Palaszczuk acted swiftly and decisively to force the candidate’s resignation. The search for a replacement candidate was covered by the *Courier-Mail* which suggested that the former Bar Association President, Peter Davis, had been approached, as had former Bligh chief of staff, Mike Kaiser. Palaszczuk insisted it would be a matter for the rank-and-file preselection processes in Lytton (and neither was successful).

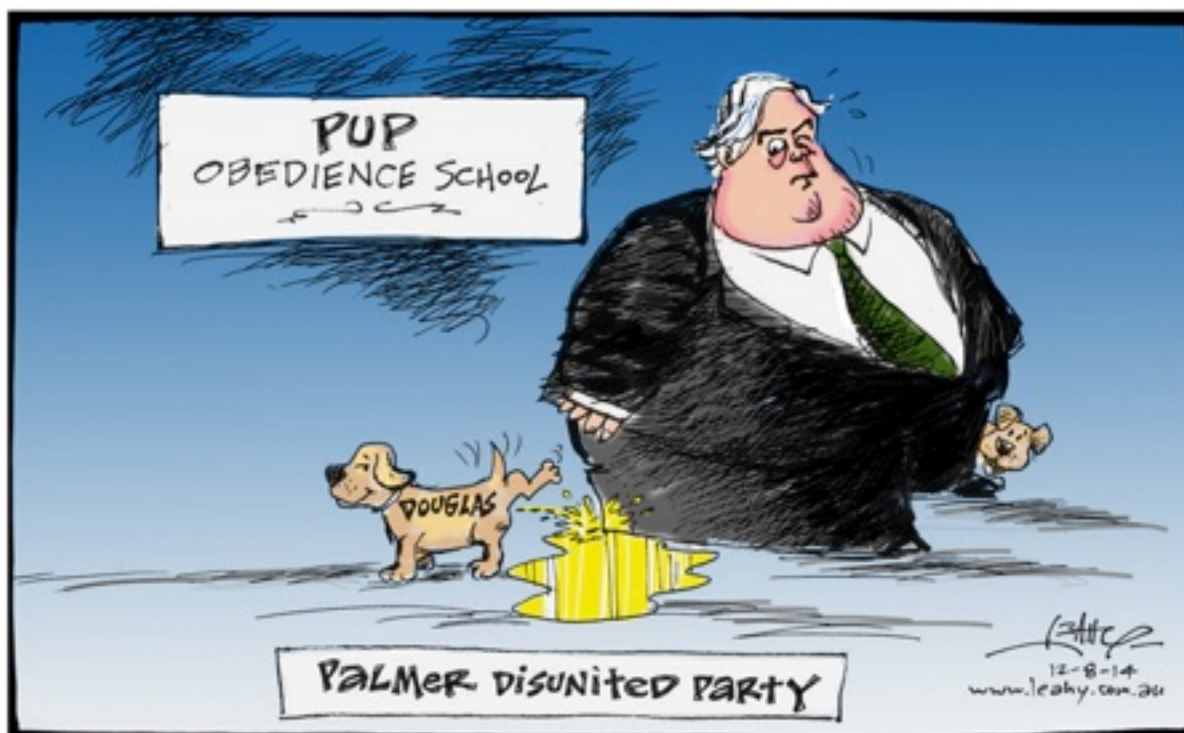
One of the other reasons why the cannons to the left were muzzled was the absence of an upper house in Queensland. The Greens had demonstrated they had a significant electoral following in national elections, sufficient to gain a Queensland Senate seat. They continued to play a prominent role in local policy debates benefitting, like all minority parties, from the freedom of facing the budgetary constraints faced by the two major parties should they be elected. Their candidates were also frequently well-educated and articulate members of the community. Finally, they had internationally recognised experts providing support, advice and evidence on the core environmental issues on which the party was originally founded.

In other states, upper houses were usually elected by some form of proportional representation and Greens could aspire to gain seats in their own right. Their capacity to direct preferences in lower house elections gave them additional fire-power. The Newman government’s anti-environmental record removed any option that the Greens could direct their preferences towards the LNP. This meant that the obvious strategy for the Greens – and for other community groups alienated from the government, such as ‘Working for Queenslanders’⁴ – was to encourage all their supporters to put the LNP last. With an eye to Senate preference deals, the Greens emerged as a likely ally for the ALP.

⁴ See the Working For Queenslanders website: http://www.workingforqueenslanders.org.au/our_movement

Cannon in front of them

- Defections to and from the Palmer United Party



Late in 2012 two LNP members, Carl Judge and Alex Douglas, resigned from the party to sit as Independents. Clive Palmer, a former staffer for Joh Bjelke-Petersen, life member of the LNP and later a mining magnate and donor to the party, had also fallen out with the LNP in 2012 over lucrative contracts and access to the new corridors of power in Queensland.⁵ It was this falling out that led to divorces in April 2013, when the Palmer United Party (PUP) was created.

In June 2013 Judge and Douglas became members of the Queensland branch of the Palmer United Party. Palmer himself then went on to contest the 2013 federal election, when his party won three Senate seats.

By 2014 there were internal ructions within the Queensland PUP party and Douglas and Judge defected again (Douglas in August 2014, followed by Judge in October). Both reverted to their status as Independents. This left the PUP party with no representatives in the Queensland Parliament although it announced that it intended to endorse candidates for a range of seats before the 2015 election campaign.

Palmer's remaining attempt to influence the Queensland Parliament was to get the ALP and the Greens to support the establishment, at the end of September 2014, of a Senate Select Committee on 'Certain Aspects of Queensland government Administration related to Commonwealth government Affairs'. This Committee, chaired by PUP Senator Glenn Lazarus, held public hearings

⁵ Chang C, 'How Clive Palmer's relationship with Campbell Newman and the Liberal National Party in Queensland soured', *News.Com*, 7.7.14: <http://www.news.com.au/national/how-clive-palmers-relationship-with-campbell-newman-and-the-liberal-national-party-in-queensland-soured/story-fncynjr2-1226980559767>

in November and was open to public submissions until the end of February 2015.⁶ There was a general attempt by the LNP to discredit both the committee and its chair, with some offensive questioning during public hearings.⁷ The Coalition (with considerable cynicism given their own propensity for establishing costly public inquiries primarily for political point-scoring) complained about 'using taxpayer dollars to try and settle personal grudges', particularly focussing on the cost of the Senate inquiry's public hearings. Lazarus countered by saying that the hearings gave Queenslanders a chance to voice their concerns.⁸ Whether the committee will throw any grenades at the Queensland government remains to be seen.

The flakiness of the Palmer image was exposed by the oddness of some of his closest supporters, not just in the Senate. Court cases about his diversion of business funds for electoral purposes had him in court, as did sundry defamation actions. The year ended with his media director under arrest for a bizarre charge of attempted kidnapping and seeking to pervert the course of justice by interfering with a witness, a charge immediately dismissed by Palmer as a politically-motivated conspiracy.

The Palmer United Party then had its own preselection woes for 2015. Alex Douglas had left the party in August accusing the party of nepotism, and alleging that Mr Palmer had preselected family, staff and family friends over genuine, grassroots 'community champions'. When Carl Judge, the last sitting PUP MP in Queensland, resigned in October, he said that 'after being preselected in Attorney-General Jarrod Bleijie's Sunshine Coast seat of Kawana ... he now wants to re-contest his south Brisbane electorate of Yeerongpilly'.

Another minor party, Katter's Australian Party had increased from two to three members in the Queensland Parliament in November 2012, when Ray Hopper resigned from the Liberal National Party, to join Robbie Katter and Shane Knuth. There were subsequent but ultimately abortive discussions about the PUP and KAP establishing a closer relationship.

Opinion polls had shown a persistent unwillingness of up to a quarter of voters to support either of the main political parties. In the past this had led to the election of two long-term Independents, two for Katter's Australia Party (KAP) and, in the more distant past, 11 One Nation members. This volatility seemed to be strengthening nationally with an array of minor parties already holding the balance of power in the NSW upper house, and expanding their influence both in Canberra (the Senate) and Victoria.

Polling appeared to indicate that significant numbers of conservative voters had moved their allegiance from KAP to the newly-minted PUP during 2014. However, at the end of the year it seemed that PUP might be a spent force. As noted earlier, the array of independents had formed common cause in agreeing to bind themselves against privatisation and asset sales, the key policy for which the LNP was seeking a mandate at the coming election. However, on a whole range of social issues, there was a disparate voting record and there were diametrically opposed views.

⁶ The Senate Committee's website, listing submissions: http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Certain_Aspects_of_Queensland_Government_Administration.

⁷ See Ann Scott, 'Contempt for Parliament or just contemptible behaviour?', TJRyan Foundation Research Report 11, <http://www.tjryanfoundation.org.au/cms/page.asp?ID=701>

⁸ 'PUP inquiry rings up bills for hearings': *Courier-Mail*, 27.12.14.

Palmer successfully shifted the limelight off this potential embarrassment by announcing that he was taking the state leadership of PUP back to the future - in the person of John, the son of Joh Bjelke-Petersen. Petersen's press release focussed on an anti-asset sales message as well as calls for more assistance to rural and regional Queenslanders.

He suggested PUP's internal turmoil was no different from other parties. He would stand against Deputy Premier Seeney in Callide, having stood as a PUP candidate for the nearby federal seat of Maranoa in 2013, gaining almost 14 percent of the vote. Apparently without further consultation with Palmer, he refused to rule out preference deals with the ALP or anyone else this time around.⁹

- **Protest parties - the great unknown**

This volatility was increased when Pauline Hanson decided in November to try to resurrect her One Nation Party. In the past, significant numbers of both rural and suburban Queenslanders had voted for One Nation in preference to both the LNP and the ALP. Like Prime Minister John Howard before him, Tony Abbott had accommodated some of the major One Nation policy objectives over anti-immigration and cultural assimilation. But it was possible that the appeal of the One Nation 'brand image' may have persisted in an era of voter alienation.



Hanson's problem was not unlike Clive Palmer's – the absence of a functioning constituency machinery. She would have to rely on the populism which had served her well in the past. By contrast, Palmer's revival rested on his combination of headline-grabbing eccentricity and an apparently limitless source of funding for advertising and self-promotion. At the end of 2014, it

⁹ See Remeikis A, 'Bjelke-Petersen to lead PUP in Queensland', *Brisbane Times*, 28.12.14: <http://www.brisbanetimes.com.au/queensland/bjelkepetersen-to-lead-palmer-in-queensland-20141228-12elmw.html>. The *Courier-Mail* coverage mischievously pointed out that the press release directed journalists seeking more information to contact Clive Palmer's media adviser and confidant Andrew Crook. On 20 December Crook had been granted bail after being charged over the alleged unlawful detention and coercion of a National Australia Bank executive on an Indonesian island.

remained to be seen how this would play out in the heat of the impending campaign. Paul Williams has commented that:

One Nation under Hanson might take votes from the Liberal National party in next year's Queensland election. But its impact would be diminished while space for independents to the right of the LNP was "so crowded and splintered" with the likes of Katter, Palmer and others.¹⁰

Later, writing after the announcement of her candidacy, Williams identified five reasons why Hanson was likely to fail: the One Nation and Hanson brands are exhausted and the party in internal disarray; Katter's Australian Party will stand against her and split the populist vote; the demography of the Lockyer electorate was changing to include a younger and growing multi-cultural population; there was 'the false assumption that recent tragedies including the terrible Martin Place siege, will push fearful voters, already anxious about Islam, back into the anti-immigration party's arms'. Finally, Ian Rickuss, the LNP incumbent, was 'a solid local MP who well resembles the old knockabout Country Party member so appealing to the bush'.¹¹

On 23 December 2014 Michael Leach wrote an article in *The Conversation* 'Hanson gets the band back together - can she make an impact?':

The fortunes of One Nation highlight the problems of populist parties. Candidates are usually untested, while the parties themselves lack internal vetting processes and have poor internal discipline.

Populist parties also tend to have fluid platforms, and to coalesce around a general position rather than policy specifics. Likewise, electoral success tends to create an alternate power base. As party members become MPs, they increasingly compete for influence with their charismatic leader. All of this provides fodder for 'creative differences'. In present day politics, something of the same problem can be seen with the Palmer United Party (PUP). And as with PUP leader Clive Palmer, Hanson also had a tendency to fall out with her political lieutenants.

Despite being One Nation's birthplace, Queensland in 2015 may not suit the reunion gig given the state has no upper house. While Queensland's optional preferential system does make it harder for the majors to block a third party, the almost inevitable major swing against the Newman government is unlikely to prove fertile ground for a minor party resurgence.¹²

- **(Another) new political voice for country voters?**

'The bush' was aware of how few other current LNP members resembled 'the old knockabout Country Party'. Readers of *Queensland Country Life* on Christmas Eve were promised the advent of 'a new political voice for country voters'. A picture of the new electoral messiah had a sub-script which read: 'The National party is unrecognisable to its roots and is blindly committed to the Coalition'. There were related stories headed 'Heat on Cabinet over drought assistance'¹³; 'Bumpy

¹⁰ Robertson J, 'Pauline Hanson poised to take back leadership of One Nation', *The Guardian*, 19.11.14: <http://www.theguardian.com/australia-news/2014/nov/19/pauline-hanson-poised-to-take-back-leadership-of-one-nation>

¹¹ 'Opinion: No luck in Lockyer likely for perennial candidate Hanson': *Courier-Mail*, 22.12.14.

¹² Leach M, 'Hanson gets the band back together - can she make an impact?', *The Conversation*, 23.12.14: <https://theconversation.com/hanson-gets-the-band-back-together-can-she-make-an-impact-34747>

¹³ 'Heat on Cabinet', *Queensland Country Life*, 15.12.14: <http://www.queenslandcountrylife.com.au/news/agriculture/general/politics/heat-on-cabinet-over-drought-assistance/2719604.aspx>

ride on A Country Road'¹⁴; 'More Bumps along a Country Road'¹⁵ - referencing an ABC documentary series 'A Country Road'¹⁶ shown in December, and a 'Poll - Will George the Farmer outsell Bob the Builder?'¹⁷

The remarkably long news story was about the moves to register 'The Country Party of Australia', described as 'primarily a rural based Party committed to a modern country-mindedness in the best interests of the entire nation'. Its founder, Peter Mailler, a former chair of Grain Producers Australia, farmed on the Queensland-NSW border. He had stood as a NSW Senate candidate for Katter at the 2013 national election. The primary purpose of the new party was to contest national elections but Mailler's analysis of Queensland was symptomatic of rural malaise, where 'regional and rural representation has no unique identity'.

The *Queensland Country Life* journalist, Colin Bettles, reported on the earlier response by Warren Truss, the national leader of the unmerged National Party, who rejected any significance in the surge in public opinion polls towards minor parties.

We've always had independent parties or different groups come along and we've had plenty of saviours in the past like Pauline Hanson and Bob Katter – they all made a little bit of impact for a while. ... (but) those who throw away their vote in some kind of protest are in fact ignoring their obligations to democracy but also putting their country at risk.¹⁸

Mailler's response recognised the limited aspirations of the new group:

We're never going to try and be a major political party but we want to be a credible voice for farmers. Systematically the influence of rural parliamentarians has been eroded by the party-before-country mentality.¹⁹

Cannon to right of them

- **The party machines and local branches**

The main challenge facing the LNP did not come from this undistinguished collection of small groups outside the party but from internal tensions created by Newman's management style and his increasingly tenuous grip on his own seat.

There were serious pre-selection problems for the LNP towards the end of 2014. Doubts had been raised over the pre-selection of three sitting LNP members whose cases went to the state

¹⁴ 'Bumpy Ride', *farmonline*, 22.12.14: <http://www.farmonline.com.au/news/agriculture/general/politics/bumpy-ride-on-a-country-road/2719844.aspx>

¹⁵ 'More Bumps', *The Land*, 23.12.14: <http://www.theland.com.au/news/agriculture/general/news/more-bumps-along-a-country-road/2719928.aspx>

¹⁶ ABC TV *A Country Road*: <http://iview.abc.net.au/programs/country-road-the-nationals/NS1422Q001S00>

¹⁷ For the poll, see <http://www.farmonline.com.au/polls/>

¹⁸ Bettles C, 'New political voice for country voters', *The Land*, 24.11.14: <http://www.theland.com.au/story/3380667/new-political-voice-for-country-voters/>

¹⁹ 'New political voice' *Queensland Country Life*, 24.12.14: <http://www.queenslandcountrylife.com.au/news/agriculture/general/politics/new-political-voice-for-country-voters/2720196.aspx>

executive in September for determination – the three had been involved in political misdemeanours, ranging from charges of nepotism to 'sexting' lewd images to a mistress.



After presumably deciding that lewd texts constituted a minor misdemeanour, the state executive ruled that Peter Dowling could proceed to face his local Redlands pre-selection committee, only to discover that the local committee disagreed.²⁰ The branch executive consisted of Dowling's sister and her husband Hugh McDevitt, and the latter stood unsuccessfully against a candidate who had experience as a staffer of a national MP and was currently working in the office of the Premier. On Facebook and then in the *Brisbane Times* McDevitt attacked the vilification and misrepresentations of his opponent. It was noted that a third of those who voted were not locals but members of the LNP state executive from outside the electorate.

The confrontation between locals and the LNP executive was dramatised more spectacularly in the case of Dr Bruce Flegg. The state executive vetoed Flegg from standing for pre-selection for Moggill, the seat he had represented for ten years. At the time of this veto, he had a Crime and Corruption Commission investigation pending related to his claim – allegedly supported by recordings on his phone – that he had been improperly offered a lucrative alternative post overseas if he stepped down to make way for Campbell Newman before the previous election.

With Flegg banned from participating, the Moggill Branch members rejected the only alternative candidate Dr Christian Rowan, who had been a participant in the industrial battle with the AMA(Q). This led the *Brisbane Times* inaccurately to predict that 'LNP Member for Moggill Bruce Flegg

²⁰ 'MP Peter Dowling loses preselection bid for seat of Redlands', ABC News, 25.10.14: <http://www.abc.net.au/news/2014-10-25/sexting-queensland-mp-loses-preselection-bid/5841332>

could rise from the political grave after local party members rejected the party executive's hand-picked replacement'.²¹



Flegg was then allowed by the party hierarchy to contest a second ballot against Rowan, delayed until after Parliament had risen to minimise the opportunity for political embarrassment. Flegg had strengthened his position when he faced off for this second round against Rowan, the opponent endorsed by the central executive of the party. Days before the crucial meeting of the local pre-selection committee, Flegg provided them (and the media) with a letter of commendation he had circulated seeking the endorsement of his parliamentary colleagues.²² A large majority of colleagues had signed, including the Premier, the Deputy Premier and the Treasurer; notable omissions were the names of Newman's three most credible replacements outside that list – Health Minister Lawrence Springborg and Education Minister John-Paul Langbroek, both former LNP leaders, and Minister for Transport, and emerging contender Scott Emerson. In response, his opponent also circulated signed letters of support from a range of parliamentarians and party officials, including the Premier and others who had signed the one for Flegg.

The crucial meeting on 7 December produced an extraordinary result. Rowan had lost when he had no opponent but won when faced by the long-term sitting member. As at Redlands, there was a significant turnout of members of the State Council empowered to vote. This underlined the existing tensions in the party about its future leadership as opinion polls continued to point to Newman's likely demise alongside a probable victory for the party as a whole. Flegg commented that 'his fate was decided by a National Party core in the LNP executive', and he warned the

²¹ Remeikis A, 'Shock LNP vote lifts Flegg from political grave', *Brisbane Times*, 20.10.14: <http://www.brisbanetimes.com.au/queensland/shock-lnp-vote-lifts-flegg-from-political-grave-20141020-1190wp.html>

²² Wardill S, 'Bruce Flegg brandishes letter from 68 LNP MPs in battle for Moggill', *Courier-Mail*, 5.12.14.

government that its skirmishes with the health and legal sectors 'may make the seat more vulnerable come the state election'.²³

- **Problems in the rural heartland**²⁴

Flegg's reference to 'a National Party core' suggested that Liberals might be feeling excluded by the power-brokers inside the State Council and Executive with previous affiliations to the National Party. This sense of exclusion would be more obviously felt by the 'small-l' element in the party prominent in the professions; the 'economic rationalist' proponents of re-directing resources from the public service to private businesses, exemplified by the Treasurer, were more comfortable.

Spokespersons for the old-style National Party interests – frequently well-educated women working on country properties – threatened insurrection by joining with more conventional Green activists to campaign against the encroachment of the coal seam gas industry into prime agricultural locations. The flash-point was often the removal of any controls over CSG miners' access to the scarce commodity of water.

All the minor parties and independents were encouraged by this persistent tension between miners and property developers on the one hand and the rural, and especially agricultural, interests which were the life-blood of the old National Party dating back to the time when its name was the Country Party. In its heyday under Bjelke-Petersen, the National Party had expanded from this shrinking electoral base to accommodate mining, business and property development supporters. Ultimately this support became indistinguishable from the city-based interests represented inside the Liberal Party and amalgamation followed with the formation of the LNP in 2008.

But the rural agricultural core with its tradition of activism and engagement became increasingly dissatisfied. This culminated during 2014 with a range of incidents and community-based organisations emerging which challenged the expansion of mining into rural areas – especially coal seam gas – and resented the cut-back in publicly-provided services across regional Queensland.

On December 20, well into the Christmas holiday break, Deputy Premier Jeff Seeney announced that the government had approved a \$900 million mine expansion near Oakey on the Darling Downs. The announcement indicated that the project still needed federal government approval, was still to be assessed under the state government's new Regional Planning Interests Act, and was hedged with 137 conditions – none of which amounted to serious impediments on past form. The statement pointed to the creation of 250 jobs in the construction phase and another 435 operational jobs.

What was more unusual was its conciliatory tone, highlighting the reduced scope of the project compared to the original expansion plan: 'The reduced scope of this project in response to local concerns is a good example of a resource company working to achieve community confidence.'

This scaling back clearly did not appease powerful critics. Vikki Laws, a spokesperson from the Oakey Coal Action Alliance community group indicated that they would approach the

²³ Bochenski N, 'Flegg blames National Party core for Moggill dumping', *Brisbane Times*, 7.10.14: <http://www.brisbanetimes.com.au/queensland/flegg-blames-national-party-core-for-moggill-dumping-20141006-10r1qa.html>

²⁴ This section is taken from Roger Scott 'Parliament Under Newman, 2014', <http://www.tjryanfoundation.org.au/cms/page.asp?ID=711>

commonwealth with their concerns: 'Unfortunately the water impacts are quite appalling and unsustainable'. Another woman said that 'she had previously raised concerns about the impact on agricultural land and was disappointed with the approval. 'I'm pretty puzzled and very disappointed in how it looks', she said, 'it really does seem like they haven't taken too much notice of our concerns'.²⁵ This spokesman modestly identified as a local farmer was Dr Tanya Plant, a former Rhodes Scholar and major shaker-and-mover among the Young Nationals who remained well connected with her local community.

The same tension was playing out at local government level as a result of the decision by Seeney to support the denialists on climate change and rising sea levels. On the same December day that Plant made her comments, reported on the ABC, Des Houghton's influential opinion piece in the *Courier-Mail* was headlined 'In deep water – will climate change denials sink the LNP?' Houghton reported that 'inside the LNP there are waves of discontent. The row has pitched mate against mate'. Houghton reported that Graham Quirk, Newman's ally and successor as Lord Mayor of Brisbane, in his role of the chairman of the Council of Mayors, had 'demanded an urgent clarification' from Seeney and warned him of 'confusion and frustration'. Houghton also noted that the chair of the Local Government Association of Queensland – identified by Houghton as (yet another) Newman loyalist – had said that the row made those involved a laughing stock.

This unexpected focus on environmental issues largely by-passed the ALP because there was an awkward trade-off between jobs growth, agriculture and conservation, and the initial approval for CSG companies had been given by Anna Bligh.

While there was a battle over specific mining approvals throughout 2014, the reality of the coal seam gas industry was causing deep distress in areas outside the cities. This distress was eloquently described in a submission to the Agriculture, Resources and Environment parliamentary committee by the Oakey Coal Action Alliance in relation to the *Protection of Prime Agricultural Land from CSG Mining Bill 2013*:

We have witnessed that large scale high impact industries such as either CSG or open cut coal mining can have negative effects on existing business success, productivity, mental health, forward planning and social cohesion. We believe that the legacy of this current mining boom on closely settled agricultural areas of the Darling Downs will be regarded retrospectively as social and environmental failures. Rather than causing Queensland to flourish in the long term, this state is likely to have significant water, soil, health and economic impacts, the effects of which will be felt for generations to come.²⁶

These vexed mining issues elevated the standing of the Greens, who participated in the rural campaign against coal seam gas, as well as in its more familiar territory of middle class suburban Brisbane. Drew Hutton, Greens co-founder and one of their prominent local activists for generations, became a cult figure at rural 'Lock The Gate' protest meetings. He appeared at one mass meeting in Brisbane on the same platform as arch-conservative radio commentator, Alan Jones, whose sympathies were entirely with the protestors from Oakey, where he had grown up.

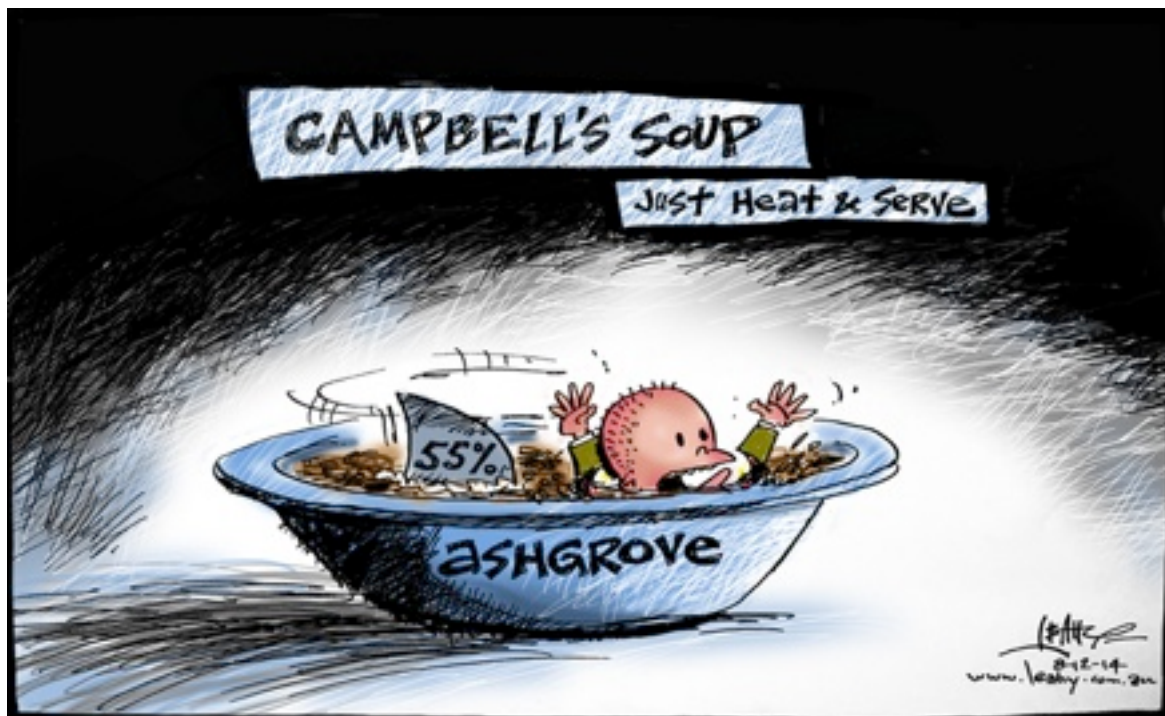
²⁵ 'Acland mine expansion approved', ABC News, 20.12.14: <http://www.abc.net.au/news/2014-12-20/900m-acland-mine-expansion-approved-by-qld-govt/5981284>

²⁶ Submission to Agriculture, Resources and Environment Committee, October 2013: <http://www.parliament.qld.gov.au/documents/committees/AREC/2013/15-ProtPrimeAgriLand/submissions/11-OakeyCoalActionAlliance.pdf>

At the end of 2014 people in rural Queensland were exchanging maps on Facebook, put out by 'Lock the Gate' showing that 56 percent of Queensland was covered by coal and gas licenses and applications. For Newman and all the other leaders, this issue was extremely uncomfortable, given that the main engine of growth promoted by the government as the solution to Queensland's financial ills was the continuation of mining coal and exporting coal seam gas.

- **The struggle for succession within the LNP**

Throughout 2014, neither Springborg nor Langbroek were seen as the main players in the leadership speculation around the increasingly likely event that the Premier might lose his seat of Ashgrove. Seeney and Nicholls were official front-runners. There must have been a bitter-sweet irony: the party had pushed them aside to consolidate a victory in 2012 which was already almost certain; now Campbell Newman, the same person once seen as the party's saviour, had become a major handicap. His aggressive and confrontational personal style had won some friends but also turned off many others who might otherwise have supported the LNP.



For the most part, the two former leaders devoted their energies to running the two largest departments in government - Springborg had been faced with the reality of Health being a poisoned chalice; Langbroek had an easier ride in the Education portfolio apart from the parlous state into which TAFE had declined as the government as a whole pursued its economic rationalist agenda of promoting contestability with private sector providers.

Langbroek's prominence as the more electorally palatable face of the LNP was enhanced by a carefully timed 'exclusive' provided to the *Courier-Mail* on December 29 on the government's response to a report completed in October 'Redesigning the secondary-tertiary interface, Queensland Review of Senior Assessment and Tertiary Entrance'. Proposals included shifting the balance from school-based assessment to external examinations.²⁷ A front page article, an editorial

²⁷ ACER, *Queensland Review of Senior Assessment and Tertiary Entrance Processes*, <http://www.acer.edu.au/queensland-review>

and an extensive feature article gave details of the government's endorsement of these proposals, likely to be electorally popular because of parent suspicion about the reliability of teachers as assessors of their own performance. The editorial warned that 'these reforms are as welcome as they are overdue, but the government needs to tread carefully and ensure they don't create more problems than they solve'. Langbroek in return 'stressed a final decision on the model would not be made until the (proposed) ACER model had been tested, the final three-month consultation completed and not before the new model was worked out'. From an electoral point of view, three months of discussing education rather than anything more politically contentious would be an ideal distraction for the LNP.

The two leaders mainly in the public eye, however, were Deputy Premier Jeff Seeney and Treasurer Tim Nicholls. Nicholls was seen to have clashed with the more expansionist aspirations of Newman and Seeney as far back as the 2013 state budget. His intention to press ahead as quickly as possible with asset sales was rejected in favour of turning the apparently unloseable 2015 election into a mandate for a currently unpopular policy.

There were hints through the year that Nicholls was positioning himself to be leader after the election. One piece of evidence came from an unlikely source, the Queensland Police Union, which had benefitted hugely in the past from patronage in the form of the police budget for staffing and equipment. The Union had been prominent on the hustings in 2012 beside LNP candidates (particularly Seeney) and received unrelentingly favourable coverage for the activities of its members in the Murdoch press.

Newman's strong emphasis on law and order, the prosecution of outlawed bikie gangs and organised crime and the expansion of police equipment (much of which, it could be argued, was necessary for policing the G20) and police powers all contributed to his high standing with the union, which also appreciated that his final choice of Police Minister was from someone from within their own ranks. They were less enthusiastic about the general cost-cutting regime instituted by Nicholls across the whole public sector. They expected special treatment.

Queensland Police Union president Ian Leavers launched a scathing attack on Tim Nicholls, labelling the Treasurer the 'Kevin Rudd of the LNP' and accusing him of 'undermining' Premier Campbell Newman and attempting to 'sabotage' the government in his quest to be leader. Speaking in defence of vice-president Shayne Maxwell's claims that LNP backbenchers had approached the union for support if they were to run in the next election as independents, Mr Leavers said the MPs were 'worried about the direction Tim Nicholls is taking the LNP':

We as police have heard time and time again that the Premier and ministers such as the Police Minister support funding proposals at the Cabinet Budget Committee and the Treasurer over-rules them, so understandably, LNP MPs and the public are wondering what Tim Nicholls is up to. 'It appears this is a deliberate attempt to sabotage the government by Tim Nicholls because he wants to be Premier. ... Tim Nicholls is the Kevin Rudd of the LNP who seems to be undermining the Premier and police at every turn'.²⁸

²⁸ Remeikis A, 'Tim Nicholls undermining Premier Campbell Newman: Police Union President', *Brisbane Times*, 15.10.14: <http://www.brisbanetimes.com.au/queensland/tim-nicholls-undermining-premier-campbell-newman-police-union-president-20141015-116fbx.html>

In early November, taking advantage of the security threats associated with the G20, the union accused the government of breaking its funding promise over the 'Safe Night Out' strategy.²⁹ This message was reinforced by headlines such as 'Police to loan body armour for G20 security shortage'. These outbursts were dismissed as part of an industrial campaign to ensure funding was not cut, but the tone was echoed in private discussions among party members.

The uncertainty over future leadership of the LNP became clearer as the year wore on. Newman remained entrenched in his Ashgrove seat, while the polls gave him increasing reason to worry about his future.



Advertising and photo-journalism used different group photographs for different messages – in the *Courier-Mail* article promising 'Campbell Newman's sizzling summer of love' the photo-shopped campaign Kombi van is being driven by Newman with Bleijie and Seeney hanging out of the windows.

The photo on the front of the December version of the LNP website 'Strong Team; Strong Plan: Stronger QLD' replaces Bleijie with Treasurer Nicholls and two women – one of whom is the Speaker, Fiona Simpson. (This use of the Speakership on election material may represent a first in the history of the Westminster system but is consistent with the overtly partisan role of the Speaker in the national Parliament).

On 21 December, the *Courier-Mail* also reported that Newman's most marketable Minister had been commissioned to provide, as the headline termed it, 'an articulate bit of bashing':

Education Minister John-Paul Langbroek will spearhead a six-week 'Canberra bashing' campaign as the Sunshine State steams with Labor big shots at each others throats. ... Articulate, best-dressed

²⁹ Remeikis A, 'QPU accuses government of being untruthful about funding', *Brisbane Times*, 4.11.14: <http://www.brisbanetimes.com.au/queensland/qpu-accuses-government-of-being-untruthful-about-funding-20141104-11gx5y.html>

and credible, JPL is a no-brainer to lead the Canberra attack over Queensland's declining education standards as federal funding sinks. ... Back at the Premier's Office not even Campbell Newman's trade mission to India on January 9 will disrupt the Joh-style assault on Canberra.³⁰

At the end of the year, Newman introduced with fanfare and a major advertising campaign a scheme to eliminate all surgery waiting lists. This would require public hospitals to re-direct identifiably urgent cases to the private sector and for their boards of management to accept the budget consequences of paying for them.³¹ The various interest groups reacted strongly to this shift in priorities and to the appropriateness of an advertising campaign with such partisan benefits potentially so close to an election. But, from a public relations viewpoint, the timing was faultless.

Whether propaganda victories were sufficiently influential to offset deeper concerns remains a major question for students of electoral behaviour. Discussing events on a wider canvas, Paul Williams wrote in *The Conversation* about the edginess being felt by non-Labor incumbents across the country.

He identified three large imponderables that remained to be resolved early in 2015:

- (1) the volatility of the minor parties - the extent to which normally conservative voters would support leaders of fringe parties like Katter, Palmer and even Pauline Hanson and then allow their preferences to work against Newman;
- (2) leadership and policy credibility - the extent to which the ALP could offer a competitive leader and credible economic policy alternatives beyond a blanket rejection of privatisation; and
- (3) community involvement - the extent to which the ALP could follow the Victorian example of off-setting their opponents' heavy spending on advertising by mobilizing its supporters for a grass-roots campaign of direct community engagement.³²

Williams focussed his remarks on the challenges facing the ALP. David Moore, a senior adviser to the Howard government and to the LNP 2012 election team, suggested that the LNP needs to focus its campaign on the sort of doomsday scenario which had emerged nationally. He wanted Queenslanders to believe that they faced (in the words of the headline), 'A Strong Choice Between LNP Or A Minority Hotchpotch'. He accepted the possibility of an LNP loss - reversing what he believed to be the underdog strategy of the ALP:

It's the oldest political tactic in the campaign playbook, to trick voters to devalue their vote in the mistaken belief that a vote against the government can't change it.³³

Moore argued that that 'the Newman government is now the underdog' and even accepted that the swing was a result of 'an at times over-enthusiastic government's own mistakes'.

He qualified this by then listing the same calendar of achievements recorded regularly in the *Courier-Mail's* editorial pages, noting that 'first term LNP members are finding their feet' and that

³⁰ *Courier-Mail*, 21.12.14.

³¹ Queensland Health website description of 'guarantee': <https://www.qld.gov.au/health/services/hospital-care/waiting-lists/wait-time-guarantee/index.html>

³² Williams P, 'One down, two to go: Labor revival puts incumbents on edge', *The Conversation*, 3.12.14: <https://theconversation.com/one-down-two-to-go-labor-revival-puts-incumbents-on-edge-34919>

³³ Moore D, 'Strong choice between LNP or a minority hotchpotch', *Courier-Mail*, 19.12.14.

Newman 'looks focused and had his "can do" mojo back'. But Moore wanted to warn any among the *Courier-Mail* readers who doubted that the price of their protest would be high:

Rather than a certain Labor victory, I believe the real risk for Queensland from Labor's looming 'protest vote' campaign is a coalition between minority Labor and a chaotic hotchpotch of Independents.³⁴

The final battlefield: the 2015 election

The Brisbane Times reported that the final parliamentary sitting of 2014 was used by LNP speakers to lay the groundwork for the 2015 campaign:

The Queensland government has used the last morning of the final sitting of the 2014 parliament year to talk itself up ahead of next year's election, saying everything it has done has been "necessary".

Premier Campbell Newman kick started the motivational monologues, outlining what he considered to be successes - health, education, law and order - and reiterating the promise to have the best performing state economy in 2015.

But in what will be a government mantra until after election, he added "the job is not done. ... Some of the actions we have taken have been difficult and I acknowledge some have not been easy for many people in our community.

But all have been necessary; necessary to deal with the challenges we face as we rebuild Queensland, as we position our state so we can face the years ahead with confidence, with strength and the ability to seize the opportunity of a better future for all Queenslanders.

There is a range of imponderables which may affect the LNP at the end of 2014. While it is possible that the State election might not be called until the last possible moment in the middle of 2015, most commentators and even the Premier seem to be suggesting that the election will be called early in the New Year.³⁵

The refrain echoed the tone at the national level. Abbott had 'stopped the boats' and rewarded the miners by repealing the mining tax. The LNP had its signature success the VLAD legislation and the impact of its draconian legislation on both Outlaw Motor Cycle Gangs and public violence. The LNP could also demonstrate infrastructure spending. The projected opening time of a major Brisbane tunnel would serve as a public reminder. There were also quieter achievements in school education but more contested claims about improvements in health and the impact of contestability in the TAFE sector. A more general campaign against 'red tape' and 'green tape' had widespread appeal to the business community as well as property developers.

The most obvious sense of grievance about broken promises related to the treatment of the public service. This breach of trust was then magnified by unheralded and sustained attack on the institutions designed to prevent the sort of public corruption which had engulfed the Bjelke-Petersen government, institutions painstakingly put in place by Premier Michael Ahern and then

³⁴ Moore D, 'Strong choice between LNP or a minority hotchpotch', *Courier-Mail*, 19.12.14.

³⁵ Remeikis A, 'Newman government launches into motivational monologues', *Brisbane Times*, 27.11.14: <http://www.brisbanetimes.com.au/queensland/newman-government-launches-into-motivational-monologues-20141127-11v2z8.html>

the ALP government, elected in 1989, under the leadership of Wayne Goss. Many commentators about the recent erosion of democracy and accountability in Queensland remembered the 1980s, and the reforms of the early 1990s.

But the problem of unemployment loomed largest of all, driven by the palpable reality of a major downturn in the mining sector. When this was added to the social chaos created by public sector cuts, affecting services across the regions as well as in Brisbane, as well as numerous small local businesses, the electorate's unease was reflected in the polls.



The ALP was conscious that Abbott was an asset for them and federal ALP members distributed 700,000 letters linking the two leaders. As the *Courier-Mail* noted:

The mass mail-out corroborates the LNP's fears that Labor would link their administration to the Abbott government as they successfully did at the Victorian election... Federal Member for Rankin, Jim Chalmers said his electorate would receive the material, saying voters saw no difference between Mr Abbott and the Queensland Premier. In my community they see Abbott and Newman as one and the same, and despise them equally for their cuts.³⁶

Election posters from the ALP festooned the fences of Victorian polling stations in November 2014 with images of a Liberal leader, Tony Abbott, notably absent from the state campaign. Campbell Newman made it clear that he would encourage a similar invisibility from his ostensible ally, ideological soulmate, and enthusiastic supporter.³⁷

³⁶ 'Labor links LNP leaders Campbell Newman and Tony Abbott as first shot fired in upcoming election battle', *Courier-Mail*, 2.12.14.

³⁷ Remeikis A, 'Tony Abbott will not be needed for Queensland election campaign, Premier Campbell Newman said. All he needs is his "strong" LNP team', *Brisbane Times*, 2.12.14: <http://www.brisbanetimes.com.au/queensland/tony-abbott-not-needed-for-queensland-lnp-election-campaign-campbell-newman-20141202-11y883.html>

On 6 January, when Newman called his snap election, Abbott was himself causing a surprise by visiting Iraq then going on leave. Julie Bishop declared she was available to visit Queensland in his place.

The underlying issues, clearly identified in LNP private polling and later reinforced by union polling, remained much closer to the bulk of the electorate – job opportunities and the cost of living, plus the trustworthiness of leaders with a record either of broken promises on the basics - or the implementation of a far-right ideological agenda for which there had been no forewarning in the 2012 election campaign.

Nevertheless the Newman government was still in a relatively strong position as a result of the magnitude of its 2012 win, and the historical tendency of electors to offer a second term after a change of government. Polls through 2014 had the Newman government still enjoying majority support throughout the whole year, despite the steady shift downwards as the year progressed.

Close analysis by experts suggested that this overall trend concealed variations over time. Early in its term, the LNP lost favour in regional areas such as northern Queensland; later it clawed back support by intense effort directed towards these locations but then declined in areas near Brisbane. It remained relatively strong in the traditional Liberal areas in the Brisbane suburbs and areas where the old Country-National candidates had unseated the ALP in previously working class suburbs. Its new area of weakness was in the areas outside Brisbane's metropolitan local government area, to the north and south and towards Ipswich in the west.

Overall, by the end of 2014, the steady trend downwards had reached the point where the ALP and its officials and activists could look forward with a measure of optimism to the Christmas break and the election campaign which would surely follow in February. This would have been inconceivable at the start of the year when hard-nosed party strategists would have based their planning on at least two terms of LNP government.

The uncertainty over the LNP's future leadership remained a key issue. Paul Williams offered an insightful analysis under the headline 'With sharks circling Newman can't expect a second chance'.³⁸

Williams's first shark was the impact of the Victorian first-term defeat of a coalition government showing general electoral volatility in the community; the second was the ReachTel poll putting the ALP ahead for the first time; and the third was the embarrassment for the conservative 'brand' of the Abbott government's behaviour. But Williams believed that an ALP victory remained improbable because of the absence of a strong leader and the certainty of a well-financed LNP advertising blitz.

The blitz began in the pages of the *Courier-Mail* in mid-December as Queenslanders began taking holidays during the early arrival of a stormy wet season. An address by the Opposition leader to the Media Club was given minimal coverage apart from a headline identifying an arithmetical error in her calculation of a suitable salary for a non-partisan chair of the CCC. The more substantive point was her repeated commitment not to repeat the errors of her predecessor Anna Bligh over

³⁸ 'With sharks circling, Newman can't expect a second chance', *Courier-Mail*, 2.12.14.

asset sales or leases.³⁹ This attracted little editorial attention locally but received fuller coverage from the ABC.

By contrast, there was a series of reports and editorials in NewsCorp's *Courier-Mail* all aimed at pointing to a rosy future for all Queenslanders, doing much better than other states, implying this was because of its government's support for tourism and the mining industry. On December 17, when its readers were contemplating the publication of tertiary entrance scores, its editorial awarded 'Newman's A-grade result for Queensland'.⁴⁰

Three days later, its leading columnist, Des Houghton had his readers reflecting on the embarrassment being caused by Jeff Seeney's denialism on climate change, but then awarded the Premier the title of 'Man of the Year': 'He may not be perfect but he is damn close to it.'

Then, in case their readers weren't listening to Houghton, the Boxing Day editorial explained the benefits of LNP rule. The headline was reassuring:

'Why we had a merry Christmas and why the best should be to come.'

The detailed explanation followed in the text:

Retail figures are reliable indicators of how comfortable we feel – and this year's retail surge can read as a big tick of approval for the way the Queensland government has turned around the Queensland economy ...

Queenslanders clearly feel more economically comfortable than they did three years ago. And with \$3.4 billion dollars from the proposed leasing of state assets earmarked for cost of living relief, taxpayers are about to feel better still. ...

To maintain this strong momentum, the Newman government must identify the \$8 billion of infrastructure projects to be funded by the lease of key assets. ...

There was only one slight caveat:

... there's also clearly work to be done on the jobs front. ... the slashing of red and green tape and the halving of project approval times should assist here.

and an expression of concern that the Abbott government wasn't pulling its weight by fixing its own finances. However,

overall the reality is that the Queensland economy is emerging as the envy of the nation. Indeed other states – and the Abbott government – would do well to emulate Queensland's resolve and make tackling their own deficits a top priority.⁴¹

³⁹ The full text of the address can be found at: http://www.tjryanfoundation.org.au/dbase_upl/Leader_of_Opposition_Media_Club_Qld_address.pdf

⁴⁰ This was followed by the release by the Minister for Education, on 29 December, of the government's draft response to a review of the tertiary entrance system.

⁴¹ 'Editorial: We had a merry Christmas and can be confident the best is yet to come', *Courier-Mail*, 26.12.14.

Newman himself was obviously less certain that Queensland was already 'the envy of the nation'. In his shock announcement on 6 January 2015 he chose to call an election on the grounds that this enviable position was endangered.

In a post on his Facebook page he warned there was 'no time to waste' securing Queensland's economic future. 'Queensland's economic recovery is too important to be jeopardised by ongoing election speculation', he added.⁴²

⁴² 'Queensland Premier Campbell Newman to call snap state election for late January or early February', *ABC News*, 6.1.15: <http://www.abc.net.au/news/2015-01-05/queensland-premier-expected-to-call-snap-election/6001476>

WINNERS AND LOSERS: THE ELECTION IN JANUARY 2015

Roger Scott

In a perceptive review in *The Conversation*, Randal Stewart drew in part on his own Queensland experience to proclaim that 'New Politics' had announced itself with the extraordinary election result of January 31.

The lessons are clear to all who follow politics closely. The old model of a centralised presidential-style campaign built around the party leader is finished. ... the lesson will be hard to swallow in editorial offices and interest-group board rooms, but the lesson is clear. The ALP has found a way to win the 21st century that does not involve top-down party autocrats' single-handedly running the campaign from head office.¹

Stewart then identifies the emergence of a franchise model in which a central framework, some branding and logistical support is provided to support the effort of local candidates mobilizing local people. The prototype is the success of the 'Work Choices' campaign where the ALP and the unions operated in separate spheres.

In Queensland this separation intimately involved the trade unions. Two separate community-based organisations, one supported by the central body (the Queensland Council of Unions) and another by the public service union (Together) were openly in conflict with the ALP on the central question of 'how to vote'. They also entered the campaigning phase well before the election was called, door-knocking, telephoning, and paying for television advertisements. Both advised their supporters and advertised in the media to urge voters to fill in all the squares with the LNP placed last, whereas the ALP was suggesting voters only fill in a single party preference.

The target for the unions and activist groups like 'GetUp' was clearly disgruntled voters wanting to register a protest vote for independents or minor parties, who needed encouragement to make their protest more effective by expressing further preferences rather than being content with an exhausted vote. Subsequent analysis revealed the success of this strategy with many fewer voters exhausting their preferences compared to previous state elections, particularly in the case of the Greens.

Stewart extends his argument by recognising the relevance of the 'community development model' emphasising local engagement in the campaign. This involved the unions and the party providing extensive 'talk fests' among local activists as well as individual approaches by phone or in person. He saw this as linked to the impact of social media on the sources of information on which voter attitudes were based, relying on personal exchanges rather than newspapers and other mass media.

The third change is even more substantial than the first two and perfectly compatible with them. This is the unstoppable gendering of our politics in the 21st century. Julia Gillard was the midwife of this change and Annastacia Palaszczuk is the beneficiary.

¹ Stewart R, "'New Politics' announces itself in Queensland and beyond", *The Conversation*, 11.2.15: <https://theconversation.com/new-politics-announces-itself-in-queensland-and-beyond-37101>.

Stewart perhaps understates the accidental factors associated with Palaszczuk's rise to prominence and the gender of her ultimately unpopular predecessor, Anna Bligh. But he sees franchising and community engagement as combining to weaken patriarchal dominance of all the key political institutions – parties, interest groups, business corporations, the public service and the media.

Stewart questions whether the ALP's embrace of this 'new politics' model can translate from campaigning into the future practice of government. This is not the concern of this chapter², which is historical – aimed at explaining how the events in the political background of 2014 shaped this outcome. The key fact was that there was an electoral swing away from the LNP sufficient to give the ALP power with the support of a single independent but not sufficient to govern in its own right.

This requires:

- a brief overview of the election campaign during January 2015;
- a consideration of why the LNP almost won;
- an explanation of why voters lost faith in the LNP despite the advantages of incumbency;
- an assessment of what the ALP did right and also did wrong;
- an evaluation of the performance of the Premier throughout 2014.

Weeks 1 and 2: a rushed call to arms

The Premier's decision on 6 January 2015 to call an unprecedented³ early election for 31 January – just a few days after the Australia Day long weekend when schools resumed – came as a shock to commentators, Opposition party members and apparently many senior ministers and other LNP members outside the tightly-knit party machine. Like so much during Newman's period in office, the surprise factor meant departing from precedents about the appropriate timing (never had an election been held at this time in mainland Australia since the nineteenth century) as well as the accelerated style of campaigning required by choosing the minimum number of days prescribed by law.

There were several explanations offered at the time and retrospectively. The most convincing was evidence from internal LNP polling that Newman was not only in trouble personally but that, against all speculation right up to election day, his regime was in danger despite its massive parliamentary majority. Allowed to drift in the same direction, the swing might be sufficient to unseat the government rather than merely strengthen Opposition numbers in Parliament.

Some commentators even speculated that Newman might have been afraid of being unseated as party leader even before the election was called, given that much of the swing was seen to relate to voter alienation from his personal style. It was suggested by arch-enemy Clive Palmer that something ominous was about to happen, involving perhaps legal actions as well as the findings of

² The next chapter will look in detail at the campaign strategies that contributed to the close ALP victory.

³ In Queensland, at least. Tasmania called a January election in 1913.

the Senate Committee set up to enquire into 'certain aspects' of the administration of the Queensland government, due to bring down its report on 27 March 2015.⁴

Premier Newman remained confident that, despite persistent polling to the contrary, his own fate was inextricably linked with that of the party: he would retain his own seat of Ashgrove while the LNP accepted a drastic cut in its majority but retained government. Or, alternatively, if he failed to be re-elected then the LNP would also fail. This prediction – that the LNP would lose if he lost Ashgrove – proved in the end to be accurate. Few at the time predicted this and it was assumed that he was adopting this mantra as a way of refusing to answer the question of succession. The front-runner was seen to be Treasurer Tim Nicholls, the prime mover in the asset sale/lease policy on which so much depended both to solve the debt crisis blamed on the ALP and to provide surplus funds for carefully-calibrated infrastructure spending.

Newman's evasiveness obviously headed off competition among contenders during the campaign, particularly between rural-based and urban-based pretenders. But this also created a sense of uncertainty about which leader and which policies would prevail when, as was expected, the LNP was returned without Newman but with a much reduced but still viable number of seats to form government.

Another reason for the surprise timing of the campaign was the perception that the two handfuls of ALP members with their relatively weak financial and organisational support base would be unprepared for a sudden campaign. By contrast, the LNP's constant theme of the election being a referendum on privatisation meant solid financial support from business and mining interests keen to purchase or lease the assets on offer. The policy was carefully massaged to identify some significant but deliberately ambiguous percentage of the proceeds from leases to be made available for infrastructure and industry development projects carefully selected to reward supporters and create job opportunities in marginal seats. When Treasurer Tim Nicholls was speaking, the bulk of the proceeds would be devoted to debt repayment; when Deputy Premier Jeff Seeney was speaking, the amount available for infrastructure spending, especially in regional Queensland grew much larger. A quick campaign would prevent close attention to the discrepancies in these messages while raising expectations among particular constituencies that they would benefit from whatever amount of largesse was on offer.

The first two weeks of the campaign were dominated by the LNP offering the fruits of infrastructure spending alongside their claim to superior economic management, supported by the criticism of an Opposition lacking any comparable depth of analysis beyond objecting to asset sales/leases. Law and order issues were also prominent, with well-publicised police activity supporting the general proposition that the community was being made safer by draconian legislation to manage Outlaw Motor Cycle Gangs (the 'bikies') and by the increase in police resources under the LNP.

The ALP focused on issues of trust and accountability but, at first, this did not receive much publicity from a generally unsympathetic media. There were regular reminders about the broken promises about public service employment and the record in government of the LNP in undermining public accountability. Beyond this issue, campaigning focussed on youth unemployment and the need to restore the TAFE sector to be the major provider of youth training, and the cutting back in TAFE funding facilitated by the growth of private providers able to dip into public funds. The ALP focussed on the need to maintain and expand job opportunities, particularly

⁴ The report can be found on the committee's website: http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Certain_Aspects_of_Queensland_Government_Administration/Certain_Aspects_Qld_Admin

among younger age groups, without too much detail beyond the assumption that more would be spent on restoring services cut back under Newman. The ALP criticised the Newman government's style and the authoritarian personality of the Premier, promising greater and more effective consultation with relevant interest groups.

The ALP also made common cause with the Greens over environmental issues, including the LNP's abuse of processes for development approvals, but especially the damage being created to the Great Barrier Reef by mining, port development and agricultural run-off. The employment impact of any cutting back in coal investment and associated port and rail infrastructure meant that the ALP was much less adventurous than the Greens, focusing more on returning to greater regulation rather than outright opposition to developmental plans.

Weeks 3 and 4: enter the big guns

The start of the third week saw a remarkable change in tone with the intervention of two major national figures who had not previously been active in the contemporary debate. Alan Jones, a popular and populist-conservative 'shock-jock' radio commentator from Sydney, relocated his show to Brisbane for two weeks and began an unprecedented onslaught on Newman personally, accusing him of lying directly to Jones about the government's intention to expand into open-cut the pre-existing coal mine at Acland, a country town on the Darling Downs where Jones grew up and went to school. This escalated into accusations of misconduct linked to the donations provided from the relevant coal company being given in return for development approvals. Newman eventually moved from ignoring this challenge from a 'blow-in from Sydney' to issuing defamation writs; others such as Jeff Seeney and Lawrence Springborg felt obliged to join in the action in support of their leader.

The second intervention, which subsequent exit polls indicated was more influential than Jones, came from Tony Fitzgerald. The author of the major report which exposed conservative party corruption in the 1980s had emerged from a self-imposed retirement from public debate at the time of the controversy over changes, implemented by Newman's Attorney-General Jarrod Bleijie, to the major anti-corruption body established following recommendations from the Fitzgerald Report. Fitzgerald returned with all guns blazing to criticise the whole Newman regime for its lack of integrity and its onslaught on the role of the legal profession and the separation of powers, culminating in the perversion of the process of appointing a new Chief Justice.

Neither of these were ALP initiatives but they clearly benefitted Labor in steering support away from Newman to any available protest organisation, including the Greens, the Palmer United Party (PUP) and the Katter's Australian Party (KAP). The main theme of the ALP in the latter half of the campaign, hammered incessantly by its union-sponsored support organisations, was that there was no public benefit in the LNP scheme for asset sales/leases. The ALP constantly referred to 'sales'; the LNP had re-worked its language to 'leases', and berated the ALP for not knowing the difference. Most economists and public finance experts agreed with the ALP that there was little discernible difference. There was also the continuing disagreement between Treasurer Nicholls who had driven hard on the need to pay off debt and the preference of the Deputy Premier who undermined this analysis right up until the close of polling.⁵

⁵ Tlozek E, 'Queensland election 2015: funds from public assets should be spent on infrastructure over debt, Jeff Seeney says', *ABC*, 27.1.15: <http://www.abc.net.au/news/2015-01-27/queensland-election-2015-lnp-releases-costings/6049384>

At the end of week three, the best informed commentators were still expecting the LNP to lose seats but not lose government, despite its 'week of blunders'.⁶

Their performance did not improve in the fourth week, with an impression being created of evasiveness in repose to media questions on issues such as the LNP leadership prospects. The high point of evasiveness had been reached with an Assistant Minister lampooning a journalist with 'the Ray Stevens Chicken Dance' in order to avoid any comment about his conflicts of interest between his position in government and being a major investor in a development project requiring Cabinet approval. This featured as one of the six 'high' (weirdest) points, selected as entertainment by another journalist.⁷

The ALP's 'small target' strategy

The ALP also used the same strategy as most opposition parties, presenting a small target by refusing to publish any costings of its meagre proposals. The LNP could offer a panoply of electoral sweeteners in the form of infrastructure projects, to be paid for by asset sales of indeterminate value and the pot of gold provided the LNP with the capacity to simply outbid any ALP proposal for new staff in police, nursing and teaching. The ALP ended up making a virtue of its parsimony, with a short shopping list mainly related to restoring the mechanisms for accountability in both public integrity and environmental protection.

But the small target approach left it open to criticism that it was not facing financial reality, a charge which would carry little weight if - as voters expected right up until the end of the campaign - the ALP was not going to be able to reach the levers of power. The smallness of the target was personal as well as organisational and policy focused. Voters could safely vote against Newman or protest against asset sales confident that they were merely 'sending a message' to the LNP. Annastacia Palaszczuk was seen by many in the public arena as a minor figure thrust into a leadership role by the deliberate policy of the LNP in the 2012 campaign to put major efforts into defeating potentially prominent ALP figures, and she was latterly described as an 'accidental' Premier. This much underestimated the range of her previous experience, her capacity for quick learning and her informal and collaborative style. Her biggest asset by far was that she was not Campbell Newman.

Throughout the campaign Newman stolidly maintained his unwillingness to depart from a narrow script and irritated the media by repeating slogans about promising strong and stable government, and about having detailed and carefully costed plans. Only right at the end of the campaign did his innate preference for dramatic gestures emerge, perhaps in response to internal polling pointing to a need for a new approach based on scare tactics about organised crime. In the generally uninspiring leaders' debates Newman reminded many of his aggressive personality and willingness to make unsubstantiated criticisms – in this case, asserting that the ALP was being funded by the bikie gangs, and when challenged responding glibly that anyone could 'just Google it'."

Despite this, practically no commentator was prepared to argue for the possibility of an ALP victory, most pointing out that the ALP offered no alternative economic program and that one was unlikely to appear for a year, which was hardly a way of getting business support and economic credibility.

⁶ Egan G, 'Week of blunders won't lose LNP the election: analyst', Sunshine Coast Daily, 28.1.15: <http://www.sunshinecoastdaily.com.au/news/weeks-of-blunders-won-cost-lnp-election/2525014/>

⁷ 'The best moments of the Queensland election', The Guardian Australia, 30.1.15: <http://www.theguardian.com/australia-news/2015/jan/30/the-best-moments-of-the-queensland-election-2015>

The ALP close to victory - LNP slow to concede defeat

In the end, after an 8.3 percent primary vote swing against his government, the Queensland electorate voted to replace Newman. Even before the results were finalised, members of Newman's leadership group, all of whom (apart from the Police Minister) came through unscathed personally, then recanted on the LNP's central policy commitment to lease Queensland's assets and spend the money on debt or infrastructure. Newman and Nicholls were identified as the two culprits. One was defeated and the other - the leading prospect to succeed Newman up until then - vanished from sight, as did Jarrod Bleijie, the Attorney-General.

Like Waterloo, it remained a close run thing. The significance was the magnitude of the swing, especially in two-party-preferred terms, allowing the ALP to move from only nine seats out of the total of 89, to win 44. This was just enough to expect to control Parliament, with the aid of the long-term independent, Peter Wellington, and thus to form a minority government. Without a seat, Campbell Newman could not be leader of the parliamentary party, though he clung to his role of Premier even after the party chose as its new leader (or, more accurately, recycled an old one): Lawrence Springborg.

But the LNP did not go quietly, ignoring conventions about proper conduct in the hope that the Governor and Chief Justice they had installed would feel some element of gratitude. This arose from the result in one seat: Ferny Grove. Strangely for a party run by a self-proclaimed billionaire, the PUP candidate in Ferny Grove turned out to be an undischarged bankrupt, so the Electoral Commission intended to seek a legal judgment on the validity of the outcome in the Court of Disputed Returns (though the Commission later backed away from this course of action after receiving further legal advice). After claiming that stability was more important than democratic representation, Springborg (and his supporters writing for the *Courier-Mail*) suggested that Queensland should be kept in limbo under a Springborg caretaker government for a few more months until the probable re-election had been held in Ferny Grove. Among the wider community, they must have seemed like sore losers.

Fortunately for democratic conventions the Governor chose to follow precedents which provided for an end to the caretaker period as soon as results were finalised, two weeks after the election.

Why the LNP almost won

To understand the events and issues fought over on the 2014 battleground which led to this electoral outcome, it is helpful to consider the counter-factual evidence which would have been advanced if the LNP had won just one more seat.⁸ It is a long list, not in order of significance:

The LNP had a vast parliamentary majority and thus greater staffing assets attaching to each member, particularly campaign support staff in offices to represent constituents.

The Premier chose the timing of the election to minimise criticism and catch the ALP disorganised. This reinforced the perception that he was a smart operator, given to successfully defying conventions going back to his original entry as Premier from outside Parliament and later conventions about the appropriate relationship between the Executive and the Judiciary.

⁸ It could be argued that, given the earlier shabby treatment they had received from the LNP, the two Katter members might not have supported the LNP to form minority government, especially after LNP members had 'categorically' ruled out the prospect of ruling in minority throughout the campaign.

The LNP was able to offer vast amounts of infrastructure dollars targeted to particular constituents as a result of the privatisation strategy. They had loyal public service support to generate detailed planning documents and specific departmental plans in health and education; many of these public servants were people who had transferred with Newman from the Brisbane City Council and were familiar with his idiosyncratic style.

The LNP had created the impression of being consultative over a long period by providing opportunities for public feedback, making information more freely available than their predecessors and generating reports supported by government-paid advertising. The law and order issue was literally dramatised (on TV) and the senior police regarded the government as a strong supporter, allowing claims to be made about reducing the crime rate and making the community safer. In the key portfolio of Health, a skilful senior minister could claim to have evidence to support improvements in health services after various debacles under the previous regime. In the other key policy area of education, there were solid performers at all levels apart from TAFE and a personable Minister to sell the benefits.

The broken promises of the Abbott government were managed in education (if not in health) by avoiding confrontation over issues affecting potentially critical interest groups. The Vice Chancellors collectively supported fee de-regulation and there were no complaints from private schools about the abandonment of Gonski funding reforms aimed at greater social equity so the Abbott factor did not feature in this policy arena apart from disgruntled tertiary students who were unlikely to vote LNP.

Spokesmen for the business communities and the mining industry were uncritically supportive of the LNP in response to a range of government initiatives, such as casino developments and changes to industrial relations law and workers' compensation.

The Premier and his Treasurer were abrasive but they had belatedly been schooled by a major public relations firm on how to undertake Operation Boring (and hide Attorney-General Bleijie). This meant that they could feed off favourable media coverage during the campaign, especially from the Murdoch press.

The LNP and its supporters had multiple mechanisms for suppressing dissent:

- using regulations associated with government grants to prevent criticism from specialist community groups by threats of withdrawing funding;
- using public service rules to prevent contributions from inside experts and punish anyone who stepped out of line, such as prison officers concerned with over-crowding;
- using implied threats of withdrawing grants from university research centres dealing with controversial topics to dampen any external policy criticism;
- amending legislation which had previously allowed community protest groups and particularly pastoral interests to lodge objections and complaints against particular decisions regarding items such as mining licences;

- influencing a range of appointments within the control of politicians to ensure compliance to government preferences – this power related to directors-general, corporate managers, magistrates and judges;
- weakening the existing institutions of accountability such as the CMC/CCC by undertaking a review by sympathetic outsiders and exercising executive authority to restrict the scope of its activity and insert partisan considerations into appointment processes;
- using its majority to eliminate opportunities for dissent inside Parliament, including changing arrangements governing the Estimates Committees and expanding the number of government members on other subject-area committees, monopolising question time and suspending standing orders to truncate or avoid discussion of “minor” legislative amendments, often passed late at night, designed to reward specific interests and individuals;
- finally, and little remarked upon in the media, the LNP was able to exploit the sexism spread across the electorate and draw parallels with attitudes to Julia Gillard concerning a range of personal attributes not considered relevant to men. In particular, the lack of economic expertise and general confidence in handling numerical data weakened Annastacia Palaszczuk in any head-to-head clashes dealing with broad economic issues and the analysis of specific projects.

Why the voters lost faith in the LNP

This is a long and imposing list of advantages, many of which turned on the value of incumbency in accessing resources and exercising punitive powers to reduce dissent. Many of the points listed above were double-edged, particularly in an environment where information was much less controlled than in any previous election. The Murdoch press and the linked television news services were competing for attention with a range of well-regarded online sources, including the Fairfax Press and the online versions of the APN rural newspapers, as well as social media and diverse websites.

Among older readers of print, many were offended by the constraints on dissent and the aggressiveness and sexism of many government leaders offsetting those who may have appreciated the sort of macho image manifest in both Newman and his national supporter Abbott. But the evidence of the negative effect of Abbott’s image became obvious as the campaign unfolded and he was effectively warned off by the LNP from visiting at any time during the campaign. Nevertheless, Abbott’s deficiencies were a regular source of comment and his ‘crowning’ achievement of unilaterally conferring a knighthood on the Queen’s husband kept Abbott’s picture on the front pages of local newspapers.

When the campaign started, and for most of the preceding two years, there was little doubt in the mind of most observers that there would be a substantial swing to the ALP although almost nobody was publicly predicting a change of government – though some hoped to be surprised. Only a few commentators and analysts, detecting the extent of the volatility in electoral opinion and noting the discrepancy between actual votes compared to seats won last time around, asked the more probing question about why the ALP almost lost.

It was the Murdoch press which was first into the field seeking answers to this question. One example will suffice - a major contribution in the Weekend Australian of February 7, before the results were finalised and a new LNP leadership team had been chosen.

Under a banner heading of 'Crisis in Leadership' on page 6, six out of eight items were devoted to the simultaneous travails of Prime Minister Abbott in recognition of the geographical location of the newspaper's main readership. But two of these items had echoes of Newman, just as so many of Abbott's speeches continued to carry echoes of Newman.

One headline (and the only picture) reported that 'Hockey keeps dangling privatisation carrot'. But the NSW political correspondent noted that the five billion dollar carrot was one of the justifications for Newman going to an election early, to get to the top of the carrot-buying queue. Hockey suggested that the electoral result in Queensland meant more for everyone else, and more competition from buyers as fewer assets were on the table. This ignored the clear message that 'privatisation', however packaged, had toxic electoral implications.

The second echo came from the headline asking the question, 'Who is strong enough to reverse our economic decline?'. Adjectives like 'strong' and 'stronger' have been over-used in Queensland by all the Newman ministers so as now to be utterly risible. Clearly Abbott doesn't have enough of a sense of humour to see the joke.

The two items specific to Queensland embraced the conventional explanation, aimed at maintaining enthusiasm among LNP voters. As the headline says, 'Poll rout was down to Newman'. The new pieces of information in support of the conventional LNP 'wisdom' derived from its internal polling which reported on the internal hostility from the old National Party supporters towards Newman. This was partly explained on personality grounds and partly on a perception that, notwithstanding his grain industry experience, he did not understand issues outside Brisbane. Tempering his aggressiveness and hiding his equally aggressive Attorney-General Jarrod Bleijie – 'Operation Boring' - had been working reasonably well in the lead-up to the campaign itself. But after a promising start, Newman's performance deteriorated during the campaign, reinforcing earlier images.

LNP voters linked the issue of asset sales to the sale of land to foreigners, particularly Chinese investors, touching the xenophobia deeply rooted in the Queensland conservative psyche – and reflected in the surprising strength of support for One Nation's old campaign warhorse, Pauline Hanson. She ran close in Lockyer, a constituency which spans rural and urban areas around Ipswich, largely because voters who knew her by local repute ignored the instruction of both major parties to deny her any preferences and the ALP almost helped her across the line against the LNP.

Despite a high-profile campaign by Sydney radio broadcaster Alan Jones, Liberal polling shows Jones had a low recognition rate in Queensland combined with a strongly negative view among those who did recognise him. Liberal strategists said Jones was reflecting views already held in regional Queensland and had a 'band-wagon' effect of reinforcing antipathy to Newman. It is not clear, then, why the pollsters did not advise Newman to avoid giving Jones the extra publicity of a 'SLAPP action' defamation writ.

The second relates to the post-election Queensland LNP leadership ballot - not so much a 'spill' as cleaning up after spilt milk, which took place on Saturday 7 February, after the Weekend Australian had been published. This assumed the widely-expected outcome of a victory for Lawrence

Springborg, given that the two Katter's Australian Party members would resist any alternative leadership team linked to past policies and a record of personal aggressiveness towards them (in the days when the LNP held a huge majority).

Springborg had initially said he would only run if this enhanced the chance of the LNP returning to government and him thus becoming Premier at the fourth attempt. By the time of the ballot on the Saturday morning, this qualification had been removed. However journalist Michael McKenna added to the mix the information that many MPs were upset that it was the party machine which had unilaterally decided to commission Springborg to conduct negotiations with 'the Katter boys' earlier in the week, a symptom of the lack of consultation which dogged both Newman and Abbott.

In the 'Inquirer' section of the same Weekend Australian, Professor John Wanna, based at the ANU but a longtime resident and commentator on Queensland politics, put the swiftness of the parliamentary membership change into historical perspective. He pointed out that the peculiar social demography of many constituencies means relatively small changes of opinion can shift large numbers of seats: 'in the Sunshine State, the winds of electoral change can hit with cyclonic force'. He provided significant historical evidence for this and reported on numerous explanations for this phenomenon. However, 'whatever the causes, the ballot-box outcomes are truly bizarre and will result in making the state hard to govern going forward, and not just in the immediate minority government phase'.⁹

Why did Labor win, and why did it almost lose?

It is possible to sharpen this question by asking, given all the above, why did the ALP almost lose? Former ALP Senator John Black, in the same section of the Weekend Australian quoted above, offers a deep and highly significant warning to the ALP in which he had once been an influential power-broker. He warned that 'Labor leaders should not get over-excited – the swing was far from uniform' and that they should have won more easily and may find life much more difficult if the party faces a by-election opponent later in the year without the benefit of the toxic presence of Newman and Abbott on the other side.

Black attributed this poor performance to the failure of the ALP leadership to develop policy alternatives which would convince swinging voters of the urban middle class to shift their support from the LNP. The ALP could easily offer inducements and generate fears about privatisation among the less-engaged working class voters who had departed from their traditional electoral strongholds in 2012.

Labor conspicuously failed to win back the support lost since the global financial crisis in a wide range of seats which used to be marginal labor seats on the Gold Coast, and had failed to target similar seats in the northern and western suburbs of Brisbane which it ought to have won. There were similar middle-class seats in inner Brisbane which the ALP won but with a much lower-than-average swing. He provided a graph which showed that 'since the state election of 2006, Labor has been consolidating support in seats dominated by families in the bottom two income quartile and losing support in seats containing its traditional base of upwardly mobile third-income quartile families'.¹⁰

⁹ Wanna J, 'In Queensland, the winds of electoral change can hit with cyclonic force', *Weekend Australian*, 7.2.15.

¹⁰ Black J, 'The lessons in Queensland's turnaround', *Weekend Australian*, 7.2.15.

Black displayed his statistical insight to demonstrate that the election was won for the ALP on the back of the visceral dislike of Newman, aided by Abbott's unhelpful policies on health in particular and the unequal impact of federal budget cuts. But many middle-class voters did not shift their allegiance from the LNP; he cited the case of Tim Nicholls whose performance was the best in the state in reducing the amount of swing against him.

Clearly Labor's campaign against privatisation not only failed to impress middle-class and professional voters who delivered Labor Premier Peter Beattie his landslide victories, but it also shored up its principal protagonist to an extraordinary degree.

This suggests that the potential re-election that might have been occasioned by the Palmer United Party endorsing an undischarged bankrupt as a candidate in Ferny Grove could have proved a significant challenge if the ALP contented itself with maintaining its small-target strategy. By mid-February the Electoral Commission had declared the seat for Labor, but it could be subject to an appeal from the LNP. Winning back the working class heartland is one (considerable) achievement but reaching out to those from the leafier suburbs who supported Beattie is something else. The expectation of a by-election in one such suburb would keep alive LNP aspirations to remain as caretakers while their leaders licked their wounds and courted the Katter conservatives, hoping for better things without Newman in the firing-line and Abbott either a subsequent casualty or in the field-hospital by the time of any presumed by-election. These hopes had started to fade by the time Annastacia Palaszczuk had accepted the commission of the Governor to form a minority government on the ominous date of Friday the 13th.

How did the ALP make history?

The more orthodox question, beloved by pollsters and political analysts, is why Labor won. There is already an extensive body of writing on this. The truism applied here as elsewhere is that government parties lose elections rather than Opposition parties winning them. The events of 2014 added up to a litany of complaints with the electoral opinion expressed at a by-election at the start of 2014 being sustained at a general election a year later. The range of alienated groups meant that this particular Opposition party could offer an almost invisible target and still offer hope of improvement.

The electorate was unimpressed by the behaviour of the LNP government on several dimensions. Two exit polls presented similar conclusions that broken promises and in particular attacks on anti-corruption bodies had upset a wider spectrum of the population than the LNP had assumed – not just 'latte-sipping liberals' but people who felt empathy with motor-cycle riders or low-ranking former public servants. Social media and the ALP's new style of face-to-face campaigning engaged a wider proportion of the social mix in the community.

We would add only one additional consideration which reflects on some of the points made by Randal Stewart at the start of this chapter and later noted by other commentators: the LNP assumed that the community was motivated by the same economic rationalism as its own decision-makers – ie everyone put a dollar price on their vote. In a website commentary we made on polling results while the campaign was still in progress, we echoed the Beatles' song 'Money can't buy me love'.

Five related elements might explain the recent voting behaviour in Queensland in the face of the massive advantage of the LNP's treasure chest and access to the public service:

- **People power**

First, there was the cost-effectiveness of the on-the-ground campaigning strategies of meeting real people by knocking on their doors, making individual telephone calls, sitting at desks in shopping centres and meeting people outside pre-polling offices in the weeks before polling day and then welcoming them at polling booths on the day. The best documented example of this phenomenon was in Ashgrove where the ALP candidate resolutely avoided stage-managed events and mobilised an army of locals to assist in direct contact, both face-to-face and over the phone. The several millions of dollars available to the LNP proved futile in the face of 'people power'.

- **Ineffectiveness of traditional mass media advertising**

Second, there was the cost-ineffectiveness of mass media advertising, even in Murdoch print publications of near-hysterical bias. A large slice of the non-LNP community rely on social media and online news sources as an alternative to newspapers, and they watch videos and advertising-free television provided by the ABC or other online options rather than the mainstream commercial channels.

- **An electorate unresponsive to bribery**

Third, there was the cost-ineffectiveness of making conditional promises of constituency-specific largesse, from sport changing sheds in Ipswich to road construction and anything anyone else asked for in Ashgrove.

In retrospect, this strategy had two negative effects. On the one hand, many people living in Ashgrove and other potential high-risk and therefore highly pandered-to constituencies felt slightly ashamed. On the other hand, people in non-marginal seats felt ignored or under-valued, including LNP non-marginals. The further people were located from Brisbane, the more they felt alienated and angry - the tourist strips just north and south of Brisbane already felt well looked-after but people further north rapidly reverted to the traditional hostility towards Brisbane which has been part of Queensland culture since federation. Money in this case made them angry and the LNP unloved.

- **Antipathy towards 'cash for access'**

Fourth, there was the question of offering access (and, by inference, favourable decisions) in return for money donations. The Newman government changed the donation rules so that large amounts could be contributed to them without close and contemporary scrutiny of the sources. There were many examples, publicised throughout the campaign, of coal miners, sand miners, quarriers and CSG operators who had benefitted from weakened oversight arrangements. And more specifically, property developers, casino builders and infrastructure builders were encouraged to trumpet their success on the basis of employment opportunities created as a by-product of their initiatives.¹¹

¹¹ Willacy M, 'Corruption fighter Tony Fitzgerald savages Newman govt for nepotism', *ABC*

The ALP made one of its few miscalculations here, quietly overturning a policy introduced by Anna Bligh and offering a \$2,500 per head 'forum' at which business representatives could meet Annastacia Palaszczuk and Bill Shorten. This lost the ALP the high moral ground when it became public midway through the campaign. They were rightly condemned for this by Tony Fitzgerald and Gary Crooke (who had been senior counsel assisting the Fitzgerald Inquiry).¹²

- **Resistance to selling the community's assets to the private sector**

Finally, there were the macro-level discussions about money in the form of debt repayment and privatisation of assets. The election outcome suggests that most voters were unconvinced that the semantic shift from 'sales' to 'leases' changed very much. The intention under either arrangement was seen as removing an asset owned collectively by the community of taxpayers and offering it to the private sector who by definition would need to extract personal profit to make it worthwhile as an undertaking.

The general proposal linked privatisation to debt-reduction where benefits would be in the longer term and difficult to personalise. But the perceived imperative for offering spending plans for short-term political benefits meant drawing on the same source. Taxpayers perceived that they were being bribed differentially with their own money.



The Sean Leahy cartoon above, published two days before the election, portrays the central policy auction with Palaszczuk holding up a fish skeleton while Newman brandishes a vast bag of dollars. This could be read both ways and the outcome suggests that many voters would rather settle for fewer infrastructure dollars in return for the fish skeleton of transparency and accountability. The same message about the importance of values rather than economic benefits was also emerging from other sources.

¹² Crooke G, 'Queensland bipartisan support for ethical bankruptcy', *ABC The Drum*, 23.1.15: <http://www.abc.net.au/news/2015-01-23/crooke-qld-bipartisan-support-for-ethical-bankruptcy/6042508>

The 'word cloud' below shows a range of words not normally in the lexicon of economic rationalists.¹³



Requiem for a General

On 10 February 2015 Campbell Newman resigned as Premier of Queensland, but remained as caretaker Premier for a further three days. The electorate continued to await the outcome until then, clouded by threats of a re-election created by the actions of the PUP candidate for Ferny Grove and the limited oversight provided by the Electoral Commission. Constitutional experts scratched their heads and offered opinions while the LNP stuck to their public claim to remain in office for several months while this happened. This proposition appealed to the *Courier-Mail* but not to the legal profession. While this was going on, rumours circulated about shredders in Ministerial offices working overtime, suggesting that the party apparatus had come to terms with reality and its new leader was being mischievous or slow to catch on.

This explanation of the events in January 2015 and the two weeks which followed is embedded in the story of 2014. Visualised as a battleground, one can represent Campbell Newman as a successful general using the same element of surprise that helped him win the leadership of the LNP and then the election of 2012. From 2012 until 2015, he was then effectively in charge of an army with the senior ranks occupying all the high offices inside and outside Parliament. Ebullient foot-soldiers in Parliament delighted in using their vast majority to lord it over a defeated and potentially demoralised enemy, changing laws at will to offer preferment to their friends.

¹³ Hinchcliffe J, 'Word Cloud shows honesty and integrity important to voters', *612 ABC*, 12.1.15: <http://www.abc.net.au/news/2015-01-12/queensland-election-voters-voice-their-issues-in-one-word/6012078>

Throughout 2013, they all feasted on the fruits of victory and rewarded their friends and indulged themselves by pursuing their ideological enemies, particularly in the union movement but also those with counter-revolutionary tendencies in the professions. As befits a conquering army, they saw no need to temper their punishment with mercy against recalcitrants or weaken their resolve to reward their supporters with appropriate legislative and administrative changes. Given their overwhelming numerical superiority, there was no need to respect conventions about accountability or recognise the rights of minorities inside or outside Parliament.

During 2014 these conflicts diversified, but there were also growing resistance movements and a resurgence of popular support for the ALP which gained expression with two remarkably crushing by-election victories. The first, in Redcliffe, led to unconvincing protestations by the General and his senior staff about becoming more consultative. This was followed by little change in practice; the second by-election, in Stafford, mobilised the boffins at HQ to voice strong opinions about the need for a tactical withdrawal on minor points and a new strategic plan, and particularly a new image. Towards the end of a campaign when it still seemed likely to have been a hallmark of success, journalism academic John Harrison provided a close observer's perspective on this process.¹⁴

Newman showed great personal discipline; he bored as well as frustrated the media pack who followed his every move. Becoming boring and restraining natural tendencies to exercise command and control lasted until the heat of the main battle. This was a time chosen by the General to maximise the element of surprise, and his campaign remained disciplined right until the end when his natural military bearing reasserted itself. One of the most potent images of the whole campaign was a still photograph and television clip: in one corner Newman ad-libbing his remarks about bikie gangs supporting the ALP, and in the other corner the delighted shrug of disbelief from Palaszczuk.

Newman would have started the campaign anticipating a pyrrhic victory not unlike those in the Crimea: lots of casualties and even his own withdrawal from the field but with the depleted army left in charge of the battleground. He would have been disappointed that he was left to shoulder the blame in the dispatches afterwards, with his closest lieutenants suggesting they had never wanted him in the first place and that he had never understood the nature of political conflict at state level.

In 2012 Jeff Seeney had agreed with the LNP party machine to become interim Opposition leader and de facto coach to Campbell Newman during Newman's attempt to be elected Premier from outside Parliament. Here is Seeney's bitter analysis of the 'Newman experiment', when he announced that the party was abandoning asset sales as their central policy platform, and his own retirement from leadership roles inside the LNP parliamentary party:

Well, a lot of people, including me will reflect on that for a long time, but I think it is was something of an experiment to bring a leader from local government into the state government sphere. ...

I think that was very successful in winning the election initially but I think we underestimated the challenge of bringing not just the Premier, but all of his associated staff and senior advisors into a situation where they weren't familiar with the accepted norms and weren't familiar with the processes.

¹⁴ Harrison J, 'Inside "Operation Boring", the LNP's strategy to reclaim Queensland', *The Conversation*, 27.1.15: <https://theconversation.com/inside-operation-boring-the-lmps-strategy-to-reclaim-queensland-36146>

It was a huge step to make, coming into a situation where all of those things were new and on reflection I think that we underestimated what a challenge that was.

There is a whole culture around state government that those of us who serve our apprenticeship in state government, we all learn it. It is very difficult when you have a large group of people who come into that culture without understanding it. ...

It is not a matter of being ready for the challenge. ... A lot of very capable people came into a situation they were not familiar with. And there is no way of explaining to somebody the parliamentary processes and the parliamentary systems and the accepted modes of behaviours and the accepted norms and the inter-relationships that exist.

But when you bring a large group of people into a situation that they are not familiar with, I think it led us to do things in a way that people did not think was acceptable for a state government.

I think the premier did a great job, I think we as a government did a great job, but I think the people of Queensland very clearly didn't like the way we did it.¹⁵



Let the final words of this study recall again the Charge of the Light Brigade, which now seems even more apposite than when we started writing this monograph in November 2014 - applying both to the Newman experiment in leadership and to the decision to call a snap election:

¹⁵ Remeikis A, 'Jeff Seeney reflects on what went wrong for Newman government', *Brisbane Times*, 2.2.15: <http://www.brisbanetimes.com.au/queensland/jeff-seeney-reflects-on-what-went-wrong-for-newman-government-20150202-133uve.html>

The futility of the action and its reckless bravery prompted the French Marshal Pierre Bosquet to state 'C'est magnifique, mais ce n'est pas la guerre'.

He continued, in a rarely quoted phrase:

'C'est de la folie' — 'It is madness.'¹⁶

Wikipedia notes that Cardigan survived the battle, whereas Newman firmly withdrew from political life:

Although stories circulated afterwards that he was not actually present, he led the charge from the front and, never looking back, did not see what was happening to the troops behind him. He reached the Russian guns, took part in the fight, and then returned alone up the valley without bothering to rally or even find out what had happened to the survivors. He afterwards said all he could think about was his rage against those who he thought had tried to take over the leadership of the charge from him.¹⁷

¹⁶ Raugh H E, *The Victorians at War, 1815–1914: An Encyclopedia of British Military History*. Santa Barbara, 2004: ABC CLIO. p. 93. ISBN 1-57607-926-0. Cited in Wikipedia: http://en.wikipedia.org/wiki/Charge_of_the_Light_Brigade. Cartoon by Leech, J, *Punch*, 1856 from the John Leech archives.

¹⁷ Wikipedia, 'Charge of the Light Brigade', http://en.wikipedia.org/wiki/Charge_of_the_Light_Brigade.

THE STRATEGISTS - THE RELATIONSHIP BETWEEN LABOR, LABOUR AND THE ELECTORATE¹

Roger Scott²

This chapter deals with an unremarked initiative by which the labour movement, through some major individual unions and the Queensland Council of Unions (QCU), moved outside its traditional exclusive identification with the policies and values of the ALP. As a result of being alienated by policies embraced by the Bligh ALP government, unions forged their own links with wider community groups and participated independently in the 2015 election campaign.

Several explanations have been offered for the crushing defeat of the ALP in 2012 but all (including Bligh herself³) agree on the significance of union hostility over the decision to sell public assets. After Bligh's successor, Anastacia Palaszczuk, disowned this policy, unions worked in unison with the small Opposition rump in the continuing campaign against privatisation. However there was some disagreement over tactics and the relationship with dissident groups supporting minor parties and independents.

The 2015 election campaign was notable for the emergence of community-based non-party organisations sponsored or assisted by elements in the trade union movement. While the ALP's advertising urged voters to express a single preference, these other organisations urged voters to 'fill in all squares and put the LNP last'. This encouraged a range of non-ALP dissidents to express a broader preference in favour of a change of government rather than wasting ('exhausting') their votes after making a symbolic gesture.

The starting point for this narrative is the premiership of Anna Bligh, who took over from Peter Beattie in 2007, and faced her first election as Premier in 2009. Bligh had been cornered by LNP leader Lawrence Springborg's embrace of an economic rationalist agenda of 'small government' into making an unequivocal commitment to resist any pressure to privatise public assets. Premier Bligh broke this electoral promise, fully aware that the unions would feel betrayed, particularly unions with large public service membership otherwise sympathetic to her generally 'leftist' orientation.

As a result, the union movement as a whole sat on its hands in the 2012 campaign and adopted a studiously non-partisan posture towards Newman, who made his well-publicised promises that the public service had nothing to fear from a Newman-led LNP government. After the election the LNP government reversed its pre-election commitment by announcing it intended to sack 14,000 public servants.⁴ Union leaders felt betrayed and were supported by massive protests about the scale of

¹ This is the text of the Alex Macdonald Lecture, given to the Brisbane Labour History Association, 7 May 2015. An abridged version can be found in the *Queensland Journal of Labour History*, No 21, September 2015.

² Emeritus Professor Roger Scott is Executive Director of the TJRyan Foundation.

³ Anna Bligh, *Through the Wall, Reflections on Leadership, Love and Survival*, Harper Row, 2015.

⁴ Newman claimed there were no 'sackings': <http://www.abc.net.au/news/2012-09-14/no-qlld-public-servants-sacked-newman-says/4261346>.

the job cuts.⁵ Conflict over the cuts dominated state political media coverage for months. The day after the first Newman budget, in September 2012, a crowd of between 8,000 and 10,000 people marched to Queensland Parliament to voice their anger.⁶

The trade unions

- **The Together Union and ‘Working for Queenslanders’**

One union responded quickly to the punitive legislation introduced by the Newman government in June 2013. There is a time lapse between the introduction of legislation into Parliament and its passing into law, even under the super-streamlined processes used by the LNP. The *Brisbane Times* reported that in a widely publicised move, and in order to circumvent the June legislation, the Together Union, after talking with members, transferred \$7.5 million it had raised from a public sector defence fund to the Working for Queenslanders (W4Q) trust corporation.

The Newman government acted swiftly with additional legislation to close the perceived loophole after the Together horse had bolted through the rapidly closing stable door. Attorney-General Jarrod Bleijie amended the transparency laws in August to include ‘anti-avoidance’ provisions ‘to cover entities associated with an industrial organisation’ so that any corporations or companies established by the unions will be subject to the same rules and laws as the union itself. The QCU advised its members that it was now illegal to seek to imitate the Together Union’s actions. The QCU and Together joined in challenging the validity of the new legislation on the grounds that it contravened the rights to free association implied in the national constitution.

Mr Bleijie said in Parliament that these amendments applied to both employer and union organisations: ‘I would have made these same changes if an employer organization tried to skirt around the law, but so far only the Together Union has tried to be sneaky’.⁷

The response of the Newman government to the High Court challenge was to seek to maximise delay, to prolong the operation of the restrictions for as long as possible, given that general legal opinion suggested they would lose. The rational basis for this wasteful strategy crumbled in December 2013 when the High Court gave a ruling favourable to unions facing a similar situation in New South Wales.⁸

Before then, W4Q had made its presence felt throughout Queensland with general meetings in regional centres and intense door-knocking campaigns in carefully selected constituencies seen ‘to be in play’ in the forthcoming election - still well over a year away. The two major themes in their advice to constituents were the potential reductions in services as a result of cut-backs in the public service, and the lack of public accountability caused by the range of policies pursued by the

⁵ Spreckley J ‘Industrial law changes enacted by the Queensland LNP government’, *Queensland Journal of Labour History*, 20, March 2015, pp 54-65.

⁶ See *Brisbane Times* coverage at: <http://www.brisbanetimes.com.au/queensland/thousands-march-against-newman-budget-20120911-25qd8.html>.

⁷ For details of Bleijie’s amendments see: <http://www.parliament.qld.gov.au/documents/tableoffice/billmaterial/130430/industrial.pdf>

⁸ 18 December, 2013; [http://www.parliament.nsw.gov.au/prod/parlament/publications.nsf/key/TheHighCourt'sdecisionintheelectoralfundinglawcase/\\$File/The+High+Court's+decision+in+the+electoral+funding+law+case.pdf](http://www.parliament.nsw.gov.au/prod/parlament/publications.nsf/key/TheHighCourt'sdecisionintheelectoralfundinglawcase/$File/The+High+Court's+decision+in+the+electoral+funding+law+case.pdf)

Newman government. The environment was identified as one of these policies, with conservative governments at both levels cutting back on environmental protections.

- **The Electrical Trades Union, 'Not4Sale', billboards and by-elections**

One strategy which remained available to other unions was to use connections with a national body as a basis for campaigning against the state government.⁹ The Electrical Trades Union (ETU) has a proud history of activism and adopted a more confrontational approach by responding to government publicity campaigns with billboards critical of government. This also became a running sore for the government, particularly during the by-elections that occurred in February and July 2014. The ETU successfully pursued the strategy of inviting its national body to act on its behalf as a political campaigner through a national interest group registered as 'Not4Sale'.

Writing in the *Brisbane Times* on March 1 2014, Cameron Atfield reported:

Attorney-General Jarrod Bleijie is pulling out all stops to have a series of anti-government billboards across Brisbane taken down. ...

Mr Bleijie was unrepentant about the government's pursuit of the unions behind the campaign and said the ETU needed to 'explain to Queenslanders who's funding the campaign and really pulling the strings'. The unions are going to a lot of effort to prevent their hardworking, grassroots members from having a say on how their membership fees are spent,' he said. 'Some unions appear to be weaving a tangled web and my department is currently making inquiries into companies that have been created and who authorised billboards. 'If they have nothing to hide, they have nothing to worry about.' Mr Simpson was equally unrepentant about the unions' campaign, saying they would 'fight to the death' to ensure jobs were protected and assets were not sold. ... 'This government will prove to be the worst government that this country has ever had, as far as that sort of stuff goes'.¹⁰



⁹ Remeikis A, 'Newman government ratchets up 'war' on unions', *Brisbane Times*, 8.8.13: <http://www.brisbanetimes.com.au/queensland/newman-government-ratchets-up-war-on-unions-20130807-2rgw7.html>

¹⁰ Atfield C, 'Anti-government billboards in the sights of Bleijie', *Brisbane Times*, 1.3.14: <http://www.brisbanetimes.com.au/queensland/antigovernment-billboards-in-the-sights-of-bleijie-20140301-33soe.html>

- **The QCU and ‘Stand for Queensland’**

The QCU was also able to operate outside the restrictions of the legislation because it is technically not a trade union but a community organisation consisting of affiliated unions. The QCU leadership recognised that it had a problem in reaching a wider range of voters than its declining total membership and recognised that the union movement itself was subject to hostile media and public distrust.

To emphasise that it had concerns about issues that affected the wider community, as well as to mobilise unionists who had lost faith in the ALP or were historically unaffiliated, it embraced the same strategy as W4Q in creating an organisation which could be supported by members of the wider community. The QCU sponsored rallies and a sustained program of election commercials focused on asset sales and promoted a common position among the labour movement (advocated strongly by W4Q) advising all those who opposed the Newman government for whatever reason to register their opposition by filling in all the squares on the ballot paper and putting the LNP last. The incidence of these advertisements and media coverage of rallies increased throughout the 2015 election campaign.

By election time, W4Q had been in the business of mobilising opposition to the Newman government for eighteen months. One of the important characteristics which made it distinctive was its distance from the ALP and thus its willingness to offer sympathy and support for a variety of alternative organisations and ideologies.

Mobilising the community across Queensland

There were three stages in the process of mobilisation by the Together team. The first was to establish a presence in the wider community in the Brisbane area. This involved engaging in debates on issues such as public accountability, environmental protection and wider economic policies. The second stage was to move outside Brisbane and focus on specific local issues. Regional public meetings and campaigns established a presence by providing a focus on issues such as penalty rates relevant to workers in the tourist industries of Cairns and Townsville or the impact of specific service cuts in transport as well as health. The third stage was to seek to build on this recognition as a basis for giving advice to its supporters on how to exercise electoral choices to advance their interests.

Mass media engagement started in August 2014, with Together sponsorship of newspaper advertisements asking ‘Are Queenslanders worse off under Campbell Newman?’. This appeared above a photograph of Newman and his \$98,000 pay rise alongside public servant ‘Rachel - \$4,690 worse off’.

This was followed ten days later with a *Sunday Mail* advertisement on a similar theme headlining “Broken Promises” connected in the text to public service cuts. The same theme continued with a letter drop in October to 20,000 addresses in Ashgrove, backed up by a ‘To the Resident’ mail-out in early November. A month later a similar letter was sent to 28,000 Cairns residents, 17,000 in Mansfield, 21,000 in Mt Cootha, 19,000 in Mundingburra, and 24,000 in Pumicestone. There was candidate-specific material produced for letter-boxing and door-knocking in Mansfield and Mt Cootha and further newspaper advertisements in December in Brisbane, Cairns and Townsville. The common theme was ‘No more lies, no more cuts’.



No More Lies - No More Cuts

From 6 January onwards, during the election campaign itself, the attacks continued to focus primarily on the Newman government's dishonesty, but a second message focussed specifically on cuts in health care and hospital services and the on-going dispute with doctors.

A further 175,000 'To the Resident' letters were sent to addresses in Barron River, Pine Rivers, Cairns, Kallangur, Mt Cootha, Sunnybank, Mt Ommaney, Thuringowa and Murrumba. There was also publicity in advertisements and mass media identified with a new web address simply called 'nomorelies'.

Responses to opinion polls being regularly conducted by Reachtel were identifying honesty as the main concern across the community in general. Perceived government dishonesty ranked above public service cuts and the ALP scare campaign on privatisation although this had particular salience for unionists.

Meanwhile, the 'Working for Queenslanders' name was appended to a series of direct mailings of material signed by Dr Chris Davis to specific Brisbane western suburbs electorates.

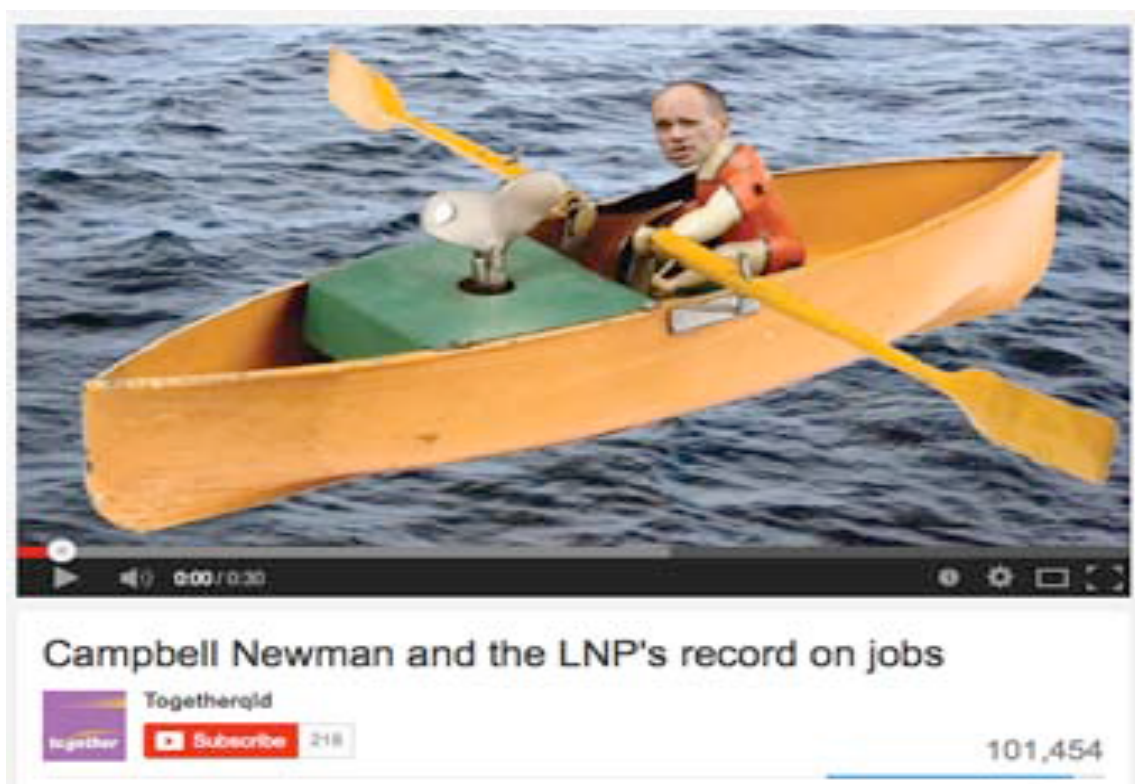
Queensland lawyers and doctors received similar letters (5,000 letters to each group). All of these addressed the single issue of honesty, but the two-page letter to doctors dwelt at length on the contract disputes and the dangers of privatisation of the health service. During the same period that the western suburbs were hearing from Chris Davis, the 'Alan Jones postcard' ('This is as bad as anything we've ever seen in government in Australia anywhere') was sent to 100,000 addresses in Pine Rivers, Bundaberg, Toowoomba North and Mount Ommaney. This suggests assumptions were made about the demographics of the two groups of constituencies in their relative ranking of the opinions of Jones and Davis.

During this period, the QCU 'Stand for Queensland' campaign was ramping up its television and newspaper advertising and printed election day handouts with the same message of numbering all the squares and putting the LNP last. The top half of the illustration shown earlier identified key issues relevant to particular unions - in the order illustrated, teachers, electricity workers, nurses - as well as the general issues of unemployment, living costs and cuts to services. The Together Union's material tended to offer fewer and simpler slogans, returning to the issue of broken promises about job cuts. But it also targeted particular electorates and the demographics within electorates.

These messages - reminders of a dark but not distant past - were reinforced by video on YouTube, television and cinemas and emails. In separate videos, Chris Davis talked on health and privatisation, as did a doctor, a preventive health specialist, and a physiotherapist. There were also videos which adapted the template of a general video on dishonest job cuts to identify Newman meeting specific candidates across a range of constituencies outside Brisbane.

The digital campaign was organised by a specialist firm called 'Gamechanger Media'. The campaign was divided into two types: 'long lead' and 'reactive' (in their language). They engaged with a wide variety of social media and, using Facebook and YouTube, targeted localised messages to key electorates identified by the union's polling, electorates which subsequently experienced large swings to the ALP. In a total budget of \$459,518, the agency identified as getting best value from cinema advertising in regional Queensland (\$8,800) and Crikey (\$3,000).

The best performing advertisement, and the one which sticks in most memories, was the spoof of an advertisement which the LNP team had borrowed from its New Zealand counterpart. The original showed the key leadership group rowing in harmony. The spoof emphasised Newman's isolation and his lack of autonomy by portraying him as a wind-up clockwork toy.



Non-union organisations and preferences : GetUp and the Greens

The question needs to be asked about the role of other organisations in the 'battleground of ideas' which confronted the various opponents of the LNP.

A relatively new dimension of election campaigning was the presence of online organisations and the use of social media. The online organisation, GetUp, was the most prominent and wide-ranging of these online campaign organisations. It became strongly involved in Queensland politics after the election of the Newman government, particularly campaigning on environmental issues and the government's failures on public accountability and its weakening of anti-corruption bodies inside and outside Parliament. GetUp established and maintained close personal links with the leadership of the Together union, which also provided access to office accommodation when GetUp raised its profile during the election campaign.

GetUp also provided an organisational link with the Greens, one of a handful of minor parties contesting the election (alongside teams led by Palmer, Katter and – an unanticipated late entrant – Pauline Hanson). Polling by *Vote Compass Queensland*¹¹ identified environmental issues and public accountability as significant, even though both the LNP and the ALP focussed on asset sales/leases and general economic management. The ALP trod carefully on environmental issues, particularly the impact of mining in the Galilee Basin on the Great Barrier Reef, because of the problems of rising unemployment and the potential for job creation in the coal mining industry.

The Greens had created some disarray for those seeking to maximise opposition to the LNP. This was the outcome of its hyper-democratic mechanism of empowering each constituency branch to offer 'how-to-vote' advice to its members. This brought to the surface the underlying universal tension which challenges Greens and the ALP – should the Greens be regarded as the natural ally of the ALP against conservative forces, or the natural enemy of the ALP in the competition for the same progressive voters not rusted on to the ALP by union or class affiliation?

This tension played out in some personality conflicts at the local level. Sympathisers relying on the how-to-vote card handed out during the election campaign were advised in some key constituencies to only 'Vote 1', rather than follow the advice from the central party structure and from GetUp to number all the preference boxes on the ballot paper and put the LNP last. It has been argued that this affected the outcome in the key constituency of Mt Ommaney and that the marginal retention of this seat by the LNP cost the ALP the chance of a working majority.

Elsewhere during the vote-casting days, GetUp activists were literally singing off the same hymn sheet as both the union-supported community organisations and the Greens, with everyone handing out cards advising voters to fill in all the squares and 'put the LNP last'. The ALP also varied its single-number advice by local negotiation, particularly in those seats in which the preferences of other parties might determine the outcome. Where this occurred, such as in key Brisbane electorates like Mt Cootha and Ashgrove, the uncommitted voter was being handed three or four cards with identical advice about how to exercise their democratic right to the maximum.

¹¹ The Australian Broadcasting Commission ran *Vote Compass Queensland* throughout the election campaign. See the results at: <http://www.abc.net.au/news/qld-election-2015/vote-compass/results/>

Effect of the campaigns on the election result

2015 Election Results

	Votes	Vote Percent	Seats Won
Liberal National Party	1,083,688	41.3	42
Australian Labor Party	982,891	37.5	44
The Greens	221,190	8.4	0
Palmer United Party	133,889	5.1	0
Katter's Australian Party	50,506	1.9	2
Family First Party	31,223	1.2	0
One Nation	24,110	0.9	0
Others	95,305	3.6	1

Key evidence suggests that the collective effect of the non-party groups was to materially influence the final result. This shows in the striking change in voter willingness to move beyond expressing a single preference for a minor party unlikely to win ('exhausting' their vote) to expressing a full range of preferences.

The key general statistic is that the number of voters who allowed their preferences to be exhausted without expressing a choice between the winner and the major rival fell dramatically between 2012 and 2015.

In his address to the Together Union state conference in February 2015, the General Secretary offered an analysis of the 'put the LNP last' strategy:

The 'Put the LNP Last' strategy delivered at least four additional seats to the ALP, and assisted the ALP to come from behind and win in a further five seats. In 2012 the ALP did not win a single seat where they were behind in the primary vote but the preference strategy delivered increased margins of between 1% and 3.5% in every seat the ALP gained by reducing the exhaustion rate and increasing preference flows.

He also identified an approach sustained by two years of intensive internal polling by Reachtel which helped to identify seats and regions with local issues of high salience:

Examples include health in North Queensland, public service cuts in the inner city of Brisbane, job uncertainty and employment in other urban areas of Brisbane, all overlaid by the wider concern for the effects of asset sales and privatisation. Being responsive to particular opportunities: 'picking every fight possible with the LNP leadership produced a distrust of Campbell Newman. Using politicians' pay rise as a political weapon further leveraged that distrust.

He suggested that there was also some evidence to suggest that, had the ALP been offering the same advice on its how-to-vote card – fill in all the squares putting the LNP last – they would have secured a working majority rather than be heading a minority government.

Postscript

The Queensland election of 2015 ought to have provided a 'perfect storm' for social disengagement: a lop-sided parliamentary minority perceived to be unable to return to government in the short term; parliamentary procedures operated to minimise publicity of comments from this minority or any other dissenters; media publicity for corrupt or distasteful behaviour by members of Parliament bringing the institution and all politicians into disrepute; accusations against both the Premier and the former Premier of broken electoral promises. It took place through an electoral system which (a) allows the incumbent to choose a minimum length of campaign to discuss policies; (b) allows the incumbent to choose to time the election over an extended holiday period; and (c) operates under a voting system which combines compulsory attendance and a new system of voter identification - but no requirement to express a preference beyond marking the ballot paper once.

'Working for Queenslanders' was created out of the need identified by the Together Union for an organisation to act to represent the interests of its members. It was the monster created by Mr Bleijie's Frankenstein. Because it was given access to funds for in-depth polling and long-term advertising campaigns, it generated community engagement outside the union ranks and mobilised dissent. Voters who were unlikely to support the ALP came to agree that the ALP represented a lesser evil when they were encouraged to choose who should form government. W4Q came to life to nullify the original intention of repressive legislation; in 2015 it unexpectedly achieved this objective by ejecting from office the authors of that legislation.

The primary reason why the labour movement was able to mould the preferences from so many dissident groups was historical. There was initial tolerance of the idea that twenty years of almost uninterrupted ALP government could be ended by an exercise of electoral will in 2012. But this tolerance quickly evaporated with the behaviour of the Newman regime, exercising power with a ruthless disregard for accountability which alienated a wide range of social groups well beyond the normal orbit of the labour movement. There was widespread concern that Queensland was returning rapidly to excesses of the Bjelke-Petersen era which most Queenslanders, until 2012, regarded as a closed book.¹² Given that Newman lost his seat, and the most offensive of his policies were rapidly abandoned by the LNP, and there was some tempering of ideology, there is no certainty that this political mobilisation can be repeated in the future.

¹² One observer who joined the ALP in response to the Newman excesses noted that the surge in new members in her branch comprised people who, as she had, had worked through the implementation of the Fitzgerald reforms, or very young members who were freshly politicised.

THE LNP STRATEGISTS: 'STRONG CHOICES' AND 'OPERATION BORING'

Ann Scott

The LNP swept into government determined to sell assets, but gave an undertaking that the 2015 election would be fought to give them a mandate to do so. The issue of asset sales had contributed to ALP Premier Anna Bligh's 2012 election defeat, so the LNP had to convince the electorate of the need to pursue its 'Asset Sales' agenda.

Once elected in 2012, and with every reason to feel confident that its massive majority would guarantee re-election in 2015, the Newman government embarked on an expensive consultation and advertising campaign - 'Strong Choices' - to persuade the electorate of the merits of privatisation.¹ Nearly a year after the LNP election loss, the 'Strong Choices' campaign won an award. The report in the *Brisbane Times* pointed out how incongruous this seemed, given the ultimate failure of the campaign:

It may not have won the election, but the creators of the Newman government's 'Strong Choices' campaign has picked up a consolation prize, with the privatisation plan winning the 'Gold Standard' in government relations award this month. The Public Affairs Asia Gold Standard Awards, held in Hong Kong earlier this month, saw Bluegrass Consulting, Burson-Marsteller, PPR Queensland, and the Queensland Corporate Communication Network awarded the 2015 Gold Standard award for 'successful and strategic engagement between an external organisation and a government'.

They neglected to mention that the policy, which led to 'strong' becoming the favourite word of every LNP MP in an attempt to further sell the campaign, also contributed to the Newman government's shock loss at the 2015 election.

The campaign, which included Tim Nicholls undertaking one of the largest community engagement tours ever seen in Queensland, with Campbell Newman leaving much of the hard-sell to the then-Treasurer, cost the state more than \$70 million in advertising, scoping studies and consultation.

... 'Strong Choices' was credited as Australia's largest and most innovative engagement campaign around budget and debt issues because it successfully engaged the population, helped frame a way forward for the State, and created widespread support for what were strong, but difficult economic choices," the award's judges found.²

There were essentially two campaigns: first the 'Strong Choices' campaign and then 'Operation Boring' launched after the by-elections in Redcliffe and Stafford demonstrated the size of the swing in public opinion against the government.

On 27 January 2015 journalism lecturer, John Harrison, wrote in *The Conversation*:

¹ Remeikis A, 'Liberal campaign strategists helped create Government's 'Strong Choices', *The Age*, 26.8.14: <http://www.theage.com.au/it-pro/liberal-campaign-strategists-helped-create-governments-strong-choices-campaign-20140826-108ggg>

² Remeikis A, 'Campbell Newman's "Strong Choice" campaign wins international award, *Brisbane Times*, 14.12.15: <http://www.brisbanetimes.com.au/queensland/campbell-newmans-strong-choices-campaign-wins-international-award-20151214-gln2kx.html>

Unless something extraordinary happens, the LNP government will be returned and Operation Boring will be notched up as another Crosby Textor success.³

Something extraordinary did happen, and efforts by Crosby Textor to rescue the Newman government by introducing Operation Boring were not enough to keep the LNP in power.

Crosby Textor's CT Group website explains what it has to offer:

Knowing what people think is one thing. But having the ability to take this knowledge and use it to achieve your goals by influencing the way people actually behave is another.

In any campaign, you need to know why your stakeholders think the way they do – not simply what their response is but what drives that response – in order to persuade by reason but motivate by targeting key behavioural drivers.

We apply the sophisticated market research tools proven in consumer marketing and political battles to ensure that you have the right message, target audience, values and leadership positioning and communications vehicles. We then turn these insights into powerful campaign strategies and practical campaign executions.

The C|T Group's mission is to help our clients identify and communicate behaviour-changing messages to target audiences.

First, through polling and market research, we help create a salient, positively differentiated message set that taps the key behavioural drivers of key targets: changing negative behaviours towards our clients and reinforcing positives ones.

Second, we then give skilful and experienced counsel and execute outbound campaigns to ensure our client's message is translated into positive action among our client's targeted audience.

The C|T Group's legacy as strategic campaigners means that we know how and when to integrate multiple channels to achieve your objectives. Our toolkit includes tactical media, direct communication, paid advertising, direct intervention and online / social media. Our strength is the hard-won know-how of when and how to use each of these in combination.⁴

The cost of these campaigns was estimated at \$70m (including but not exclusively the CT Group costs). Rather reassuringly it appears that the electorate does not equate voting with buying soap powder.⁵ Perhaps the very professionalism of the campaign made it appear too calculated. But also, from the time Newman took office online analysts such as Steve Bishop in *Independent Australia*⁶ and economist John Quiggin⁷ questioned some of the fundamentals about the 'debt crisis' that underpinned the Strong Choices campaign. Once economists had questioned the Costello Commission of Audit figures, social media became a powerful tool in countering the advertising campaign, and undermining the 'Strong Choices' message.

³ Harrison J, "Inside "Operation Boring": the LNP's strategy to reclaim Queensland, *The Conversation*, 27.1.15: <https://theconversation.com/inside-operation-boring-the-lmps-strategy-to-reclaim-queensland-36146>.

⁴ Crosby Textor website: <http://www.crosbytextor.com>

⁵ Remeikis A, 'LNP's Strong Choices cost more than \$70 million, *Brisbane Times*, 30.4.15: <http://www.brisbanetimes.com.au/queensland/lmps-strong-choices-cost-more-than-70-million-20150430-1mwrlf.html>

⁶ Bishop, S, 'Strong Choices, Massive Lies' *Independent Australia*, <https://independentaustalia.net/politics/politics-display/strong-choices-massive-lies.6532>

⁷ Quiggin J, 'Queensland isn't Greece or Spain', crosspost from *Crikey*, 1.8.12: <http://johnquiggin.com/2012/08/01/queensland-isnt-greece-or-spain-crosspost-from-crikey/>

Perhaps also the electorate, subjected to nightly visions of politicians repeatedly mouthing the identical phrases - the day's 'speaking points' - grew weary of the message. As George Orwell wrote in 1946:

A speaker who uses that kind of phraseology has gone some distance toward turning himself into a machine. The appropriate noises are coming out of his larynx, but his brain is not involved as it would be if he were choosing his words for himself. If the speech he is making is one that he is accustomed to make over and over again, he may be almost unconscious of what he is saying.⁸

Observers of the first sittings of Parliament after the 2012 election witnessed the start of this pattern of LNP message repetition. Speech after speech by government members repeated the claim that they were about to 'clear up the mess left by Labor', and get Queensland 'back on track'.

⁸ Orwell G, *Politics and the English Language*, 1946.

VOTE COMPASS AND THE 2015 QUEENSLAND ELECTION

Simon Kelly

Vote Compass is a measurement tool designed by a team of political scientists in Canada, with the aim of promoting electoral literacy and public engagement in election campaigns. To date it has been used in elections in Canada, the United States, New Zealand and Australia.¹

In December 2014, the School of Political Science and International Studies (POLSIS) at the University of Queensland was approached to participate in the *Vote Compass* project for the Queensland state election, anticipated in early 2015. The project was to be run in collaboration with the Australian Broadcasting Commission (ABC), and Vox Pop Labs, a Canadian-based organisation which had already collaborated with other Australian universities to deliver *Vote Compass* on behalf of the ABC for the 2013 federal, and 2014 Victorian state, elections.

POLSIS-UQ readily agreed to participate in *Vote Compass – Queensland*, and so began an intensive process of questionnaire design, under the guidance of a Steering Committee and an Academic Panel.

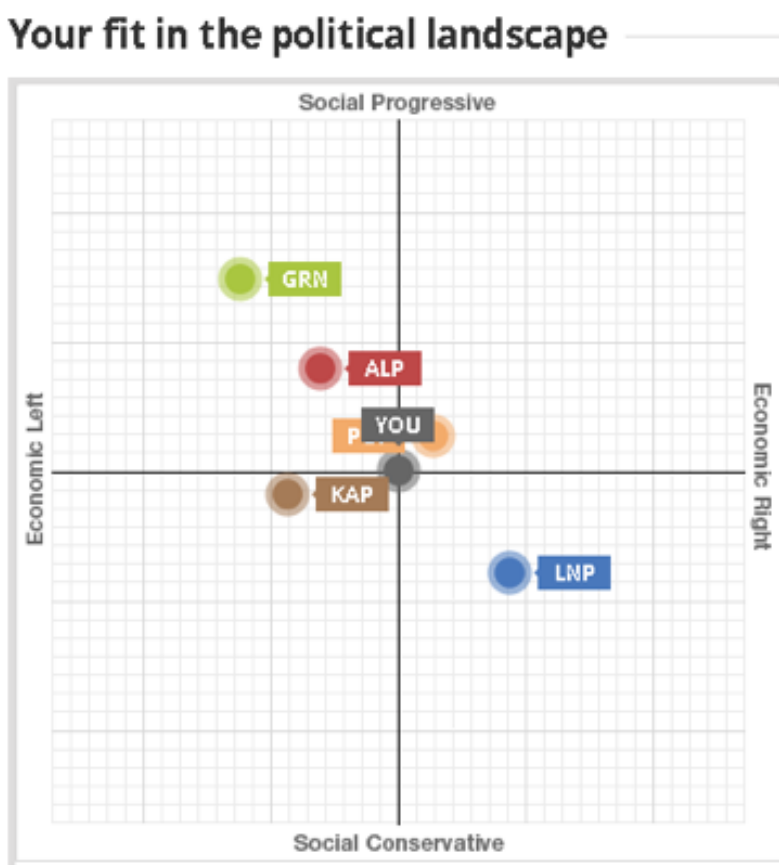


Figure 1

¹ For a fuller description of the origins and aims of *Vote Compass*, see its Wikipedia entry at: https://en.wikipedia.org/wiki/Vote_Compass.

The main task of the Steering Committee and the Academic Panel² was to oversee and adjudicate the coding of party responses to the 30 propositions which would be put to the public. This process was vital because it would determine how individual survey respondents' answers were mapped against party responses, and so in turn determine where an individual was placed overall, against the major parties' policies. One such result is illustrated in Figure 1 on the previous page. Here, a hypothetical voter has responded 'neutral' to all 30 propositions, and so is placed at the centre of the two-dimensional graphic representation of their policy views relative to those of the major parties.

This result demonstrates the placement of major and minor parties on a left-right axis within the political landscape. It is interesting to note that populist parties like the Palmer United Party (PUP), and to a lesser extent Katter's Australian Party (KAP), scored closest to the policy middle when their respective party's views were mapped.

After *Vote Compass – Queensland* went 'live' on 15 January 2015, the ABC published regular news articles throughout the election campaign, based on survey responses. Topics covered included: the importance of the economy as an election issue; the split between regional and South East Queensland over daylight savings; the split along party lines on the issue of asset leasing; and, the ratings of then-Premier Campbell Newman and Opposition leader Annastacia Palaszczuk on trustworthiness and competency.

An important part of constructing the final propositions was that they should not be valance issues; namely, propositions with which all parties and the vast majority of voters would agree. This might be, for example, the proposition that: 'There should be more cops on the beat'. Rather, the propositions were deliberately designed to be of a nature that would bring out respondents' deeply-felt sentiments about various policy issues. This contrasts with standard opinion poll survey questioning techniques, which can result in some respondents answering 'wonkish', public-policy questions with answers they feel they ought to supply.

This very different approach to proposition construction drew some minor criticism during the Queensland election campaign. One Queensland LNP senator took issue with the question: 'How much mining activity should be permitted in the waters around the Great Barrier Reef?' Senator Matt Canavan said the question qualified as 'push polling' on the part of the ABC, arguing that: 'It's outrageous for the ABC to do that when mining is absolutely forbidden in the Great Barrier Reef'.

This argument was refuted by the creator of *Vote Compass* and the director of Vox Pop Labs, Clifton van der Linden. He argued that Senator Canavan's comment 'demonstrates a serious misunderstanding of both the subject matter at hand and the ABC's efforts to promote more robust democratic engagement in Australia'. This was not the first criticism levelled at *Vote Compass*. The project had been criticised on its first outing when, as originally delivered as part of the Canadian Broadcasting Commission's 2011 Canadian election coverage, it was accused of bias towards Canada's Liberal Party. Such instances illustrate the challenges of mixing an academic exercise into the heat of an election campaign.

² Research was undertaken by Dr Chris Salisbury (UQ School of Historical and Philosophical Inquiry). Assistance and expert advice was provided by a Steering Committee comprising Professor Peter Spearritt (UQ School of Historical and Philosophical Inquiry), Dr Alastair Stark and Mr Simon Kelly (both from POLSIS) and an Advisory Panel including Dr Lorann Downer (POLSIS) and the Hon Joan Sheldon AO, former Liberal Party leader, Deputy Premier and Treasurer of Queensland.

However, they do not diminish but, rather, underscore the purpose of *Vote Compass* as a tool to engage voters more deeply in the policy, political and election processes.

The figures for participation in the *Vote Compass* survey for the three Australian state election campaigns in which it has been rolled-out are:

Victoria (2014) –	162,747;
Queensland (2015) –	140,606;
New South Wales (2015) –	142,606.

This high Queensland response rate, per capita, compared to Victoria and NSW, perhaps suggests that if there was a tactic to call a snap Summer-holiday election in January 2015 to catch Queensland voters ‘napping’, in terms of political engagement this tactic failed.

Finally, such an extensive and innovative data set offers new opportunities to extend our knowledge and understanding of the Queensland political landscape, and academics associated with *Vote Compass – Queensland* have started work on analysing the results.

CAN DO HAS BEEN CANNED ... AND OTHER POLITICAL BRANDING TALES FROM THE 2015 QUEENSLAND ELECTION

Lorann Downer¹

The 'Can Do' brand has been canned. The carefully crafted and skilfully marketed personal brand that carried Campbell Newman into the job of Brisbane Lord Mayor, and then catapulted him into the position of Queensland Premier, is no more. Progressively tarnished during three years in office, the brand was rejected by voters at the state election on 31 January, 2015. The voters' choices also had consequences for other political brands. The Liberal National Party brand was badly battered. The Labor Party brand was significantly revitalised. And Annastacia Palaszczuk's brand proved to be both a surprise packet and a work in progress.

Political brands and branding work in similar ways to commercial brands and branding. At a fundamental level, a brand is a name, symbol or design that is attached to a product.² A brand identifies the products of one producer and differentiates them from those of their competitors. In politics, for example, the name and symbol 'LNP' is used to identify candidates of the Liberal National Party, and differentiate from those of the Labor Party. At a deeper level, a brand can also 'take on special meaning for consumers'.³ This is because consumers can connect with brands emotionally, as well as rationally. Brands differentiate between products by highlighting differences that are 'rational and tangible - related to the performance of the brand - or more symbolic, emotional and intangible - related to what the brand represents'.⁴ In politics, functional appeal might include delivering competent economic management⁵, or improved health and education policies.⁶ Emotional appeal might include 'authenticity, approachability',⁷ a vision for the future⁸ or reassurance that the party has changed.⁹ Both the leader and the party can carry brands. In Australian politics, the leader and the party are often co-branded but one will always dominate. In the 2007 federal election campaign, for example, Kevin Rudd's personal brand, Kevin07, was more prominent than the Labor party brand in media conferences, advertising and the like. In Queensland, with its tradition of big political personalities, we generally see the leader dominating the party.

¹ Dr Downer's PhD (University of Queensland) examined political branding in Australia. She is a TJRyan Foundation Research Associate.

² Keller K L, *Strategic Brand Management: Building, Measuring and Managing Brand Equity*, 3rd edn, Pearson Education Inc, New Jersey, p.2.

³ Keller, p.6.

⁴ Keller, p.5.

⁵ Scammell M, 'Political brands and consumer citizens: the rebranding of Tony Blair', *The ANNALS of the American Political and Social Science*, 611, May 2007, 176-172, p.187.

⁶ O'Cass A and Voola R, 'Expectations of political market orientation and political brand orientation using the resource-based view of the political party', *Journal of Marketing* 27(5-6), 627-645, p.636.

⁷ Scammell, p.187.

⁸ O'Cass and Voola, p.636.

⁹ White J and de Chernatony L, 'New Labour: A study of the creation, development and demise of a political brand', *Journal of Political Marketing*, 1(2): 45-52, p.48.

This is what happened in Queensland on the conservative side during the past few years. The Can Do brand dominated the LNP brand. Initially, this made sense because Can Do was a strong and successful brand. The Can Do brand emerged during Newman's successful run for Brisbane Lord Mayor in 2004. The brand name was catchy, memorable and meaningful. It perfectly positioned Newman against the then Lord Mayor, Tim Quinn, who led a long-term Labor administration that was widely perceived to have run its course. The brand name was also the brand promise; that action-man Newman would get things done. During the campaign, the brand promise was cleverly brought to life with images of Newman energetically filling potholes in roads. In office, Newman sought to deliver on the brand promise via infrastructure like tunnels, roads and a public bike scheme.

Newman's audacious plan in 2011 to become Premier from outside the Parliament perfectly fit the Can Do brand. Again, the brand name effectively positioned him against a long-term Labor government seen as out of touch. Newman reprised some potent imagery from his 2004 mayoralty campaign, including taking up a shovel to fix a storm-water drain as he campaigned in the seat of Ashgrove, to demonstrate the brand promise. The brand name was reworked into the slogan, Can Do Queensland, as part of a co-branding of the leader and the Liberal National Party. This combination delivered a huge victory for the conservatives at the election in March 2012.

But experience has shown that it is much harder to manage a brand in office than in opposition.¹⁰ Former Australian Prime Minister, Kevin Rudd, and US President, Barack Obama, are among those who struggled with brand management in their first terms. A brand strategy must evolve when a party moves from Opposition to office. The party, and its brands, must make the shift from campaigning to governing and from promising to delivering. The brand narrative must credibly and coherently evolve, with one eye on the short-term demands of the media and interest groups, and the other on the long-term viability of the brand. Such a task is demanding for any new administration. It was even harder for the Newman government during the tumult of 14,000 public service sackings, fights with doctors and the legal fraternity, controversial anti-bikie laws, and a push to privatise state-owned assets. Voters increasingly began to see Newman as combative and authoritarian. Along the way, the Can Do brand became ever more tarnished, as evidenced by a run of negative polls and historically heavy defeats at two by-elections in 2014. Newman recognised this and sought to repair his brand, most notably via Operation Boring from mid-2014. This did produce a short-term poll revival for both Newman and the LNP, however Newman's brand was beyond rescue. Voters had a serious case of post-purchase dissonance;¹¹ that is, they didn't get what they thought they were buying with Campbell Newman. And they weren't prepared to make a repeat purchase. On election night, Newman and his brand were swept off the political stage.

With Can Do canned, the LNP is left with a major headache; the party brand has been harmed by its close association with Newman's personal brand. While voters do perceive distinct differences between the leader and the party brands, they also see close links between the two.¹² In addition,

¹⁰ Lees-Marshment J, 'Marketing after the election: the potential and limitations of maintaining a market orientation in government', *Canadian Journal of Communication* 34: 205-227, pp.209-210; Lees-Marshment J, *The Political Marketing Game*, Palgrave Macmillan, London, p.168; Spiller L and Berner J, *Branding the Candidate: Marketing Strategies to Win Your Vote*, Praeger, Sandta Barbara, p.143.

¹¹ de Chernatony L and McDonald M, *Creating Powerful Brands*, Butterworth-Heinemann, Oxford, p.74.

¹² Davies G and Mian T, 'The reputation of the party leader and of the party being led', *European Journal of Marketing*, 44(3-4), 331-350, p.332.

the leader is often seen as the proxy for the party, or a summation of the party's offerings.¹³ So when a leader brand goes bad, the party brand is at risk too. The LNP must think carefully about how it plans to reinvigorate its brand over the next three years. No doubt the party hard-heads are doing just that; leaders come and go but the party, especially a party of government like the LNP, must endure.

The party brand was the focus of much attention on the Labor side. Labor put a lot of work into restoring its party brand following the 2012 defeat, for two reasons. First, the party brand was seriously damaged at the 2012 election when Labor retained just seven seats in the 89-seat Queensland Parliament. Second, Palaszczuk, as a new leader, needed time to shape and consolidate her personal brand. For the past three years, Labor worked on rebuilding its brand with its base of traditional supporters who abandoned the party in 2012 in protest at the perceived breach of trust on asset sales. Labor's reversal of this policy was a bid to regain the trust of traditional Labor voters, and provide a clear point of difference with the LNP brand for all voters. In addition, it laid out the brand promise; that Labor would govern in partnership with the people. The 2015 election result shows Labor has gone a long way to revitalising its brand but there is more to do. Labor must continue to reassure its base by sticking to its commitment of no asset sales and by providing credible points of difference with the LNP on key issues like provision of education and health services, and environmental protection. Labor must also reassure the wider electorate that it can deliver competent economic management. The latter is a pre-condition for many voters; if Labor isn't credible on economic management, they won't consider it a viable option for office.

In political co-branding, the fit between the party brand and the leader brand is important. Serendipitously, there has been a very good fit between Labor and Palaszczuk over the past three years. The party was seeking to win back its heartland; its new leader hailed from the heartland seat of Inala. The party wanted to show it had learned the lessons of the 2012 defeat; the new leader presented as approachable, consultative and trustworthy. This presentation was greatly helped by positive imagery from the last week of the campaign. Just as many voters were tuning in to the campaign, Palaszczuk was relaxing into her role, playing barefoot cricket on Australia Day and leading a rousing old-style town hall meeting of Labor true believers. In doing so, Palaszczuk tapped into voter emotions. This stood in stark contrast with Newman who played heavily to his brand's functional appeal, such as reducing debt and building infrastructure, and neglected the emotional side, such as seeing public servants as people with families and responding to clear voter resentment over asset privatisation.

The challenge for Palaszczuk is to avoid the mistakes of the Can Do brand. That means evolving her brand from Opposition to office, from campaigning to governing. It means finding the difficult balance between dealing with the short-term demands of office and the long-term viability of her brand. Importantly, it means delivering on the brand promise to lead a consultative government. Voter sentiment means there is little room for error on either side of politics. Political consumers, like commercial consumers, own brands.¹⁴ A brand is whatever the consumer believes it is. If political consumers do not believe that leaders and parties have lived up to their brand promise, they will look elsewhere. Just ask Campbell Newman.

¹³ Needham C, 'Brands and political loyalty', *Journal of Brand Management* 13(3), 178-187, p.182.

¹⁴ Keller, p.74.

POLITICAL LEADERSHIP IN CONTEMPORARY QUEENSLAND¹

Lorann Downer

The Queensland election of January 2015 may well have signalled a shift in voter attitudes to leadership, in a state long-known for its embrace of the political strong man. In this chapter I consider the question of leadership in contemporary Queensland by weaving together three strands: the history of political leadership in this state; some data from the Vote Compass-Queensland project; and a perspective from political marketing.

Queensland has a long tradition of strong, authoritarian, and populist leaders.² This pattern of 'Premier-Presidents'³ evolved to deal with the frontier-like conditions and shifting political allegiances which prevailed in colonial times.⁴ The pattern took hold in a state which became characterised by cultural isolation, low levels of education, a uni-cameral parliament, and a political culture more accepting of authoritarian leaders than other states⁵ Over the past half century, Queensland has produced strong, authoritarian, and populist leaders like Joh Bjelke-Petersen, Wayne Goss, Peter Beattie, and Campbell Newman.

Premier Newman fitted perfectly into this tradition. He traded on the 'Can Do' image that he had cultivated from the time he ran for Brisbane Lord Mayor in 2004. He loved the word 'strong' – offering a strong team, strong policies, and *Strong Choices* – sometimes to the point of media ridicule in the 2015 election campaign.⁶ He seemed to revel in tough decisions, provoked confrontations with multiple interest groups and was dismissive of critics. During the campaign, he became a pork-barrelling populist, throwing around a lot of money, especially in his own electorate of Ashgrove which was offered more than \$18 million in election promises.⁷

But a funny thing happened on the way to the poll – voters turned against the strong man. This begs the question of what happened to the Queensland tradition of supporting a strong leader.

¹ This paper has been adapted from a presentation that was delivered as part of a post-election panel held by the Australasian Study of Parliament Group-Queensland Chapter, on 25 March, 2015.

² Williams, Paul D. 2009. 'Leaders and Political Culture: The Development of the Queensland Premiership, 1859–2009'. *Queensland Review* 16(1): 15-34. p.16; and Reynolds, Paul 2007. 'The Politics of Queensland 1980-2007'. Unpublished manuscript. St Lucia, Queensland: University of Queensland, p.7.

³ Wear, Rae. 2007. 'Queensland Premiers'. In *The Oxford Companion to Australian Politics*, eds. B. Galligan and W. Roberts. Oxford; New York: Oxford University Press.

⁴ Williams 2009. op cit p17; and Wear 2007. op cit.

⁵ Bean, Clive. 1993. 'Conservative Cynicism: Political Culture In Australia. *International Journal of Public Opinion Research* 5(1): 58-77. p74; McQueen, Humphrey. 1979. *States of the Nation: Queensland - a State of Mind*. Meanjin 38(1): 41-51. p.43; Reynolds 2007. op cit, p7; and Williams 2009. op cit, p.17.

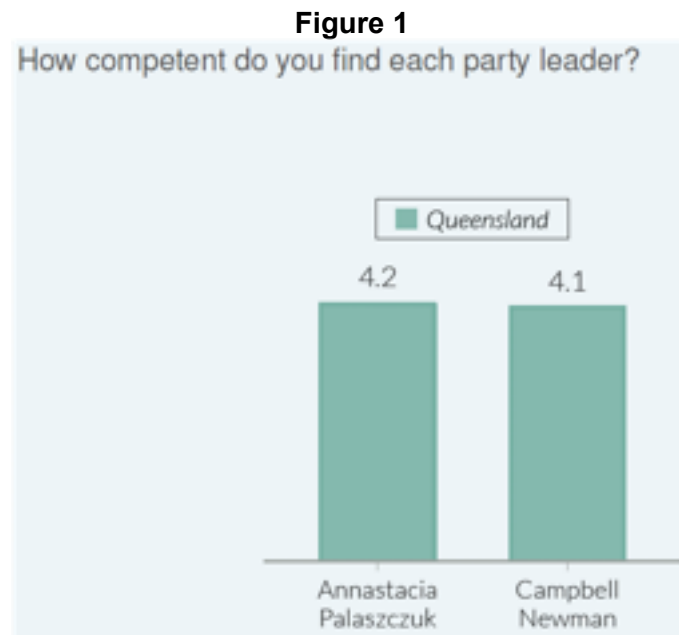
⁶ Remeikis, Amy. 2015. 'Queensland election: Campbell Newman tight-lipped on anything but strong plan'. *Brisbane Times* 26 January. Accessed 20 March 2015. Available at <http://www.brisbanetimes.com.au/queensland/queensland-state-election-2015/queensland-election-campbell-newman-tightlipped-on-anything-but-strong-plan-20150126-12y9eg.html>

⁷ Remeikis, Amy. 2015. 'Campbell Newman refuses to discuss Ashgrove pork barrelling claims. *Brisbane Times* 27 January. Accessed 20 March 2015. Available at <http://www.brisbanetimes.com.au/queensland/queensland-state-election-2015/campbell-newman-refuses-to-discuss-asghrove-pork-barrelling-claims-20150126-12ykap.html>

Data from the Vote Compass-Queensland project tells part of the story. Vote Compass was an online survey which ran in conjunction with the election campaign, and which asked questions related to party policies and leaders. The questions were based on research and advice provided by a panel which involved University of Queensland scholars, including Professor Peter Spearritt, Dr Chris Salisbury, Dr Alastair Stark, Simon Kelly and me. The survey was hosted by the ABC and was taken by around 150,000 people prior to the election.

One of the Vote Compass questions asked about the competence of the major party leaders.

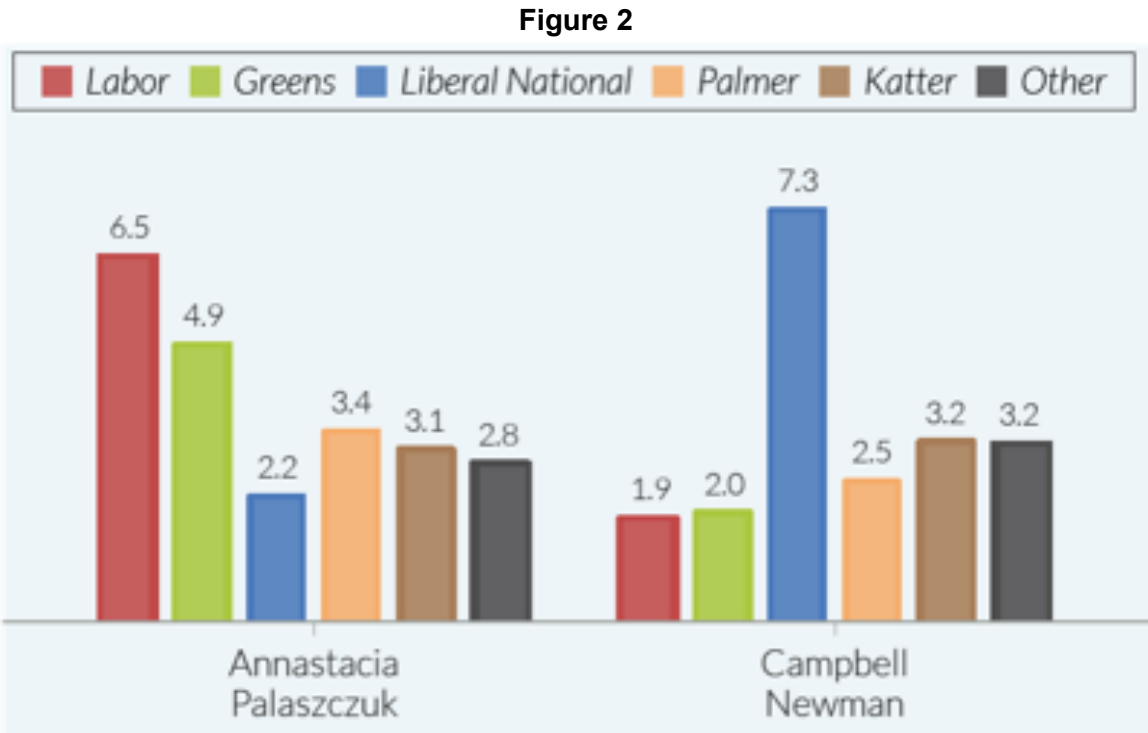
Figure 1⁸ shows the results across all those who took the survey.⁹ Labor leader Anastacia Palaszczuk was placed just ahead of Campbell Newman, on 4.2 out of 10 compared to 4.1.



⁸ Figure 1. Results from Vox Pops Lab report on Vote Compass-Queensland on the question of the competence of the major party leaders, across all respondents.

⁹ Vox Pop Labs, 'Vote Compass results: Attitudes toward the two major party leaders'. Unpublished report. 27.115. p.6.

Figure 2¹⁰ shows a breakdown of responses across self-identified supporters of different parties.¹¹ LNP supporters scored Newman at 7.3 out of 10 for competence, while Labor supporters scored Palaszczuk at 6.5, a marked difference. However, in the scores for each leader from supporters of other parties, Palaszczuk scored better with every group except Katter’s Australian Party voters, where she just trailed Newman. Overall, the leaders scored almost evenly on competence.

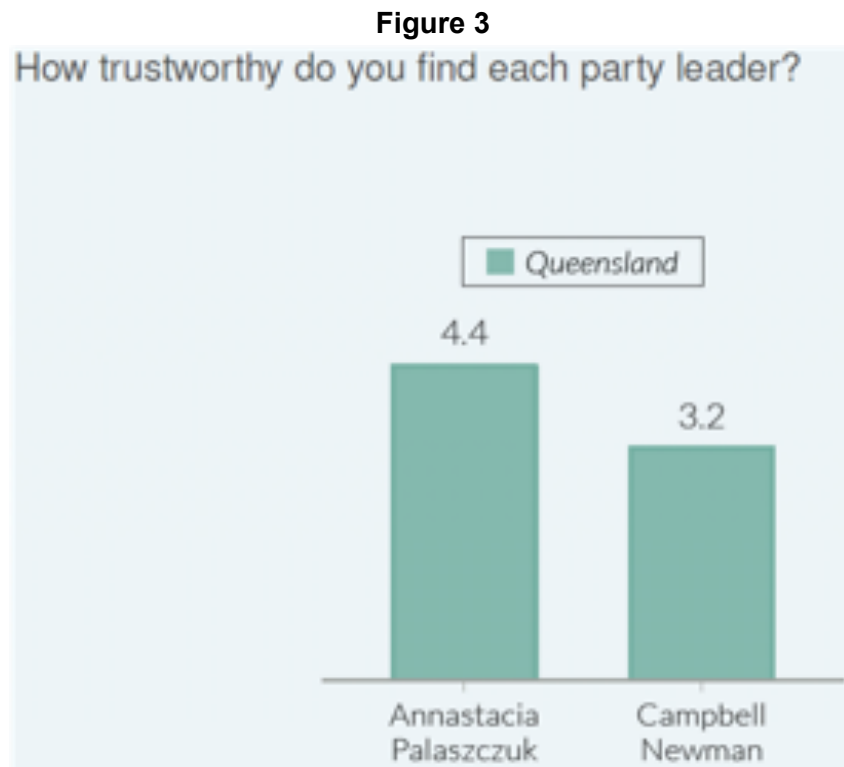


¹⁰ Figure 2. Results from Vox Pops Lab report on Vote Compass-Queensland on the question of the competence of the major party leaders, across self-identified supporters of different parties

¹¹ Vox Pop Labs. 2015. *ibid.*

Another Vote Compass question asked people how much they trusted each major party leader.

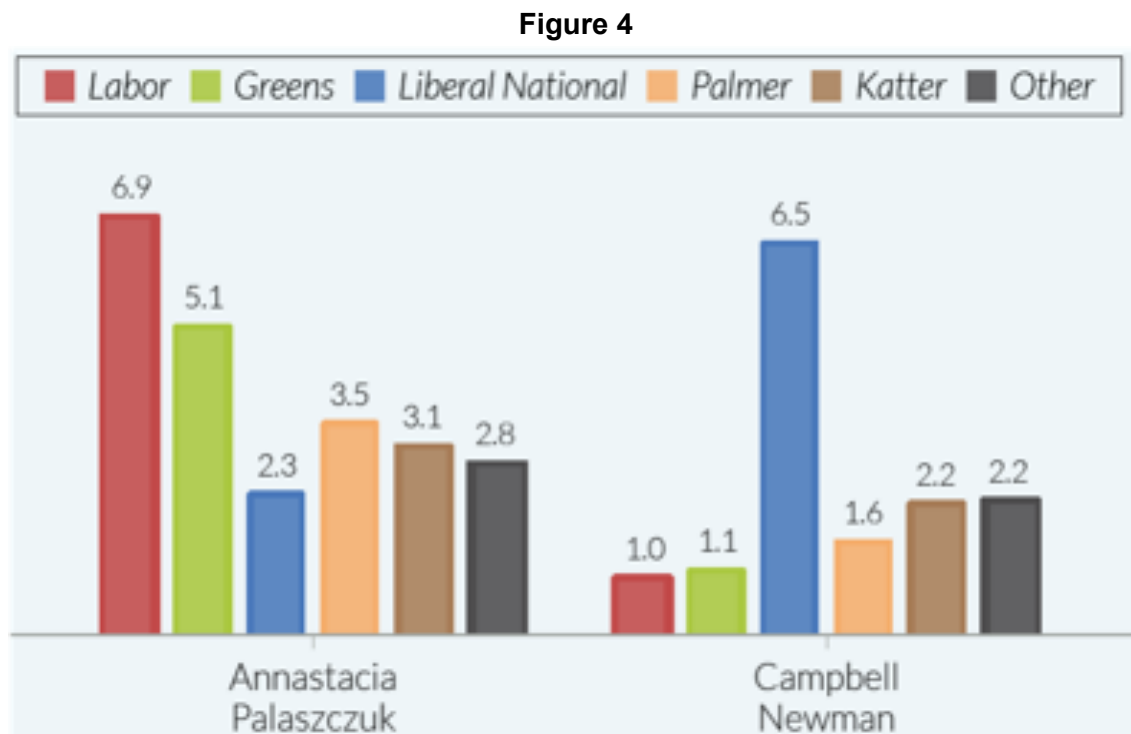
Figure 3¹² shows the results across voters as a whole¹³. Palaszczuk was well ahead of Newman, on 4.4 out of 10 compared to 3.2.



¹² Figure 3. Results from Vox Pops Lab report on Vote Compass-Queensland on the question of the trustworthiness of the major party leaders, across all respondents.

¹³ Vox Pop Labs. 2015. 'Vote Compass results: Attitudes toward the two major party leaders'. Unpublished report. 27 January. p.1.

Figure 4¹⁴ shows the breakdown across self-identified supporters of different parties.¹⁵ Here, too, Palaszczuk was well ahead. She received a score of 6.9 out of 10 from Labor supporters, while Newman received 6.5 from LNP supporters.



In the scores for each leader from supporters of other parties, Palaszczuk scored quite well with Greens voters on 5.1, and also reasonably well with Palmer United Party voters on 3.5 and Katter's Australian Party supporters on 3.1.

Newman's scores, however, are much lower among supporters of all parties other than his own. The highest score he gets is 2.2 from supporters of Katter's Australian Party and Others. Overall, Palaszczuk performed much better than Newman on the question of trust.

These results are important, from a political marketing perspective. Political marketing argues that a political offering - a candidate, party or policy - can have functional and emotional appeal. Functional means practical or tangible, and functional appeal includes things like being seen as competent in government.

Emotional means symbolic or intangible, and emotional appeal includes things like being seen as trustworthy.

Further, political marketing argues that a political offering *should* have both functional and emotional appeal¹⁶, for two reasons. Consumers in a political market respond as they do in a commercial market; they respond emotionally, sub-consciously, first and then look for a rational, conscious explanation for their choice. As well, consumers can develop deep, emotional

¹⁴ Figure 4. Results from Vox Pops Lab report on Vote Compass-Queensland on the question of the trustworthiness of the major party leaders, across self-identified supporters of different parties.

¹⁵ Vox Pop Labs. 2015. *ibid*.

¹⁶ Scammell 2007. *op cit*.

connections with political products and brands as they do with commercial products and brands.¹⁷ The mistake that Newman made in the 2015 campaign, and arguably throughout his term in office, was that he was functional only. He was the strong, authoritarian, populist Premier-President. He ignored 'the human cost of so-called reform'.¹⁸ In contrast, Palaszczuk offered emotion as well as functionality. Her chief functional offering was a promise not to sell or lease state-owned assets. Her emotional offerings included presenting as approachable, consultative and authentic.

With their responses to the Vote Compass survey and their choices on polling day, Queensland voters seemed to be indicating a preference for a more nuanced, more emotionally-attuned leadership than was offered during the premiership of Campbell Newman. Voters have some experience of such leadership from some previous Premiers, including Beattie and his successor, Anna Bligh, both of whom were rewarded at the ballot box. The contemporary Queensland political leader, I suggest, needs to be able to meld both the functional and the emotional to present an attractive offering to voters.

¹⁷ Burkitt, Catherine. 2002. 'Are You Less "Emotionally Intelligent" Than Blair? And, if so, Why Should You Care?'. Paper presented at the Political Studies Association Conference, Aberdeen. p.5.

¹⁸ Bahnisch, Mark. 2015. 'Queensland rejected hubris and unrestrained power when it rejected Campbell Newman'. The Guardian. 2 February. Accessed 20 March. Available at <http://www.theguardian.com/commentisfree/2015/feb/02/queensland-rejected-hubris-and-unrestrained-power-when-it-rejected-campbell-newman>

AN ASSESSMENT OF THE LNP'S POST-ELECTION REVIEW¹

Chris Salisbury²

When political parties lose an election, especially unexpectedly, they invariably invite well-placed former politicians from their own side of politics to undertake a post mortem. Queensland's Liberal National Party (LNP) asked former party leaders, Rob Borbidge and Joan Sheldon³, to conduct such a review following the party's shock defeat in the 2015 state election, including Premier Campbell Newman losing his own seat of Ashgrove.

The Borbidge-Sheldon election review and recommendations for party reform was released on May 29.⁴ Thereupon, it was greeted by the media as critical, thorough and 'brutally honest' – but is it a case of simply being wise after the event? What did the review tell us, and what didn't it tell, about the Newman government and the LNP organisation?

The review's preamble states that its 'recommendations are forward-looking and do not seek to apportion blame'. The *report* that precedes those recommendations is a fairly plain-speaking look back at where the LNP government went wrong in its single term in office and during the 2015 election campaign. As pointed out on the ABC by Matt Wordsworth,⁵ and on the *Brisbane Times* by both Amy Remeikis⁶ and Madonna King,⁷ the report – based on more than 700 submissions to its authors – lays most responsibility for the LNP government's 'hubris' and the dramatic election loss at the feet of the party's leadership team (both inside and outside Parliament) and, in particular, an 'arrogant', 'unpopular' and 'unlikeable' Premier. The report maintains that, despite the LNP government's travails, it left Queensland a 'far better place' than it inherited from its Labor predecessor. The reviewers are not so 'brutal' as to neglect to thank Newman on his way out.

The LNP's review is similar to other recent post-election examinations. William Bowe, known to many as the 'Poll Bludger', suggested to *Crikey* readers that such reviews are 'of greatest interest

¹ With thanks to Professor Peter Spearritt from the University of Queensland's Centre for the Government of Queensland for providing comments during the drafting of this paper.

² Dr Salisbury is a Research Associate of the TJRyan Foundation.

³ Rob Borbidge AO was Premier from 1996 to 1998; Joan Sheldon AM was Deputy Premier and Treasurer in the Borbidge government.

⁴ Borbidge R and Sheldon J, 'Borbidge-Sheldon election review & report and recommendations', *Liberal National Party*, <https://lnp.org.au/wp-content/uploads/2015/05/Borbidge-Sheldon-Election-Review-.pdf>, 28 May 2015.

⁵ Wordsworth M, 'LNP review blames 'leadership' for surprise 2015 election loss', *ABC News*, <http://www.abc.net.au/news/2015-05-29/lnp-hands-down-report-into-newman-government-election-loss/6506820>, 29 May 2015.

⁶ Remeikis A, 'Hubris and an unpopular leader – what went wrong for the LNP', *Brisbane Times*, <http://www.brisbanetimes.com.au/queensland/hubris-and-unpopular-leader--what-went-wrong-for-the-lnp-20150529-ghcexx.html>, 29 May 2015.

⁷ King M, 'Gillard and Rudd were close friends and closer enemies', *Brisbane Times*, <http://www.brisbanetimes.com.au/queensland/madonna-king-gillard-and-rudd-were-close-friends-and-closer-enemies-20150603-ghga52>, 4 June 2015.

when the campaign didn't go according to plan'.⁸ He cited the 2010 federal election which resulted in Labor being reduced to minority government status, after which party 'luminaries' Steve Bracks, Bob Carr and John Faulkner reviewed the federal campaign showing. They offered criticisms of mostly unnamed central figures and recommendations for party reform that generally 'found their way into the too-hard basket'. Added to this could be state Labor's review after the 2012 election wipe-out in Queensland, which left only seven Labor MPs in Parliament as a paltry Opposition to the Newman government's overwhelming majority. The state Labor branch's post-election review then proffered a handful of party reforms as 'penitence' for its dismal election showing, but leading party figures went largely 'unchastened', to the dismay at the time of some Labor faithful, who wondered how the party would rebuild its core electoral base.⁹

So how close to the mark are the Borbidge-Sheldon review's findings? The report acknowledges that early contentious decisions 'unsettled' voters, such as sacking thousands of public servants (interestingly citing the Goss government's experience as a precedent, when the Kennett Victorian government is a better example), and policy or political missteps (a series of MPs' scandals, arbitrary parliamentary committee changes, 'midnight' legislative amendments). A public perception of arrogance and 'non-transparency' was then allowed to quickly settle around the government and not be dispelled – these impressions were only rekindled when an early election was surprisingly called for late January 2015, when many Queenslanders were still in holiday mode.

In addition, the report asserts that the government appeared to focus its attention too often on corporate interests in the state's south-east corner at the expense of rural and regional areas. Sheldon and Borbidge point out that the government's oft-stated focus on four key industrial 'pillars' of the state's economy left other important industries, including new and emerging fields in the sciences, research, innovation, education, the arts and others, more or less sidelined and seemingly undervalued. While some of these fields were represented energetically by a few of the LNP's 'lesser lights', including Science Minister Ian Walker, their efforts were diminished in light of the overwhelming reliance upon and repetition of the 'four pillars' slogan. This only reinforced a perception of the government as uninterested in voices from economic interests outside of its 'core constituencies'.

The two reviewers found that the LNP government maintained an unhelpful policy 'fixation' on privatising state-owned assets, despite the electorate's obvious distaste for this proposal as displayed at the 2012 election. In that instance, Labor Premier Anna Bligh was punished severely by an electorate that felt 'betrayed' by her government's earlier public asset sales, in a program that was only announced after the previous election.¹⁰ While stating that the LNP's privatisation proposal by 2015 had both supporters and detractors, the report considered that such a platform was 'fraught with risk'. The government's 'Strong Choices' program of asset leases (originally sales) and dividend reinvestment only succeeded in convincing 'solid' LNP voters, according to the report, and furthermore the unions' strident and 'misleading' anti-privatisation campaign drove most others to cast votes against the government. This view overplays, from what we now know from

⁸ Bowe W, 'Poll Bludger: Why Baird hit pay dirt, and Newman hit plain dirt', *Crikey*, <http://www.crikey.com.au/2015/06/03/poll-bludger-why-baird-hit-pay-dirt-and-newman-hit-plain-dirt/>, 3 June 2015.

⁹ Smith M, 'Labor's Queensland election review – yes!', *Mike Smith Online*, <https://mikesmithonline.wordpress.com/2012/08/12/qld-election-review-yes/>, 12 August 2012.

¹⁰ Quiggin J, 'Asset sales, their part in Labor's downfall', *ABC News – The Drum*, <http://www.abc.net.au/news/2012-03-27/quiggin--/3913872>, 27 March 2012.

'Vote Compass Queensland' data, both the impact of the asset privatisation issue in the overall election result and the influence of the unions' 'Not4Sale' campaign.

Respondents to the Vote Compass survey¹¹ – over 140,000 eligible voters completed the survey through the ABC website by the January 31 poll – were fairly evenly split along party and partisan lines on the issue, and presumably not overwhelmingly anti-Newman government as a result of the 'Not4Sale' campaign. State-wide, Vote Compass responses on the asset lease issue showed that 44 per cent of voters were against the privatisation proposal versus 41 per cent in favour of it. In party-identified terms, 70 per cent of Labor voters were against the proposal (and 16 per cent were for it), while 74 per cent of LNP voters were in favour of the plan (and only 13 per cent against it). In terms of the most important issues for voters going in to the election, more Vote Compass respondents nominated 'the economy' and 'cost of living' issues ahead of 'asset leases' by a ratio of over three to one. Over the past couple of years it has become clear to the electorate that the mining boom is winding down and interstate migration is no longer boosting south-east Queensland's real estate market, so economic concerns are quite understandable.

It can be reasonably surmised that Labor's anti-privatisation stand, as promoted by the unions, provided a convenient 'excuse' for much of the swinging, 'soft' LNP vote to come back to Labor and other non-LNP parties. But as the ABC's Antony Green, among many others, had argued – it was always expected that the election would see a sizeable 'correction' in any event, where many voters won over to the LNP in 2012 would revert the other way in 2015.¹² In this light, the report looks to demonise the union campaign too readily, implying that voters had been 'hoodwinked' by union 'lies and smears'. While the 'Not4Sale' campaign resonated in several regional centres and certain industry-heavy communities, it doesn't appear that the campaign itself played the critical role in the state-wide election outcome that the report's authors assert. After all, practically the same union campaign in New South Wales shortly afterwards didn't end up costing the coalition government there, admittedly with a more mild-mannered and popular Premier at the helm.

The reviewers point out that there was an expectation – publicly and within the party – that the LNP government would be returned at the January election, albeit with a likely much reduced majority. This allowed a sense of complacency to dominate prior to and throughout the campaign. In turn, this fed in to the misguided and mishandled 'just vote 1' strategy, the futility of which was 'made worse when coupled with the expectation that the LNP would win', ultimately and crucially costing the party victory in a number of marginal seats decided on preferences. The report also acknowledges that party polling during the campaign showed just how unpopular the Premier had become – but this same complacency seems to have ruled out prompt action that might have mitigated Newman's negative standing. This inaction led some observers to conclude that the party was in fact comfortable with the prospect that Newman wouldn't be returned as Premier or member for Ashgrove, despite denying that there was a 'Plan B' for a successor to take his place.

Given that the reviewers concluded that Newman had an 'alienating' leadership style that undermined the government's effectiveness, and the LNP's election campaign, why wasn't something done about it or him before becoming a terminal problem? What do the reviewers' recommendations suggest to help the LNP 'regroup' from its leadership woes now that it's in opposition? Not a lot, in specific terms at least, besides proposing 'improving' the working

¹¹ Vote Compass – Queensland election 2015', *ABC News*, <http://www.abc.net.au/news/qld-election-2015/vote-compass/>, n.d. Accessed 28 June 2015.

¹² Green A, '2015 Queensland election preview', *ABC News*, <http://www.abc.net.au/news/2014-10-17/2015-qld-election-preview/5937752>, 24 January 2015.

relationship between the parliamentary leadership and the rest of the party. As the report claims, importing Campbell Newman from the Lord Mayoralty in 2011 ‘carried inherent risks’, though ‘in the short term worked well’ – but then what? Why did things go badly soon after? More to the point, why wasn’t this eventuality guarded against? For many close to the LNP Cabinet, or to the Lord Mayor’s office before that, it wasn’t a great surprise that Newman’s leadership style and political judgement could be problematic. Newman championed the Clem 7 tunnel, after all, which cost investors over four billion dollars, failing to attract even one-third of the toll customers that the original consortium sold it on.

The report admits that Newman’s ‘can do’ image quickly and disappointingly translated into undue haste, inattention to political process and the government’s ignoring or arrogantly dismissing external criticism. Even relatively mild criticism, such as drawing attention to the limited number of women in senior positions within LNP ranks, was typically met with hostile reaction, as pointed out by Stephen Keim and Alex McKean in their paper for the TJ Ryan Foundation.¹³ ‘Hubris’ and ‘inexperience’ were held to cost the government support over the life of its term – but were these factors alone to blame for a ‘reformist’ government leadership that, ultimately, succeeded in alienating key stakeholders and institutions through sometimes ill-considered and seemingly ideological or retributive agendas? As William Bowe made clear, despite the review striving to avoid ‘pointing the finger’, ‘it’s not for no reason that media reportage has painted [the review] as an extended critique of Campbell Newman’.¹⁴

The report claims that a breakdown in relationship between the parliamentary and organisational wings of the party led to a ‘lack of consultation on policy/political/campaign matters’; this was blamed on ‘hubris’ after the massive 2012 election win leading to an ‘isolation’ of the party leadership. But hubris is a ‘top-down affliction’ which stems from the leader and one or two senior others; if Newman couldn’t ‘rein in’ MPs’ expectations or maintain strict party room discipline or even stamp some moral authority, then something should have been done by those in the party with enough clout to press this point upon the leadership within the ‘crucial first two years’ of government. Clamping the Premier’s mouth shut as part of so-called ‘Operation Boring’ in the third year was hardly going to make for better or more effective government, or likely in the long run to be electorally beneficial. If Madonna King’s account is true, that Newman’s failings were all too obvious to his party colleagues – ‘But none of them stood up to him. Not one of them dared call him out, at least until the election was lost’¹⁵ – then the LNP’s organisational leadership and the most senior MPs in the parliamentary leadership (nearly all of whom are still in place) must bear an equal share of the responsibility for their downfall. This point was made more than once by the new Premier, Anastacia Palaszczuk, and again after the LNP’s election review was released.¹⁶

What else might have been in the report but wasn’t? For all its ‘brutal’ honesty, there are some elements that could be considered to be missing from the Borbidge-Sheldon review. For one, it

¹³ Keim S and McKean A, ‘Newman’s poisoned legacy’, TJ Ryan Foundation, http://www.tjryanfoundation.org.au/dbase_upl/Newmans_poisoned_legacy.pdf, 4 June 2015.

¹⁴ Bowe, ‘Poll Bludger: Why Baird hit pay dirt’.

¹⁵ King M, ‘Gillard and Rudd were close friends and closer enemies’, *Brisbane Times*, <http://www.brisbanetimes.com.au/queensland/madonna-king-gillard-and-rudd-were-close-friends-and-closer-enemies-20150603-ghga52>, 4 June 2015.

¹⁶ Wardill S, ‘Anastacia Palaszczuk defends Campbell Newman in election blame game’, *Courier-Mail*, <http://www.couriermail.com.au/news/queensland/annastacia-palaszczuk-defends-campbell-newman-in-election-blame-game/story-fnn8dlfs-1227377212371>, 1 June 2015

doesn't convincingly explain why the LNP government didn't or couldn't effectively claim credit for its legitimate policy successes, such as stamp duty concessions on family home purchases and the 'Great Start' grants for new dwelling constructions. Without expanding much on details, the report does recognise that one of the government's biggest failures was an inability to communicate its policy achievements successfully, especially in those policy areas outside the conservative parties' 'traditional' reserve ('law and order' issues and the like). The report also refers to an 'absence of emphasis' on the government's achievements and positive outcomes prior to and throughout the election campaign. Again, though, there is next to no detail of what these achievements were, save for mention of a handful of portfolio areas, let alone suggestions of how these might have been highlighted and legitimately claimed as policy successes and advances during the campaign.

Strikingly, as William Bowe alluded to, the report makes 'no effort' to compare events during the Queensland election campaign with the New South Wales election barely two months later, 'at which a government that was in many ways similarly placed to Newman's achieved an eminently satisfactory result'.¹⁷ It's telling that the report doesn't acknowledge that a similarly vocal union-led campaign against electricity network privatisation in New South Wales didn't bring that state's coalition government undone, like the review's authors assert happened during the Queensland campaign. The report considers instead that the LNP's election campaign was not nearly vigorous enough in prosecuting the government's case for its re-election, including rebutting what the reviewers describe as the 'blatant lies' and 'deceitful untruths' propagated by Labor and the unions. This comes across, to borrow Bowe's phrase, as a 'sore-loser' swipe at the union movement.

The report suggests that the LNP's election campaign was too focused on the party leadership at the expense of local campaign initiatives and other 'worthy' candidates. But at the same time, in what Bowe called 'the report's most striking omission',¹⁸ there's no mention of the leadership looking 'lost at sea' (to juxtapose a metaphor from its campaign advertising) when trying to avoid conjecture about who would become Premier in the event that Newman lost his seat of Ashgrove. Similarly, there's no mention of the impact of Tony Abbott's knighthood for Prince Philip during the final week of the campaign, nor of Newman's inability to sidestep around that 'captain's pick'. Likewise, there's no mention of the disturbing utterances by the Premier and other senior MPs that sounded to many observers like the pork-barrelling and electorate 'blackmail' of the Bjelke-Petersen era. Nor is there reference to the issues of 'trust' and 'accountability' that were raised during the campaign by external voices (such as Tony Fitzgerald, former LNP MP, Dr Chris Davis, and the normally pro-Liberal broadcaster Alan Jones) and not refuted other than through threat of court action, later halted. Arguably, these latter questions over the Premier's judgement and trustworthiness, and that of some of his senior Ministers, had as much if not more effect upon the voting intentions of electors who might otherwise vote LNP than the asset leasing issue.¹⁹

The report contains no admission or suggestion that the 'Newman experiment' failed when the 'can-do Campbell' tag came unstuck and didn't (or couldn't ever) survive the transition from the Lord Mayoralty to the Premier's office. Instead, the reviewers curiously devote most of their final page of observations to the conclusion that the LNP organisation needs to listen more to its grass-

¹⁷ Bowe, 'Poll Bludger: Why Baird hit pay dirt'.

¹⁸ Ibid.

¹⁹ Remeikis A, 'Queensland Election: Alan Jones, Chris Davis hitting harder than Labor', *Brisbane Times*, <http://www.brisbanetimes.com.au/queensland/queensland-state-election-2015/queensland-election-alan-jones-chris-davis-hitting-harder-than-labor-20150121-12uh30.html>, 21 January 2015.

roots members and supporters for ‘connection’ and relevant policy development. Ironically, there is little recognition that the party and its leaders suffered while in government, owing in part to a failure to listen to or even seek out expert advice and informed consultation with key stakeholders and key institutions, including the judiciary, the medical profession, the universities and most professional bodies, none of whom could be accused of harbouring other than mainstream, if not conservative, values.

In its fervour to adopt the ‘can do’ approach to government, the party failed to demonstrate that it was governing for more than just its ‘core constituencies’, creating a worrying impression that it wilfully or maliciously disregarded or denigrated the advice and experience of key people and organisations with which it disagreed.²⁰ According to informed accounts, this approach to leadership and policy implementation was not dissimilar to Newman’s time as Lord Mayor of Brisbane, so it should not come as too big a surprise that he tried – but predictably failed – to replicate that approach as head of the state government. Yet this again calls into question the judgement of the LNP organisation to embark upon the ‘Newman experiment’ in the first place, as well as the credibility of senior LNP MPs who fell into line behind the then-Premier and allowed the ‘rot’ to set in unchallenged.

There is little in the review’s recommendations that directly addresses these matters, either through identifying which party office-holders or MPs bear responsibility for the election debacle, or even commenting on the desirability or otherwise of ‘drafting in’ a party leader from outside the party’s parliamentary wing. Instead, recommendations include general comments about ‘improving the relationship between the parliamentary and organisational wings of the party’; reminding (as if it were necessary) that party MPs should respect the ‘institutions of state’ and not break promises to the electorate; and the need to provide ‘meaningful communications’ between the party and its members. These, one would think, are relatively simple creeds applying to any administration as it comes into office. As much as it lamented the 2015 election outcome, the *Courier-Mail* made a reasonable point when it observed that the Borbidge-Sheldon review’s ‘fair and frank’ assessment of the LNP government’s performance ‘should remind both sides of politics that no matter the margin, they are only one election away from victory or defeat’.²¹

²⁰ Keim and McKean, ‘Newman’s poisoned legacy’.

²¹ ‘Editorial: LNP election review by Joan Sheldon and Rob Borbidge identifies what went wrong, which has a lesson for Labor as well’, *Courier-Mail*, <http://m.couriermail.com.au/news/opinion/editorial-lnp-election-review-by-joan-sheldon-and-rob-borbidge-identifies-what-went-wrong-which-has-a-lesson-for-labor-as-well/story-fnihsr9v-1227377212193>, 31 May 2015.

ANSWERING BACK: ‘*CAMPBELL NEWMAN AND THE CHALLENGE OF REFORM*’¹

Roger Scott

Roger Scott reviewed two recent books for the TJRyan Foundation. The first was Gavin King’s biography of Campbell Newman; the second was Anna Bligh’s autobiography. These are reproduced here.

Living with a Hostile Media

‘That’s the last press conference I’ll ever have to do... that’s the last time I’ll ever have to talk to that pack of bastards.’²

This was Campbell Newman’s assessment of his relationship with the media. Chris O’Brien, senior state political reporter for the ABC based in Brisbane responded:

As one of the pack of bastards who was at that last news conference, even if I am fairly confident that I’m not a bastard, and even if Mr Newman was thinking about some other bastards and not me, I am at least subconsciously inclined to reject his analysis of my craft. So perhaps journalists should stay out of the argument about journalists.

It may be naively purist to say, but reporters reporting on criticism of reporters makes them part of the story. It may be better for someone else to assess whether Mr Newman is right or wrong. That won’t work of course. We need to be able to explain our actions as reporters and rebut - if necessary - accusations of bastardry. But it’s difficult to remain disinterested in that particular to and fro.³

Chris O’Brien’s response to the Newman biography by Gavin King has been typical of the reception given to the book. For many readers with a working knowledge of Queensland politics, this is the strongest ‘take-away message’ – the pathological hatred generated in Newman directed at the mass media, arising from the 2012 election campaign when he unseated Ann Bligh. This is to sell short a book which ranges widely over family history and Newman’s extensive career before 2012.

This occupies the first half of the book and has a dispassionate tone of relative calmness. Like so many biographies, the record of events is not especially engaging for the readers outside the family circle, even a family with a significant national political pedigree. I was interested to note that Newman’s father met Milton Friedman, though. (Friedman features again in a final chapter which sits very oddly with the narrative style of the rest of the book)

Lord Mayor – Outsider to King of the Castle

Even when the story reaches chapter 4, ‘Top Job for an Outsider’, the job in question is being Lord Mayor of Brisbane and the personalities and conflicts in local government do not inflame the blood of political scientists. Much is already on the public record about the transition from the oddity of an

¹ King G, *Can Do: Campbell Newman and the Challenge of Reform*, Connor Court Publishing, 2015, pp 332.

² Campbell Newman, cited in King, p.271.

³ O’Brien C, ABC, *The Drum*, 8.10.15.

electoral outcome which gave power to a directly-elected Liberal Lord Mayor and a Council with a clear ALP majority.

His victory in 2004, repeated in 2008, demonstrated his capacity to win elections. In 2004, he became, in the title of the chapter, 'King of a Divided Castle'. King records the history of that campaign, orchestrated by Ben Myers, when Newman seemed to be facing defeat against incumbent Tim Quinn.⁴

Using advice from Toby Ralph's findings, Ben Myers steered the campaign in this dramatically different direction. They threw the rule book out the window. ... In a one-two punch combination, the team commissioned a series of attack ads featuring themes recommended by Ralph's research, painting Quinn as complacent, lazy and arrogant. (p.109)

(Perhaps Anna Bligh's campaign team later borrowed from the same play-book, but they targeted the whole family, the 2012 campaign hitting a new political low).

The next chapter, on the period when Newman had converted his popularity into a workable Liberal majority on council, is simply entitled 'Outcomes'.

There are a few hints here about the personality issues underlying this perception. Under a sub-head of 'I'm the boss', King reports:

Within a week of moving into City hall, Campbell took aim at existing political staffers, particularly those who had worked for the former Lord Mayor. In comments he later attributed to naivety in dealing with the media, a story in *The Courier-Mail* ran under the headline, 'Work with me or face the sack – Newman demands loyalty of top staff'. (p.115)

Over the page, there is a record of Newman paying a visit to Rupert and Lachlan Murdoch and how they got along well. 'Murdoch was impressed by the new mayor's attitude to politics and his enthusiasm for economic development'.

The tension between Newman's expectations about support from the management of the key local newspaper and the performance of its staff was already evident. Throughout his local government career, quotations in the book show how he received unstinting support from the Murdoch press and obviously he anticipated this would continue.

The two chapters on Brisbane local government are much more substantial and longer than those on his Premiership and his three-page list of achievements in an Appendix suggests that he regarded this period as the pinnacle of his career.

Victory at a Cost

The book comes alive halfway through, with the chapter 'The Cost of Victory' covering the 11 months identified as the 2012 election campaign period. Here Newman begins to identify the villains whom he believed caused him to lose the 2015 election but also made the winning in 2012

⁴ 'Myers is one Campbell Newman's most trusted lieutenants, and in his role as director of strategy and communications is widely credited with helping Newman achieve his two Brisbane mayoral victories in 2004 and 2008. ... Myers helped manage the campaign that saw Newman take City Hall as an outside candidate who was not an elected councillor. 'Meet the Labor and LNP powerbrokers, *Courier-Mail*, 4.2.12.

so damaging to his personality. The primary villains were identified as Jackie Trad and other lesser-known members of the 2012 ALP campaign team:

They knew Campbell's family was his weak point. He had a hard exterior. But contrary to the public perception Labor was busily crafting around him, Campbell was a soft touch when it came to his wife, children and extended family. Labor's sole purpose during the campaign was to keep digging and poking at that vulnerable spot until he cracked. (p.169)

The secondary villains were more generalised:

Campbell's views on the media had reached new dimensions of loathing by the end of 2011. He was disgusted by the ethics of some journalists, who he believed had repeatedly failed to question and filter the dirt Labor was delivering. (p.172)

The book provides specific names:

Privately he described *The Australian* Queensland reporter Michael McKenna as 'the tool of the ALP during this campaign' and identified Condren (Channel 7), Jolly (Channel 9) and Wardill (*The Courier-Mail*) as 'feeding off each other in the Brisbane media bubble'. ... 'This vicious and unyielding media cycle left little room for policy debate, and the same level of blood-thirsty scrutiny didn't seem to apply to the Labor Party. (p.172)

This theme continues throughout the rest of the book, seeking to give the lie to the bulk of academic commentators who have identified a consistently supportive line for conservatives in the print media owned by the Murdoch family. Wardill in particular gets a blast from Newman for 'swallowing the Labor Party lines without a second thought' (p.178) and in an interview with Ben Myers, Newman's 'long-term collaborator and future chief of staff', reproved Wardill for producing 'one fabricated, misinformed story in particular'. (p.177).

More favourable mentions are given to other journalists – Vogler, Bryant, Calcutt and Houghton 'developed a better understanding of the man who would be Premier' (p.182). But the attitude of suspicion, even fear and loathing, which emerged in the 2012 campaign was recognised by Newman himself as colouring his responses to the media, as well as to Jackie Trad, long after he had won that election.

In the final passage in this chapter, King suggests that the electoral victory came at a high cost and

'changed Campbell's outlook and persona' 'whenever he was prickly in Parliament or abrasive in front of the media pack, he was thinking of Labor and the journalists and what they had done during the campaign'. This was reinforced in interview by Newman – 'I was extremely angry and bitter and it came through. It came through in the chamber. The person who is the real victor, the one who deserves the credit for all this, is Jackie Trad'. (p.195)

This is the first part of the explanation offered by King as to why Newman lost the subsequent election. It perhaps underplays the significance of the overwhelming numerical dominance inside the Parliament which encouraged a search for vengeance unconstrained by fear of short-term electoral retribution.

Nobody on either side of the House in 2012 could have visualised the possibility of a change of party regime within a single electoral cycle. The trouncing of Labor may have blinded Newman to the impact his policy decisions made on public perceptions. The hubris of success

gave him the confidence to ignore the media's representations of public opinion and time seemed to be on his side.

Blaming the media and the personalised nature of the ALP campaign also underplays other reasons why Newman won in 2012. The ALP had been on a slow but apparently irresistible slide towards defeat after being in office most of the time since 1989. Its strongest ally in survival was the union movement which provided not only funds but personnel for electioneering and core commitment. This alliance was weakened by the Bligh government's decision in 2009 on privatisation and the alienation was reinforced when Newman courted the public service unions, appearing on a Together website video before the election and offering the reassuring comment that 'the public service had nothing to fear' from a government led by him.

King mentions this comment in passing but gives no analysis of its significance for Newman except to note that 'it was a comment he would later regret ever making'. The nature of the regret is not specified. Did he regret saying something which was patently untrue in the light of austerity plans already made and described in the book? Or did he regret the consequences in 2015 electoral terms for the contradictory actions he took immediately after the 2012 election?

Newman in government 2012-13

King then devotes two chapters to discussing Newman in government, dismissing the first year in office in 22 pages after spending 30 pages on the campaign. There are more substantial treatments elsewhere⁵, but the retrospective perception adds to our sum of knowledge. We learn that the appointment of Peter Costello to head the Commission of Audit was taken by the new Treasurer Tim Nicholls. 'Campbell endorsed the appointment of Costello but later wished he hadn't' (p.197), regretting that this allowed the whole exercise to be painted as a purely political exercise.

We also learn that Newman lamented the lack of women in Cabinet – but did not acknowledge that the most potent woman politician available had been relegated to the Speakership. He also regretted allowing 'sound policy to trump smart politics' by axing the Queensland Premier's Literary Awards. This discussion was framed around the belief that 'the Left had lost perspective on the value of public dollars'. The *Courier-Mail* reporter Matthew Condon typified the Left's response as though the Premier himself had driven a fascist-branded stake through Condon's delicate literary heart. (p.200)

The language is presumably as much King's as Newman's:

But the ideological battle-lines had now been drawn. The inner-city chattering class across the nation, together with their fellow travellers in the media, had a totemic cause to latch on to. They were all very upset. (p.201)

This world-view merging the Left and the 'chattering classes' appears as a recurrent analytical theme from here on, to the end of the book. By contrast, there is surprisingly little attention paid to the working-classes being aligned with 'the Left'.

⁵ Roger and Ann Scott, (1) Parliament Under Newman 2012-13, 2013: http://www.tjryanfoundation.org.au/dbase_upl/Queensland_Parliament_under_Newman.pdf; and

(2) Queensland 2014: Political Battleground, January 2015, http://www.tjryanfoundation.org.au/dbase_upl/Qld_2014_Political_Battleground_with_Epilogue.pdf

The final regret related to his approach to leadership inside and outside Parliament. King suggests that:

Campbell's jaded outlook toward his opponents merged with the tough decisions his government was making. It didn't help that he shouldered virtually all the blame for the government's austerity drive since the election win. (p.213).

Newman formed a leadership triumvirate with former National leader and Deputy Premier Jeff Seeney and former Liberal deputy leader Tim Nicholls. Careful writing implies that neither added much benefit to Newman's personal standing. Specifically, 'Nicholls was making the tough calls behind the scenes but did not do enough in a supporting role when the cameras were switched on'. (p.214)

There is passive reporting by King that:

Some political pundits, LNP MP's and Campbell loyalists believed Nicholls was in some way engineering the Premier's demise from the start, with a view to taking over the top job when Campbell lost the seat of Ashgrove at the next election. ... Campbell heard the talk but never gave it much thought. He was too focused on what needed to be done. (p 214)

Newman in government 2014

The chapter on Newman's second year of office, 'Policy Versus Politics - Part Two', is more substantial, but uneven. It initially dismisses the strong sense of activism being displayed by its public service opponents in a single sentence:

Despite the sensible, disciplined set of accounts contained in the 2013 budget, the union's relentless and well-funded campaign against public service cuts was crowding out nearly all the other reforms and achievements. (p.223)

There is more evidence of preoccupation with the media. King asserts that during its first 12 months in government, few critics were as harsh as the *Courier-Mail* editorial director, David Fagan. King mentions that Fagan's partner, radio broadcaster Madonna King, also wrote a Saturday column in the *Courier-Mail*. There is extensive description of a meeting with Murdoch in April 2013 which led to Fagan's removal⁶ the following June. Newman and his wife are also noted as Murdoch's guests of honour at a media awards evening towards the end of the year. A discussion of Clive Palmer also returns to the media's unfairness in discussing issues of corruption.

As an enemy of their enemy, (Palmer) also became a fair-weather friend of the Left. Reporters and the Labor Opposition lapped up his outrageous comments. By this point, the media had completely lost perspective on the reasons behind Palmer's outlandish attacks. (p.231)

Newman also adds to his list of *mea culpa*: about his poor political judgment: in meeting Palmer; in declining to take legal action against Palmer because he didn't want to use taxpayers money; in agreeing to an unproductive meeting with Alan Jones; and in similarly declining to pursue a defamation action.

⁶ 'News Limited announces changes in senior Queensland ranks', *ABC News*, 12.6.13. <http://www.abc.net.au/news/2013-06-12/news-limited-announces-changes-in-senior-qld-ranks/4749704>

More substantively,

When Dr Levy was accused of misleading the PCMC over the circumstances of publishing an opinion piece (in the *Courier-Mail*) Campbell and his Attorney-General Jarrod Bleijie had had enough. The government wanted to recalibrate the membership of the CMC and start afresh. ...

The government did it for the right reasons but handled it in a 'ham-fisted' way. Yet again, the pattern of taking action for the right reason had overlooked the perception and political fall-out of that decision. The PCMC matter encapsulated the government's image problem. The sacking of the Committee fed into the negative narrative of Campbell and his government as arrogant, corrupt, combative and drunk on the power of a massive majority. (p.247)

The discussion of the Carmody appointment as Chief Justice occupies one of the longest sections in the chapter. It included detail of those involved in the decision-making and the divisions of opinion between them, later making a reference to the Premier's initial reservations. The discussion was framed in the context of divisions among the legal profession over the VLAD laws and Carmody's intervention as Chief Magistrate concerning bail hearings: 'The first salvo in an almighty judicial showdown between Carmody and a mob of legal elites had been fired'. (p.252)

Newman's support for Carmody included a scathing attack on judges as part of those occupying 'the comfortable enclaves enjoyed by the inner-city chattering classes' whereas 'Carmody was a man who reflected the community he was expected to serve'. However, King reports that 'for a range of reasons, Carmody's appointment became the decision Campbell regretted more than any other in his 13-year political career'. (p 262) A long paragraph in his interview detailing reasons why he was so upset includes the startling assertion that 'in Queensland, the Left now controls the legislature, the executive and the judiciary'.

Throughout the book and especially in the later chapters about the 2015 election and in the epilogue, 'the Left' is a malevolent descriptor less obviously related to ideology as to social class and applicable to non-Labor critics who perceived the Newman policies as endangering the environment, civil liberties and free speech. Only occasionally does he identify it with 'the big-spending and relentlessly militant approach of the unions'. (p.269)

Yet it can be argued that it was the union movement which 'did him in', just as it had 'done in' Anna Bligh in 2012.⁷ Belatedly, King noted that 'the media wasn't interested in policy debate and the union's negative campaign against the Strong Choices asset sales program was working, particularly in regional areas'. This fails to distinguish between the various unions engaged in different campaigns, as well as the Queensland Council of Unions. John Battams, retiring as General Secretary of the QCU advanced a similar claim to electoral impact but is reported as saying that he has not read the book to see if he was mentioned.⁸

Newman would have approached the holiday season emboldened to call an election by the comprehensive endorsement of the *Courier-Mail* just before Christmas:

⁷ Roger Scott, Mobilising Dissidence: The Relationship Between Labor, Labour and the wider community in the 2015 Queensland State election http://www.tjryanfoundation.org.au/_dbase_upl/Mobilising_dissidence.pdf

⁸ 'Newman Out: Battams' work here is done', *Brisbane Times*, 22.10.15 <http://www.brisbanetimes.com.au/queensland/newman-out-battams-work-here-is-done-20151022-gkg7ol.html>.

Despite being tarnished by the ongoing clumsiness of their federal colleagues, Mr Newman has overseen a remarkably bold yet deliberate government that has achieved what it has said it would, unafraid of a scrap along the way. By any measure, that's an A-grade result for Queenslanders.⁹

An epilogue after January 2015

The second last chapter 'A New Journey' is a 13-page overview of the 2015 election campaign which barely addresses the issue of trade union influence. And, in keeping with the whole book, there is no recognition that voters might be concerned about the environment and be prepared to respond to urging to 'put Newman last' on this basis.

By election time, King paints Newman as wholly defeatist, having tried on two occasions to resign and being rebuffed by those who would have expected him to lose his Ashgrove seat but for the LNP to retain government with a reduced majority.

The book again blames the bias and laziness of the media, for example its failure to examine in detail what it considered 'Fitzgerald's hyperbolic comments' and Newman's slip-up in response. According to Gavin King:

He was prepped to say the line 'I have the greatest respect for Tony Fitzgerald. Whether by design or default, Campbell added the word 'had' when the reporters asked for his response to Fitzgerald's claims: 'I have had the greatest respect for him in the past'. (p.273).

After being seen to be 'clearly ahead' during the first two weeks of the campaign, two diversions occurred. Fielding questions during the final stage of an event in front of a group of 100 so-called 'undecided' voters, Newman claimed that 'bikie gangs were funding the unions, who in turn passed on their ill-gotten gains to the Labor party'. Attendees and the television viewers perceived this as a deliberate ploy, given that no follow-up could be pursued because of time. I recall interpreting the telling shrug of his opponent, Annastacia Palaszczuk, as comment enough on the desperation of this move.

King though reports that Newman's response to calls for supporting evidence – 'Google it' - was ridiculed by the media - 'they were taken aback at the suggestion they they should do some research and fact-checking of their own'. (p.276)

Then, two days later, Newman was equally unhelpful in response to what he perceived as a hostile media and refused to comment on thirty repeated questions about the politics of campaigning. He was also coping with the universal embarrassment generated by his federal counterpart giving a knighthood to the Queen's husband.

King comments:

His performance in response to the questions was always going to generate the type of wrath and condemnation it received from reporters. Taking on the groupthink approach of a media pack trapped in its own bubble was nigh on impossible at the best of times, let alone in the heat of an election campaign. (p.277)

King belatedly noted that;

⁹ 'Newman's A-grade result for Queensland', editorial in the *Courier-Mail*, 15.11.14. http://www.tjryanfoundation.org.au/dbase_upl/CM_assessment_of_Newman_Dec_2014.pdf

In the final week of the campaign, the unions ramped up their asset sales propaganda and no-one in the LNP countered it. Tim Nicholls was missing in action. Worse still, a planned all-out negative advertising assault against Labor, due to be co-ordinated out of LNP headquarters, never eventuated. This proved to be a catastrophic error for LNP campaign director Brad Henderson and his team. (p.278)

Nevertheless even the much-reviled Leftist media and the strongly supportive editorial writers all expected the LNP to be re-elected when reviewing the campaign on election eve. King quotes the contrary view of Toby Ralph (a Liberal Party campaign guru cited frequently in the book):

The LNP's poor handling of the asset leasing program and the failure to manage the expectation of Queenslanders which had put the LNP in a losing position from the start of the campaign.... It was campaign failure rather than community mood that delivered the loss. (p.283)

Students of published opinion polls suggest something different, with the LNP in a winning position for several months before the campaign started, predicted to lose many seats but not their hold on government. But Ralph's analysis supports the LNP's post-election narrative that the Queensland electorate accidentally installed a nonentity to replace Newman.

The book concludes with an extended 'Epilogue', the second-longest chapter in the book. This is nearly all from the author and not much from the subject. The five topic areas for debate include: the media; federal-state relations; the public service; the psyche of inner-city voters; and the nature of political leadership. (p.285)

Nick Cater's 'self-appointed ruling class of sophisticates' are seen to 'have an undue influence on political discourse because they dominate so many of the nation's key positions in media, the public service, the arts, law and universities'. If true, one can only wonder how conservative governments ever get elected or how mining and commercial interests survive and prosper. Somewhat paradoxically, King's final analysis includes a recognition of the importance of a candidate's personality appealing to an electorate without acknowledging that the media may reflect rather than shape that appeal.

The protection of patronage and risk aversion, muddled visions and poor communication with the electorate, as well as party political warfare are all valid explanations for today's lack of political leadership. But, as the Newman government demonstrated so vividly, political leadership and vision is only part of the equation. Without a likeable personality or the skills of soft politics, reform is fraught with electoral danger. (p.319)

Newman himself gets the last words, with an extended excerpt from an interview, without being able to confront any of the big questions asked in this wide-ranging, rather sprawling analysis or the point made above. All he can call for is leadership, courage and attitudinal change, confident that 'Australia has a proud history of making difficult decisions that reap benefits over the long term'. (p.322)

Studies in contrasts

I also reviewed the autobiography of Anna Bligh, in a piece headed 'Studies in Contrasts'¹⁰ I concluded that the key distinction from the Newman/King book is that Bligh knew from very early on that she wanted to experience political leadership as a reward for her intelligence and hard work. She wanted to climb that greasy pole which was overlaid with sexist prejudices. Because others saw in her the same potential, particularly Anne Warner and then Peter Beattie, she served a systematic apprenticeship from student politician, a year in a challenging industrial workplace and then up the rungs of party preferment. She was the consummate 'professional politician'.

Despite his family background, Newman was an amateur by comparison. He trained in the quite different discipline of engineering, studied in a military environment, and he tells in the book that he entered politics out of a sense of family obligation. His training and his social milieu in the private sector fitted him well for local government but he lacked Bligh's systematic exposure to party political processes and her resilience of temperament. This put him at a disadvantage with his own colleagues as well as with an unforgiving media, so, unlike Bligh, he ended up feeling ill-used.

¹⁰ Roger Scott, 'Studies in Contrasts', TRyan Foundation website: http://www.tjryanfoundation.org.au/_dbase_upl/Bligh_and_O'Neill_reviews.pdf

APPENDIX: TJRYAN FOUNDATION RESEARCH REPORTS, 2012-15

[Research Report 1: Parliament under Campbell Newman, 2012-2013.](#), Emeritus Professor Roger Scott and Dr Ann Scott.

[Research Report 2: What Work Rights are Still Worth Fighting For?](#), Dr Howard Guille

[Research Report 3: Putting the Cartel Before the House? Public Funding of Parties in Queensland](#), Professor Graeme Orr

[Research Report 4: Social Policy and Social Services in Queensland](#), Emeritus Professor Paul Boreham.

[Research Report 5: Key policy issues in Vocational Education and Training](#), Peter Henneken.

[Research Report 6: A Farce in Two Acts: Estimates Hearings July 2014](#), Dr Ann Scott.

[Research Report 7: Inequalities and Queensland universities](#), Emeritus Professor Roger Scott.

[Research Report 8: VET and TAFE - Saigon, Dunkirk or the Alamo](#), John McCollow.

[Research Report 9: New crime and corruption commission: a model public sector integrity agency?](#), Professor Tim Prenzler

[Research Report 10: Roger Scott's report on ASPG Sydney 2014](#), Emeritus Professor Roger Scott.

[Research Report 11: Senate Inquiry into Queensland Government](#), Dr Ann Scott.

[Research Report 12: Ice to the Arctic; coals to Newcastle](#), Dr Howard Guille.

[Research Report 13: Parliament under Campbell Newman 2014](#), Emeritus Professor Roger Scott.

[Research Report 14: Queensland 2014 - Political Battleground \(with epilogue\)](#), Emeritus Professor Roger Scott and Dr Ann Scott.

[Research Report 15 Pt1: What are the benefits of mining in Queensland?](#), Dr Jon Stanford.

[Research Report 15 Pt2: How to get a fair return for the community by auctioning mining licences in Queensland](#), Dr Jon Stanford

[Research Report 16: The Wisdom of 'The Watcher': lest we forget](#), Dr Ann Scott and 'The Watcher'.

[Research Report 17: Reform in Australia today - why not listen to the people?](#), Professor Geoff Gallop.

[Research Report 18: The 1989 Queensland election remembered](#), Dr Chris Salisbury.

[Research Report 19: Can Do has been canned](#), Dr Lorann Downer.

[Research Report 20: The African immigrant experience in South East Queensland](#), Hyacinth Udah.

[Research Report 21: Mandates, Promises and Surprises](#), Professor Geoff Gallop.

[Research Report No 22: Health Care in a 'New' Queensland](#), Professor Linda Shields.

[Research Report 23: The First Palaszczuk government - Ministers, Portfolios and the Machinery of Government](#), Peter Bridgman.

[Research Report 24: Appointing CEOs - looking backwards and sideways](#), Emeritus Professor Roger Scott.

[Research Report 25: Political Leadership in Contemporary Queensland](#), Dr Lorann Downer

[Research Report 26: 'If men were angels'. Policy advice in political times: the role of policy officers](#), Peter Bridgman.

[Research Report 27: Mobilising dissidence](#), Emeritus Professor Roger Scott.

[Research Report 28: T J Ryan - a centenary note](#), Emeritus Professor Tom Cochrane.

[Research Report 29: Do unions really have free and unfettered 'Reign'?](#), Dr Linda Colley.

[Research Report 30: Liberalism in Queensland 1859-1915 - precursors to the election of the T J Ryan government](#), Dr Lyndon Megarritty.

[Research Report 31: Assessment of the Borbidge/Sheldon LNP election review](#), Dr Chris Salisbury.

[Research Report 32: What can we learn from boot camps?](#), Professor Mary Sheehan and Consuelo Reed.

[Research Report 33: Coal seam gas - a missed opportunity for Queensland](#), Dr Jon Stanford.

[Research Report 34: Evidence-based policymaking and the abolition of capital punishment](#), Ann Scott.

[Research Report 35: Review of Health Policies in Queensland 2011-2014](#), Professor Linda Shields.

[Research Report 36: Five reasons why university deregulation is a bad idea](#), Professor Michael Rowan.