

# Accountability in Queensland: From the 1990s to the present<sup>1</sup>

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## Introduction

Assessing the extent to which each side of politics has exercised accountability responsibilities in Queensland these past 25 years is, in effect, an assessment of how loyally each side has embraced, and adhered to, the original spirit of reform of Tony Fitzgerald, QC.

It appears the impact of Fitzgerald's recommendations – handed down a quarter of a century ago to reform arguably the least accountable government in Australia – has resembled ripples on a pond. If the report's release in 1989, and its firm commitment by progressive National Party premier Mike Ahern to implement those reforms "lock, stock and barrel", is the point of impact where the reform "stone" hit the Queensland public lake, we find the reverberating rings close and intense near the point of impact, but broadening and weakening as we move further away from the event.

Each subsequent government – and later terms in those governments – appears to be less enamoured with Fitzgerald's reforms, with the possible exception of the Bligh Labor Government which, I believe, history will judge well for its commitment to accountability reform.

I suspect the most effective way to assess accountability in Queensland this past quarter-century is to compile a "shopping list" of strengths and liabilities demonstrated *by action, and not by rhetoric alone*, since 1990. This list, covering both Labor and conservative governments, is indicative rather than exhaustive.

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## The Goss Labor Government, 1989-96:

### Strengths:

- An initially robust commitment to the Fitzgerald reforms.

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- An expanded committee system (we must remember that Ahern had established the much sought after Public Accounts Committee, a Public Works Committee and an MPs' Pecuniary Interests register).
- The introduction in 1994 of a multi-pronged budget estimates committees system.
- The introduction in 1992 of Freedom of Information legislation; and an Information Commissioner.
- The reform of the Public Service with promotion on merit as monitored by a Public Service Management Commission.
- The passing of the landmark *Public Sector Ethics Act 1994*.
- The establishment of the Cabinet Office and the publishing of a Cabinet Handbook to formalise due process in cabinet proceedings and to abolish the *ad hoc* practices under the Bjelke-Petersen regime.
- The development of evidence-based policy-making, and the practice of policy consultation – albeit selectively.
- Engaged in a degree of electoral responsiveness e.g. by adhering to the popular will of the failed daylight saving referendum.
- Practising ministerial accountability in the removal of ministers who failed to meet standards.

### **Liabilities**

It must be remembered that even the Goss Gov't didn't adhere to all of the Fitzgerald recommendations, and the new Labor Government:

- Allowed five weighted electorates whose area exceeded 100,000 sq.km, thus departing from genuine "one vote, one value" principles.
- A lack of consultation in contentious areas, e.g. the construction of the "koala road".
- Allowing Labor appointments to senior echelons in the public service.
- Allowing FOI exemptions on matters relating to Government-Business enterprises.

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### **The National-Liberal Borbidge-Sheldon Gov't: 1996-98**

It's important to note that Queensland saw it's first "hung parliament" and minority government for many years in the mid '90s – a situation that continued for six months even after the election of the Beattie Labor Gov't in 1998. Dr Noel Preston has said that the minority governments of Queensland then were among the state's best in terms of responsiveness. As argued below, this is partially but not entirely true. We must also note that the Borbidge-Sheldon years were coloured by the rise of One Nation and sectional pressure group battles over gun control and Native Title.

### **Strength:**

- The passing of the *Public Service Act* in 1996

### **Liabilities:**

The Borbidge-Sheldon Government continued the politicisation of the public service by:

- Drawing up a 'hit list' of Labor public service appointments.
- Abolishing the Cabinet Office.
- Abolishing the PSMC.
- Drawing up a controversial Memorandum of Understanding between the Coalition and the Police Union during the Mundingburra re-election campaign in 1996.
- Establishing the Connolly-Ryan Inquiry into the Criminal Justice Commission – one struck down by the Supreme Court for “apprehended bias”.
- The failure to sack the responsible minister – Attorney-General Denver Beanland who had overseen the commission – despite the parliament voting no confidence in the A-G. This was the first occasion in the Westminster world where a minister maintained his position despite lacking the confidence of the parliament.
  - A failure to sack other poor performing / accident-prone ministers.
  - The creation of a Crime Commission to rival, and therefore weaken, the CJC, especially with the new CC reporting directly to the minister and not parliament.



### **The Beattie Labor Government: 1998-2007**

#### **Strengths:**

The Beattie Government was similarly chastened by the One Nation incursion at the 1998 state election, with Labor losing almost as much ground to the maverick party as the Nationals. Thus, Peter Beattie set about building a government responsive to electoral grievance, by:

- Reviving the Community Cabinet process initiated under Country Party premier Frank Nicklin (1957-68).
- Merging the CJC and CC to make a stronger Crime and Misconduct Commission.
- Pioneering the *mea culpa* policy “backflip” when government or party erred.
- Maintaining resources for the Liberals’ three surviving MPs after the 2001 election, despite the party not meeting “party status” rules.

- Establishing a Cabinet Implementation Unit for thorough policy execution.
- Establishing an Integrity Commissioner.
- Expelling MPs and party members after the Shepherdson Inquiry into Labor's vote rorting (2000-01).

### **Liabilities:**

Beattie was such a "strong" leader who assumed tight control over party – e.g. he hand picked "clean skin" candidates after the Shepherdson Inquiry – caucus, cabinet, public service & media messages that he was exposed to charges of being too powerful. In any case, Beattie moved away from the Fitzgerald spirit by:

- Establishing charges for media and other groups (but not private individuals) for FOI searches in 2001.
- Blocking access to FOI searches for any information prepared for "sensitive investigations".
- Cut funding to the Crime and Misconduct Commission in 2003.
- Protected poor / troubled ministers e.g. Gordon Nuttall.
- Made it legal to lie to parliament i.e. during the Nuttall affair.
- Attaching sensitive documents to Cabinet files to exempt them from FOI searches.
- Exempting from FOI those "commercially sensitive" matters on government-business relations e.g. Virgin arrangements.
- Employed "armies" of spin doctors.



### **The Bligh Labor Government (2007-12)**

From the first weeks of her accession as premier, Bligh set about distinguishing her government from Beattie's, even criticising what she saw as Beattie stunts. Part of that distancing was a reform of FOI which most stakeholders had criticised as falling into disuse.

### **Strengths:**

- After an inquiry by David Solomon, FOI becomes Right to Information Act where the emphasis was designed to move from a default position of withholding information to one where information would be "pushed out" to the public. As below, this enjoyed mixed success.
- Establishing a "People's Question Time" online, with this author as its first chair.
- Bligh was responsive to Tony Fitzgerald's criticisms in 2009 of losing the reform "spirit" by:

- Launching an Integrity Green Paper.
- Lowering the threshold on declaring political donations to \$1,000
- Capping election campaign spending.
- Banning “pay-per-view” fundraising dinners.
- Banning former MPs from becoming lobbyists for 2 years.
- Establishing a lobbyist register.
- Banning “success fees” for lobbyists.
- Allowing public servants to answer questions at estimates committee hearings.

### **Liabilities:**

- Many RTI requests refused, especially on health issues.
- Bligh appointed husband Greg Withers to a senior, unadvertised public service position.
- A lack of ministerial accountability i.e. no ministers sacked, even during health payroll saga.
- Policy surprises: Asset sales announced just weeks after 2009 state election, despite no mention during campaign.
- Major changes to the committee system, especially the establishment of the Committee of the Legislative Assembly – a “super” committee stacked with members of government and opposition executive as opposed to backbench.



### **The Newman LNP Government (2012-present):**

The Newman Government won the largest parliamentary majority in Australian history, largely due to its pledge to offer Queenslanders cleaner, more transparent government as an administration that would put voters, rather than party, first.

### **Strengths:**

The Newman Government appeared to begin its term by largely, but not entirely, fulfilling the “new broom” pledge, by:

- Ministerial accountability: dismissing ministers Gibson, Flegg and Bates.
- Seeking a mandate for asset sales for the 2<sup>nd</sup> term.
- Restoring “lying to parliament” as an offence.
- Pledging to publish ministerial diaries.
- Insisting ministerial staffers remain at arm’s length from RTI requests.
- Consulting, albeit selectively, on some key policies, e.g. asset sales and carbon tax savings expenditure.

- Demonstrating some, albeit late, sensitivity to community concerns after disastrous Stafford by-election result.

### **Liabilities:**

- A politicised Public Service – some Labor appointments axed, with LNP figures in high office.
- Nepotism in lower ranks of Public Service and ministerial offices.
- “Pay per view” fundraising dinners with ministers reinstated.
- Remaining closeted about who attends such fundraisers.
- Failing to publish ministerial diaries in their entirety.
- Some evidence of ministerial staffers’ involvement with RTI requests.
- Raising threshold of political donations to \$12,400.
- Abolishing caps on campaign spending.
- Allowing ministers to own corporate stocks and shares.
- Declaring parliamentary bills “urgent”, therefore bypassing committee scrutiny.
- Declaring a “mandate” for LNP reforms and therefore unnecessary for other bills to received scrutiny.
- Key bills, e.g. VLAD laws, rushed through in a single day.
- Other bills returned from LNP-dominated committees with no recommendations for amendment.
- Estimates committees reduced to 2 days’ hearings (but happily reversed after Stafford by-election).
- Failure to consult on key reforms e.g. environmental law.
- Failure to consult widely, and listen to advice, on judicial appointments e.g. Chief Justice Carmody.
- Weakening of the CMC, now CCC, by removing bipartisan support for appointment of chairs (now reversed), reducing “minor” corruption investigative powers, and ignoring anonymous “tip-offs”.
- Perceptions of favouritism for LNP donors e.g. boot camp; dredging company.
- Sacking of the PCMC over its grilling of CMC Chair Dr Levy.
- Removing power from CCC to investigate Public Service wrongdoing and handing to Public Service internal investigations.
- Retrospective legislation to make legal the activities of a Brisbane River dredger.
- Gags on community groups receiving state funding.
- Slow response of Deputy Premier in reporting, in 2014, conversations with major LNP donor Clive Palmer in 2012.

## **Conclusion**

While each successive government, and later years of those governments – with the possible exception of the Bligh administration – have moved increasingly distant from the original spirit of Fitzgerald, we can conclude that, of the five post-Fitzgerald governments, that which has acted least in the spirit of Fitzgerald – of genuine transparency, accountability and electoral sensitivity – is the Newman Government.

Undoubtedly, the LNP from early 2012 has boasted a reckless confidence – one drawn from its huge majority and the public's recent distaste for Labor – that it could disengage from the Fitzgerald spirit with impunity. Interestingly, we now know issues of accountability no longer concern only the chattering classes but most voters who, according to Reachtel opinion polls, anecdotal evidence and the Redcliffe and Stafford by-election results, appear deeply concerned that Queensland is in peril of slipping back to the pre-Fitzgerald era.

On this evidence, it is inevitable the LNP will suffer in 2015 not just an expected “correction” from the atypical vote recorded in 2012 but, more than that, an electoral rebuff in its own right derived from a widespread perception of the Newman Government as arrogant, out-of-touch and unconcerned with transparency, accountability and “good governance”.

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