'Never-ending Story': Public Accountability and Public Administration Reform in Queensland Since 1989

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Soon after Johannes Bjelke-Petersen became Premier of Queensland in 1968, companies in which he held shares were given six-year leases to explore for oil on the Great Barrier Reef. The following year, ministers in his government accepted parcels of Comalco shares. So did senior bureaucrats and the Premier's wife. Criticism at the time was muted because Labor politicians and some journalists had also taken shares (Whitton 1989, p. 19). Bjelke-Petersen was adamant that he had done nothing wrong — a feeling that presumably was shared by other beneficiaries of Comalco's largesse (Wear 2002, p. 93). Because it is inconceivable that a saga of such blatant conflict of interest would be played out in today's Queensland, there is a temptation to tell a simple 'before and after Fitzgerald' story of public accountability and administrative reform. Considered analysis suggests, however, that the reality is much more complex. There was progress, but there was also backsliding. Some reforms — such as those to the electoral system — were significant and enduring. Others — such as whistleblower and FOI legislation — were fairly quickly watered down. There was a lack of long-term interest in public administration, parliament retained its usual place on the margins of Queensland's political institutions and executive power remained relatively unconstrained. Cases of corruption continued to emerge.

Initially it seemed that the Fitzgerald Inquiry and subsequent reforms really had drawn 'a line in the sand' between the corrupt Bjelke-Petersen regime and the governments that followed. In his report, Tony Fitzgerald recognised that the old culture's roots were deep and 'the products of long term deficiencies in public administration' (Fitzgerald 1989, p. 14). Rather than providing detailed remedies for these shortcomings, he recommended the establishment of two permanent bodies to determine the nature of specific reforms. The Electoral and Administrative Review Commission (EARC) and the Criminal Justice Commission (CJC) were to have oversight of electoral, administrative and criminal justice reform. Fitzgerald set out numerous matters for EARC consideration. These included the setting up of a parliamentary committee system, a review of Queensland's electoral processes, provision for judicial review of administrative decisions, an investigation into the desirability of Freedom of Information (FOI)

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legislation, the registration of political donations and a revision of laws and guidelines relating to the pecuniary interests of ministers, parliamentarians and senior public servants (Fitzgerald 1989, pp. 144–45). The CJC was to be a permanent body devoted to 'the monitoring, reviewing, co-ordinating and initiating reform of the administration of criminal justice' (Fitzgerald 1989, p. 308). Both these bodies — which were established in the National Party government's dying days — reported to parliamentary standing committees elected in the early days of the Goss government, the Parliamentary Committee for Electoral and Administrative Review (PCEAR) and the Parliamentary Criminal Justice Committee (PCJC).

There were high community expectations of the Fitzgerald-inspired reform agenda, but over time these were dampened by 'politics as usual'. Mike Ahern, the National Party Premier who replaced Bjelke-Petersen, famously promised to implement Fitzgerald's recommendations 'lock, stock and barrel'. Wayne Goss, who led the Labor government that was elected in 1989, made a similar commitment but at the same time warned Queenslanders that 'we're not coming in to change the world' (in Reynolds 1989, p. 41). He resolutely eschewed 'vision' and proposed a series of pragmatic measures that included some of the electoral, administrative and legal reforms that emerged from the two Fitzgerald commissions (Wear 1993, p. 24). Measures introduced included

> reform to the state and local government electoral systems, the state electoral commission, the register of interests of parliamentarians, freedom of information legislation, judicial review of administrative decisions, whistleblower protection (interim measures only), prescribed legislative standards, and peaceful assembly … The government also acted to reform some other aspects of the parliamentary process and public accountability such as guidelines for ministerial expenses, tightening the guidelines for parliamentary travel allowances, improvements in the resources for non-government parties, increasing parliamentary time for plenary debates, and allowing shadow cabinet members increased access to departments. (Stevens and Wanna 1993, p. 7)

Compared with what had gone before in Queensland, the Goss government's initiatives were substantial. However, other recommendations made by the EARC and the CJC were either not implemented, languished for years before being acted upon or were weakened (Stevens and Wanna 1993, p. 7; Solomon 2010, p. 1; Ransley 1993, pp. 112–13). No Queensland government has ever shown interest in implementing a Bill of Rights, despite EARC's recommendation, and matters such as the consolidation of Queensland's constitution and rules regarding disclosure of political donations had to wait many years for implementation.

While Acts covering FOI (1992), whistleblower protection (1994) and public-sector ethics (1994) were introduced, the legislation ended up being more limited than the EARC intended. FOI legislation was watered down in 1993 to make any material presented to Cabinet exempt from FOI requests. This meant that so long as documents were brought physically into the presence of Cabinet, they were exempt even if they had not been considered. Business enterprises were also exempt from coverage, and as a result government functions increasingly were assigned to them because they were lass accountable than public service departments (Solomon 2010a, p. 1). As a result of these modifications, 'information

would be made available under FOI only if it was not inconvenient for the government to do so' (Solomon 2010b, p. 202). Cynics took to referring to 'Freedom from Information' in recognition of the measure's weakened status (J.W. 1993, p. 254). The whistleblower protection — the first such legislation in Australia — that the Goss government introduced was similarly diluted. It only offered protection to whistleblowers whose complaints were made 'in house'. Whistleblowers were protected if they took their concerns to a relevant government department; however, if, in frustration, they went to the media or to an opposition MP, they were no longer covered (Solomon 2006, p. 1). As far as public-sector ethics legislation was concerned, there was little budgetary support, implementation was patchy and it failed to cover elected members of parliament (Ransley 2010, p. 89; Preston 2010, p. 191).

Apart from the Fitzgerald-inspired reforms, the other area prioritised by the Goss government was public service reform. Goss implemented a series of measures designed to 'catch up' with the rest of Australia and to ensure better executive and policy coordination (Davis 1993). Public service departments were amalgamated and reforms to Cabinet processes were introduced (J.W. 1990, p. 437). Goss had inherited a public service that had become accustomed to few administrative changes (Coaldrake 1989, p. 80). Goss himself described it as 'moribund' (cited in Lauchs 2006, p. 91). The focus of Goss's reforms was on efficiency and effectiveness rather than on accountability *per se*, but there was an underlying assumption that managerialist reforms would lead to a more accountable public service. The government created the Public Sector Management Commission (PSMC) with a brief to review and reform the public sector. Although such a body did not feature in Fitzgerald's report, the PSMC was presented by the Labor government as a third body to complement and complete the work of EARC and the CJC. Other public service reforms included the introduction of a Senior Executive Service, performance reviews, program budgeting, regionalisation, and merit and equity measures (Davis 1993, p. 45; Wanna 2003, p. 380). It was, however, the PSMC's 'thoroughgoing review and overhaul of the public sector' (Davis 1993, p. 45) that created ripples of alarm throughout the public service. In part, this was because the Queensland public service culture was deeply entrenched and resisted moving from a bureaucratic, rule-driven model to the more flexible managerialist approach that Labor's reformers desired. The pace of change and lack of consultation alienated many public servants. The despatch of several departmental heads and senior officers who were seen to be aligned with the former government to a 'gulag' in the Brisbane suburb of Normanby was particularly badly handled. Relations with public-sector employees were so poor that it seems likely Labor lost votes in 1995 as a result (Wanna 2003, p. 381).

On the other hand, many of the government's successful reforms made it less likely that corruption would flourish in Queensland. Yet there were few measures that seriously reined in executive power. Parliamentary reforms in particular were modest because the government had little desire to subject the executive to serious scrutiny (Wanna 1993, p. 60; Ransley 1992, p. 158). The committee system was a case in point. Fitzgerald had recommended 'a comprehensive system of parliamentary committees to enhance the ability of Parliament to monitor the efficiency of Government' (Fitzgerald 1989, p. 124). The Ahern government had introduced

a Public Accounts Committee and a Public Works Committee, and the Goss government added to these in 1990 by introducing Subordinate Legislation and Travelsafe Committees as well as the PCEAR and PCJC. In 1995, new legislation provided for the establishment of six permanent committees: the Legal, Constitutional and Administrative Review Committee; the Members Ethics and Parliamentary Privileges Committee; the Public Accounts Committee; the Public Works Committee; the Scrutiny of Legislation Committee; and the Standing Orders Committee (Alvey 2007, p. 17). The legislation required ministers to respond to recommendations from committees within three months, with full responses within six months, but compliance with this provision was rare (Preston 2010, p. 190).

This array of committees was undoubtedly an advance on the domestic committees devoted to matters such as library and refreshment rooms of the Bjelke-Petersen era. On occasion, the PCEAR and PCJC were controversial. However, parliament still retained the same marginal position in Queensland's political system that it had always had. Traditionally, Queensland leaders have seen parliament as an impediment to 'getting things done', and Goss was no exception (see Wanna 2003, p. 367). The number of sitting days remained low compared with other Australian parliaments, and when parliament did sit the days were relatively long (Wanna 1993, p. 60). Ransley's evaluation of parliamentary reform in the immediate post-Fitzgerald era was downbeat. 'There is,' she wrote, 'little that has been achieved by way of lasting reform to the uneven balance between the Executive and the Parliament, and little hint of any intention to achieve such reform.' (2002, p. 158)

The increasing consolidation of executive power was hardly unique to Queensland, but the lack of an upper house, long periods before any alternation in office, weak oppositions and decades of autocratic state government rule exacerbated trends that have been observed elsewhere. With the decline of mass parties, there has been a movement in democratic societies towards leaders exercising greater autonomy, untrammelled by commitments to party organisations or grassroots members, and aided by a bevy of personal staff, advisers and pollsters. Goss's leadership style was consistent with this trend, and with the pattern of strong premiers found in most Australian states. Goss's exercise of power was more methodical than that of his predecessors as a result of the greater coordination and routinisation that he brought to public administration and the policy process (Davis 1993, p. 38). Wanna describes him as an 'arch-controller' (2003, p. 369) and his biographer says that he led 'from the front' (Walker, in Wanna 2003, p. 360). Goss was also likened to a typical American 'party boss', who 'governed without rivals from a strong power base using good organisational skills' (J.W. 1992, p. 233).

Peter Beattie, chair of the PCJC until 1992, had clashed with Goss and was hardly unbiased, but his characterisation of the Goss government matches descriptions of the modern electoral-professional party, with its emphasis on the central role of officials, weak vertical ties to the organisation, reliance on public money and interest groups for funding, and stress on leadership and issues rather than ideology. According to Beattie, the Goss government was 'led by opinion polls … some of the leaders sought power as an end in itself and … ordinary

members had little say in the party' (J.W. 1993, p. 250). The executive was strengthened by ministerial advisers recruited from throughout Australia to offer skilled political and policy advice (Davis 1993, p. 39). Like all modern governments, the Goss government also attempted to manipulate the media and employ spin (Wanna 2003, p. 374). With the closure of *The Sun* and *The Sunday Sun* in 1992, it had fewer media outlets to try to influence. While this may have made the government's life a little easier, some journalists feared that with no print alternatives to the Murdoch-owned *Courier Mail* and *Sunday Mail*, their capacity to speak out would be constrained by the absence of an alternative employer (Lawe Davies 1993, p. 81). The ABC's termination of nightly state-based current affairs at the end of 1994 left 'a near vacuum' that must have added to the comfort of politicians but did little to enhance their public accountability (Simons 2010).

Once electoral reforms for which there was bipartisan support had been implemented, enthusiasm for other EARC recommendations tended to fall away (Solomon 2009, p. 632). Although it had been Tony Fitzgerald's intention that EARC be an enduring body, it was wound up with bipartisan support in 1993, on the grounds that it had completed the agenda set by Fitzgerald. A Queensland Administrative Review Council, recommended by the PCEAR to be responsible for the ongoing review of administrative matters, was never established (Solomon 2009, p. 628).

When the Labor government lost office as a result of the Mundingburra re-election in 1996, much had changed for the better in Queensland. Even if reforms such as FOI, whistleblower legislation and the introduction of a modest committee system did not go far enough to make government accountable, they had not been rejected out of hand. Their existence was educative and gave reformers a platform on which to recommend improvements. Essential public service reform had been implemented, although resistance remained and its impact on public servants' morale was negative and long-lasting. The most effective reforms by far were those to the electoral system, which was removed from the government's grasp and given a legitimacy that it had never previously had.

On taking office, the Borbidge government began winding back the clock. It. abolished the Office of Cabinet and the PSMC, and replaced a number of senior public servants suspected of being Labor loyalists with its own people. Ann and Roger Scott described it as feeling 'like the return of the Bourbons' (2001, p. 7). The new speaker sacked his driver and appointed a 'notorious National Party operative' in his stead; he also dismissed the Deputy Clerk of Parliament, who had been an 'active reformer' of the Queensland parliament (J.W. 1996, p. 424). None of this bode well for accountable government, but of even greater concern were revelations that the Police Union had apparently assisted the Coalition to return to power. The Nationals and the Queensland Police Union had signed a Memorandum of Understanding (MOU) in which the Police Union apparently gave an undertaking to campaign for the Nationals in the Mundingburra re-election in return for a series of measures that included giving the union a veto over who could be appointed as police commissioner and the dismissal of six serving assistant commissioners. Sir Joh Bjelke-Petersen emerged from retirement to say that his successors were acting responsibly in listening to the Police Union (Wear 2003, p. 394). The government referred the matter to the CJC, which asked

Kenneth Carruthers QC to chair an inquiry. The shenanigans did not end there, however, because the government then set up its own inquiry into the CJC — the Connolly Ryan Inquiry — which subsequently was closed down by the Supreme Court because of Connolly's bias. In a final *coup de grace* to accountable government, the Attorney-General, with the Premier's support, refused to resign after a parliamentary vote of confidence over the matter.

In a speech on the twentieth anniversary of his inquiry, Tony Fitzgerald passed harsh judgement on the Coalition government, which had curtailed the CJC by providing increased powers to the PCJC and creating a Crime Commission independent of the CJC (Scott and Scott 2001, pp. 13, 14). Fitzgerald told his audience:

> It soon became apparent to Queenslanders that the Coalition was at that time still not fit to govern but it had succeeded in interrupting and damaging the reform process.

The Beattie and Bligh Labor government that succeeded the Coalition in 1998 could take no comfort from Fitzgerald's judgement either. Fitzgerald made it clear that if his report had drawn a 'line in the sand' between the 'Joh' and 'post-Joh' eras, the Beattie and Bligh governments had well and truly scuffed over it:

> Under Beattie, Labor decided that there were votes to be obtained from Bjelke-Petersen's remaining adherents in glossing over his repressive and corrupt misconduct. Tacitly at least, Queenslanders were encouraged to forget the repression and corruption which had occurred and the social upheaval which had been involved in eradicating those injustices …

He went on to say:

> Ethics are always tested by incumbency. Secrecy was re-established by sham claims that voluminous documents were 'Cabinet-in-confidence'. Access can now be purchased, patronage is dispensed, mates and supporters are appointed and retired politicians exploit their connections to obtain 'success fees' for deals between business and government. Neither side of politics is interested in these issues except for short-term political advantage as each enjoys or plots impatiently for its turn at the privileges and opportunities which accompany power. (2009)

Beattie led the state for nine years before resigning in favour of his deputy, Anna Bligh, in September 2007. His popularity and repeated electoral success enabled him to further entrench executive power and to continue with the well-established pattern of largely ignoring parliament. The impetus of the Fitzgerald Inquiry was in the past, and without its stimulus few accountability measures were introduced. As Tony Fitzgerald intimated, Beattie had publicly reconciled with Bjelke-Petersen, to the point of pushing him in his wheelchair around the Suncorp Stadium and taking morning tea at Bethany, the Bjelke-Petersens' Kingaroy property (Strong 2003; Bishop 2005). A benign interpretation of these events would be that Beattie was trying to heal old wounds, but Fitzgerald's view is probably more realistic: the Premier was attempting to attract the still-sizeable group of 'Joh' voters left in Queensland, many of whom had switched to Pauline Hanson's One Nation Party in 1998.

Beattie was good at engaging with voters. As a result of an agreement with Peter Wellington, the Independent whose support kept the first Beattie government in office, the Premier instituted a system of Community Cabinets, which took him, his Cabinet ministers and senior public servants to towns all over Queensland to meet with community members. These meetings had a democratic function in allowing people in regional and rural Queensland to engage with government. This was particularly important at a time when support for Pauline Hanson's One Nation Party signalled that politicians had lost the trust of many voters, especially in the regions. Beattie was able to fight Hanson's populism with a version of his own that drew 'ordinary people' into the political process. There were reminders of Bjelke-Petersen in Beattie's capacity to relate to the bush. Community Cabinets enabled Beattie to build the political capital that contributed to his electoral success in 2001 when his government was returned in a landslide (Bishop 2005). This win was followed by two more very strong results in 2004 and 2006. Beattie assumed the commanding role so common to state politics, where the arena is sufficiently small for an electorally successful Premier to dominate.

In many respects, Beattie rewrote the rules for electoral success in Queensland. He never tried to deny or cover up problems that were publicly revealed. The '*mea culpa* and the policy backflip' (Williams 2005) became emblematic of his rule. He willingly accepted responsibility for his government's mistakes, some of which raised concerns about ethical standards. The 1999 'Net Bet' affair involved the approval of gaming licences to a company owned by prominent ALP figures. This was followed in 2000 by evidence of fraud in the ALP's internal electoral processes. Beattie called in the CJC, which asked Justice Shepherdson to investigate; this resulted in the resignation of senior ALP figures, including Deputy Premier Jim Elder and backbenchers Grant Musgrove and Mike Kaiser. In 2004, Beattie went to the polls promising to fix failures to act in numerous cases of child abuse and a culture of cover-up that a CMC inquiry had revealed within the Families Department (Wanna 2004, p. 605).

Although Beattie responded promptly to any criticisms that endangered his government's reputation, he had little long-term engagement with major parliamentary or public service reform. Apart from the wholesale removal of Borbidge's appointees, Beattie largely left the public service alone, with the noteworthy exception of appointing more women as Directors-General (and Cabinet ministers) than ever before. In his first term, as a result of the agreement with Peter Wellington, Beattie implemented modest parliamentary reforms that included a greater role for Independents within the parliament, an assurance that ministers would answer questions put to them in Question Time within three minutes, and more rigorous and open guidelines for claiming ministerial expenses (Beattie 1998). In 1998, ministerial credit cards were abolished (Queensland Government 2009).

Beattie's most innovative reform contribution was the creation in 1999 of the part-time position of Integrity Commissioner. The Commissioner's role was to give confidential advice to ministers on conflict of interest, to provide ethics advice to the Premier and to promote public education on ethics in government (Preston 2003, pp. 414–17). Critics pointed out that because the Commissioner's consultation and reporting were to be confidential, it was difficult to measure the success or otherwise of the position (Lauchs 2006, pp. 196–97). At least initially,

there was not a rush for his services: the Commissioner's first annual report suggested that he had given advice in only 'a handful of instances' (Preston 2003, p. 462). By the time Beattie had resigned in 2007, requests for advice from the Commissioner had almost trebled (Queensland Integrity Commissioner 2007), although the position still remained low profile.

The Fitzgerald agenda received a boost when EARC's recommendation that the Queensland Constitution be consolidated was achieved in 2001. On the debit side, the operation of a number of accountability mechanisms was weakened further. Fees for FOI requests were increased and the government was accused of rushing documents through Cabinet in order to prevent their release (Wanna 2002, p. 261). In 2005, additional FOI restrictions relating to matters before judicial bodies were imposed (Williams 2005, p. 597). As well as these mechanisms for hobbling FOI, government agencies were characterised by a culture of secrecy. This was highlighted by findings of the Queensland Public Hospitals Commission of Inquiry into the competence of Dr Jayant Patel, an overseas-trained doctor employed at the Bundaberg Base Hospital and widely known as 'Dr Death'. The Commissioner, Geoffrey Davies QC, found that:

> Bringing to light these and other problems in the public hospital system was made very much more difficult by a culture of concealment of practices or conduct which, if brought to light, might be embarrassing to Queensland Health or the Government. This culture started at the top with successive governments misusing the *Freedom of Information Act* to enable potentially embarrassing information to be concealed from the public. (Queensland Public Hospitals Commission of Inquiry 2005, p. 17)

The same inquiry also revealed serious deficiencies in the operation of the state's whistleblower protection legislation. A whistleblowing nurse, Toni Hoffman, had raised her concerns about Dr Patel to her local MP, who had raised the matter in parliament. Ms Hoffman was not protected under the Queensland legislation and, in the absence of a central integrity agency to oversee whistleblowing matters, many government agencies — including Queensland Health — had few or no procedures in place to deal with whistleblowers (Brown 2009, p. 673; Solomon 2006). This was not the situation envisaged by Fitzgerald.

There was a further move away from Fitzgerald's intentions with the 2002 merger of the CJC with the Crime Commission to create the Crime and Misconduct Commission (CMC) (Lewis 2010, p. 72). The CMC implemented a devolution strategy whereby complaints against police and other areas of public administration were largely passed to those units themselves to investigate. The rationale for this change was to try to build integrity within public-sector organisations, but it produced understandable community concern about 'cops investigating cops' over misconduct claims (Lewis 2010, p. 73). The legitimacy of such concerns was reinforced by the flawed police investigation into the 2004 death in custody on Palm Island of Mulrunji Doomadgee and subsequent inquiries into the behaviour of the officers involved.

Throughout Beattie's time in office, he faced an opposition that was too weakened, dispirited and divided to hold the government to account. The *Courier Mail*'s transition from broadsheet to tabloid in 2006 reflected national trends away from lengthy and serious media analysis of politics. Beattie was no shrinking violet when it came to

the media and, with a few notable exceptions, he largely dictated the terms of the coverage. He remained popular to the point of his resignation, but there was a growing perception, alluded to by Tony Fitzgerald in his Griffith University speech, that in Queensland, 'mates' received privileged access to government. It fell to Anna Bligh, who took over from Beattie in 2007 and was re-elected in her own right in 2009, to deal with these allegations and to reinvigorate the reform agenda.

One of Bligh's first acts as Premier was to reduce the number of public service departments from 23 to thirteen. She also introduced a series of integrity reforms in response to a series of incidents that revealed that complacency had set in, the perks of office were being shared around and access to government could be purchased. The pernicious practice of 'pay-per-view' — meetings between the Premier and lobbyists and businesspeople — was widespread. It also transpired that huge fees were being paid to lobbyists for their success in obtaining government contracts for their clients.

The *Courier Mail* reported that in one year the Premier had dined with almost 90 business leaders and lobbyists who had paid for the privilege (Wardill 2009). According to newspaper accounts, one developer who paid more than $5000 to have dinner with the Premier received a favourable response a fortnight after raising a development issue with Bligh's chief of staff, Mike Kaiser (Wardill 2009). A sense of entitlement and insensitivity to the expenditure of public funds had emerged with incumbency. This phenomenon was particularly well illustrated by the aptly named 'gravy train' scandal that occurred early in Bligh's tenure. Unelected members of the ALP's transport committee were taken on a three-hour catered tour on a specially booked Brisbane city train at taxpayers' expense (O'Loan 2008; Lion 2008). The Bligh government ensured that the ALP paid for the 'gravy train', and referred the incident to the CMC, which found that no official misconduct had occurred (Kellett 2008).

Far greater were the repercussions of the practice of paying 'success fees' to politicians turned lobbyists. Former politicians from both sides of politics had received such fees, but community alarm was particularly raised by a $500,000 fee paid to former state Treasurer Terry Mackenroth and former Labor federal minister Con Sciacca after the firm they represented won the $5 billion Airport Link contract (*Brisbane Times* 2009; Fraser 2009). This was not the first time that Mackenroth had presented a Labor government with an ethical headache. In 1992, he had travelled with his wife to a netball competition in Sydney at taxpayers' expense. As a result of the 'travel rorts' affair, as it was known, he was forced to resign his ministry but was soon reinstated. Nearly 20 years later, as a lobbyist, he and others had combined lobbying with paid government positions (Prenzler 2009). Premier Bligh made the obvious connection when she said that it was inappropriate to lobby a government while being part of it, and demanded that lobbyists choose between lobbying or government appointments (Fraser 2009).

Bligh was keen to distance her government from the pre-Fitzgerald era, and in early 2010 integrity legislation banning success fees for lobbyists was introduced. The new laws were based on the Canadian model: in addition to banning rewards to lobbyists for winning government contracts, they also included bans on success fees for achieving legislative changes, securing licences or arranging meetings with government ministers (Queensland Business Review n.d.). In addition, the legisla-

tion instituted a two-year prohibition on former senior politicians from lobbying in areas in which they had officially been involved. An eighteen-month prohibition applied to parliamentary secretaries, former ministerial staff and senior public servants. Lobbyists had to be registered and the Register of Lobbyists was made the responsibility of the Integrity Commissioner, who has recently flagged an issue that current legislation fails to address, which is that the only people currently required to register as lobbyists are third-party professional lobbyists (Solomon 2011, p. 11). Lawyers and accountants with regular dealings with government are not required to do so, nor are pressure groups, professional bodies, developers seeking development approval from local councils, mining companies seeking permits or property owners wanting changes to tax laws. According to the Commissioner, 'the current system only requires about one-fifth of those entities that are involved in lobbying to actually register as lobbyists' (2011, p. 12).

Other Bligh government reforms revisited items from the Fitzgerald agenda that, with the passing of time and government resistance to transparency, no longer operated effectively. FOI was a case in point. As McMillan (2010) observes of Australia more generally:

> Many people feel that there was minimum cultural change in some government agencies, that a presumption in favour of disclosure was not practised across government, and that government agencies could exploit restrictions and gaps in FOI laws to make it harder for the public to gain access to government information, especially information that might be embarrassing to the government or an agency.

In 2009, New Right to Information (RTI) laws replaced the 1992 FOI legislation and followed the 'two steps forward, one step backward' progress that has characterised so much of the Queensland reform agenda. The RTI legislation created the position of an Information Commissioner who reports to parliament and whose role is to oversee the operations of the Act. It also reduced the number of exemptions, cut the 30-year rule for releasing archived Cabinet documents to 20 years, and made post-2009 Cabinet documents available by request after ten years (*Queensland Cabinet and Ministerial Directory* 2009). The government was enabled to publish results of RTI searches online within 24 hours of release. While this last measure appeared to represent a move towards more open government, journalists whose organisation may have paid thousands of dollars to obtain the information resented its ready availability to potential rivals and feared that it would threaten investigative journalism in the state (Houghton 2009). Other journalists complained that little had changed in the culture of secrecy surrounding government despite the legislation's emphasis on disclosure of information. The Health Department, which appeared not to have learnt from the 'Dr Death' affair, was singled out for operating a 'Right to Hide Information' regime (*Courier Mail* 2010b; Lion 2010). Journalists also expressed concerns that lists of requests for information were forwarded regularly to the Premier and other staff, including 'spin doctors' (Lion 2009; *Courier Mail* 2010a). While it was probably a sensible precaution on the part of the Premier to be aware of possible looming embarrassments, the New South Wales Ombudsman's (2009) report on FOI warned that 'if a new culture of proactive release of information is to thrive, agencies must resist the temptation to "media manage" everything which is released'.

Bligh's initiatives did not stop there. Her government addressed another Fitzgerald recommendation that administrative tribunals be rationalised by creating the Queensland Civil and Administrative Tribunal in 2009, which dealt *inter alia* with matters such as anti-discrimination, building disputes, and consumer and trader disputes. The following year, the old whistleblowers legislation was replaced with the *Public Interest Disclosure Act*, which now permits whistleblowers to go to the media if their concerns are not properly addressed 'in house'. Whistleblower expert A.J. Brown (2010) judged the section dealing with legal protection for whistleblowers who go to the media as 'the simplest, clearest and most liberal provision for public servants to be able to go public with serious concerns about wrongdoing, if official authorities fail to act-not just in Australia, but anywhere in the world' (2010). This is, he says, 'a true "sunlight" provision'.

Premier Bligh (2009) used a similar analogy when she maintained that what the Fitzgerald Inquiry did was 'allow sunshine to pour in and be the great disinfectant'. She went on to argue that changes since Fitzgerald have been significant and, to illustrate her point, gave the example of Gordon Nuttall, a former Beattie government minister found guilty of corruption and perjury and jailed for twelve years (ABC News 2010). Denial of the kind practised by Bjelke-Petersen and Russ Hinze was no longer a viable option. Nor was the acceptance of cash in brown paper bags. Bligh's government introduced amendments to the *Electoral Act* in 2008 to ensure that political donations of more than $1000 had to be disclosed and that all donations of $100,000 or more from a single donor in less than six months had to be disclosed within fourteen days. At the same time, a ban on ministers and parliamentary secretaries holding shares was implemented (Queensland Government 2009). In 2011, legislation was introduced to cap the amount donors could give to political parties to $5000 a year and the amount that could be given to candidates to $2000 per donor, and to cap the amount that parties, candidates and third parties could spend on campaigning. Campaign expenditure by political parties was capped at $80,000 per seat. Limits were also imposed on third-party expenditure (Electoral Reform and Accountability Amendment Bill 2011). Not everyone was satisfied that the government's motives were entirely pure, however. The opposition suggested that the new laws were biased in favour of the government and that the extra public funding required to make up for the loss in private donations could better be spent on hospitals and schools (Norton 2011; Hurst 2011).

Another Bligh government initiative has been the reform of the parliamentary committee system — an especially important matter in a unicameral parliament such as Queensland's. There had already been minor reforms of the committee system in 2009 but the recent reforms are much more sweeping. The new committee system reflects an EARC recommendation for a portfolio-based system, and has established Finance and Administration, Legal Affairs, Police, Corrective Services and Emergency Services, Industry, Education, Training and Industrial Relations, Environment, Agriculture, Resources and Energy, Community Affairs, Health and Disabilities, Transport, Local Government and Infrastructure Committees. There is also an Ethics Committee and a Crime and Misconduct Committee, which is chaired by a member of the opposition. Most Bills in future will be referred to the relevant committee for consideration and the committees will also undertake the annual estimates process.

While the legislation advances reform in some respects, it retreats to the past in another serious manner. This is because a new Committee of the Legislative Assembly, whose members include the Premier and leader of the opposition or their nominees, appears to usurp the speaker's role in administering the parliament and further fuses — and confuses — executive and legislative roles. This latest breach of convention is one of many that have occurred over the years in Queensland. The LNP's decision to choose a leader who is not even a member of parliament could also be added to the list. Even if the Canadian system allows for party leaders who are not members of parliament (Green 2011), in Queensland the leader of the alternative government has traditionally sat in the parliament. The fact that this is no longer the case may well diminish parliament's significance in the eyes of Queenslanders and weaken the institution's capacity to hold the government to account.

The degree to which the improvements to the committee system empower parliament and the people remains to be seen. This is because the relations between the parliament and the executive are complex and subject to a range of pressures that make it difficult to plot reform on a simple graph. Since 1989, there have been periods when the Queensland government has actively pursued a reform agenda that after more than two decades has taken it away from the crude paternalism, corruption and blatant cases of conflict of interest of the Bjelke-Petersen era. At various times, however, there have been reminders of the past, with the emergence of corruption and the deliberate weakening of reforms that initially were introduced with much fanfare. The state has a long tradition of powerful executives and weak legislatures. Changes within political parties and the media that have led to an unparalleled focus on political leaders continue to reinforce the established pattern. In this environment, the pressure on vulnerable leaders to avoid parliamentary or public scrutiny of themselves and their governments remains intense. The reform story in Queensland is never-ending.

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