

Michael John Ahern
A Frustrated Reformer

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*With the benefit of hindsight, my two years in the premier's office
started a 'generation change' in the government of Queensland.
The process was made to change from secrecy (don't you worry
about that) to openness, from corruption to transparency, from anti-
intellectualism to a research-based community, etc.
It is still a 'work in progress' but we made a good start.²*

On the first day of summer in 1987, the unthinkable happened.

Sir Johannes Bjelke-Petersen, the populist Premier loved by some with adulation and hated by others with venom, who had ruled Queensland almost as a personal fiefdom since 1968,³ was no longer Premier of Queensland. He had lost the support of his own party, tried to dismiss his Ministry and seek a new election, and then eventually succumbed when his successor Mike Ahern presented the Governor with a letter of confidence signed by all National Party⁴ members of the Legislative Assembly ... except Bjelke-Petersen.

From thirty years distance it would be difficult for many Queenslanders to quite understand the significance of the moment. It was not merely that Bjelke-Petersen had been the leader for a generation. Rather, as a populist (and as Deane Wells famously argued, a totalitarian⁵), he had worked to promote in Queenslanders the notion that he and the state were one and the same. Queensland was Joh. Joh was Queensland. It was a formula which, combined with a profoundly unfair electoral weighting system, not only kept him in office for two decades but also established and maintained Queensland's own peculiar political culture and environment. Under Joh, Queensland *was* different,⁶ and love or hate him, his departure was going to profoundly change Queensland politics.

Added to this was the fact that Bjelke-Petersen's departure was not the triumphant retirement he might have had after unexpectedly winning the 1983 and 1986 elections. In 1987, a series of

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² Mike Ahern, in an inscription inside the front cover of Paul Reynolds' biography, as reported in the *Courier Mail*, 14 November 2010.

³ Or, at least, since a failed leadership attempt in 1970, which led to the emergence of an all-power triumvirate of Bjelke-Petersen, Country Party President (Sir) Robert Sparkes, and in 1971, press secretary Allan Callaghan. See Hunt (2009) for an interesting recent account of these events.

⁴ In this paper, the term "National Party" will be used to describe the party, even during periods when it went by a different moniker.

⁵ Wells D (1979) *The Deep North*, Outback Press, Melbourne.

⁶ "Queensland Difference" was the central premise of Charlton P (1983) *State of Mind – Why Queensland is Different*, Methuen-Haynes, Sydney.

damning *Courier Mail* articles by Phil Dickie⁷ dovetailed with a *Four Corners* episode by Chris Masters called *The Moonlight State*⁸ to expose deep police corruption in Queensland, potentially extending to Ministerial levels. While Bjelke-Petersen was out of the country, his deputy Bill Gunn combined with his former ally Sir Robert Sparkes to initiate a Commission of Inquiry by former Federal Court judge Tony Fitzgerald QC. From there, revelation after daily revelation made it clear that, for the Bjelke-Petersen government, there was no surviving this scandal.

This was the political environment which greeted Mike Ahern on the first day of his Premiership. He led a government which was pummelled by revelations of corruption; he was stepping into the shoes vacated by a populist who had successfully made his own persona contiguous with that of the state, and within a matter of weeks he went from facing the fairly unimpressive Nev Warburton as opposition leader, to facing the young, media-attractive, articulate Wayne Goss. He had two years before an election was due, and only two possible strategies: to portray himself as son-of-Joh, embodying the same political approach but more distant from the taint of corruption; or to cut an entirely new path, and to engage in the sort of reform that (it was clear) would follow from the Fitzgerald Report and the election of a Labor Government.

It is already clear from previous works (particularly Reynolds' excellent political biography) that Ahern chose the latter path. He famously committed himself to implementing the Fitzgerald reforms "lock, stock and barrel" before they had even been released. However it would be a disservice to Ahern to suggest that his reform-mindedness was merely a political imperative. Even as a National Party MLA, he had had plenty of years as an outsider. For some years he was the only Nationals MLA with a degree; he was slow to be appointed to the Ministry, and his early political successes were in parliamentary committee work.⁹ He therefore had years close to, but outside the establishment, and a vantage point from which to speculate about change.

Now, with the release of the Cabinet papers for the first full year of Ahern's premiership, it is possible to look again at the era of reform which he commenced, and to test the quotation at the head of this paper. It will be suggested that Ahern was in full earnest as a reformer, and that he gave the reform process his full energy, but in the end succumbed to inevitable political forces within the National Party, which itself succumbed to the inevitable judgment of the voters in 1989.

Philosophical reforms

Before coming to specific policy changes implemented by Ahern, it is important to recognise two underlying philosophical changes which he brought to his premiership, and which both remain today: that institutions matter, and that expertise matters.

Under the Bjelke-Petersen government, the institutions of politics and administration had an instrumental rather than deliberative purpose: the parliament was there to pass the legislation required of it by the government (and not to exercise any accountability function), and the public

⁷ Dickie later told the story in much more detail in Dickie P (1988) *The Road To Fitzgerald*, UQ Press, Brisbane.

⁸ Masters C (1987) "The Moonlight State", television programme, *Four Corners*, ABC Television, Sydney, originally broadcast 11 May 1987, now available at www.abc.net.au/4corners/the-moonlight-state---1987/2832198

⁹ See, for instance, the report of the Select Committee on Education in Queensland (1980), which he chaired, and his reflections on that process in an occasional paper in 1979.

service was there to faithfully implement the demands of the government without question. Even Cabinet under Bjelke-Petersen was an institution which mattered little. What mattered under Bjelke-Petersen were people of influence: Bjelke-Petersen most of all, but also others such as Russ Hinze. Patronage was a key element of business in Queensland, and patronage would be less effective if institutions were functioning effectively.¹⁰

Ahern, on taking office, turned from a system in which power resided in people, to a system in which power would reside in institutions, and in the rules and frameworks which bound them.¹¹ Examples, such as the Public Accounts Committee, will be explored in depth below, but those examples should be seen in the context of this quite profound philosophical shift.

Second, unlike his predecessor, Ahern valued expertise and evidence-based policy. This might be ascribed to his university education (it was quite radical in the 1960s for a young man to learn about farming at a university rather than on a farm), it might be ascribed to his backbench experiences, and in particular the Select Committee on Education in 1979-1980. Finally, it might be ascribed to his experience in the Ministry, where he notably relied on the advice of experts (particularly when he held the Industry, Small Business and Technology portfolio). Most likely, a combination of these experiences led Ahern to a position where he, unlike his predecessor, was inclined to ask for the views of experts before making key decisions.¹²

These two philosophies, set in the context of the times, led to a number of key principles which emerged from Cabinet's records during Ahern's premiership. Each will be discussed briefly. The principles are:

- That the institution of parliament has a valid and worthwhile accountability function, and that while this represents an encumbrance on government, it is a necessary encumbrance;
- That Ministers of the Crown should be accountable to the parliament and to the public within the limits of the doctrines of collective and individual cabinet responsibility;
- That the public service should generally be independent and able to give "frank and fearless" advice, and that if senior public service positions were to be politicised they should be transparently politicised;
- That economic development was (as it had been under Bjelke-Petersen) the key to continued economic success; and
- That the obvious problems in policing would need to be dealt with, and that similar issues such as prison reform should be undertaken before more Fitzgerald-like disasters emerged.

¹⁰ Evan Whitton outlines the development and operation of this system of patronage in Whitton E (1989) *The Hillbilly Dictator*, ABC Books, Sydney.

¹¹ Interestingly Ahern's successor, Russell Cooper, has stated that one of the reasons for challenging Ahern close to the 1989 election was that Ahern was weak (see his interview on the *Queensland Speaks* website, commencing at 33:49). It is likely that Cooper equated personal strength with the capacity to exercise patronage – from which limited perspective, Ahern would indeed have appeared to be weak.

¹² On reading this sentence back, the author is moved to reflect on how surprising it is, from the perspective of 2019, that such a view could have been considered radical – but so it was.

In addition, while this does not represent a principle of the type listed above, it is clear from the Cabinet documents that Ahern recognised the need for some forms of social progress, particularly in relation to women, but also in terms of the government's response to the threat of HIV/AIDS. The government would be much *less* progressive on environmental issues and Indigenous issues. Finally, the government would maintain its predecessors' approach of vigorously opposing any perceived Commonwealth encroachment on Queensland's political independence.

Parliamentary Reform

Ahern came to the Premiership with a pre-existing record as a parliamentary reformer. As National Party whip, he had been successful in establishing a Privileges Committee, and a subordinate legislation committee.¹³ The latter of these, in particular, was a singular achievement due to the potential oversight role of a subordinate legislation committee.

As Premier, Ahern continued his predecessor's habit of calling parliament infrequently – there were just fifteen three-day sitting weeks in 1988 – but he made a number of major reforms which are still in place thirty years later.

At the very outset of his Premiership, Ahern announced his intention to establish a Public Accounts Committee. Two backbenchers were appointed to examine the operation of Public Accounts Committees in the other states and territories, and in the Commonwealth. This proposal came before Cabinet in May 1988 and the Committee itself was established in 1989. While the Public Accounts Committee was a profound step forward for accountability in Queensland, a number of criticisms can be made. The most significant of these were the inability of the Committee to look into ministerial, as opposed to departmental expenditure, and also the composition of the Committee.

On the latter issue, the Cabinet submission proposed a Committee of seven members, with a majority (four) from the Government. This was rationalised as follows:

*A Committee with a non-Government majority would lose a degree of clout and credibility because, as suggested by a Government member of the Commonwealth Committee, such a Committee would be expected to criticize Government actions irrespective of the real position.*¹⁴

It does not seem to have occurred to the authors that the reverse was equally true!

Given a government membership of four, this left three remaining positions on the Committee. However in the Queensland of 1988, the Liberal Party sat on the cross-benches. An allocation of one seat for the Liberal Party left the ALP – the genuine opposition – with just two of the seven places on the Committee. To make matters worse, a quorum for a normal meeting was established at four, and for a deliberative meeting five, meaning that the Public Accounts Committee could potentially

¹³ See Ahern's speech on moving the motion to appoint a Select Committee on Privileges, *Legislative Debates*, 7 April 1976, p. 3521.

¹⁴ Annexure to Cabinet Decision 54321, 19 May 1988.

agree to release reports without any Opposition involvement whatsoever, and with no capacity to produce minority reports.¹⁵

A twin to the Public Accounts Committee was the Public Works Committee (indeed both Committees have survived to the current day as a merged Committee). A Public Works Committee has parliamentary oversight of government contracts over a certain figure. The intention is to prevent Ministers from extending personal patronage, as had been alleged against Ministers in the Bjelke-Petersen era.¹⁶ A proposal to establish a Public Works Committee came before the Ahern cabinet in November of 1988,¹⁷ but it was far less advanced in form.

Finally, a key feature of parliaments in other jurisdictions was their capacity to manage their own budgets and facilities. It is inherently vital for the parliament, as an institution independent of the government, to be able to manage its own affairs. A proposal to this effect came before Cabinet in May of 1988¹⁸ and legislation was brought forward later in the year,¹⁹ resulting in the passage of the *Parliamentary Service Act 1988*.

Despite the flaws of the Public Accounts Committee, it is abundantly clear that the Legislative Assembly ended 1988 in a far stronger position than it began the year, in terms of the tools at its disposal to hold the executive government to account. These reforms – Ahern reforms – have endured.

Ministerial accountability

One of the criticisms initially levelled at the Public Accounts Committee was that it was empowered to examine *departmental* expenditure, but not *ministerial* expenditure. This obvious limitation on the capacity of the parliament to hold ministers to account was unsustainable in the face of Fitzgerald revelations which directly implicated Bjelke-Petersen era Ministers.

This criticism also played out in the context of Ahern's announcement, soon after taking the Premiership, that Ministers would be expected to abide by a Ministerial code of conduct. Such a proposal sounds well in theory, but Ahern's code of conduct was kept secret, between himself and his Ministers. The result was that the Ministers were accountable to Ahern, rather than to the Parliament or to the People. The Code of Conduct was not even recorded in a Cabinet decision. The secrecy surrounding the code of conduct attracted substantial (and justified) criticism from the Opposition.²⁰

¹⁵ Opposition leader Wayne Goss referred to the committee as a "token pathetic creature" and a "failure of accountability." *Parliamentary Debates*, 10 November 1988, p.2408. Some years later, however, and outside the combative arena of parliament, he offered guarded praise for Ahern: Goss W (2000) *Parliamentary Committees in Queensland*, paper presented to the Australasian Study of Parliament Group.

¹⁶ Whitton, *op cit* and Dickie, *op cit*.

¹⁷ Cabinet Decision 55595, 21 November 1988.

¹⁸ Cabinet Decision 54322, 23 May 1988.

¹⁹ Cabinet Decision 54944, 22 August 1988.

²⁰ See, for instance, *Legislative Debates*, 22 November 1988, p. 2935, and 16 November 1988, p. 2696.

Rather than extending the powers of the Public Accounts Committee, Ahern responded to this criticism by issuing what amounted to an edict, with the support of Cabinet, “that all Ministerial expenses will be tabled in Parliament and consequently open to public scrutiny.”²¹

It would, perhaps, have been politically more astute to allow the figures to be scrutinised in the relatively closed confines of the Public Accounts Committee. By exposing figures to the scrutiny of Parliament, Ahern invited parliamentary debate on those figures, and the Opposition duly complied. Labor MLA Bob Gibbs, for instance, took the parliament on a month-by-month tour of Corrective Services Minister Russell Cooper’s monthly spending during the latter part of 1988.²² Worse still, because ministers were not required to state the purpose of spending, the overall figures invited speculation, or pure invention, from the opposition.

Ultimately, public scrutiny of Ministerial expenses later led to disaster for two of Ahern’s ministers (Brian Austin and Leisha Harvey) and former Bjelke-Petersen minister Don Lane; all three were convicted of misappropriating public monies, and sentenced to periods of imprisonment.

Public Service Reform

In his report, Tony Fitzgerald neatly encapsulated the circumstances of the public service in Queensland at the end of the Bjelke-Petersen era:

*When a government creates a bureaucracy peopled by its own supporters, or by staff who are intimidated into providing politically palatable advice, the Government is effectively deprived of the opportunity to consider the full range of relevant factors ... in making decisions. As a result, wrong decisions are made ... Not only are wrong decisions made, but some are tainted by misconduct. This has been amply demonstrated by evidence before this Inquiry.*²³

Ahern, particularly as Minister for Industry, Small Business and Technology, had grown to rely on the advice of public servants and Ministers, and encouraged them to provide him with that advice on the basis of their professional knowledge rather than anticipating his wishes (because he was frank about his lack of knowledge, and so in effect he had no predetermined wishes for the public servants to anticipate).²⁴

Reforming the public service was therefore high on Ahern’s agenda. For once, timing favoured him: not long prior to the commencement of his premiership, an extensive review by Sir Ernest Savage had recommended sweeping reforms to the public service in Queensland. Ahern therefore had a

²¹ Cabinet Decision 55594, 21 November 1988.

²² Legislative Debates, 22 November 1988, p. 2935.

²³ Fitzgerald A (1989) *Report of a Commission of Inquiry Pursuant to Orders in Council*, p. 130. (“Fitzgerald Report”).

²⁴ Centre for the Government of Queensland (2011) *Queensland Speaks*, www.queenslandspeaks.com, interview with Mike Ahern, c.25:00ff.

model to work from, and a model whose foundations came from the Bjelke-Petersen era.²⁵ His objectives, furthermore, were inherently *conservative*, restoring traditional Westminster values which had been overcome by populism.

In essence, Ahern pursued a three-pronged attack.

First, with the support of Under Treasurer Sir Leo Hielscher he reorganised state budget processes, by introducing a Cabinet Budget Committee, and by a policy of providing departments with a global budget figures, for the departments to allocate internally as they wished.²⁶

Second, a review was undertaken of the public service salary administration process, which was hopelessly outdated and arcane, with an imponderable number of classifications and salaries.²⁷

Third, and most importantly, new public service legislation was introduced, confirming the principles of appointment and promotion on the basis of merit for junior and middle-ranking public servants, and implementing a process of openly-political appointments for senior public servants, who went onto contracts rather than receiving permanent appointments.²⁸

These reforms “laid the foundations for the Goss Labor Government’s more thorough and not altogether popular, public service restructuring through its Public Sector Management Commission (PSMC).”²⁹

Economic development

One area in which Ahern did *not* depart from the style of his predecessor (and indeed earlier Premiers) was in his enthusiasm for development projects. Bjelke-Petersen had once famously remarked that he could measure Queensland’s economic health by counting the number of building cranes he could see from the Premier’s office.³⁰ Ahern entertained a range of projects, from the proposal for a spaceport on Cape York,³¹ to a bid for the 1996 Olympics (but only, Cabinet noted, if Athens did not make a bid to hold the centenary Olympics)³², to joint project with Japan to create a high-technology “Multi-function polis” (essentially a purpose-built city and a project which floundered partly because nobody quite understood it, and partly due to much older antagonisms, as the Second World War generation objected to the creation of a Japanese enclave in Australia).³³

²⁵ For a more detailed account of Ahern’s public service reform agenda, see Reynolds (2002), 106 – 109.

²⁶ Cabinet Decision 54403, 30 May 1988 (although note that the freedom of Departments was also tempered by the Expenditure Review Committee, which was looking to make savings).

²⁷ Cabinet Decision 53650, 29 February 1988 gives the substance.

²⁸ The legislation was the *Public Service Management and Employment Act 1988*; the relevant Cabinet Decisions were 52728 (October 1987, introducing the proposal); 53713 (March 1988, incorporating Backbench comments); 53913 (March 1988, in which the Bill was approved); and 54084 (April 1988, making minor textual amendments prior to the Bill’s introduction to Parliament).

²⁹ Reynolds P (2002) *op cit* 107.

³⁰ The so-called “Crane Index” has since also been adopted by Premiers Peter Beattie, Campbell Newman and Anastacia Palaszczuk: “Crane count a sign of Brisbane’s turnaround” *Australian Financial Review*, 27 December 2013; “Sir John Bjelke-Petersen’s ‘crane index’ invoked by Anastacia Palaszczuk” *Courier Mail* 20 November 2016; “Crane count shows trouble on the horizon” *Courier Mail* 11 May 2017.

³¹ Cabinet Decisions 53403, 1 February 1988, and 55599, 28 November 1988.

³² Cabinet Decisions 54515, 14 June 1988, 54871, 8 August 1988, and 54917, 15 August 1988.

³³ Cabinet Decisions 53505, 8 February 1988, 54460, 7 June 1988, and 54898, 15 August 1988.

The most significant development project of all, however, was the redevelopment of the site of Expo 88. Expo itself was unquestionably a triumph, but its immediate legacy was a large area of riverfront land immediately opposite the CBD, essentially as a blank slate, without any of the attendant social difficulties which urban development projects typically bring.³⁴

Initially the question of redeveloping the Expo site was handled internally within Cabinet. Tenders were called for, and a shortlist was assessed by Cabinet itself.³⁵ The preferred developer, from a consortium calling itself the River City 2000 consortium (which included the Conrad Jupiters group, which operated Queensland's then-only casino on the Gold Coast), proposed to cut a canal into the shorefront area and to use that material to create an island on the south shore of the city reach. The island, and the surrounding areas, would include some parkland, but the island itself would be dominated by a large high-rise building, containing office space and a casino.

When the proposal was released to the public, it immediately became clear that Cabinet had misjudged the mood of the public. The success of Expo, in no small part due to its ideal location, had resulted in considerable public attachment to the site, and there was a negative public reaction to the fact that the public had not been consulted during the tender process. Furthermore, it became clear that the River City 2000 proposal relied, for its viability, far too much on the casino. Ultimately, Cabinet withdrew River City 2000's preferred tender status and essentially went back to the drawing board.³⁶

Upon returning to the drawing board, Cabinet learned that the requirements of the *Expo 88 Act 1984* had been all but ignored in the initial tender process, and the involvement of the Expo Authority itself should at all times have been much more central. Ultimately Cabinet decided to form the South Bank Development Corporation, to administer both the Expo Site and surrounding lands co-operatively with the Brisbane City Council.³⁷ This decision, and the Corporation's South Bank Master Plans 1992 and 1997, have led to the extremely popular South Bank parklands and the surrounding development. South Bank is, in this sense, one of the Ahern government's most lasting achievements.

Police and Corrective Services

It was, of course, clear from the early stages of the Fitzgerald Inquiry that root-and-branch reform of the Queensland Police Force would be necessary. Even Ahern, reformist though he was, seems to have recognised that reform of the police would need to wait until after the Fitzgerald Report was released. Nevertheless, Ahern took two substantial steps: with Cabinet's support, he held former police commissioner Sir Terrence Lewis³⁸ in administrative limbo, suspended without pay in circumstances where he could neither retire (and take his superannuation benefits)³⁹ nor obtain

³⁴ These issues, such as forced evictions, were present but had been dealt with during the preparation for Expo itself.

³⁵ Cabinet Decision 53444, 1 February 1988.

³⁶ Cabinet Decision 54470, 7 June 1988.

³⁷ Cabinet Decision 55547, 14 November 1988.

³⁸ As he then was; his knighthood was later withdrawn.

³⁹ Cabinet Decisions 54355, 23 May 1988 and 55113, 12 September 1988. In fact, the Ahern government passed retrospective legislation to prevent Lewis' resignation and to prevent him obtaining his superannuation – the *Public Officers Retirement Act 1988*. Lewis was corrupt and worthy of little sympathy, but on basic

alternative employment.⁴⁰ State funding for his legal representation before the Fitzgerald Inquiry was also withdrawn.⁴¹

Second, Ahern relocated the Police Complaints Tribunal from the Department of Police (wherein it had become derided for its ineffectiveness; Caesar does not, after all, judge Caesar too harshly)⁴² to the Justice department.⁴³ This was an obvious, and obviously safe reform step to take prior to the completion of the Fitzgerald Inquiry, and it served a reasonable stop-gap measure for the brief period until the formation of the Criminal Justice Commission (as recommended by Fitzgerald).

While Ahern's hands were tied in terms of police, he was much more free to operate in the related area of Corrective Services, and he had an enthusiastic Minister in (his eventual successor) Russell Cooper. Ahern was approached by Federal Court Judge Marcus Einfeld, later Australia's first Human Rights Commissioner.⁴⁴ Einfeld was particularly concerned about the "Black Hole" solitary confinement cells at Brisbane's Boggo Road jail. The cells were described by a guard in this way:

*Even with both doors open, the darkness inside the cell was incredible. The air was foul and the floor was usually covered with water from underground seepage. The use of the black peters in this wing was discontinued some years ago. To sentence men however bad they may be, to be locked away in these cells was barbaric to say the least, and their use should never again be contemplated.*⁴⁵

Ahern and Einfeld met with Cooper before Cooper had even been sworn in as Minister, and Einfeld asked for the black hole to be shut. Cooper, taken aback at what he saw as a demand by Einfeld, arranged to see the cells:

I went over there straight away, to Boggo Road, and had a look at the black hole, and went into it, and they shut the lights off, and I didn't think this could do much good for anyone. I asked the Departmental Head ... "Well, what is your opinion?" ... and he said "Well, Minister,

principle one must wonder whether a bill, specifically written in order to prevent one man accessing his own asset (his superannuation) is not a bill of pains and penalties, and therefore unconstitutional on principles as old as *Magna Carta*.

⁴⁰ Cabinet Decision 55206, 26 September 1988.

⁴¹ Cabinet Decisions 53390, 28 January 1988 and 53449, 1 February 1988.

⁴² Fitzgerald described the Tribunal as "an illustration of an administrative body with the superficial trappings of quasi-judicial impartiality and independence, set up as a façade for government power ... the investigation of police is still in the hands of police officers and the Tribunal has been met with obstruction and non co-operation from the Police Force." (Fitzgerald Report, p. 290).

⁴³ Cabinet Decision 53606, 22 February 1988.

⁴⁴ Einfeld was, in retirement, jailed for perverting the course of justice after lying about, of all things, a speeding ticket. This clear lapse in judgment – for which he paid a heavy price – should not obscure a working lifetime of commitment to human rights.

⁴⁵ Superintendent Roy Stephenson, quoted at website "Inside Boggo Road", <https://www.boggoroadgaol.com.au/2015/10/the-holes.html>, visited 18 October 2018. Over its history, various solitary confinement cells at Boggo Road were known as the "Black Hole". Stephenson may therefore not have been speaking of the specific cells of interest to Cooper, but the differences would have been marginal.

if you do this, if you close it, the prison officers will strike; if you leave it open, the prisoners will riot." I said "Well, it's shut ... now!"⁴⁶

Cooper had hardly commenced in the position when he was confronted by crisis: in February 1988, guards shot a prisoner, and prisoners responded by rioting. Once the heat went out of the riot, several dozen prisoners went on hunger strike, and five of them took to the roof of the prison, where they held protests signs made from bedsheets, and continued their hunger strike. The protest became a local event, supplying excellent footage for the nightly news, and even attracting the serenades of a local punk rock group.

Cooper, it seems, would privately have had some sympathy for the prisoners' views, but at the same time there were risks in appearing to favour the prisoners at a time when they had rioted and taken to the rooftops. His answer was to appoint businessman Dr Jim Kennedy to undertake a review of the prison system in Queensland. Kennedy's report is much less known than Fitzgerald's, but no less significant. Kennedy certainly pulled no punches, as a smattering of his findings suggests:

- 5. *Boggo Road Prison is a relic of the last century and is hopelessly inadequate to provide corrective services today.*
- 24. *A prisoner should be informed in writing of the reasons for the refusal of parole.*
- 34. *Health services in prisons are unsatisfactory and inadequate and the many complaints by prisoners about health care seem in the main to be justified.*
- 53. *Security in Queensland prisons is lax and needs upgrading.*
- 55. *Generally, management is lacking throughout the service.*
- 57. *Corruption exists in the prison service and must be urgently addressed.⁴⁷*

Cooper set about implementing the recommendations, but found substantial opposition from prison staff, who earlier in the year had conducted a large scale strike.⁴⁸ Kennedy's point about corruption, however, was underlined later in the year when five prisoners escaped from Boggo Road, having obtained no less than 70 bedsheets and having converted those into a well-manufactured rope requiring skill and effort to produce. They then managed to get the rope into an exercise yard, and to get it and themselves from the yard to the guards' catwalk atop the prison. They then used the rope to scale the side of the prison and escape. A guard apparently fired a shot in their direction, but Cooper himself stated the obvious, that the escape could not have been accomplished without the assistance of corrupt prison staff.⁴⁹ In many ways the Kennedy Report, and Cooper's efforts,

⁴⁶ *Queensland Speaks*, interview with Russell Cooper, 25:00ff (this quotation has been lightly edited).

⁴⁷ Queensland Government (1988) *Commission of Review into Corrective Services in Queensland, 1988*, Brisbane ("the Kennedy Report"). The report was presented to Cabinet and noted in Decision 55216, 3 October 1988.

⁴⁸ See a Ministerial Statement by Cooper on this issue, *Legislative Debates*, 12 April 1988, p. 5635.

⁴⁹ Cabinet, in Decision 55254, 3 October 1988, approved rewards of ten thousand dollars for the recapture of each prisoner. By chance, this was the same Cabinet meeting at which the Kennedy report was presented.

supported by Ahern, were the point at which Queensland's prison system transitioned into something like a modern corrections system.

Social and environmental issues

Finally, it is necessary to consider Ahern's reform record on social and environmental issues. Here, the results are mixed. Ahern, as Reynolds later noted, was both a reformer and a conservative, which in many cases is less of a paradox than it sounds.⁵⁰ However on social and environmental issues, his conservatism appears to have often won out over his reform-mindedness.

HIV/AIDS as an issue neatly captures this tension. 1988 was close to the height of AIDS hysteria in Australia, following the provocative "Grim Reaper" television commercials which commenced airing in 1987. It was clear from the outset that gay and bisexual men were two of the groups most vulnerable to HIV/AIDS. Cabinet received some detailed and in some ways quite progressive briefings on HIV/AIDS in 1988.⁵¹ The challenge was certainly taken seriously, and resulted in the formation of an interdepartmental committee to manage the issue across the whole of government.⁵² All of this dovetailed neatly with Ahern's introduction of human relationships education – essentially sex education – into schools. So far, so good.

However sodomy remained a criminal offence in Queensland in 1988. The result was that one of the most vulnerable communities – men who have sex with men – remained in hiding, either in the security of heterosexual marriage while still having sex with men outside that marriage, or simply remaining gay and closeted. There were no overt, legitimised homosexual communities or community representatives. Cabinet itself noted that the Commonwealth, which did not have a criminal law agenda to maintain, could approach gay men in a way that the state government could not.⁵³ Condom vending machines were prohibited, and the only needle exchange program was fashioned in such a way as to guarantee its failure.⁵⁴ Funding for AIDS prevention among gay men was given to, of all people, the Sisters of Mercy order. The key reform – decriminalisation of homosexuality – was never on Ahern's agenda, and the focus of policy was on preventing the spread of HIV into the "general heterosexual community."⁵⁵

Similarly, Cabinet was made very aware (from a 2018 perspective, depressingly aware) of the need for urgent action on climate change issues. Queensland was quick to ban ozone-depleting chloroflourocarbons,⁵⁶ and established an inter-departmental committee on climate change,⁵⁷ but at the same time the state government took every possible step to resist the Commonwealth's attempt

⁵⁰ Reynolds P (2003) "Michael John Ahern: The Conservative Reformer". In Murphy D, Joyce R, Cribb M, and Wear, R (Ed.), *The Premiers of Queensland* pp. 337–356. Brisbane: UQ Press.

⁵¹ See, for instance, Cabinet Decisions 53319, 18 January 1988 and 53885, 28 March 1988.

⁵² Cabinet Decision 53920, 28 March 1988, 54913, 15 August 1988, and 55026, 5 September 1988.

⁵³ Cabinet Decision 55026, 5 September 1988, report of the IDC: "In Queensland, gay and bisexual men have by far the highest incidence of HIV infection. Gay men, with commonwealth and state funding, have been active in education programmes. Given Queensland law, much of the explicit material produced cannot be used by state government agencies." (emphasis added).

⁵⁴ Cabinet Decision 54693, 11 July 1988.

⁵⁵ This was the phrasing used in Cabinet Decision 53885, 28 March 1988.

⁵⁶ Cabinet Decisions 54950, 22 August 1988 and 55049, 5 September 1988.

⁵⁷ Cabinet Decision 53520, 15 February 1988.

to have the Wet Tropics listed on the world heritage register.⁵⁸ The state's purpose in doing so was to preserve the forests as a resource for logging. So, while Cabinet recognised climate change as an issue, the imperative of turning old growth forest into economic resources predominated.

One area in which the Ahern government seems to have made little effort for reform is Indigenous affairs. Queensland was a funding participant in the Royal Commission on Aboriginal Deaths in Custody, which was sitting in 1988, but the Cabinet decisions ring out with the government's reluctance to agree to additional commissioners and costs.⁵⁹ Similarly, the government railed against the Commonwealth's introduction of the Aboriginal and Torres Strait Islanders Commission (ATSIC).⁶⁰ In the bicentennial year, which was a year of protest for Indigenous Australians, these policy approaches must have been a bitter, if familiar, pill to swallow.

Summary

With thirty years of retrospect, and the new release of the 1988 Cabinet documents, how shall the Ahern government be judged? How true is it that "the process was made to change from secrecy (don't you worry about that) to openness, from corruption to transparency, from anti-intellectualism to a research-based community"?

In general terms, given that he held the reins for such a short time and under such political pressure, the reform achievements of the Ahern government in 1988 are, it is suggested, quite impressive. He did take steps to reintroduce the importance of institutions in government decision-making, to increase the capacity of the Parliament to maintain its traditional watch on the executive, and to return to a non-partisan public service. The reform of the prisons system was quite profound, and would have been the key policy issue of the day in any era other than the Fitzgerald era.

On social issues, Ahern's reform-mindedness clashed with his conservatism, leading to limited success, and perhaps even limited desire for success. Overall, though, this was a reformist government and a successful one. Defeat at the polls in 1989 was inevitable, but the brief slice of time between Bjelke-Petersen and Goss did indeed represent "a good start" for reform in Queensland.

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⁵⁸ There were no less than thirteen cabinet decisions substantively addressing this issue. Perhaps the key one, giving an account of the government's efforts to lobby at the World Heritage meeting itself, was Cabinet Decision 55757, 12 December 1988.

⁵⁹ Again, there were many Cabinet Decisions – eleven – on this issue. Consideration in 1988 commences with Cabinet Decision 53392, 1 February 1988, and this decision will give a ready appreciation of the tone.

⁶⁰ Cabinet Decisions 55247, 3 October 1988 and 55351, 17 October 1988.

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