A PURCHASE on CORRUPTION

The Fitzgerald Inquiry has been great theatre. It has also been hailed as proof that Queensland’s own peculiar political system is capable of reforming itself. John Wanna is not convinced. Even a change of government, he argues, won’t alter much.

At its height, Queensland's Fitzgerald Inquiry rivalled a carefully staged series of show trials. Brisbane audiences queued for hours to secure seats; a "who's who" of Queensland appeared in the witness stand; a bevy of coy prostitutes ran the kerbside gauntlet; and an insatiable mob of local and interstate media was agog with the daily theatre. Queensland and, for much of the time, Australia was hooked on the sheer entertainment value of the inquiry. An unravelling plot of crime, sex and power made it irresistible.

Public hearings finally ended in February 1989 after extensive and vigorous investigations by Commissioner Fitzgerald and his staff of over a hundred. The final report will be delivered on July 3. The impact of the inquiry hearings has led many political commentators to suggest that, after years of abuse, neglect and corruption, the political system was indeed capable of becoming responsible and accountable. The very existence of such a far-reaching inquiry gradually became construed as evidence that the system of checks and balances to power was operational and effective. Government could be monitored through existing institutions, and thus did not require substantial change. In short, democracy was safe and robust. Accountability existed and, indeed, triumphed even if its renewal from the ashes had been seriously doubted for decades.

This apologetic media account shaped the terms in which the inquiry was represented in the public domain. Queensland politics became fuelled by a polemical but inconclusive public brawl over corruption and accountability. Much of this "debate" has taken the form of alleged charges and counter-charges, unctuous assurances, and political party breast-beating. More importantly, the public debate remained at the rhetorical level, with very few substantive proposals emerging or being implemented. Many promises were made; but actual reforms to the political system were much less forthcoming.

During 1988-89 the three main political parties each assumed a holier-than-thou approach while engaging in a major public crusade against corruption. All political parties promised to deliver a new integrity in government while maintaining a suitable reticence over the details of specific action against corruption. Corruption was taken up as an election issue worth running a campaign on, but considered to have little resonance and little pay-off for those elected to govern. Thus, the three main party candidates for the state by-election in disgraced minister Don Lane's old seat of Merthyr each declared corruption the main political issue facing Queensland. Yet their respective party organisations remained far more circumspect. Prospective or incumbent governments had much to lose from continued attention to corruption. The immediate political risks of particular action or proposals were high.

As a result of the Fitzgerald investigations, the political issue of corruption became prominent news in Queensland, capturing the public consciousness. The abuse of public office whether by politicians, senior public servants or police officers became a major talking point for many Queenslanders. Yet, almost ironically, the outcome of such raised-consciousness was not sustained outrage...
or mass disillusionment. Rather, of more immediate concern to those living under Queensland's illiberal and frequently uninformed political culture was a rare chance to be on the inside, in the "know", to exercise speculation, and perhaps to believe what they, of course, had suspected all along.

Increased public awareness of corruption brought with it some social acceptance often premised on simplistic theories about "rotten apples" in the police and parliament. Such views allowed usually puritanical but phlegmatic Queenslanders to maintain the pretence of their own moral rectitude. Despite the many allegations of corruption and perhaps because of the unceasing public exposure of them, some Queenslanders adopted a self-righteousness typical of insular and hypocritical political cultures. This sanctimonious attitude was nowhere more apparent than in the new contours of conservative politics in the post-Bjelke-Petersen era.

Living in the city seat of a "bush" government, Brisbane residents believed the hearsay evidence presented to the commission of inquiry. After all, most Brisbanites had, at some time, driven past the seedy brothels in the traffic-congested Fortitude Valley. Many felt relieved that what they had "known" for years was finally coming out into the open. Most local residents retained their own anecdotal and sometimes apocryphal stories of police corruption, brothel torchings, and apparent extravagance from ill-gotten gains. The media representation of the inquiry allowed them to make sense of the fragments of their own knowledge, especially as Commissioner Fitzgerald acknowledged that he had uncovered merely the "tip of the iceberg". Living uneasily under a majority rural government rife with cronyism, Brisbane conservatives also reflected that government was, by nature, a corrupting process; too readily so when one party held office alone, and for so long.

Without diminishing the public attention given to corruption, the media's presentation of the Fitzgerald Inquiry generated a gradual indifference to the issues as the proceedings continued. This may be largely unavoidable with any long-term political issue. A few notable personalities were targetted for their misconduct and hounded from public office, as was the self-confessed corrupt ex-Transport Minister Don Lane. But, apart from this reaction, a resigned complacency emerged about the need for real changes in the system. This complacency was raised to an art form by the succeeding Ahern administration, which denied any accountability for previous maladministration - despite maintaining a ministry substantially similar to that of its predecessor.

Complacency was also evident from a further two sources of public perception. There were many who considered that corruption arose from the personal failings and lack of integrity of particular figures in public office. Others contended that the existing political system was impervious to change or unlikely to adopt serious reform. Therefore inquiries, extensive publicity and scandals were routine occurrences but unlikely to produce any significant changes.

A further downstream effect of the media coverage of the inquiry may be
attributed to the emphasis placed on the roles and awaited fates of implicated personalities. Given increased public awareness of corruption, expectations of "heads rolling" were raised. By highlighting the spectacular, media accounts encouraged the view that extensive dismissals and criminal proceedings against many of those allegedly involved would result from the inquiry hearings. This perception later became a pressing political problem for the governing Nationals, as many of the "heads" were their own supporters or appointees.

In 1987-88 the inquiry produced important, though limited, political fallout. As in Japan where leaders accused of corruption are often replaced to preserve the networks of influence, Queensland saw a spectacular political "coup" surrounding the challenge for the premiership by Mike Ahern. The immediate impact of acknowledged corruption was exploited by those in cabinet seeking to oust the aged Premier. After the resignation of Bjelke-Petersen in December 1987, his safe rural seat of Barambah was initially lost to the far-right Citizens' Electoral Lobby. The "Minister for Everything" Russ Hinze resigned in mid-1988 under pressure from the new Premier and the ensuing Gold Coast by-election produced a twenty percent swing against the government. Then, in 1989, the former Transport Minister Don Lane resigned after admitting to fraud, electoral infringements and abuse of public office. The Police Commissioner was stood down for over a year before being relieved of his commission by parliament. Various other serving police officers were given indemnities or were implicated in hearsay evidence. But the overall political toll was relatively slight given the significance of the allegations and the amount of evidence uncovered by the Fitzgerald Inquiry.

The Royal Commission may well have missed the opportunity of most political impact by being unable to deliver its final report until July. But this delay made it clearer that the number of public officers likely to be charged was relatively small, and the number likely to be convicted even smaller. It became increasingly evident that those accused of corruption during the investigative process, but pleading not guilty, would escape trial on charges of corruption. One reason for this was that often the type of evidence given at the inquiry was presented in a legally ambiguous manner that provided insufficient grounds on which to secure convictions. Much of the "evidence" offered to the inquiry was hearsay evidence, often unsubstantiated and uncorroborated, with many questions remaining to be answered. It was also difficult to charge major figures who had left their public duty and whose recollections of previous events were hazy. Self-incrimination remained the principal means by which corrupt public officers were rooted out. Given that most officers did this under indemnity from prosecution, few could be expected to be brought to justice.

Indeed, charges for perjury, contempt of court and increasingly for tax evasion (a la Al Capone) became the favoured means of proceeding against alleged conspirators. Moreover, while many prominent names were mentioned to the inquiry, few political figures or crime bosses were caught in the investigative net. This appears somewhat contrary to intuition, given that the enduring nature of the networks of corruption seems to indicate a certain degree of complacency or complicity from those in political office. No one in elected public office came forward prepared to accept responsibility for the continuation of extensive corruption, despite collectively having "responsibility" for the administration of public affairs within the state government's powers.

Beyond the issue of personal corruption, this factor emphasises the basic asymmetry of responsibility in Westminster-style parliamentary systems. In theory, responsibility is borne individually by the respective minister and collectively by cabinet. In practice, actual responsibility is transferred to branch level officers. These career administrators find responsibility thrust upon them and, unlike politicians, have no avenues of retreat or alternative substitutes. The recognition of this asymmetry in 1988 was one of the factors behind the police force's widespread and, on a number of occasions, publicly declared loss of confidence in the Deputy Premier and Minister of Police Bill Gunn.

The high-level political manoeuvring surrounding the Fitzgerald Inquiry exposed this asymmetrical responsibility. Politicians accused of com-
plicity in corruption possessed far greater capacity to evade their responsibility than did serving officers. Some police were dismissed, charged, stood down, forfeited their superannuation, or were sacked by parliament; the politicians, however, emerged personally unscathed or were allowed a graceful resignation on full entitlements. Only their party's immediate electoral stocks were affected, and this damage was repairable. Thus, although the government lost the by-election in the marginal seat of Merthyr in May, surveys showed that the electors (unlike the candidates) no longer ranked corruption as the main issue affecting their vote.

Career public servants in contentious or corruption-prone areas were placed in an invidious position. Some became personally corrupt and, like many in the Licencing Branch, chose to profit from their opportunities. But others more problematically were caught up in a wider set of structural problems. They administered "problem" policy areas, were often required to interpret, formulate and implement policy arising from their experience on the ground, were often pressed to accept "least worst" policy compromises, and found it necessary to separate moral questions from commercial or enforcement ones. Such policy discretion would typically assume a level of "corruption" without necessarily involving individual officers engaged in personally corrupt practices.

The difficulties of this position became exacerbated if the government was publicly reluctant to help resolve such issues or was evasive over its formal responsibility. The Queensland government's public assertion that prostitution did not exist in Brisbane epitomises such an approach. The position was made even more invidious when those administering policy suspected higher-up participation in covering up corruption, giving tacit consent to known illegal practices, or in unofficially condoning the "least worst" policy responses to field officers. In many appearances before the Fitzgerald Inquiry, police maintained that government ministers knew of and condoned policies of containment towards prostitution and associated criminal activities. Yet, because of their positions, these ministers were able to deny formal knowledge of containment policies and thus evade responsibility.

This imbalance of responsibility and the issue of policing difficult policy areas have been aired but not constructively debated in the public arena. The complexity of issues involving decision-making discretion, organisational histories, sub-cultural administrative behaviour and structural "corruption", has been submerged in the lengthy processes of investigation and reporting. During the term of the inquiry the more fundamental issues became collapsed into a hunt for a few guilty men, a crusade for scapegoats who could accept the blame personally and so minimise disruption to the system. Consequently, the seriousness of the issues at stake has barely surfaced on the public agenda.

Thus was the investigative process gradually translated into a series of dramas around the recollections of individual witnesses. Media reporting focussed on personality clashes, individual credibility, key dialogues between counsel and witnesses, and on allegations relating to other prominent personalities. Commissioner Fitzgerald became the steely interrogator, determined and purposeful. The counsel assisting the inquiry appeared as the tenacious Doug "Bulldog" Drummond. Commissioner Terry Lewis was represented as suffering from misplaced naivete and incompetence, although his diaries suggested that he was not quite as naive as the public were given to believe. The "bagman", Jack Herbert, was depicted as wily and calculating: Russ Hinze as a populist "stirrer" who could talk his way around anything, and Joh Bjelke-Petersen as the archetypal Queensland politician, somewhat bumbling but cunning and evasive.

In some ways the Fitzgerald Inquiry came full circle. Established with limited expectations, it developed into a major investigative exercise in Queensland's political history. Fitzgerald was popularly regarded to be among the most powerful men in Queensland. The Fitzgerald Commission emerged as a special type of government-established inquiry. It broke out of the conventional constraints that limit or marginalise the typical inquiry, and pursued investigative directions far beyond those initially envisaged.

Despite the claims of immediate
success, the Fitzgerald Inquiry shows, above all else, that the political system is not working. After all, the inquiry was an ‘accident’ which went awry for the government: it was not part of the regular process of accountability. The fact that this inquiry not only uncovered extensive evidence of corruption and misuse of public office, but also found it to span over three decades, is sufficient proof that mechanisms of accountability are ineffective. In Queensland politics, commissions of inquiry serve merely to close previous chapters of corruption rather than provide a structural assault on the enduring practices of corruption in public office.

What, then, is to be done? One response with considerable support in Queensland calls for a change of government. It is often suggested that a Labor government or even a balanced coalition would disassemble the persistent networks of corruption. However, a change of government may not guarantee a renaissance in public administration. Despite good intentions, the pressures of governing a state with entrenched networks of corruption would inevitably compromise ideals. Moreover, other Labor governments in Australian states have shown, even in recent years, that they do not have what it takes. Over the last two decades Labor governments in Western Australia, New South Wales, and even South Australia provide examples of Labor’s accommodation to corruption when in office. Crime syndicates in Queensland have allegedly already made sizeable campaign donations to the Labor Party, as they have over the years to the Nationals. A change of government, a return to coalition, changes in cabinet, or even a change of leader may have effects at the margins, but none of itself is sufficient to engineer the changes necessary to ensure the containment of personal and systemic corruption.

In Queensland history the electoral defeat of a government has tended to produce the continuation of a similar style of government under a different party label. The defeat of the Labor government in 1957 brought a change of party in government rather than a change of government. Both political parties in government before and after 1957 eschewed public accountability largely as a tactic to preserve their political regimes of patronage. The Country Party/Nationals continued government in the style adapted by Labor throughout its years of domination of Queensland politics. Unlike the 1950s, today’s politicians are less rough and tumble, more smooth and technocratic, but their capacity to evade public accountability, misuse public office, or turn a blind eye to corruption has remained largely unchanged.

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