

# OPINION



Queensland is different — how often have you heard it said? While State Labor governments have fallen in Tasmania, Victoria and Western Australia in the lead up to the March 1993 federal election, the Goss Government has been returned for a second term in Queensland.

In a recent promotional statement entitled 'Queensland Leading State', Goss pronounced that Queensland was leading the nation out of recession and leading the nation in financial management. When reading through the 103-page statement, one wonders how much this 'leading' status is due to historical differences that have developed between Queensland and the other States, rather than to Goss's management over the last three years.

Indeed, the Goss Government has continued the Bjelke-Petersen economic strategies of maintaining a low tax regime and tight conservative financial management: borrowing only for economic infrastructure which generates a net commercial return, spending comparatively little on social infrastructure, and maintaining a budget surplus. So tight has Goss's financial management been that Queensland can boast being the only Australian State in which the net debt per capita has decreased in each of the last two years.

These economic indicators chime like music to the ears of those with corporate power — Queensland is the 'growth State' during these recessionary times. But, for the poor and disadvantaged in Queensland, these tight policies have meant leaner social service delivery from essential State instrumentalities.

Under Goss, the per capita debt is decreasing, but spending on child welfare is the lowest in Australia: Commonwealth Grants Commission figures show the Goss Government outlays only \$36 per capita a year compared with \$41 in New South Wales and \$53 in Victoria. Under Goss, Queensland spends \$490 per capita on general health services — significantly lower than the national per capita average of \$665.

Yet the signs of growth in Queensland are undeniable — in places like Brisbane's Logan City, Townsville's Thuringowa and in the western suburbs of Cairns, growth is rampant. But the growth of community services has not kept pace. There are more and more people competing for services from the under-funded and undeveloped government and non-government community service organisations. Rather than seriously addressing these matters, Goss has chosen to reduce the State's debt.

Similarly, while crowing its 'Leading State' refrain, the Goss Government has stood by while the Queensland legal aid system has faltered. Owing to a \$10 million shortfall, services provided by the Legal Aid Office have been cut and the guidelines for eligibility to legal aid drastically revised. Legal aid is no longer available in civil cases where costs can be awarded. Legal aid grants in family law cases have been cut to a third of what they were two years ago.

The same kind of tight control and patchy outcomes have been evident in Queensland law reform under Goss. The anti-discrimination legislation introduced last year is an example of positive and genuine reform. However, the development of the legislation was marred by tightly controlled and late consultation with community groups, as has characterised much of law reform under Goss. On occasions this has resulted in reforms that are inconsistent with modern social policy and knowledge. The new juvenile justice laws, for instance, are based on a dated vision, fail to take account of alternative legislative options currently operating in New Zealand and Europe, and are inconsistent with modern theories of juvenile crime causation.

Another outstanding example is the introduction of dangerous offender legislation. Like the proposed dangerous offender legislation in Victoria (already there is legislation relating to one specific person, Gary David) the Queensland law provides for indefinite preventive detention of people on the basis of what they might or might not do.

In Victoria, the proposed dangerous offenders legislation was referred to the specialist Social Development Committee of the Victorian Government, which roundly condemned the proposal. However, in Queensland, no reference was made to appropriate bodies such as the Queensland Law Reform Commission or the Criminal Justice Commission (CJC). Despite wide and vociferous opposition by community groups and agencies within the

Executive, the draft legislation was developed within the Attorney-General's office and passed through the Parliament. The dangerous offender provisions now stand among the Queensland Statutes as entombing laws, by nature repugnant to the basic tenets of criminal law. How long will they remain as a monument to the old world values of the Goss Government?

A similar adherence to the old world can be seen in the Government's 'reform' of Queensland prostitution laws. The CJC conducted a lengthy review and inquiry into prostitution in Queensland. It proposed a model for decriminalisation and regulation of the industry through health professionals and the Health Department rather than by police control. Polls showed more than 60% of the community favoured such decriminalisation and regulation. But, prior to consideration of the CJC recommendations by the CJC Parliamentary Committee, Goss announced his opposition to the findings of the inquiry. Goss's position amounted to a fresh embrace of the enforcement by police of criminal sanctions against prostitution. Ultimately, the Goss position was enacted and imposed on the Queensland community.

Among these lost opportunities for reform and these 'reforms to the past', it is true there have been some distinctly positive law reforms in Queensland under Goss. Credit must be given for introducing the freedom of information legislation and the new judicial review laws. These are laudable reforms, but, without effective legal aid, they are beyond the reach of those in the community who most need the protection of the law. In practice, such reforms amount only to tinkering.

The Goss Government's first term was not remarkable for substantive reform. Goss has not rushed at the gate of reform. Indeed, the Government has yet to recognise and embark on the real structural reforms required by post-Fitzgerald Queensland — reforms concerned with redistribution of social and economic power within our community.

If, as Goss claims, Queensland is truly the 'Leading State', then where, as a nation, are we going?

**Jim Gibney**

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