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Sir Walter Campbell: Queensland Governor and his role in Premier Joh Bjelke-Petersen's resignation, 1987

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Sir Walter Campbell

Queensland Governor and his role in Premier Joh Bjelke-Petersen’s resignation, 1987

By Geoff Barlow and JF Corkery

This is the first of three articles on the life and work of Sir Walter Campbell, Queensland jurist and Governor. This first article traverses Walter Campbell’s youth, academic training and early professional life, before embarking on a detailed discussion of the 1987 resignation of Premier Joh Bjelke-Petersen and Governor Campbell’s part in it.

The legal career of achievement of Queensland Chief Justice and barrister Sir Walter Campbell (1921-2004) was overshadowed by his term as Queensland Governor. Campbell’s adroit handling of a famous 1987 political controversy was his most memorable if not his finest hour.

The long term State Premier Sir Joh Bjelke-Petersen was in a struggle to the death with both the organizational and parliamentary wings of his own National Party. Governor Walter Campbell’s actions undoubtedly prevented the situation from developing into a full-blown constitutional crisis that would have rivaled in its drama the dismissal of the Whitlam federal government in Australia in 1975 by Governor General Kerr, the removal from office in New South Wales of Labor’s Jack Lang in 1932 by Governor Philip Game, or the resignation of the Mackenzie King Canadian government in 1926.

Walter Campbell’s early life

Walter Benjamin Campbell was born 4 March 1921 in Burringbar, New South Wales. He was the great-great grandson of Colonel John Campbell of Lochend, who emigrated to Australia in 1821 aboard the Lusitania. Walter’s parents were
Archie Eric Gordon Campbell, who had served with great distinction in the First World War, and the former Leila Mary Murphy, who had lost her first husband in that conflict.

Archie Campbell, Walter’s father, was a brilliant soldier. He commanded a company against the Turks in the 2nd Battle of Gaza in 1917. In one battle, he led a charge out of the trenches into a hail of machine gun fire. Seventy made it to a line of 600 enemy where, as the official history puts it, the Australians “began to use their steel on the Turks”. He was shot several times through his uniform and equipment, but was one of only five who were unscathed in the suicidal attack. The “dashing officer in command” won the Military Cross (MC). The next year he won another medal, the DSO, for clearing a village garden of 150 enemy, including several machine gun nests. The French awarded him the Croix de Guerre. The brilliant soldier disliked city life and settled in Toowoomba, Dalby and then Mount Tamborine, after his return to Australia.

Walter started school at a Toowoomba Christian Brothers’ convent. He skipped a year, and sat for the all-important Scholarship exam at 11. At 12, in the care of his maternal grandmother following his mother’s early death, Walter returned to the Tweed River district. He won a bursary providing five years’ free education at Woodlawn College, Lismore. In the middle of his sub-senior year, he returned to Toowoomba as a boarder at the famous Downlands College. The change suited the promising scholar. In 1938, he completed his Senior and was proclaimed Dux. In a time of fierce rivalry between Catholic and non-Catholic schools, Campbell lived up to his teachers’ highest expectations, becoming the first student from Downlands to win an open scholarship to the University of Queensland.

Campbell was an enthusiastic sportsman. He was Vice-Captain of the Rugby team, in his own words “a good defensive player” but “a plodder”, never fast around the field. He was described as Downlands “most vocal player” by a Scottish Society magazine, and he was, apparently, a youthful exponent of the
head butt, a blunt but effective tactic of intimidation in the front row of a high
school scrum. Something of an enforcer, he often, as the magazine put it, “left an
impression (in many ways) on his opponents”.

Campbell was Captain of the Cricket Thirds, a handy wicket keeper and
sometimes opening bat. A broad combination of social skills, academic and
sporting ability, and a facility for public speaking made him a popular and
widely-respected figure at Downlands. He was School Captain in 1939.

He began Arts/Law studies at the University of Queensland in 1940. He was
soon editor of the often radical student newspaper Semper Floreat. One of his
editorials from that period would resurface almost half a century later, amid
speculation about a hung Parliament resulting from the 1986 Queensland
election - “the new social order will be born out of the blood of traitors and over
the graves of the greedy”, the young editor had written.

He enlisted in an RAAF reserve unit and suspended his studies immediately upon
his call-up. On 6 December 1941, the day before the Japanese bombed Pearl
Harbor, Campbell qualified as a pilot. He had a natural aptitude for flying and
completed an instructor’s course. He was soon training pilots in Tiger Moth
biplanes near Launceston, Tasmania.

Walter married talented schoolteacher Georgina Pearce, also from the
Toowoomba region, on 18 June 1942. He had met her fleetingly in a Brisbane
bookshop, where he was browsing and, he recalled, licking his wounds from a
breakup with a girlfriend. The next week, Georgina, who was acquainted with
former girlfriend, arrived when Walter did to see that woman off at the train
station. The dashing young officer, not wasting his time, offered Georgina a ride
home from the station. “Oh, very forward,” she said later. “He wanted to take me
home!” She was not so surprised that she rejected the offer.
Their courtship soon led to marriage. The bride had “to shop on coupons” in wartime Brisbane for the wedding. But the newspaper deemed her “a super piece of femininity”.

Joining her husband in Tasmania, the young Mrs Campbell was called to the hospital when a spectacular training crash shattered his right knee. Campbell had been instructing a student and the bi-plane had ploughed into the field with the student at the controls. Campbell was to defy his surgeon’s prediction that he would never bend the knee or fly again. In his recuperation time, he resumed his studies and sat Bachelor of Arts exams in hospital. He graduated BA and was back flying by the end of 1943. He finished the war closer to home, in command of a Liberator base at Cecil Plains on the Darling Downs.

After the war, Campbell resumed serious studies. He took his MA in 1947 with a thesis on Philosophy entitled *Utilitarianism and its Effect on Legal and Political Theory*. Bentham and the other utilitarians that Campbell studied worked hard to ensure codification and consistency of laws, and the utilitarians were also responsible for recognising the importance of individual liberty in the conduct of business affairs. That society has faith in freedom of contract and individual liberty Campbell attributes to the utilitarians. He observed challengingly, “The moral character is the finest thing in man, and it will always elude the grasp of the scientist”.

In 1948, Campbell took his LLB with a very rare 1st Class Honours (Harry Gibbs and Tom Matthews had been the first two students to graduate from the University of Queensland Law school with 1st Class Honours). Both graduated in 1939, Matthews beating Gibbs for the University Medal. The next two Firsts were Walter Campbell and Peter Connolly.

There were no more than a dozen law students in the university annual intakes throughout the 1940s. Their leading lecturer, Dr Fry, was impressed with such a talented small group of students who turned up at the University over two years –
Tom Mathews, Harry Gibbs, then Walter Campbell, and, the next year, Peter Connolly. They were a brilliant quartet and all of them, Fry apparently boasted, could sit on the High Court, in due course. This was indeed a remarkable run of talent for one small law school, in those immediate post-war years. Gerard Brennan should be added to this small group that was to control the development and shape of Queensland law for 40 years. Two of them, Gibbs and Brennan, were to go on to become Chief Justices of Australia; Campbell to become Chief Justice and then Governor of his State.

Campbell was called to the Bar in 1948. While mastering the elements of courtroom procedure and performance, he taught Evidence and Jurisprudence at UQ. The first appearance as an advocate in court can be harrowing for the barrister, even for the most confident and combative of counsel. The worried counsel – Mahatma Ghandi the lawyer, for one - have been known to faint away.

Campbell clambered to his feet to appear for a client for the first time, to make a plea of guilty in the Magistrates Court in Brisbane. He was instructed by the well-established Brisbane firm of Feez Ruthning. The magistrates of the time were not legally-qualified. They had completed the Magistrates’ examination and they had been Clerks of Petty Sessions, with considerable experience in procedures and court routines. But to discuss learned legal authorities before the Magistrate was usually fruitless and perhaps worse, as Harry Gibbs found in his first appearance, which he comprehensively lost because he cited too many cases, he reckoned. No less intellectual but altogether more pragmatic, Walter Campbell made no such mistake. He was soon into the routines and rounds of minor court work. Feez Ruthning did brief him from time to time, although the other major firm, Morris, Fletcher & Cross did not. Others with larger offices and work to brief out to the young barrister were Chambers McNab and Thynne & McCarthy.

Leadership roles within the profession came easily and quickly to Campbell. In 1960, he became Queen’s Counsel. From 1965-7, he was President of the
Queensland Bar Association, and President of the Australian Bar Association from 1966-7. In a profession known for its frequent travellers, even then, Campbell journeyed widely – to Finland and Ireland and, heading the Australian delegation, to Lausanne, Switzerland with Justice Roma Mitchell. He became a Judge of the Queensland Supreme Court in 1967, into the spot vacated by the ambitious Harry Gibbs. Gibbs was seeking to position himself for the new Federal Court and, in preparation for the promised role, had quit Brisbane to work as Judge in Bankruptcy in the Federal Bankruptcy Court.

After a decade as a judge, for Campbell high honours began to flow, as they did then, for those who entered the governing coterie in the State. Campbell was knighted in 1979, for distinguished service to government, law and education.

In 1982, he became Chief Justice, following a bitter wrangle between the governing coalition parties. Liberal Attorney-General Sam Doumany had nominated the then most senior judge, Justice James Douglas, for the post. But National Party Premier Joh Bjelke-Petersen favoured Justice Dormer Andrews. Whatever the reasons behind the controversy, and whether or not he was a “compromise candidate”, Campbell was an inspired choice.

Sir Harry Gibbs was later to say, “I know Jim Douglas felt strongly that he had, somehow or other, been treated badly about this and, as I say, I maintain a neutral position on it, because I was very friendly with both of them. I had no doubt myself that Wally was the best appointment. The cabinet may well have taken that view.” Peter Short, Past President of the Queensland Law Society, credits Campbell with unifying the profession when he became Chief Justice, a role which he carried out “with assurance and great dignity”.

Campbell was good to work with and a fine mentor. Angus Innes, as a young man Campbell’s Associate, wrote:

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1 Geoff Barlow, Interview with Peter Short (Brisbane, July 2005).
He never left one feeling patronised, or humiliated, despite his clearly superior position in the scheme of things and his infinitely greater legal knowledge. One left his service with a profound respect for his incredible industry and with a sense of being a friend.⁶

In 1972, experienced and genuinely interested in tertiary education, Campbell was appointed chair of a Commission of Inquiry into academic salaries. Then in 1974, the Whitlam Government appointed him as the sole member of the Commonwealth Academic Salaries Tribunal. Campbell helped define the new profession of tertiary lecturer. He believed they should be relatively well paid for their skill and learning, and, particularly (but not only) for those in the professional schools, that their salaries should be peg-marked against comparable positions in the practising professions.

He enjoyed the work of the inquiry and he counted his reports as among his major achievements. Interviewed in 1999, Campbell described his peripatetic style. “I went around all the universities...we’d go to the university and take evidence there.... we didn’t insist on them coming along to Canberra”. As Chief Justice, he made it a practice to visit “all the circuit towns - Rockhampton, Cairns, Townsville...I tried to find out what was going on and how the profession was going, were they happy or not in these smaller towns”.³ This consultative style continued after his appointment as State Governor in 1985.

Campbell was an extrovert with a personal touch. He had unusual ability to relate to ordinary citizens - to offset Vice-Regal tradition with a down to earth manner and a disarming wit. The protocol of office was for him a necessary veneer, although he was conscious of his role and not above correcting a breach of etiquette. A former Royal Queensland Golf Club president referred to Governor Campbell as “Wally” in a golf day speech. This provoked a letter from


³ JF Corkery, Interview with Sir Walter and Lady Campbell (Brisbane, 1999).
Government House advising of the breach of protocol. His closest aides saw a demanding and occasionally testy side, but Campbell was approachable, charismatic, and genuinely interested in the everyday lives of people.

Campbell characteristically exuded good cheer and tolerance. Sir Harry Gibbs reflected on why, in his opinion, Campbell was such a good choice as governor:

“First, he’s intelligent. He’s got an easy going nature, he’s not naturally abrasive. He’s very good in company. He’s an easy mixer. He is almost the ideal choice for governor. He has all those qualities. He’s a good speaker. Comports himself well in public and at the same time mixes easily with the public. What more could you have?”

As Governor, despite the pomp and formality of the role, he enjoyed an easy familiarity with the media. On 25 November 1985, Campbell joked to the press about the Governor holding the “hot seat”, after fire forced the evacuation of the Queensland Club in George Street, Brisbane. Club guests, many still clutching their drinks, vacated the building and had to huddle for shelter in Alice Street, as a sudden downpour assisted the converging fire crews. Sir Walter arrived to usher them for after-dinner drinks to the vantage point of the Parliament House balconies, just across the street. A newspaper photograph caught the spectacular background of fire and rain, and the popular Governor, cigar in hand, chatting with the fire crew and reassuring the evacuees.

The Joh for Canberra bid

There were rumblings, in March 1987, that the ALP might request the sacking of the government over a loan made to Gold Coast property developer Mike Gore. But, generally, Queensland politics had an air of tranquillity. Mike Gore was a principal in the $300 million Sanctuary Cove development and a leader in the so-called “white shoe brigade” of businessmen strongly supportive of the Premier and his National Party government. Gore had received a $10.16 million loan through the Queensland Government Development Authority, under the
Statutory Bodies Financial Arrangements Act of 1982. This raised the ire of the State Opposition. Their leader, Neville Warburton, questioned the legality of the deal.

Warburton spoke of approaching Governor Walter Campbell to dismiss the National Party government. Warburton argued that the Development Authority had been constituted to centralise the borrowings of all statutory bodies - including electricity boards, local government authorities, and various quangos - and was not there to assist entrepreneurs like Gore.\(^4\) Law Professor Colin Howard, at the University of Melbourne, suggested that while the Governor might in theory have the power to sack the Bjelke-Petersen government if he thought it was behaving unlawfully, he was unlikely to do so. This was an issue for the electorate.\(^5\)

While the Sanctuary Cove loan affair quickly faded from public attention, with no intervention required by the Governor, some of the forces behind it did not. The generally well-oiled machine of the state National Party was being fed an enriched mixture. The “Joh for PM” campaign began to pump. An audacious plan for Premier Bjelke-Petersen to enter Federal Parliament and seize the Prime Ministership gained momentum. The average Queenslander was unperturbed. Life, work, leisure, the quotidian intercourse of society, public events requiring a gubernatorial presence - all rolled on in stately procession.

Meanwhile, Walter Campbell journeyed back to the Darling Downs, to the tiny township of Leyburn. He was to unveil a memorial cairn, dedicated to the members of the RAAF’s 200 Special Duties Flight and the Army’s famous Z Special Unit, who together formed a secret unit based at Leyburn in 1945.\(^6\) The Leyburn unit’s mission had been to fly over enemy lines and drop highly trained commandos into Japanese-held territory in Borneo, Sumatra and other South-

\(^4\) Tracy Maurer and AAP, ‘ALP may seek Joh’s dismissal over Gore loan’ , The Australian (Sydney), 16 March 1987.
\(^5\) Ibid.
East Asian locations. These dangerous operations cost three Liberator bombers, thirty two air crew and fourteen Z Force operatives. Cadets from the Clifton High School, the Warwick City Band and the Scots College Pipe Band, along with local men and women on horseback and on foot, lent support to almost 100 survivors of the Leyburn mission as they marched from the town centre to the memorial.

Campbell spoke with pride and empathy in unveiling the memorial, recalling his connection with the army and air force units involved. His brother had lost his life as a member of Z Force, during a daring raid on Japanese shipping in Singapore Harbour, while Campbell himself had been a Liberator pilot and Station Commander at Cecil Plains, another Darling Downs base.7

Former Prime Minister Malcolm Fraser had once famously expressed a wish to get politics off the front pages. Nowhere was this less likely to be realised than in Queensland in 1987. By late May, the press seethed with speculation about Bjelke-Petersen’s likely resignation from state parliament to contest the forthcoming federal election and his likely successor as Premier. Prime Minister Hawke called the poll early. From the unlikely vantage point of Los Angeles, Sir Joh confirmed that he would be resigning in time to meet the 18 June deadline for nomination of federal candidates.8

The “Joh for PM” campaign, touting powerful popular notions such as flat and lower taxes, might easily have gained support amongst small business people and blue collar workers. Flat taxes, scorned by the academic left as far-fetched and even Neanderthal, were not without weighty supporters. As ever, a tilt at red tape and centralised bureaucracy won plenty of support. It had the makings of a populist uprising - a “bushfire” Bjelke-Petersen termed it. Those who felt left out of the big picture visions of the Hawke-Keating government, but who were also turned off by the dour monetarist agenda of the Federal Opposition, supported Bjelke-Petersen. Liberal Party leader John Howard raged against the Queensland

7 Ibid.  
Nationals on television. Meanwhile, his own party ran inane slogans such as “incentivation”, disagreements over immigration policy, and a belief that market forces would solve everything. Both major parties were strongly linked to big corporate interests - unions and public companies for Labor; big business only for the Liberals.

The Joh push foundered on a lack of money, grass roots organisation, and time. Sir Robert Sparkes, the National Party’s Queensland president, realised the state branch’s drive into Labor and Liberal suburban territory would require massive financial and human resources. The Federal, New South Wales and Victorian National Party organisations were not on side. They had always been junior coalition partners. Despite changing their name from Country Party to National, they were the party of the bush. The federal party already had a leader in Ian Sinclair, who was not prepared to vanish into the ether. The Joh push disintegrated.

Sir Robert Sparkes was never committed to the Joh for PM campaign, despite being its chairman for a time.9 Peter MacDonald, Bjelke-Petersen aide, suggested that the campaign consisted of little more than a “fluctuating group of political junkies” who shirked the necessary financial and organisational commitments necessary for such an undertaking.10 The movement ended with an embarrassing withdrawal by Sir Joh and the return of the Hawke government with a 24-seat majority.

After the federal debacle, clashes between the organisational wing and the Premier increased. Sir Joh proposed a timetable to parliamentary colleagues which would see him open World Expo ‘88, enjoy its success, and retire before the next state election due in 1989.11 By August 1987, however, the backbench was rumbling with discontent over Joh’s style, particularly over issues such as

10 Ibid.
condom vending machines. Health Minister Mike Ahern and party president Sparkes wanted the machines as part of an AIDS offensive; the Premier emphatically did not. On 3 August, Sir Joh warned Ahern to adhere to the current policy. In an aside during a Parliamentary sitting on 28 August, Bjelke-Petersen perturbed senior Ministers by announcing that Sparkes, who was coming up for re-election in November, “would have to go”. On that day, the Premier also paid an unscheduled visit to Sir Walter Campbell at Government House, causing speculation that he was clearing the way for a ministerial reshuffle.

A crisis unfolds

Discontent with the Premier’s decisions and style gathered within both public and party forums, a sequence traced by Mike Holliday in the Telegraph. On 24 October, the Premier told National Party members that the party was self-destructing. Next day, he blamed the disunity on the State President. Bjelke-Petersen fell ill and withdrew early from the party’s State conference in Townsville on 5 November, leaving the way open for the Sparkes’ forces to overturn several policies, including the condom machine ban. On 8 November, Deputy Premier Bill Gunn, widely regarded as a staunch Bjelke-Petersen ally and likely successor, mused that the Premier should take some time off and “go fishing”.

Events came to a head on Monday 23 November. One of the most tempestuous and controversial weeks in Queensland political history followed. Readers of newspaper reports might assume that Sir Joh had advised Sir Walter at the outset that he wanted to sack five of his ministers for disloyalty - Deputy Premier Bill Gunn, Health Minister Mike Ahern, Brian Austin (Mines and Energy), Geoff

12 Ibid.
14 Ibid.
Muntz (Tourism), and Peter McKechnie (Industry and Technology). They might also assume that Governor Campbell - concerned at the magnitude of the changes - had simply refused to accept the Premier’s advice. What Sir Joh had in fact proposed was his own resignation. He sought to terminate the whole Ministry. He expected to be automatically recommissioned, with an instantly restructured Ministry, from which five - unnamed - Ministers would have been removed. This was to be done without any prior discussion with Cabinet. Angus Innes (who would later become State Liberal Leader), writing in June 2000, saw this move as a way for Sir Joh to “entice” some new backbenchers into the Ministry “to shore up his authority”.17

The Governor scented the impending crisis. He made notes of the swiftly moving events. In January 1988, he sent a detailed account to the Queen in London. Government House documents, official exchanges between involved parties, press reports and personal recollections offer remarkable insights into the actions of the key players in the drama, beginning early on Monday 23 November 1987.

Monday

That morning found Campbell on an engagement at the Gold Coast.Shortly before 9am, he was notified by the Official Secretary at Government House that Premier Bjelke-Petersen wanted to see him. Upon Campbell’s return that afternoon, Bjelke-Petersen called and handed the Governor a letter. The Premier wrote: “that there is an urgent need to make major changes to the structure of my administration”. He continues:

I therefore propose tendering to Your Excellency, on a date to be mutually agreed upon, the resignation of myself, and thereby placing at Your Excellency’s disposal the offices of

all the members of my Ministry. At the same time I seek a further commission from Your Excellency to form a new administration.

If Your Excellency sees fit to concur with these proposals, on receipt of Your Excellency’s advice, I will set the necessary sequence of action in train.

The Premier had not discussed with his Cabinet or any of his Ministers his planned restructure or his proposal to resign and seek a new commission. He told Campbell that he wanted to downsize the Ministry from 18 to 16, and that he also wanted to dismiss three other (unidentified) Ministers, and re-allocate certain Ministerial functions among the Ministers. He had not requested any Minister to resign. Parliament had risen the previous Friday until a date to be fixed. A meeting of Cabinet had been held on Monday morning - the very morning of the Premier’s request for a new commission. This man had lost the confidence of his own Party; he did not even command a majority in his own Cabinet. To hold on to power, he was going behind his colleagues’ backs. The crisis was upon the government.

Sir Walter advised the Premier that a re-structuring of the Ministry should not be done by way of Sir Joh’s resignation. The Governor also advised that it was the Premier’s right to select and allocate portfolios and that Ministers were, in effect, at the Premier’s disposal. In Campbell’s opinion, the proper course was for Sir Joh to discuss his proposed re-organisation with his Ministry and to request the resignation of those Ministers he did not want.

At this point, three men - who had been waiting in a nearby room within Government House - joined the discussion in Sir Walter’s elegantly-furnished study. Leo Murray QC, the Chief Parliamentary Counsel, and Brian Pendrigh, the Director, Parliamentary and Government Branch, Office of State Affairs, Premier’s Department, were invited in by Sir Joh. Paul Carter, Official Secretary to the Governor, stepped in at Sir Walter’s request. Campbell realised this was to be a pivotal moment. Witnesses there had to be.
In front of this extended audience, the Governor re-stated his earlier advice to the Premier. He asked if the Premier’s advisers knew of any precedent for a Premier or Prime Minister resigning and asking to be re-commissioned immediately for the purpose of re-structuring a Ministry. The only case they offered was the resignation tendered to the King by Winston Churchill in 1945, at the cessation of the National Government. To achieve a consensus on national policy during World War II, a British Ministry had been formed which included members of the Conservative, Labour and Liberal Parties. The resignation of that Government of national unity offered few parallels to the present scenario.

Campbell had the best intellect in the room. This crisis was entering uncharted territory. But he was not out of his depth. Bjelke-Petersen until now had seen Campbell as a supportive official of state; as someone who at heart supported Joh’s aims and tolerated his methods. To an extent that was true. But Campbell was a lawyer, was unafraid of constitutional complexity, and his gut reaction was that a democratically-elected leader had to gain but also retain his majority. The procedures of state would not keep the unpopular in power nor support backdoor manoeuvres like this. The power purpose of Bjelke-Petersen’s strategy invalidated it. Improper purpose Campbell could not support; and any use of state procedures for manipulation of power is improper.

Sir Walter explained that, should the Premier resign, he as Governor would need to be satisfied, before re-commissioning the Premier, that he could form a new administration and that he and his new Ministry had the confidence of Parliament. Campbell cautioned that he might not be prepared to re-commission Sir Joh. Indeed, he might consult other members of Parliament, such as the Opposition Leader and even members of the Premier’s own party, as to whether Sir Joh retained the confidence of Parliament. He recommended an early recall of Parliament to test whether the Premier, with his new Cabinet, could command the confidence of the House. Sir Joh retorted that he had received a vote of confidence within the last fortnight. There was no one else in the Parliament who
could do so. Sir Walter’s view was that the last confidence vote had been given to the Premier with his present Ministry. Matters may change as a result of the proposed re-structuring.

Chief Parliamentary Counsel Leo Murray agreed with Campbell’s advice. The Premier had the right to choose Ministers and to ask for their resignations. Murray further supported the Governor’s view that it would be proper for the Premier to inform Ministers of the proposed re-structure and then to ask for the resignation of those not being included.

Sir Joh left the study at Government House saying he would follow Sir Walter’s advice. Bjelke-Petersen said he had finalised the re-structure, but the two men did not discuss the details of portfolio re-allocation, or the names of Ministers affected.

Sir Joh’s car swept off down Government House driveway. Walter Campbell believed the Premier’s proposed re-structure would soon be discussed with the full Ministry. In his book-lined study, Sir Walter was breathing easier.

**Tuesday**

Tuesday 24 November was another steamy Brisbane day. At 10.50 am, the triumvirate of Sir Joh, Leo Murray and Brian Pendrigh returned to Government House. Their meeting included Government House Official Secretary Paul Carter. The Premier had placed letters of resignation before five Ministers, naming them for the first time as (Deputy Premier) Gunn, Ahern, Austin, McKechnie, and Muntz. But all five had refused to resign. Campbell asked Bjelke-Petersen if he had discussed his proposed re-structure with his Ministers. The Premier said he had not, adding that he had changed his mind about Gunn and Muntz. He would now seek the resignation of only three Ministers. Campbell suggested the Premier give those Ministers his reasons for dismissing them. Bjelke-Petersen responded that there would be two less places in the new
Cabinet. Three Ministers were being asked to go because of irreconcilable policy differences and poor performance.

Sir Walter repeated that the Premier should discuss the re-structure with his Ministry. Sir Joh was reluctant to delay for the media was on to the story of the sackings. Indeed they were. Mike Ahern had called a press conference at which he issued a public challenge for the leadership of the National Party and voiced concerns “about possible machinations in respect to the eventual outcome of the Fitzgerald Inquiry”, an issue he said was related to the Ministry restructure.18

Campbell told Bjelke-Petersen that he did not care to be rushed. He “would prefer to have a letter from the Premier setting out the full facts, including an account of his discussion with Ministers about his proposed re-structuring”.19 The Governor also considered it “appropriate” for the Premier to give those Ministers he was asking to resign “a reason or reasons for his taking that attitude”.20 Sir Joh had called a Cabinet meeting for 9 am the next morning.

The Bjelke-Petersen Government had changed the Queensland Constitution – to say that the Governor “should not be subject to direction from any person whatsoever nor limited as to his sources of advice”.21 Campbell felt able to meet Ministers Ahern and Austin, who called at Government House at 3.20 pm on Tuesday afternoon. Campbell refused to reveal to them the advice he had given to the Premier, telling the Ministers that to do so under those circumstances would be inappropriate. The pair advised that moves had been made to call a meeting of the Parliamentary National Party - for Friday at the latest - to test the Premier’s authority.

Dr Chris Gilbert, of Queensland University, thought it was unusual for a

20 Ibid.
21 Constitution Act of 1867 (Qld), s14
Governor to seek stronger grounds before accepting a Premier’s advice. But it was nonetheless lawful and “it is quite proper for the Governor to sound out, ask around, seek advice”.\textsuperscript{22} Campbell was willing to see Ministers and take on board their advice, under s14 of the \textit{Constitution Act}, but the Crown must not be, nor be seen to be, “embroiled in politics”.\textsuperscript{23} He would inform the Premier of their visit. The Premier had called a Cabinet meeting for 5pm that afternoon – bringing it forward from the 9am Wednesday timeslot originally planned. Campbell acknowledged that the Premier had the right to select Ministers and also to ask for their resignation. According to constitutional convention, when a Premier requested a Minister’s resignation, that Minister should resign.

At 6 pm, Sir Joh was back at Government House. Leo Murray and Brian Pendrigh had driven in with the Premier. This time they waited in another room while Bjelke-Petersen and Campbell spoke. The Premier handed the Governor a letter setting out the details of the afternoon’s events. He had put his restructuring proposals to a full meeting of Cabinet, and asked for the resignation of Ministers Ahern, Austin and McKechnie. All three had again refused to resign. Ahern and Austin had informed the Premier of plans for a meeting of the Parliamentary National Party to test the Premier’s leadership. In Sir Joh’s view, any meeting of the Parliamentary wing not called by him would be illegally organised. He planned to ignore any resolutions passed.

The Premier’s letter formally advised Sir Walter to withdraw the commissions of Ahern, Austin and McKechnie. Sir Joh claimed that he could no longer work with this trio. They differed fundamentally with him on matters of policy. Campbell replied that he would act on the Premier’s advice and terminate the Ministers’ commissions. He instructed Brian Pendrigh to prepare the necessary documents. It was agreed that swearing-in would take place at Government House at

\textsuperscript{22} Dr Chris Gilbert quoted by John Orr, ‘Governor backed on refusal’, \textit{Courier Mail} (Brisbane), 25 November 1987.

\textsuperscript{23} Letter from Sir Walter Campbell to Rt Hon Sir William Heseltine, Private Secretary to HM Queen Elizabeth II, Buckingham Palace, 25 January 1988.
10.30am Wednesday - the next day. Sir Walter asked if the Premier would provide him with full details of the re-structured Ministry so that he could peruse it before the swearing-in ceremony.

As Tuesday 24 November drew to a close, journalists frantically tried to sort out the rapidly shifting events. Also, during the day, seeing blood in the water, Health Minister Ahern, Deputy Premier Gunn and Local Government Minister Russ Hinze had decided they would be leadership contenders. After Bjelke-Petersen had left the 5 pm Cabinet meeting, where he had unsuccessfully sought the resignations of Ahern, Austin and McKechnie, Deputy Premier Gunn had taken the chair. A consensus had emerged that the crisis should be discussed by the entire parliamentary wing. It had been a long, hot, humid day in Brisbane - a day to match the political climate. The violent thunderstorm which broke over the city in the afternoon did little to alleviate the tension. Deputy Premier Gunn told the media, “I am as confused as you are”.

**Wednesday**

Sir Walter began the day wading through media reports. The Premier’s Department requested a later time for the swearing-in of new Ministers. The necessary paperwork could not be completed by 10.30 am. Sir Joh called at Government House in person at 10am, and reported he was still discussing the re-structuring with his Ministers. Campbell told the Premier that the reshuffle was a matter for him, but asked again for a preview of the new Ministerial arrangements. Bjelke-Petersen said that there might now only be two new Ministers, plus a portfolio reshuffle. One backbencher who he had considered bringing into the Ministry - the Member for Maryborough, Gilbert Alison - had apparently declined an offer.

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24 See Peter Morley at Footnote 122.
Bjelke-Petersen was back at Government House at 11.30 am, accompanied by Deputy Premier Gunn. The Premier handed Campbell a document marked “Queensland Ministry”. It named only two new Ministers - Member for Coorooroo Gordon Simpson and current Legislative Assembly Speaker Kevin Lingard. Simpson would take over Mines, Energy and the Arts from dismissed Minister Austin, and Lingard would replace Ahern as Minister for Health and Environment. The document listed only one other change in Ministerial responsibility. While the Ministry would thus be reduced from 18 to 17, Sir Walter agreed this hardly constituted a major re-structuring - nothing like the grand sweep that Sir Joh had been seeking. Once assured that current Ministers were happy to continue in their present areas of responsibility, Sir Walter agreed to swear in Lingard and Simpson as Ministers and Members of Executive Council, and Gibbs and Powell as holders of new portfolios. 13 Ministers boycotted the 2.30 pm ceremony.

The National Party’s organisational wing stepped into the fray. State President Sir Robert Sparkes supported Mike Ahern’s call for a meeting of the Parliamentary party and a spill of positions. Sparkes invited all Parliamentary Nationals to a hastily-arranged State management committee meeting. It passed a motion condemning the Premier’s recent actions and calling a Parliamentary party meeting for the following day.27

Could the party’s management committee legally convene a meeting of the Parliamentary wing? This was normally the prerogative of the Premier as Parliamentary leader. Claiming the support of five lawyers, Sir Robert cited three clauses in the party’s constitution which appeared to give the committee the right to intervene. Sir Joh claimed to have legal advice to the contrary.28 Professor Darrell Lumb, professor of law at Queensland University, said that under s 12 of the Queensland Constitution Act, the Governor had the power to convene a

28 Ibid
meeting of Parliament if the Premier refused to resign.\textsuperscript{29}

If a meeting of the Parliamentary party declared a spill and elected a new leader, the incumbent Premier would still technically hold his commission. But the Governor had two options. He could force the Premier to face Parliament and test his authority over the Government, or he could commission a caretaker Premier, who would have to face a similar test. Professor Lumb said that Sir Joh could not simply ignore a majority decision, and that ultimately Parliament must prevail.\textsuperscript{30} Dr. Kenneth Wiltshire, of the University of Queensland, reckoned the National Party’s State constitution authorised the management committee to convene a meeting of the Parliamentary wing, but he suggested that Sir Joh might delay any sacking by challenging the meeting’s legality in court.\textsuperscript{31} Wiltshire also thought the Premier might also try to force an election, or contact the Queen to have the Governor removed.\textsuperscript{32}

\textbf{Thursday}

Bjelke-Petersen did try to contact the Queen. She properly left the matter in the hands of her Governor. The Premier also refused to hand in his commission when the parliamentary party voted on Thursday 26 November to replace him as leader. At around 10 am that morning, he was on the phone to Sir Walter. Acting on the Governor’s original advice, he had recalled Parliament for the following Thursday. A meeting of the parliamentary National Party was about to take place. Sir Joh thought they “would be going around in circles”. After this 10 am meeting at Parliament House, boycotted by Sir Joh, Mike Ahern telephoned Government House with the results. Ahern had been elected leader, with Bill Gunn as Deputy.

\textsuperscript{29} Professor Darrell Lumb, quoted by John Schauble and Christobel Botten, ‘Governor has power to force issue, says lawyer’, \textit{The Age} (Melbourne), 26 November 1987.

\textsuperscript{30} Professor Darrell Lumb, quoted by John Schauble and Christobel Botten, ‘Governor has power to force issue, says lawyer’, \textit{The Age} (Melbourne), 26 November 1987.

\textsuperscript{31} Dr Kenneth Wiltshire, quoted by John Schauble and Christobel Botten, ‘Governor has power to force issue, says lawyer’, \textit{The Age} (Melbourne), 26 November 1987.

\textsuperscript{32} Ibid.
At 11.56 am, Sir Walter was at the Executive Building. The Premier handed him a sealed envelope. Campbell held off opening the letter until the Executive Council meeting was over and he had left the Executive Building. He enclosed a copy of a letter the Premier had written to the Acting Speaker recommending that Parliament meet at 10 am on 3 December 1987 and asking the Governor to take the necessary action.

At 12.30 pm, Ahern, Gunn and Henderson (Secretary of the State Parliamentary National Party) delivered to the Governor a letter pledging the support for them of 47 National Party parliamentarians. But Sir Walter would not act to immediately dismiss Sir Joh. Campbell believed strongly that Parliament was the proper forum for settling the matter, if Sir Joh could not be persuaded to resign.

Ahern produced legal advice - including some from the Solicitor-General - which suggested that the Governor might withdraw Bjelke-Petersen’s Commission. Sir Walter disagreed. He told Ahern that Parliament was the ultimate judge - what took place at a party meeting was not the deciding factor. Before commissioning anyone as Premier, the Governor would have to be satisfied that the person could form a Ministry and command the support of Parliament.

Campbell telephoned Buckingham Palace that day (the night of 25 November London time). Sir William Heseltine, the Queen’s Private Secretary, reassured him. In a letter of 3 February 1988 thanking the Governor for a detailed account of the “political and constitutional crisis in Queensland”, Sir William reiterated his telephone opinion: “that you would have been safe in withdrawing the Premier’s Commission only when and if he had suffered a defeat in the Parliament itself”.

Ahern had another question. If Sir Joh resigned, would the Governor allow Ahern to form a short term, two-man Government, allowing some breathing

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33 Peter Morley, ‘Joh out Tuesday: Ministers confident advice will be taken’, Courier Mail (Brisbane), 27 November 1987, 1.
space for selection of a full, cohesive Ministry? Ahern and Deputy Premier Bill Gunn would hold all existing portfolios. (A precedent was established when Gough Whitlam and Lance Barnard operated as a temporary duumvirate after Labor won the Federal election in December 1972). Sir Walter could see nothing unconstitutional in such a scenario.

Meanwhile, the leader of the Parliamentary Liberal Party, Sir William Knox, called at 3.45 pm. He offered Campbell no assurances as to how the Liberals would vote in the event of a confidence motion brought on to test an Ahern-led Government.

Members close to the Premier visited his Parliamentary suite, trying to persuade him to resign. The media speculated that he might try to tough it out, or that he might resign after talking to family on the weekend, or that he might ask for an election. Brisbane’s tabloid Daily Sun, in an editorial on Friday 27 November, demanded that the Premier be dismissed.34 The paper also ran a front page story headlined “Governor leaves Queensland in chaos”, suggesting that Sir Walter’s refusal to immediately sack the Premier left the state without effective government, and facing up to seven days of confusion until Parliament convened.35 Peter Bowers and Greg Roberts, in the Sydney Morning Herald, wrote of a “Gilbertian struggle between Sir Joh, the Premier who is not Leader, and Mr Ahern, the Leader who is not Premier”.36

Several constitutional experts supported Campbell’s response to the crisis. Sir Joh might have set a trap for himself “by granting the Queensland Governor absolute power to sack the Premier”, said Professor Tony Blackshield of La Trobe University, but the Governor should wait for the result of confidence votes in Parliament before acting.37 Dr Chris Gilbert agreed; “Sir Walter’s actions so far

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34 Editorial, ‘Sir Joh must be removed from office’, Daily Sun (Brisbane), 27 November 1987.
37 Professor Tony Blackshield quoted by John Orr, ‘Sir Joh may deal a final card: lawyer’, Courier Mail (Brisbane), 27 November 1987
had been constitutionally proper”. Sir Joh may not have the support of his party, but he was still the lawful Premier until defeated by a motion of no-confidence on the floor of Parliament. Attorney-General Paul Clauson strongly defended the Governor’s refusal to immediately dismiss Bjelke-Petersen.

Former Federal Minister and lawyer Sir James Killen also sprang spiritedly to Campbell’s defence. In his column in the Sunday Sun, Killen discussed H.V. “Doc” Evatt’s 1931 suggestion that the best way out of such dilemmas was to “ascertain, define, declare and enforce rules which can be applied to govern the exercise of the reserve powers of the Crown’s representative”. In the absence of such codification, Killen sympathised with the dilemma facing Campbell, adding that the Governor had responded in “an immaculate fashion, giving lustre to his own reputation and added confidence in the office”.

Friday

Campbell saw the Premier twice on the Friday: firstly, at Brisbane airport, where both men, accompanied by their wives, welcomed the King and Queen of Belgium, and later at a luncheon held in honour of the Royal visitors at Government House. At the airport, Bjelke-Petersen expressed surprise that Campbell had cancelled his planned flight to Melbourne that afternoon. Sir Walter was to have proposed the toast of Australia at the Melbourne Scots’ group’s St. Andrew’s Day Dinner. The Governor answered wryly that he thought someone might like to call on him over the weekend. Amidst a swirl of guests at the luncheon, Governor and Premier met again. Exchanges were limited to social pleasantries. But speculation in the weekend press and around backyard barbeques was burning - would Joh go? What cards were left to play? What cross-party deals might be struck?

38 Dr Chris Gilbert quoted by John Orr, ‘Sir Joh may deal a final card: lawyer’, Courier Mail (Brisbane), 27 November 1987.
39 Ibid
One scenario held a dramatic, “last showdown” quality. Could Sir Joh Bjelke-Petersen take the fight all the way - hang in, defy the odds, and ultimately survive a parliamentary no-confidence motion with the support of both the Liberal and Labor parties and four or more wavering Nationals? With potential inducements such as a “one vote, one value” redistribution, and/or an early election, would the opposition parties come in behind their old foe and allow him to go out in a blaze of glory? Most doubted the wisdom of backing Sir Joh, even temporarily. The Nationals now appeared rock solid in support of Ahern. Yet there were grounds for speculation. Over the weekend, ALP State Secretary (and later Queensland Premier) Peter Beattie met secretly with Sir Joh. He entered the Premier’s Kingaroy property *Bethany* through a back paddock to avoid the media crews at the front gate. As late as Monday, contact was also been made between the Bjelke-Petersen camp and the Queensland Liberal Party, including the member for Stafford, Terry Gygar.

**The next week**

Monday 30 November came. There was no official resignation. Hints were beginning to emerge that a breakthrough might be imminent. At 11 am, the Premier’s office phoned the Governor, requesting a meeting for 4 pm the following day. The ABC midday news reported on a Cabinet meeting. Mike Ahern held a press conference. He had arranged for Parliament to be convened on Wednesday 2 December at 2.30 pm.

Tuesday 1 December dawned to another welter of press speculation. In an open letter to the Governor, the *Daily Sun* again lectured Sir Walter, on his “duty to act in the best interests of Queensland and sack the Premier”. The editorial also contained - dramatically underlined and in bold type - a novel observation on the

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42 Greg Roberts, ‘Joh’s last hope is dashed’, *Sydney Morning Herald* (Sydney), 1 December 1987.
43 David Smith, ‘Secret deal talks’, *Courier Mail* (Brisbane), 2 November 1987
44 Marion Smith, ‘Joh’s last gasp’, *Sunday Sun* (Brisbane), 6 November 1987.
45 Terry Gygar is now Associate Professor of Law, Bond University.
46 Ibid.
role of Parliament in a democracy:

We submit that to allow this demeaning fight to continue to the floor of Parliament where anything could happen is not in Queensland’s best interests. 48

Sir Joh’s resignation

Just after midday, Campbell heard that the Premier would hand in his resignation when he called at 4 pm. These sources proved correct. In company with Sir Sydney Schubert, the Permanent Head of the Premier’s Department, Sir Joh called at Government House at the appointed hour. He handed Campbell two letters. One tendered his own resignation along with that of his Ministry, effective from 1 December 1987. The other submitted his resignation as a member of the Executive Council, also effective immediately. This was a brief encounter - no more than a minute in Campbell’s recollection - with Sir Joh declining to be seated. Sir Walter said that he would accept the resignations. He wished the retiring Premier the best of luck for the future.

Campbell’s persistent efforts to ensure a political resolution, his determination not to use his sweeping reserve powers unless the crisis became a constitutional one, and his even-handed approach clearly had not impressed Bjelke-Petersen, as the latter’s autobiography, Don’t You Worry About That, makes plain. Their exchange that afternoon at Government House has become part of Queensland political folklore. “Well, Wally, old fella, you ought to be proud of yourself”, Bjelke-Petersen said. “You’ve done a mighty job, and I want to congratulate you. In the years to come I hope you have many proud, happy memories of what you’ve done.”49 Ignoring the sarcasm, Campbell wondered whether Sir Joh had realised the inevitability of his departure. Campbell countered with a straight bat. “Thanks for everything,” Sir Walter said, “for what you’ve done, too”.

48 Ibid
49 Don’t You Worry About That! The Joh Bjelke-Petersen Memoirs (Angus & Robertson 1990) at 91.
Bjelke-Petersen wrote that, as he walked from the room he declared to the Governor’s Secretary, “I’ll never darken these doors again” while Campbell remains as Governor. The sentiment amused Campbell in his later years, but he had respected the older man’s bravado and defiance, even while his game had so swiftly and comprehensively ended. Both had played their role to the end. Campbell would recount, almost with affection, that dramatic last meeting and the departure of Queensland’s most decisive and divisive political leader.

It was over. The Premier of 19 years had now officially resigned. Campbell’s next action to ensure stability was to usher in the successor. He sent for Mike Ahern, who arrived at Government House with Bill Gunn at 5.30 pm. Ahern requested that the Governor appoint himself and Gunn to administer all Departments of State, signing a letter to that effect in Sir Walter’s presence. Campbell agreed. His proviso was that Ahern would, in Parliament next morning, seek a motion of confidence in a Government led by him as Premier. Also, Ahern had to advise him within 8 days of the composition of his proposed Ministry. Campbell handed over a letter confirmed these arrangements. Ahern was then sworn in as Premier and Treasurer of Queensland.

Due to “an abundance of caution” (as Campbell puts it in correspondence to Buckingham Palace), and the brevity of Sir Joh’s resignation letter which refers to himself “and the other members of the Bjelke-Petersen Ministry”, Campbell then insisted on yet further precautions. The new Premier delivered a letter to Government House, advising Sir Walter to formally dismiss the previous Ministry. Campbell gave Ahern a letter accepting that advice. The Governor then swore in Ahern as Minister for eight portfolios, and Gunn as Deputy Premier and Minister for nine.

On the following day - Wednesday 2 December 1987 - Parliament met at 10 am.

50 Letter from Sir Walter Campbell to Sir William Heseltine, Private Secretary to the Queen, Buckingham Palace, 25 January 1988.
51 Ibid.
Lin Powell, Minister for Education in Sir Joh’s Government, was elected Speaker. The resignation of Sir Joh Bjelke-Petersen as Member for Barambah was received, with the seat becoming vacant immediately. A motion of confidence in the Government was moved by Premier Ahern. It passed by 57 to 27. The National and Liberal Parties supported the motion as a block and the Labor Party voted against.

On Tuesday 8 December, Sir Sydney Schubert handed Sir Walter a letter from Premier Ahern, setting out the details of the Premier’s proposed 17 person Ministry. The following day Campbell swore in the full team at Government House. The crisis was over. Campbell’s cautious approach had been vindicated.

Campbell’s clever stance from the outset was in asserting that his role was not restricted to simply taking advice from the incumbent Premier. Equally, he was not there to do the bidding of forces who wanted to blast the old Premier out and hastily install a new leader. Campbell maintained the dilemma was political – this, he maintained, was not a full blown constitutional law crisis. So, he determined to see it resolved in the political arena. He consulted, he advised, he stalled occasionally, he warned, and he carefully canvassed his options. He held off using his sweeping reserve powers.

Accolades for Campbell began to appear in the media. Veteran ABC journalist Quentin Dempster, writing in the Daily Telegraph on 10 December, awarded the Governor 10 out of 10 in his “scorecard ‘87”. Campbell was, he said, no less than a “statesman”.

A letter from Sydney Hamilton, in the Brisbane Courier Mail on 21 December, congratulated the Governor on his handling of the affair, for “retain[ing] his cool” and for not becoming “Joh’s hangman”. Kerry Smith, writing in the Gold Coast Bulletin on 22 December, described Campbell as “a worthy and most honourable Governor who has acted with confidence and

genuine concern for community affairs and also as a man of dignity”. Sir Harry Gibbs had summarised Campbell’s two greatest attributes for the governorship as “his intelligence and his personality”. His intellectual command of the powers and requirements of his office and his personal skills enabled the State decently to manage the relinquishing of power by one of the most wilful leaders of the time.

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