

Australian government moves to block access to “National Cabinet” pandemic documents

Mike Head
6 September 2021

The Liberal-National Coalition government suddenly unveiled a bill last Thursday to stop the release of any minutes from the self-proclaimed bipartisan “National Cabinet” that has been effectively running the country by decrees since the COVID-19 pandemic first hit Australia 18 months ago.

Prime Minister Scott Morrison’s government is facing growing hostility over its demand for the “reopening” of schools and all workplaces as the Delta variant-driven disaster worsens in Australia. It is seeking to stop any public scrutiny of the proceedings of the “National Cabinet,” which is pushing the corporate drive to “live with the virus,” regardless of the predicted thousands of deaths.

The “National Cabinet” is a completely unconstitutional cabal formed by Morrison and the state and territory government leaders—mostly from the Labor Party—on March 13 last year. That was just as demands emerged among teachers, industrial workers, health workers and other working people for shutdowns and other essential safety measures to protect public health and lives.

The government’s bill is a brazen attempt to defy and overturn an August 5 ruling by the Administrative Appeals Tribunal (AAT) that the “National Cabinet” is not a genuine cabinet and therefore its minutes and records are not exempt from release under the Freedom of Information (FOI) Act.

The bill seeks to shut down not only all future FOI applications for “National Cabinet” documents, but also those already filed. That includes some 50 more such requests made by independent Senator Rex Patrick, who took the case to the AAT.

The AAT decision potentially cleared the way for members of the public to apply to obtain the documents of this body and also those of the medical sub-

committees that provide the “health advice” that Morrison and the other government leaders invariably invoke to justify decisions to reduce safety restrictions.

Federal Court Justice Richard White, a presidential member of the AAT, ruled that: “The mere use of the name ‘National Cabinet’ does not, of itself, have the effect of making a group of persons using the name a ‘committee of the Cabinet.’ Nor does the mere labelling of a committee as a ‘Cabinet committee’ have that effect.”

The decision underscores the lack of any constitutional, let alone democratic, basis for this body, which functions as a de facto national coalition government.

White concluded that the “National Cabinet” was not even created by Morrison with the authority of the federal cabinet, as the government claimed. Instead, it was simply established by “joint agreement” at a meeting involving Morrison and the state and territory leaders.

At that March 15 meeting, the Labor representatives all agreed with Morrison to cloak their proceedings in secrecy, even going beyond protection from the FOI Act. Minutes obtained as a result of the AAT case, show that they adopted “longstanding conventions” of “collective responsibility and solidarity” and “strictly confidential” discussions and documents.

In other words, the Labor government leaders formed a pact with Morrison and their Liberal-National counterparts to be bound by “solidarity” and “confidentiality” undertakings, essentially forming a bipartisan front.

They also agreed to extend this shield of secrecy to two “sub-committees.” One was the Australian Health Protection Principal Committee (AHPPC), led by the federal, state and territory chief medical officers, that

supplies the official health advice for the government leaders to invoke to justify their edicts.

The other was the little-known National Coordination Mechanism, operated by the Department of Home Affairs, that works with business leaders and other “stakeholders” to “ensure a consistent approach to managing the impacts of this pandemic beyond the immediate health issues.”

Far from opposing the government’s bill, the federal Labor leadership swiftly referred it for inquiry by the Senate finance and public administration committee. That means that for many months at least, all FOI requests for “National Cabinet” documents will be frozen.

In an attempt to present Labor as a defender of transparency, the shadow attorney-general, Mark Dreyfus, said “the Australian people have every right to be kept informed about what is being done in their name” and not be “fobbed off” by Morrison’s “secrecy and spin.”

But Dreyfus left open the likelihood that Labor will ultimately join hands with the Liberal-National government on the bill, as Labor has done on every other measure during the pandemic.

The reality is that the Labor state and territory leaders are parties to the “secrecy and spin.” That is a central aspect of the partnership they have maintained with the Morrison government throughout the COVID-19 disaster.

This legislation is a second major attack on basic democratic rights launched in the past week by the Coalition, in league with the Labor Party, to try to stifle the renewed opposition in the working class to being exposed by governments to the current surge of COVID-19 infections and deaths, for the sake of corporate profit.

The tabling of the bill follows the rapid ramming through parliament of anti-democratic laws to de-register all political parties unless they have a member in parliament or can submit a list of 1,500 members in just three months, by December 2. These laws could strip the Socialist Equality Party (SEP) and 35 other registered parties of the right to stand candidates under their party names in the looming federal election, which is due by May at the latest.

The bill underscores the necessity for workers and youth to support the SEP’s campaign to demand the

repeal of the anti-democratic laws and to become electoral members of the SEP to ensure it retains its registration in order to advance the fight for a socialist program against the pandemic and the capitalist profit system itself.



To contact the WSWS and the
Socialist Equality Party visit:

wsws.org/contact