

# Solicitor-General and Labor government greenlight former PM Morrison's secret ministerial appointments as "legal"

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The cover-up of the sweeping anti-democratic implications of former Prime Minister Scott Morrison's secret assumption of five ministerial portfolios reached further heights today.

Speaking at a media conference, current Labor Party Prime Minister Anthony Albanese uncritically relayed advice from the Solicitor-General Stephen Donaghue, finding that Morrison's concentration of vast ministerial powers, behind the backs of the population, was lawful under the anti-democratic 1901 constitution.

The finding has major implications. It is effectively a greenlight for further attacks on democratic rights, including moves towards open authoritarianism, under conditions of an unprecedented crisis of global capitalism, Australia's frontline role in the US confrontations with Russia and China and mounting social and political opposition from working people.

Donaghue's report also gave a clean bill of health to Governor-General David Hurley, despite his having secretly sworn Morrison into the ministries and omitted the appointments from his extensive public diary.

The governor-general has sweeping powers and sits at the apex of the Australian state apparatus, as the representative of the British monarch, Australia's head of state. Hurley's involvement, moreover, is particularly sensitive, because it means that the British state was undoubtedly aware of Morrison's actions, even as the Australian population was not.

Donaghue indicated that Morrison's appointments may potentially have skirted parliamentary regulations.

But Albanese put a dampener on any suggestion of action being taken against the former prime minister, who remains a member of parliament. Morrison's future, Albanese declared, was a "matter for his Liberal colleagues." Labor, it appears, is not even considering a formal censure motion in the House of Representatives, where it holds a majority.

Meanwhile, the Labor government would seek to bury the furore over the revelations, with an inquiry at some unspecified time in the future. Albanese's comments made clear that it would bury the mass of political questions raised by Morrison's appointments, instead diverting attention to procedural questions.

A week after one of the most significant attacks on democratic rights in Australian history came to light, Albanese indicated that the government would do little more than consider a requirement for all ministerial appointments to be published in a Commonwealth Gazette.

When he was asked if the inquiry would focus on the role of other figures within the state apparatus in Morrison's actions, Albanese similarly sought to dampen down expectations. The government had given "no consideration" to such matters.

As significant as what Albanese said is what he did not. The Labor prime minister did not even mention the growing body of information undermining claims that Morrison had operated alone or that his ministerial appointments expressed nothing more than an individual "megalomania."

In fact, what is increasingly clear is that Morrison's ministerial takeovers were part of a political conspiracy, involving the top echelons of the state apparatus, the military, the intelligence agencies and the leaderships of the Liberal and National parties. The appointments were an open secret within the political and media establishment, raising questions about what Labor and Albanese himself knew at the time.

That was underscored by an article on the Australian Broadcasting Corporation (ABC) website this morning by its political editor Andrew Probyn.

Probyn explained that in early March, 2020, in the first stages of the pandemic, Morrison's Attorney-General Christian Porter conducted an audit of the Liberal-National Coalition government's powers, alongside personnel from the Australian Government Solicitor.

In Probyn's retelling, they "discovered... 'God-like powers'" that could be activated by the health minister under the Biosecurity Act. Probyn's use of the term "discovered" is preposterous, given that the Coalition government passed the legislation, with the full support of the Labor Party, in 2015. Under the laws, once an emergency is declared, the health minister can issue sweeping decrees and impose "any requirement" on people, including restrictions on movement.

Probyn claimed that Porter and Health Minister Greg Hunt wanted the sweeping powers to be vested more broadly than in

a single minister. Together with the Attorney-General's department and the Australian Government Solicitor they decided that Morrison should be sworn in as a secondary health minister.

Probyn wrote: "A three to four-page protocol was drafted for approval by the National Security Committee (NSC) of cabinet, which comprised Morrison, then-deputy PM Michael McCormack, Hunt, Peter Dutton (Home Affairs), Mathias Cormann (Finance), Marise Payne (Foreign Affairs) and Linda Reynolds (Defence).

"And on March 14, the Governor-General signed an administrative instrument that appointed Scott John Morrison to administer the Department of Health. Four days later—March 18, 2020—a 'human biosecurity emergency' was declared under the Biosecurity Act, giving health minister Greg Hunt sweeping, plenary powers."

Morrison, too, was invested with the "authority, which amounted to effective power of martial law," without the population knowing.

This account blows out of the water the claims of senior cabinet ministers that they were kept in the dark. Implicated in the conspiracy around Morrison's appointment is the current leadership of the National Party, represented by Michael McCormack, and Peter Dutton, now the Liberal Party leader.

That underscores one of the reasons for the determined cover-up by the media and political establishment. Clearly, there are fears that following the Coalition's calamitous result in the 2022 federal election, and intense factional conflicts, the exposure of Dutton, McCormack and others could blow apart one of the two main instruments of capitalist rule in Australia.

More broadly, the revelations are an exposure of the fig-leaf character of parliamentary democracy, behind which lies the rule of a corporate and financial elite represented by the Coalition, Labor and the entire official political establishment.

The activation of the biosecurity powers had nothing to do with protecting the population. Probyn notes that when conducting his initial review into governmental powers, one of the things Porter was examining was the legal basis for the domestic use of the military.

Such moves were directed against the working class. In a statement last week, Morrison wrote: "[We] were dealing with everything from supply chain shocks to business closures, the overwhelming of the social security and hospital system and the sourcing of critical medical supplies and workforce. The prospect of civil disruption, extensive fatalities and economic collapse was real."

The powers, moreover, were not deployed to facilitate public health measures, but to block them. That is made plain by accounts in the book *Plagued*, which first publicly revealed Morrison's appointments.

On March 13, 2020, the Australian Health Protection Principal Committee (AHPPC), consisting of the federal and

state chief health officers, had recommended that all outdoor gatherings of more than 500 people be banned with immediate effect. It proposed a 100-person limit on indoor gatherings, while some health officials called for a blanket pause on all such events.

The *Plagued* authors, both senior writers at Rupert Murdoch's *Australian* newspaper, noted that Morrison was intensely hostile to the advice, because it "would affect that weekend's sport, pubs, cafes, the lot," i.e., corporate profit-making activities. The Coalition government's response was to swear in Morrison as the health minister.

The other plank was to immediately establish a bipartisan National Cabinet. Through that extra-constitutional body, whose deliberations are shrouded in secrecy, the state and territory leaders, most of them from the Labor Party, and the federal government have ruled by decree throughout the pandemic. The National Cabinet has been integral to the gutting of safety measures, the adoption last December of the full "let it rip" COVID policy and massive handouts to big business.

The last thing that Albanese and Labor want is a discussion of this essential political content of the resort to authoritarian forms of rule, expressed in Morrison's ministerial appointments and the National Cabinet itself. That body, along with its secrecy provisions, is being fully maintained by the Labor government, as are the central policies associated with Morrison: the "herd immunity" COVID program, full support for the US confrontations with Russia and China, and a stepped-up offensive against the working class.

The ongoing revelations demonstrate that the working class is the only constituency for the defence of democratic rights. The fight against authoritarianism requires a political struggle against the entire political establishment, based on a socialist perspective aimed at transferring political power to working people themselves.



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