

# Australian judicial “inquiry”: Another bid to bury outrage over ex-PM’s secret ministerial appointments

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Late yesterday, the Australian Labor government unveiled yet another desperate attempt to shut down the public outcry over the governor-general’s covert and unprecedented appointment of then Prime Minister Scott Morrison to five of the most powerful ministerial portfolios in 2020 and 2021.

Labor Prime Minister Anthony Albanese announced a deliberately narrow “non-political” three-month inquiry, to be conducted behind closed doors by a trusted ex-High Court judge. Albanese made blatant the purpose of the inquiry, declaring that it was “important so that people can have confidence in our parliamentary democracy.”

In other words, before the inquiry even began, Albanese insisted that its outcome must be to instil public “confidence” in the decaying façade of capitalist democracy, which has been further discredited in the eyes of millions of people by the revelations about the rapid resort by the entire political establishment—not just Morrison and the governor-general—to extra-parliamentary methods of rule as soon as the COVID-19 disaster began.

It is already clear from what has been still only partially disclosed about the events of 2020 and 2021 that any genuine inquiry, conducted by the working class, would draw the opposite conclusion: the need to have no confidence whatsoever in the figleaf of parliament or any section of the ruling capitalist class to uphold fundamental democratic rights.

Behind the backs of the population, Morrison was installed as a dual minister for health, finance, industry and resources, treasury and home affairs. This created centralised power, able to be rapidly utilised by regulations and other decrees, over pandemic measures, government spending, industry and the federal police, intelligence and border force apparatus.

Labor’s inquiry “is not about the politics,” nor was it about the official response to the pandemic, Albanese said. This is a deliberate and absurd attempt to separate the unprecedented shift to authoritarian methods from why it happened politically.

Labor’s inquiry is designed to keep hidden the full extent of what took place, as well as the vast political implications. That is why no one will be compelled to testify.

Virginia Bell, the former judge heading Labor’s inquiry, will

have no power to summons witnesses or compel the production of documents. Albanese also indicated that there will be no public hearings. Instead, as he told the media yesterday, “Virginia Bell will be talking with people.”

Albanese said the government had decided not to call a royal commission, which would conduct public hearings and could require witnesses to testify under oath. That decision was taken, Albanese said, to “get the balance right.”

That “balance” is in line with the warnings issued to the Labor government in the corporate media, notably the Murdoch flagship, the *Australian*, and the *Australian Financial Review*, to smother the affair as quickly as possible, in order to avoid further unstated “damage” to the political system.

Those spared from testifying under oath include Morrison, Governor-General David Hurley, members of Morrison’s National Security Committee—who all agreed with the prime ministerial power-grab. It also includes Albanese and other Labor leaders, who gave bipartisan backing to every major decision taken by Morrison’s Liberal-National government during the pandemic. The same goes for all the state and territory Labor government leaders. They played a central role in Morrison’s “National Cabinet,” a de facto coalition regime, which the Labor government has retained as an equally secretive mechanism of rule.

The inquiry is intended to keep intact the underlying powers of the state apparatus, including the potentially dictatorial role of the prime minister and the governor-general, for use by this government, and any future government, as they allow the pandemic to continue to destroy the health and lives of working people, intensify the decades-long assault on workers’ wages and conditions intensifies, and accelerate preparations for a disastrous US-led war against China.

In line with Albanese’s declaration, the Labor government’s terms of reference for the inquiry stipulate that it must report on the implications of the revelations for “public confidence in government.”

Likewise, when asked if the inquiry would include the governor-general’s role in secretly appointing Morrison to the five ministries, Albanese underscored his government’s already

stated intent to absolve Hurley of any responsibility. “The governor-general has made clear that his actions were upon the advice of the government,” he insisted.

Accordingly, the inquiry’s terms of reference make no mention of the part played by Hurley and the governor-general’s office. That is reinforced by the instruction that Bell “shall have regard to the Solicitor-General’s Opinion in the matter of the validity of the appointment of Mr Morrison to administer the Department of Industry, Science, Energy and Resources.”

That “Opinion,” issued last week, was the government’s first sham bid to bury the furore. The government instructed Solicitor-General Stephen Donaghue to report only on one appointment in isolation, not the entire power grab.

The “Opinion” claimed that Hurley’s installation of Morrison into that portfolio was perfectly constitutional and legal under the anti-democratic, colonial-era 1901 Constitution, which invests supreme power in the hands of the governor-general, the British monarchy’s representative, to appoint ministers.

At the same time, Donaghue exonerated Hurley by saying the governor-general had “no discretion to refuse to accept the prime minister’s advice in relation to such an appointment.”

Hurley’s pivotal part in this political crisis is most sensitive. Firstly, that is because as a former chief of the defence forces, he obviously had close connections at the highest levels to the military and intelligence apparatuses and their partners in the US and UK. This means that key figures throughout these networks, including in London and Washington, must have known of, and backed, these processes.

Secondly, the governor-general, as the official head of state, occupies a kingpin position in the capitalist state apparatus. As the representative of the British Crown, the governor-general wields dictatorial powers that can be utilised in political crises, including to dismiss governments, as occurred in the 1975 Canberra Coup removal of the Whitlam Labor government after it failed to contain an explosive movement of the working class amid the global upsurge of 1968–75.

There is real concern in the ruling class, reflected in the media warnings, that any further exposure of the inner-workings of the capitalist state will deepen the public disaffection and hostility shown in the May federal election, when the combined vote for the two main parties of capitalist rule—Labor and the Liberal-National Coalition—fell to an historic low.

While portrayed as “independent,” Bell’s inquiry will be conducted under the auspices of the Attorney-General’s Department, whose top officials would have been involved in drafting the documents that the then attorney-general, Christian Porter, prepared for Morrison to be appointed to his multiple posts. Evidently, Bell will have no independent secretariat and will depend on the government for access to information and resources.

Bell, who was appointed to the High Court in 2009 by the previous Labor government, is regarded as a safe pair of hands, having served on the supreme court for 12 years. *Australian* editor-at-large Paul Kelly today called her appointment as “beyond reproach,” guaranteeing “a proper, impartial inquiry in which the public can have confidence.”

Despite all such efforts to bury the revelations, explosive political and legal issues remain. Notwithstanding the solicitor-general’s “Opinion,” the very legality of the Morrison-Hurley operation has been called into question by several constitutional experts. They have pointed out that even if Morrison was “validly” appointed to the five posts, his use of those ministerial powers—the extent of which is still unknown—may not have been authorised by the Constitution.

Above all, none of the burning political questions have been answered: When and why did Morrison ask the governor-general to covertly start and continue making these appointments? When and how were these ministerial powers actually used? How extensive was the complicity of the political establishment, including the Labor leaders and their trade union partners in these secretive moves?

What is already known, from Morrison’s own defiant defence of his actions, is that he and all those involved feared unrest and opposition in the working class as the pandemic hit and governments sought to keep schools and workplaces open, regardless of the obvious danger of mass infections and deaths, for the sake of business profits.

Morrison insisted that his clandestine assumption of vast powers was necessary because of “the prospect of civil disruption, extensive fatalities and economic collapse” in “the nation’s biggest crisis outside of wartime.”

That must be a warning, as the WSWs has explained throughout this historic political crisis, of the readiness of the ruling class to eviscerate basic democratic rights and shift to dictatorial methods of rule as working-class struggles erupt. That “prospect” is only mounting as the Labor government pursues its agenda of further real wage cuts in the face of soaring inflation, continuation of the “let it rip” pandemic offensive and intensification of the frontline involvement in Washington’s provocative and plans for war against China.



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