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Anthony Albanese to release legal advice on Scott Morrison ministries as pressure builds on former PM

Prime minister says there is a 'fundamental weakness in checks and balances' and he will consider if a formal inquiry is needed

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Anthony Albanese will release legal advice on Scott Morrison's secret ministries on Tuesday, as criticism continues to mount over the former prime minister's conduct.

The former head of **Australia Post**, Christine Holgate, says it is "very concerning" that Morrison was secretly finance minister while she was subject to an "independent" inquiry by the department.

"I was as disappointed as everyone else to learn the former PM had secretly taken on the most important roles in cabinet," Holgate said in a statement provided to Guardian Australia on Monday.

“The fact he was secretly finance minister, when the finance department were apparently conducting an ‘independent’ inquiry into my matter, is very concerning.”

Holgate was **stood down in October 2020** due to a political backlash over her decision to gift four senior managers Cartier watches later valued at \$20,000, and after Morrison used parliamentary question time to urge her to step down.

She **was later paid \$1m** to settle claims relating to her departure, describing Morrison’s behaviour towards her in question time as “one of the worst acts of bullying I’ve ever witnessed”.

Albanese on Monday said the new secretary of the Department of Prime Minister and Cabinet, Glyn Davis, had received the solicitor general’s advice about Morrison’s portfolio grab, and he would receive a formal briefing on Monday afternoon.

The prime minister will brief cabinet in Canberra on Tuesday before making the advice public because of his regard for “politeness and proper process”.

“I intend to release that advice so that people can see it and be transparent about it,” Albanese said.

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He said he would consider whether any changes needed to be made after receiving the advice, including whether a formal inquiry should be undertaken.

“Quite clearly, there are real questions to be answered here. There is a question of legality.

“There hasn’t been a suggestion of illegality but ... there have been questions raised about how this could occur, how it fits in with the conventions and the normal accountability mechanisms and checks and balances that are there in our parliamentary democracy. They are matters that need to be considered.

“There is a basic fundamental weakness in checks and balances - if no one knows who the minister is, then how can they be held to account for decisions which are made?”

On Monday the office of the official secretary to the governor-general defended its role in the non-disclosure of Morrison’s ministerial appointments.

In a statement, a spokesperson said Morrison was approved to administer a department, not sworn-in as a minister to hold office.

“They are neither the first nor the last examples.

“How these appointments are communicated is the prerogative of the government of the day ... There has been no deviation by the office from past practice.”

“Acknowledging that the administrative appointments were not communicated - as expected, by the government of the day - the office supports a more transparent process to ensure that any appointments made under section 64 are made public.”

Archer urges Morrison to ‘reflect’ on actions

As Morrison resists calls to resign, he is facing fresh criticism for his decision throughout 2020 and 2021 to take on additional portfolios without advising his colleagues or making the information public.

The Tasmanian Liberal MP, Bridget Archer, said she welcomed calls for an independent inquiry into the matter, and called on Morrison to reflect on his behaviour.

“Australians generally agree that we don’t want to see this sort of situation occur into the future, so we need to examine how we got here and how we stop it happening going forward,” Archer told ABC Radio.

“It also is forcing other colleagues to ... defend themselves and their own records and I think that that’s unfair,” she said.

“(Morrison) should reflect on that and, and certainly consider whether it’s the best thing for him to do going forward.”

The Greens leader, Adam Bandt, last week requested the Speaker of the House of Representatives, Milton Dick, consider referring Morrison to the privileges committee, which would consider possible contempt of parliament.

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