



Silence over info council

THERE HAS been a long silence from the PM's office since he launched the Broadband Services Expert Group's report *Networking Australia's Future* on 1 March. Many interested parties are on tenterhooks to know whether they will join the select group of 20 to advise Keating on implementation strategies. It was thought that he would announce the composition of the National Information Services Council (NISC) before his trip to Japan in late May. Meanwhile, the bureaucracy is gearing up to develop a national information strategy on information and communications networks and technologies to be announced by the PM at the end of the year.

CU understands that the NISC will act as a high level discussion and consultative forum for Keating. It is expected to meet twice, in August and October. Its meetings will consider agenda items extensively worked through by government departments and agencies. These pre-meeting processes are intended to be more or less public and consultative, designed to tease out points of view, and bring all members of the NISC up to speed in advance of the formal meetings. Proceedings of the meetings themselves will apparently be published both on-line and on paper.

An inter-departmental committee (IDC), chaired by the Secretary of the DOCA, has been established to advance proposals adopted at a special meeting of Cabinet in early April - these include the Government's 'leading edge user' on-line services strategy, including an education network proposed by the Department of Employment, Education and Training, and Social Security's Community Information Network.

It is understood that there are four items on the agenda for the NISC's first meeting: access and equity, legal, international, and industry issues. 'Scoping papers' on each issue are being developed through the IDC. □

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- any damage to national security said to justify suppression be immediate, direct, inevitable and irreparable, a test applied by the US Supreme Court in *Pentagon Papers*, a national security case;
- publish a general description of the matters covered by D-notices;
- fix dates at which a D-notice will expire unless renewed after fresh examination of the need for it;
- be reviewed regularly.

The American philosopher, Sissela Bok, observed that secrecy can become an end in itself, 'creating subtle changes in those who exercise it, in how they see themselves, and in their willingness to manipulate and to coerce in order to uphold the secrecy and so shield themselves.' Knowledge being power, the 'professionally informed' try to increase their superiority by keeping more and more secrets.

Publicity is vital to good decision-making because it opens the options to inspection and criticism, challenges private biases, reveals errors and 'allows the shifting of perspectives crucial to moral choice,' argued Bok in her book *Secrets: on the ethics of concealment and revelation*.

The recent controversy over media coverage of complaints by former ASIS agents illustrates these tendencies. According to media reports, before the agents' claims were aired in February 1994 on ABC TV, the Government tried to dissuade Opposition MPs from pursuing the issue in Parliament. It provided briefings that included a bogus psychological report on one agent which described him as a 'psychopath'.

The episode also illustrates a danger of the Government's proposed amendments to the Commonwealth Crimes Act to punish more severely damaging disclosures about security, unless the defendant can show the activity disclosed was illegal. It is usually not illegal to tell vicious lies, but it is improper, harmful and destroys trust. When incompetence

short of illegality is covered up it often produces compounded damage.

Practical enforceability of suppression is becoming increasingly difficult. Governments may convince a small number of mass media organisations to participate in a voluntary scheme, and agile governments may obtain injunctions before a bulletin can be broadcast or a newspaper distributed. But cable TV will soon offer dozens of channels, we are repeatedly assured.

Every Internet user is a potential publisher. The whistleblower with on-line access can bypass journalists altogether and directly leak official information instantly to millions. Information, as the cybernauts say, wants to be free.

These developments help us focus on the core issue of who leaks and why. Leaving aside government-approved 'leaks', money, spite, and altruism are the common motives of those who disclose what government really wants to keep secret. The gold digger is irrelevant here because making information public devalues the wares.

If the spiteful or altruistic whistleblower does go to the media, most journalists will attempt to verify the information, consider the leaker's motive and weigh up the public interest in disclosure against any public interest in withholding. A D-notice committee may be a valuable forum for debating the case for proper secrecy.

Governments should have learned by now that concentrating on suppression, rather than on the ills the leak reveals, is usually futile because it guarantees wider publicity. Other potential whistleblowers may be watching the resort to secrecy, as with the Embassy bugging injunctions, and deciding that going through the 'proper channels' may be futile.

Far from tougher secrecy laws, we need a federal whistleblower protection law as soon as possible. □

Paul Chadwick