

A SUBMISSION TO

THE [SENATE STANDING COMMITTEES ON LEGAL AND CONSTITUTIONAL AFFAIRS](#)

REGARDING

[A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS](#)

1. Secrecy in public proceedings is, at best, a necessary evil.
2. It follows, therefore, that where it is not necessary it is simply an evil.
3. It is often necessary in extreme circumstances - for instance - when we are at war.
4. However - despite the government's informal declaration of a war on people smugglers, and the militarization of the management of asylum-seekers approaching Australia in an irregular manner in boats - there is no war.
5. Nor has the government made a convincing case that there is an emergency of another sort such as to justify the degree of secrecy now being imposed.
6. If the government did believe that there was such a case to be made in the national interest, surely it would not - in its former role as the loyal opposition - have indulged as it did in constant revelations and advertising of every detail of what was happening at sea and on Christmas Island, Nauru and Manus Island. Such conduct in such circumstances would have been a betrayal of the national interest - akin to the exposure of military information of use to the enemy in time of war.
7. One must conclude from these considerations that what the government is really concerned about is its partisan political interest rather than the national interest. When it was in opposition, that interest was served by maximum exposure of the Labor government's difficulties. Now that it is in government it is served by maximum secrecy, in order to minimise the opportunities of the Labor opposition and other parties and the media to expose its own errors and failures.
8. This is not in the national interest. Indeed, it is dead contrary to the national interest. It reminds one, indeed, of the secrecy imposed by the Nazis regarding their "final solution" - a cloak under which abominably atrocities were committed and Germany was led further and further down a road to utter ruin in every respect.
9. One might almost go so far as to suggest that the first rule of secrecy is that it will ultimately be abused - often sooner rather than later. Secrecy enabled ASIO to indulge in mission-creep throughout the 1950's, 1960's and 1970's - losing sight of its mission to protect Australia from espionage by potential foreign enemies while putting more and more of its energies into the pursuit and persecution of innocent people (many of them outstanding citizens with much to contribute to making Australia a better and fairer country) who happened to be politically opposed to the government of the day. And secrecy enabled the United States to slip away from its

strong commitment to decent treatment of military prisoners into the abominable cruelties of Abu Ghraib, Guantanamo and rendition.

Colin Smith