Transcript:

2015 Solomon Lecture

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on Government resistance to greater transparency: rational or self-defeating?

I would like to begin by thanking the Information Commissioner for her invitation to give the Solomon Lecture for 2015. It's a great honour to be associated with the name of Dr David Solomon who has done so much to advance the cause of open and constitutional government, both in Queensland and Australia. I have known and admired his writings on the Australian Parliament and the constitution for many years. More recently I have come to appreciate his role in Queensland as chair of the Independent Review Panel on Freedom of Information. His two reports laid the basis for important revisions to the state's information policy and to the Office of the Information Commissioner. These reports remain important landmarks in the theory and practice of open government. Naming this annual lecture in his honour is a most fitting recognition of the part he has played, and continues to play, in holding Queensland governments to account.

Our Westminster heritage, which underpins all Australian systems of government, both state and federal, has bequeathed us many constitutional advantages. But transparency of executive government is not one of them. Instead, we inherited English traditions of executive secrecy and privilege grounded in ancient prerogatives of the crown. Supporters of more open and accountable government in Westminster-based systems such as ours have always faced strongly entrenched resistance, backed up by legal and constitutional precedent. None the less, they have fought and won some important battles. Looking back over the last half century, we can see that all Australian governments, both state and federal, have made considerable advances towards much, more greater, more transparency and accountability. As evidence we can point to the cluster of reforms, loosely labelled the 'new administrative law', which included the extension of judicial review of administrative action, the establishment of ombudsmen as well as the introduction of right to information legislation RTI. Greater scrutiny of public servants by parliamentary committees is often added to this list, though strictly speaking it was reform in parliamentary procedure rather than administrative law. We should also include the establishment of independent integrity or anti-corruption commissions.

The other trend leading to more open government has been the rapid advance in information communication and technology. The advent of computerised data, word processing and then the internet introduced previously unforeseen ways for governments and citizens to communicate with each other. More recently, the rise of social media has created new and unpredictable opportunities for the exchange of information. These new technologies have greatly reduced the cost of assembling and publishing information. At the same time, they have opened up new challenges to the protection of confidential information and individual

privacy. In response, most governments have established independent agencies, such as the Queensland Office of the Information Commissioner, to exercise oversight over the handling of information. These agencies, in turn, have worked hard to encourage more transparency. They have championed a so-called 'push' attitude to disclosure whereby agencies would become more proactive in publishing disclosable information and RTI requests would become a process of last rather than first resort.

However, though the progress towards a more open government has indeed been remarkable, much still remains to be done. Most government agencies make only limited use of the opportunities offered by the new technology. As information commissioners would be the first to admit, their campaigns to inculcate a more proactive transparency culture often come up against a stubborn wall of passive resistance. Many public servants remain wedded to a risk-averse, siege mentality in which disclosing information is fraught with danger.

Transparency advocates continue to face strong headwinds. In response, it is not sufficient simply to reiterate the well-known arguments for open government in terms of constitutional values such as accountability and participation, powerful though these arguments are. If we do, we run the risk of preaching only to the converted and of making little effective progress. Instead, we need to better understand the reasons why so many members of government openly oppose or passively resist the open government agenda. Some of these reasons can be seen to be self-serving, aimed at protecting the power and privileges of government, with little basis in wider public values. But other reasons have more substance and can be justified, at least in part, in terms of the public interest.

In this lecture, I will discuss four main arguments that are used to resist the extension of open government. First, more open government is costly; secondly, more open government threatens the rightful ownership of information by individuals and institutions outside government; thirdly, more open government is inimical to effective government; and fourthly, more open government undermines the relationship between elected ministers and public servants. In each case, the argument will be seen to have some merit in terms of accepted public service values. At some point, open government strategies may need to be adjusted to take account of reasonable objections. At other points, however, evidence can be adduced to show that the objections are unreasonable. And some of this evidence I will refer to will be drawn from research that was reported in my two occasional published papers published by the Commission.

The first objection, then, is that more open government is costly to implement. Costs include, for example, the establishment costs of new or rejigged internet portals as well as staff time spent on editing internal data for external consumption. We often hear of how new information technology has drastically reduced the cost of transmitting government information to the public, which it has. But the new opportunities for internet communication also bring with them additional expenses for the government communicators.

Governments adopting new legislative frameworks for the handling of information have typically allocated funds for information commissioners and their offices. Though in the case

of the Commonwealth, they're busy taking that money away. But no new funds have been made available to all government agencies that are obliged to meet the new legislative requirements. Agencies have usually been required to pay for the new procedures out of their current budgets for running expenses. This has imposed unwelcome additional pressures at a time when agency budgets have been ruthlessly squeezed, often under so-called 'efficiency dividends'.

Resistance to more open government on the ground of cost is therefore understandable if public managers are being asked to do more with less and to find the necessary resources from within already stretched budgets. Pious cries that 'the information is the public's not yours' or 'what price democracy?' are likely to fall on somewhat jaundiced ears among the senior ranks of the public service. Public managers may be resisting more disclosure of information not out of an unwillingness to relinquish power but from a genuine concern about resource allocation. As a consequence, we should press for frank recognition of cost implications in how transparency policies are developed and managed.

The costs of administering RTI, for example, remain a perennial problem and raise important issues surrounding charges to members of the public and delays in processing requests. Dr Allan Hawke, in his extensive review of the Commonwealth Freedom of Information Act and Australian Information Commissioner Act in 2013, paid particular attention to the question of costs. As an experienced former departmental secretary himself, he was well aware of the resource pressures that compliance with RTI legislation imposes on agencies. The need to constrain or reduce administrative costs figured prominently in his recommendations. For example, he recommended the wider adoption of less expensive administrative access schemes as an alternative to formal requests under the legislation. He also underlined the value of voluntary, proactive release of disclosable information as a means of reducing the costs associated with individual requests for information.

In general, then, the cost of more open government remains a genuine concern. Ideally, transparency costs should be seen not as an add-on but as an intrinsic element in good government. But considerations of cost remind us that some open government initiatives may be more expensive to introduce than others. Resource issues may not be conclusive but they must always be taken seriously and not dismissed as a mere smoke-screen for self-interested resistance.

The second objection centres on certain concerns about the confidentiality of other people's information. More open government, it is feared, may unfairly reveal information belonging to others who have dealings with government. The right of individual privacy has always figured as an important constraint on government transparency. Indeed, recent information policies often bracket privacy and transparency as equally important values. In Queensland, for example, the Information Commissioner is established under twin acts of parliament, the Right to Information Act (2009) and the Information Privacy Act (2009). In other words, campaigns for more open government properly include policies to protect individual privacy from undue exposure.

Where confidentiality of other people's information comes more into collision with responsible open government is in the area of commercial information belonging to private sector companies. The great increase in government outsourcing of public services in the last two decades has required governments to engage much more closely with private organisations, for example by entering into commercial contracts and so gaining access to information held by these companies. Information that is shared between governments and private contractors is often deemed to be commercial-in-confidence and therefore not subject to the same degree of public scrutiny and accountability as information held solely by the government.

Pressure to restrict transparency on the ground of commercial confidence is usually attributed to the government's private business partners who are not accustomed to public sector levels of disclosure. Indeed, commercial businesses have a legitimate right to the protection of commercial secrets from competitors who might benefit from knowing them. However, in practice, as auditors-general and others have frequently complained, the commercial-in-confidence embargo on disclosure has often been applied well beyond any reasonable threat to the commercial interests of the companies concerned. Government officials and ministers tend to use it a convenient blanket justification for concealing all dealings with commercial companies, particularly those dealings that might give rise to critical public questioning. In some cases, opposition to disclosure is more pronounced on the part of governments themselves rather the companies they are dealing with. In the United Kingdom, a recent parliamentary committee inquiry into outsourcing interviewed four major contractors who between them received billions of dollars in government service contracts. On the issue of transparency and commercial confidence, representatives of each of the four companies agreed that their companies would be willing to disclose more information than was typically made available. They were ready to comply with many of the RTI requests made in relation to their contracts which were regularly turned down on commercial-in-confidence grounds. They pointed out that they already knew much of each other's supposedly confidential information on matters such as profit and costs. Resistance to disclosure, in their view, came mainly from the government departments that acted as gatekeepers for the shared information. One of the four companies interviewed was Serco, which also has extensive contracting experience in Australia. We may reasonably assume that Australian companies, if questioned, would have similar views.

The inference is that governments, particularly departmental officials, are over- cautious about releasing commercial information, beyond the legitimate concerns of commercial confidentiality. The motive for this excessive caution may be cynical and self-serving, with governments using commercial confidentiality as a convenient fig-leaf for their own reluctance to see politically controversial matters openly discussed. Alternatively, the reason may lie in a genuine exaggeration of the possible threats of commercial damage following from disclosure. It may also represent a misplaced desire to shield private organisations from public scrutiny. Government officials should recognise that contracting organisations, whether commercial or non-profit, take on additional transparency obligations as a conditions of dealing with the government. Contractors, in turn, should clearly understand these

obligations when they undertake government contracts. One can understand official reluctance to divulge information derived from contracting partners. But governments need to reject any suggestion of a blanket exemption for commercial information and should instead apply much more circumscribed restrictions.

Moreover, they should take note of research that indicates the positive value of exposing commercial information. One such body of research refers to the widespread use of public-private partnerships to provide government services and build public infrastructure. Experience with such partnerships, particularly in the area of infrastructure, has been very mixed. Though some projects have been completed on time and within budget, most have been subject to extensive delays and cost blow-outs. When projects fail to yield the promised returns in income, it is often the government and taxpayer who end up footing the bill, in spite of brave talk of risk-sharing which accompanied the original agreement.

In the face of this accumulated experience, researchers have sought to identify generalised reasons for failure and lessons for future partnership arrangements. One factor that has emerged as critically important is the level of secrecy surrounding the process of drawing up the contract. Contracting proposals often turn on the use of cost-benefit analysis, which is still regarded as the most reliable analytical tool for assessing public-private partnerships, particularly in the infrastructure area. Many of the variables that enter into a cost-benefit analysis are based on assumptions that can be subject to dispute, particularly the attempt to quantify wider economic benefits. According to the Productivity Commission, in a recent report into public infrastructure, the key is full transparency. Requiring an explicit open justification of methodology and assumptions acts as a significant constraint on poorly constructed analysis and poor decision-making. In the Commission's view all major projects should be subjected to rigorous cost-benefit analyses that are publicly released and made available for due diligence by bidders. It rejects the common argument that costings should not be revealed for commercial-in-confidence reasons. Instead, the public interest is better served by open disclosure and the opportunity for opposing views to be held. It quotes the example of the Northern Sydney Freight Corridor, which was the subject of a confidential cost benefit analysis. When the cost benefit analysis was eventually disclosed under the New South Wales legislation, it was found to contain several questionable assumptions exaggerating future usage of an expanded rail expansion. Earlier disclosure could have saved the Commonwealth and State governments hundreds of millions of dollars.

In a similar vein, in Canada the major contracting agencies for the provinces of Ontario and British Columbia have required that all public private partnership projects should be subject to publicly available value-for-money assessments at three important stages: at the point of selecting an appropriate procurement methodology; at the point of assessing bids; and at appropriate stages through the course of the contract. Value-for-money costings of major outsourcing contracts are not wholly technical, evidence-based analyses on which experts can rationally agree. To a considerable extent, they are multifaceted arguments in which different players have different priorities, and supporters of a particular outcome choose methods and evidence that will advance their cause. This point applies equally to both critics of outsourcing and to its supporters. The best way for governments to sign up to partnerships

that get the value for public money is to allow public debate about the costings and other terms of the proposed contract. This level of transparency becomes much easier for public servants to embrace once they come to accept that commercial information is not inherently protected.

The third reason for resistance to more open government centres on the question of effective government. More disclosure of information about government policies, many public servants fear, will threaten the quality of government decision-making. For example, wider access to government policy documents will fire up the lobbyists and the government's political opponents and will pre-empt sensible discussion. In-house evaluation of current policies, if published, will provoke controversy and force governments into premature commitments, thus derailing the incremental development of improvements based on learning from experience. There are many varieties of this anxiety but all derive from an assumption that public disclosure tends to work against good government.

This assumption, like the other reasons for resisting transparency, is not without foundation. There clearly are some aspects of governing where secrecy is essential to success. Obvious, and much cited instances, where transparency can be damaging can be found in sensitive areas such as counter-intelligence, crime prevention and budgeting. More generally, there is a strong case for deliberative confidentiality surrounding the need to encourage frank discussion in the interests of good decision-making. This case, we should note, is not unique to government but applies to all types of collective decision-making. Private sector boards of directors discuss their options in private as do courts of appeal and human rights commissions.

As with other objections, these arguments are valid up to a point. But where that point lies is a matter for debate. For example, the research referred to earlier about the value of transparency in public-private partnership decisions is also relevant in this context. Not only does it show the value of disclosing commercial information, it also confirms that exposing policy-related documents to public scrutiny and debate can prevent bad decisions and costly mistakes.

Governments often have a prior commitment to certain policies which makes them less open to independent questioning. Again, taking the example of outsourcing, those privy to government decision-making, including ministers, key bureaucrats, consultants, and industry partners, tend to be overwhelmingly disposed towards private provision, often for self-interested reasons. The necessary injection of scepticism, which might save governments and taxpayers from the more costly failures, depends on external critics having access to the relevant government information. Experience shows that governments are often unwilling to allow their optimistic forecasts of savings from outsourcing to be independently tested, thus suggesting that the forecasts themselves are unreliable. Without such information being independently available, government claims to achieve value for money must be treated with caution.

Of course, governments are often already committed for or against a decision on ideological or other political grounds. In this case, the reliability of information is largely irrelevant. Forecasts and costings then become a matter of plausible window-dressing, tailored to suit a preconceived position – policy-based evidence, rather than evidence-based policy. But any genuine concern for effective government must include a commitment to value for taxpayers' money, which in turn provides a justification for opening up policy-relevant evidence to public scrutiny. Public servants may find it uncomfortable and challenging – like academics having to submit to peer review from hostile colleagues. They may lose some control, if public debate threatens to derail, or at least redirect, a carefully planned process. But if they are honest, they will recognise that the cause of effective government is advanced.

Once policies have been decided on and are being implemented, transparency also has the potential to improve effectiveness of performance. Over the last two decades, governments worldwide have placed great emphasis on performance management,that is on assessing and measuring the quality of what they do. In each area of government activity, departments and agencies have been required to specify desired outputs and outcomes and to identify measures of success. Though some important functions of government defy precise assessment, let alone quantitative measurement, in many areas performance data can be a useful guide to improving the quality of government. Of particular relevance for the current argument is the fact that publication of performance data adds significantly to the beneficial effects of collecting such data. Performance information that remains in-house, confidential to government professionals, has much less positive impact. Research conducted in a number of service areas, including health, education and policing, has shown that when performance information becomes publicly available, government service providers respond by upping their game.

The dominant theory behind the value of publishing performance information was that members of the public, like customers in a market, would vote with their feet and their wallets, searching out the best service providers. In practice, however, alternative providers are rarely available for public services. Instead, the main mechanism has been through 'naming and shaming', building on public servants' natural dislike of being exposed as performing at a lower level than their peers.

Professionals may grumble that the indicators are blunt instruments and that media reporting ignores context. They may complain that publication of so-called 'league tables' distorts their priorities. But though such concerns are sometimes genuine, they have become less serious as the practice of performance measurement has gradually improved. These improvements have themselves been largely driven by responses to published information and debate. Overall, performance measurement is an area where transparency gets results. Publicity may not be comfortable for practitioners. But it does improve effectiveness.

In many cases, assessing effectiveness of policies and services is a matter less for measurement than for consultation with those affected. Stakeholders have an immediate interest in the outcome and can often add fresh perspectives and insights that governments have overlooked. Again, the recent research on public-private partnerships is indicative,

providing strong evidence about the value of being open to interested parties. For example, a comparative study of two Victorian infrastructure projects demonstrates the importance of continuous transparency and consultation throughout both the construction and the operation phases. The EastLink road project, begun in 2004 and completed in 2009, was the largest infrastructure project ever constructed in Victoria and was completed on budget and five months ahead of schedule. Its management structure was based on the principle of constant coordination and consultation, extending outward to the wider community. During the course of the project, the central project consultation committee arranged 48 meetings with community groups and consulted with nine municipal councils as well as interest groups such as the transport users associations and business communities in neighbourhood suburbs. Community displays were also mounted and discussion forums held in shopping centres.

By contrast, in another much less successful project, the Southern Cross Station Redevelopment Project, collaboration and consultation were confined to formal meetings between the contracting parties, with little attempt to build relationships and trust and little direct exposure to public scrutiny or feedback. The importance of stakeholder consultation is reinforced by research in the Netherlands which compared a range of infrastructure projects. It found that the most successful projects were those that engaged in intensive, ongoing consultations which were effectively embedded in the wider political environment and which allowed for joint adaptation to changing circumstances and demands.

These findings from public-private infrastructure projects chime with other wider research on the value of stakeholder consultation, particularly in ongoing government activities where governments need to adjust to changing circumstances, adopting a 'learning' perspective as it is known in the management jargon. The overall lesson for public managers is that a concern for effective government should encourage them to be more trustful of public discussion. Shutting out the public and cutting off public debate may lead to a quieter life. In the longer run, however, it is usually a recipe for poor performance.

The final objection to disclosure is that more open government threatens to undermine the relationship between elected ministers and public servants. This argument touches on a particularly contentious aspect of RTI legislation. Public servants insist on the need for confidentiality of policy advice as an essential condition for giving ministers free and frank advice. Such advice, if it becomes publicly available, can provide the government's political opponents with ammunition to use against the government. In this case, the tendering of free and frank advice runs counter to the public servant's duty of loyalty to the government of the day. The only way to maintain the trust of ministers while telling them what they need to know is for such advice to remain confidential.

This argument is a version of our earlier argument in favour of the confidentiality of policy deliberations in the interests of effective decision-making. But it has an additional element due to the respective constitutional roles of public servants and ministers in a highly politicised public space. In public, public servants are expected to remain loyal to their political masters and to refrain from criticising them. This expectation is based not just on a view that secret deliberation tends sometimes to be more effective it also assumes that

ministers must be able to trust their public servants not to reveal any material that could embarrass the government.

Supporters of RTI, however, have never fully accepted this case for secrecy. Though most RTI legislation offers some form of exemption for documents relating to cabinet deliberations, governments have faced continuous criticism for interpreting such exemptions too extensively. They are said to refuse to release information that, on any reasonable view, could be disclosed without causing serious damage to processes of good decision-making. Instead, the reasons for non-disclosure appear to have much more to do with an almost paranoid fear of sparking political controversy.

The gulf between the attitudes of RTI advocates and those of governments is apparent in the legislation itself. In particular, both the Queensland and the revised Commonwealth acts rule out embarrassment to the government or loss of confidence in the government as legitimate reasons for non-disclosure in the public interest. Yet, most public servants, particularly at senior levels, would look on saving their ministers from political embarrassment and maintaining public confidence in the government as among their key objectives.

The RTI scene has become a battleground between governments and their critics. Journalists and opposition politicians, some of the major users of RTI, are looking for evidence of government conflict and scandal. Governments, on the other hand, are trying to suppress any information that might damage their reputations. Public servants have become much more cautious about what they commit to paper or to email. In many cases, oral advice has become the preferred means of conveying politically sensitive information. At the Commonwealth level they are still trying to do this with post-it notes, but I'm told that that was outlawed as a legitimate means of disposable information in Queensland many years ago. Nobody would think of disposing of a post-it note in Queensland I'm told. Some old public service hands link this trend with a general deterioration in the quality of advice being provided to ministers. At the commonwealth level, senior public servants are pushing for further revisions to the Freedom of Information Act in order to encourage greater use of formal written advice to ministers.

Neither side in this ongoing conflict is fully convincing. Public servants can be criticised for being over-cautious and risk averse and for exaggerating the likely political damage from disclosure. Australian public servants can be directed towards experience in other jurisdictions, such as the United States and New Zealand, where a wider range of executive documents are routinely available to the public. Clearer distinctions need to be made between confidential working papers relating to decisions under discussion and background papers relating to decisions already made where disclosure could be less damaging to good government.

On the other hand, public servants are working in a political climate where ministers and their media advisers insist on trying to control all publicity in the government's partisan interest. Retaining the trust of a minister requires keeping onside with a minister's office that has a low tolerance of adverse publicity. It is not surprising that public servants take a line of least

resistance, restricting their frank advice to unrecordable means of communication. They cannot be expected to embrace greater transparency without strong political backing.

Critics, for their part, need to take a more realistic view of the political environment within which public servants communicate with ministers. It is naïve to expect public servants to disregard the possible political consequences if what they write is disclosed to the public. RTI advocates sometimes seem to be expecting access to confidential documents not intended for publication, as if RTI ought to be a mechanism for delivering the sort of 'gotcha' moments produced by whistle-blowers such as Chelsea Manning or Edward Snowden. But in a well-functioning RTI regime, both requesters and officials will be in general agreement about what is to be disclosed. Indeed, this is the premise behind the proactive view of open government, that governments will willingly disclose all disclosable material without being asked and that RTI requests will become occasional means of last resort. In this case, we must expect the normal run of disclosed documents to have been written with disclosure in mind, with all the inevitable care and polish, not to say spin, that publication demands. The search for the unvarnished opinion, for what public servants tell ministers when they think no one else is listening, will always remain elusive. It should not be seen as the holy grail of RTI.

To conclude, public servants have a number of reasons for resisting the expansion of government transparency. These reasons are partly self-serving in terms of the bureaucrat's natural desire for control and a quiet life. But they also contain a genuine concern for good government and reasonable anxiety about the possibly harmful effects of openness on the quality of government. Advocates of more open government need to engage with these arguments on their merits, within a shared commitment to effective democratic government. At the same time, public servants need to approach the issues in good faith and be prepared to accept evidence suggesting that greater exposure may lead to better government.

One way forward is to build on the proactive approach to disclosure and to concentrate on general types of document that could be usefully published and when they could be published. Possible examples out of our earlier discussions could be cost-benefit analyses and other costing documents for proposed contracts or performance evaluations of particular programs. Agencies can also decide to proactively publish any type of document that they would disclose on request. For example, the commonwealth Department of Defence, after disclosing a number of its daily media briefings on request, decided to publish them all as a matter of routine.

If the main thrust of implementation is in terms of generalised categories of document rather than individual documents, public servants will be encouraged to take a more dispassionate approach to disclosure. This approach borrows something from John Rawls' famous veil of ignorance where people are asked to adopt general principles without knowing how the principles will apply to them personally. If you support disclosure of a certain type of information as a general rule, regardless of your personal situation, you will then be bound, in good faith, to apply the rule even when it hurts.

Implementation of right to information has relied too heavily on individual decisions in response to particular requests. I am referring here to requests about general policy, not to requests for personal information which obviously depend on individual requests. Indeed, some frequent users of RTI for general matters, in the media and political parties, prefer to rely on individual requests. They see it as a means of stealing a march on their competitors and are thus opposed to a policy of automatic internet publication of documents disclosed on request. If they paid a disclosure fee, they argue, and have the nous to know that the document was there to ask for they deserve a market advantage. Perhaps it is time to rethink the RTI delivery model which relies so heavily on the individual fee for service. In principle, whether a document is disclosable can be decided at the time the document is written. Publication could then become automatic and almost cost-free.

Perhaps it is too much to expect public servants to be always conscious of whether or not what they are writing is disclosable. Perhaps not. Public servants should recognise that they inhabit two spheres or 'spaces', as we now say. Internal organisational space and an external public space. The internal space is largely private and confidential, operating under hierarchical control in the standard manner. The public space, by contrast, is open and contested. Public servants occupy this public space when, for example, they appear before legislative committees or when they disclose data or working documents on the internet. This space is steadily expanding as governments receive policy advice from more sources and as policy debates become more open.

Where the boundaries lie between the two spaces will remain a matter of fierce debate. Public servants, as we have stressed, will naturally want to defend their private territory. It is for this reason that the cause of open government needs its independent champions, notably in such an agency as the Office of the Information Commissioner. It is for this reason, also, that the commonwealth government's intention to abolish the Office of Australian Information Commissioner and move the advocacy role into the Attorney-General's department is so deplorable.

In the meantime, if public servants see themselves as firmly situated in a public space as well as an internal space, they will come to accept the ethical obligations that flow from such a position. As an analogy, we may point to the strong commitment to due process felt by public servants at all levels. From the day they first join the public service, like good bureaucrats everywhere, public servants learn that rules are to be followed and procedures respected. They model the actions of their superiors in sticking to due process. When they themselves reach positions of responsibility, they know to resist any request to act in breach of the rules, no matter how senior or powerful the person making the request. Bureaucrats are often criticised for their addiction to process, but without it, good government and the rule of law are at risk.

Do public servants have the same level of commitment to transparency and open government? Do they learn to insist that matters should be disclosed into the public realm when there is no good reason to suppress them? Do they challenge their leaders' secrecy or public duplicity in the same way that they might challenge a breach of internal procedure?

The probable answer is that, they do not. But until public service culture genuinely embraces transparency as a core ethical value, the possibilities of more open government will remain unfulfilled. Future Solomon lecturers, we may be sure, will find plenty to talk about. Thankyou.