

## Canberra Rules: How Did You Know That?

Richard Griffiths

Capital Monitor

Law librarians may, just possibly, have missed the start of publication, about a year ago, of a rivetting quarterly Commonwealth Government series called "*Register of Published Evaluation Reports*".

The series is produced by the Department of Finance, an organisation previously noted more for its ability to conceal than for its commitment to open government, as even the dry, bureaucratic title suggests. Nevertheless, it has opened something of a Pandora's box for lawyers who need to understand the background to some government policy developments.

The foreword of the register says "In July 1990 Cabinet agreed that the results and reports of evaluations included in the annual portfolio evaluation plans should normally be made public." What are these portfolio evaluation plans and why should you care?

Almost ten years ago, Commonwealth Departments stopped presenting their budgets as simple line items, lacking any real indication of what policy objective(s) the particular expenditure was intended to achieve. Instead, proposed expenditure was grouped around policy objectives or "programs". If you have programs then, obviously, you must evaluate them. That means program evaluation reports.

So far, so good, and all nicely under wraps, except when Senate Estimates Committees asked to see the reports, which was seldom. Then came the totally unpublicised July 1990 Cabinet decision. Quite how it slipped through the bureaucratic net we will probably never know. Sir Arnold, the Cabinet Secretary and Sir Humphrey Appleby's real boss in "Yes, Minister", would have choked on his sherry, then manned the barricades rather than let this one pass. Perhaps a clue lies in the date - most influential people leave Canberra for July.

To compound that error, some mad, impetuous fool in the Department of Finance also felt that something should be done to actually give effect to the Cabinet decision by telling us, the public, of the availability of the reports. A second opportunity to stop this bolshevik nonsense had therefore been lost and, in mid-1992, the arcanelly titled series "*Register of Published Evaluation Reports*" went out. (It is only on subscription, i.e. only to those who had a feeling in their water that there may be something in all this, and who chose to back their hunch with their subscription money).

The register simply lists details of each programme evaluation report and who you call to get a copy. The first two registers were sufficiently anodyne (and dated) to make them of limited use but the March 1993 edition appears to have uncovered the mother lode.

Try a title like "*Evaluation of the Commonwealth Environment Program 1990-91*". It is, in fact, a new (early 1993) report. It's just that it has taken from July 1991 to March 1993 to evaluate what was done with the money budgeted back in August 1990 for this particular programme.

This report provides wonderful baseline information against which to assess subsequent (and some future) Commonwealth environmental initiatives. In many areas it gives details of legislation which was being worked on, some of which may not yet have seen the light of Parliament. Hands up all those librarians who have lawyers who are seeking to practice in environmental law?

What about "*Later Life Provision: A Survey of Older People's Retirement Income Decisions*", done for the Department of Social Security in early 1992? Can you see any relevance to superannuation policy?

The real fun comes in trying to get copies of these reports. It seems that no-one told the custodial public servants that these things are public documents. The standard response which we get is "It's not a public document". Our equally standard reply is "Yes it is. It was publicly released in .....", giving the date stated in the register for that particular report.

The conversation, at some stage, gets around to "What document are you reading from?", followed by expressions of scepticism. When the public servant tries to finish the conversation with the standard "I will have to look into this and get back to you", we hit them with our parting shot: "You do realise that we are entitled to see this in accordance with the Cabinet decision of July 1990, don't you?". That attracts their attention!

It remains to be seen how long it takes the public service to realise that it has created a monster, and then how soon it can react. Our guess is that "pressure of work" and "diversion of staff resources" will be trotted out in various minutes on this matter within six months. The obvious solution will be to cease publication of the register, then we will know neither what is available nor who to call.

When Commodore Perry defeated a British fleet on the Great Lakes in 1813, he sent a message to Washington, "We have met the enemy and they are ours." Almost 150 years later, in a satirical US comic strip called "Pogo", one of the characters, Churchy La Femme, after a notable misadventure, uttered the even more resounding line "We have met the enemy, and they is us."