

Submission to the Productivity Commission

In relation to the proposed Indigenous Evaluation Strategy

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The authors of this submission are all academics, research scholars or visiting fellows at the Centre for Aboriginal Economic Policy Research (CAEPR) at the Australian National University. Since 1990, CAEPR has established a strong reputation and track record in Indigenous policy research, creating and maintaining long-term partnerships with governments, First Nations communities and organisations involved in research and policy development. CAEPR is a highly specialised and experienced research centre that maintains a deep expertise in Indigenous policy research, bringing together First Nations and non-Indigenous academics from a range of disciplines including economics, anthropology, education, public policy, sociology and human geography to work on issues related to Indigenous public policy. Among many other projects, CAEPR is currently undertaking a three-year evaluation of the NSW Government's Local Decision Making initiative, an independent evaluation project that is co-designed with First Nations peoples and organisations in New South Wales.

We appreciate the opportunity to provide this submission to the Productivity Commission. We note that the Commission proposes to release a Draft Report in February 2020, and we will endeavour to provide detailed comments once the Draft Report is released. As with all CAEPR publications, the views expressed in this submission are those of the authors and do not reflect any official CAEPR position.

In the meantime, we wish to point to a small number of key issues that in our view need to be addressed in the proposed Indigenous Evaluation Strategy (IES). We address each of these key issues separately below.

1. A reach beyond Indigenous-specific policies and programs

We support the development of a whole of government evaluation strategy that encompasses mainstream policies and programs that affect First Nations people.

We note that the Commission recognises and acknowledges the impact of mainstream programs on First Nations people (whether those programs and policies are explicitly directed to First Nations people or not). These programs impact First Nations people in fundamental ways (Commonwealth Grants Commission 2001:xv), and thus should be a major focus for the Commission in developing the IES. While we encourage the Commission to consider including evaluations of mainstream policies and programs within the scope of the IES, we suggest that any such evaluations focus on how mainstream policies and programs affect First Nations peoples specifically. We note that the Issues Paper correctly identifies that in relation to direct expenditure on service delivery to First Nations citizens, four in every five dollars is spent through mainstream programs. However, the Issues Paper fails to focus on indirect expenditures of governments (i.e. tax expenditures and the like) which similarly affect First Nations people, usually by omission

rather than inclusion. It is our firm view that in identifying mainstream policies and programs for evaluation, the Commission should also include policies that underpin indirect expenditures.

2. Prioritising significant policies and programs for evaluation

While the Issues Paper aims to deliver a 'greater focus' on evaluation, we believe that the selection of programs to evaluate and the quality and independence of those evaluations is perhaps more critical than the volume of evaluation undertaken. There is an extremely high risk that the implementation of the IES will lead to an increased number of evaluations that are focussed on marginal or minor programs to the exclusion of evaluation of the strategically significant programs. We already see this trend in the current schedule of Indigenous evaluation which encompasses 35 largely minor program interventions (refer to Appendix Four of the recent ANAO report titled *Evaluating Aboriginal and Torres Strait Programs*). Given the finite time and money available for evaluation, we strongly advocate for the prioritisation of the most significant programs affecting First Nations people.

In our view, the proposed IES should ensure that agencies *focus their efforts* on evaluations of significant programs (although this might encompass case studies of minor elements). So for example, we would argue that in the National Indigenous Australians Agency portfolio, the evaluation focus ought to focus on the five major elements of the Indigenous Advancement Strategy (IAS), Community Development Programme (CDP), the Indigenous Procurement Policy (IPP), and key policy initiatives such as Closing the Gap. In the Attorney-General's Department, the administration of the Native Title Act is similarly of high priority.

A smaller number of more in-depth evaluations or reviews is more likely to meet the overarching objectives of the proposed IES, namely improving outcomes for First Nations citizens. Expenditure on evaluation should be proportionate to the program expenditure. It may be that the IES Framework should require agencies to convince an appropriate governance organisation that proposed evaluations are strategically significant in their scope.

In addition to focusing evaluation on significant programs, there are secondary priorities which should also be considered when selecting programs to evaluate. These include potential learning benefits (prioritising areas where there is a clear need for new knowledge about promising policy approaches) and coverage (ensuring that, over time, evaluations provide appropriate coverage of major expenditures across government programs and policies that affect First Nations people). However, we would stress that this is a secondary priority.

More concretely, we believe there are significant gaps in the evaluation literature for programs and policies focussed on First Nations economic development, labour market policy and wealth.

3. Strong Indigenous governance is necessary

A high degree of First Nations oversight of Indigenous-related evaluation is necessary. Since the Commonwealth commenced its involvement Indigenous Affairs after the 1967 Referendum, it has been concerned to balance the competing principles of Indigenous self-determination and public accountability, although how this balance has been struck has varied over time (Sanders, 1994). At times, responsibility for the administration of policies affecting First Nations peoples has been devolved to elected Indigenous bodies, with accountability to the non-Indigenous public ensured by the statutory entrenchment of independent evaluators reporting directly to the Minister. Crucial to the success of such arrangements when they have worked well has been the maintenance of independence between those determining and administering policies and programs, and those evaluating them.

We believe that the balance between First Nations self-determination and public accountability has been lost in recent years. So long as the administration of Indigenous Affairs remains the responsibility of Ministers accountable to the general public through federal elections, we believe that an independent First Nations governance structure should be given oversight of Indigenous evaluation. Ideally this new structure would be resourced to commission or undertake evaluations directly. Either way, a body with the power to oversee evaluation is needed (rather than merely being an advisory or consultative body). First Nations control of evaluation would bolster the confidence of First Nations peoples in the Commonwealth's administration of Indigenous Affairs.

One potentially positive development in this respect is the 2018 *Partnership Agreement on Closing the Gap 2019-2029* between the Commonwealth Government, State and Territory Governments and a Coalition of Aboriginal and Torres Strait Islander Peak Bodies (CATSIPO & COAG, 2018). While the ultimate implementation of this agreement currently remains unclear, it includes a commitment to "Aboriginal and Torres Strait Islander led three yearly comprehensive evaluation of Closing the Gap". We see promise in this approach, although the condition that evaluation methodology and terms of reference must be agreed to by the Joint Council – which includes COAG – risks endangering the independence of the First Nations governance of the evaluation.

4. First Nations co-design and co-production of evaluation

Research relating to First Nations people in Australia has historically involved non-Indigenous people researching Aboriginal and Torres Strait Islander people, often without their consent, and often with harmful consequences (Henry et al., 2004). Evaluations of policies or programs affecting First Nations people that take this approach are severely limited because they do not represent the experiences and perspectives of First Nations people. There is a need for First Nations control of research about First Nations peoples to ensure that Indigenous voices are heard in policy and

program evaluation, and to ensure that the research is beneficial – or at the very least is not actively harmful – to First Nations peoples (Dreise & Mazurski, 2018).

We endorse the Commission’s identification of the importance of building Indigenous knowledge and perspectives into evaluations and ensuring evaluations incorporate cultural capability and respect for Indigenous cosmologies, viewpoints, circumstances. This would assist in addressing the need for evaluation practices to better align with the United Nations Declaration on the Rights of Indigenous Peoples.

The design of evaluations should be a co-design process between government and First Nations peoples, ideally conducted as part of a program co-design process. Quality Indigenous evaluation requires program design where First Nations people have had a key role in determining clear objectives, articulating theories of change, and identifying relevant indicators of success.

First Nations people should also have a central and leading role in the co-production of evaluations. The employment of First Nations community researchers in evaluation increases the prominence of Indigenous voices and priorities in evaluating the policies and programs that affect First Nations people’s lives. If conducted effectively and ethically, participatory evaluations will enable Indigenous knowledge, perspectives and world views to be incorporated into program and policy evaluation. Furthermore, community-based and participatory evaluation methods have ‘spin-off’ benefits beyond improving the programs and policies under evaluation; they also build community capability in the research field and beyond.

One example of leading research co-design and co-production practices is CAEPR economist Dr Mandy Yap’s research partnership with the Yawuru community in Broome. Yap has worked with the Yawuru community to co-develop culturally-relevant indicators of Indigenous wellbeing since 2013. Her wellbeing research has involved Yawuru decision-making throughout the entire process of the research, including developing a long-term research partnership with community researcher Eunice Yu. The Yawuru community has co-designed and co-produced the research on *mabu liyan*, Yawuru’s conceptualization of wellbeing throughout the process, from research content to survey design and data collection. The Yawuru Reference and Guidance Committee further provided the necessary Yawuru oversight ensuring the information generated is functional for community purposes. The resulting co-developed measures provides a starting point for setting up their own monitoring and evaluation framework of the liyan-ngan Nyirrwa Cultural wellbeing centre while complementing Yawuru’s own knowledge base to negotiate and determine shared visions for growth and development for Broome while maintaining *mabu liyan*.

Imperatives for research co-design and co-production are becoming embedded into evaluation practices in Australia. For example, the upcoming CAEPR evaluation of the OCHRE Local Decision Making (LDM) program of Aboriginal Affairs New South Wales (AANSW) takes a “weaving” approach (Dreise & Mazurski, 2018) to combine Aboriginal ways of being, knowing and doing

together with Western evaluation methods. The evaluation plans will be co-designed with Aboriginal communities in NSW, and is overseen by a steering committee with significant Aboriginal representation. The evaluation itself will be co-produced with Aboriginal communities in NSW, working closely with five Aboriginal Regional Alliances and the NSW Coalition of Aboriginal Regional Alliances.

More generally in New South Wales, the Aboriginal Health and Medical Research Council (AH&MRC) Ethics Committee will only approve research and evaluations which meet the criteria of: Net Benefits for Aboriginal People and Communities; Aboriginal Community Control of Research; Cultural Sensitivity; Reimbursement of costs; and Enhancing Aboriginal Skills and Knowledge. We recommend that the Indigenous Evaluation Strategy should incorporate these principles into its framework.

5. Resourcing evaluation by First Nations organisations

First Nations controlled organisations have historically shown a strong interest in evaluating the programs that they run. Insofar as evaluation has the potential improve the ability of organisations to meet their policy aspirations, we believe this opportunity should be extended beyond the public sector to First Nations controlled organisations. First Nations controlled organisations are already commissioning such research. For example, the Central Land Council commissioned a consortium of researchers at La Trobe University to evaluate its community development and governance programs in 2013 (Roche & Ensor, 2014). This independent evaluation assisted the Central Land Council to improve its development work, and was enabled by the provision of Commonwealth funding. We think that the implementation of government policy and Indigenous self-determination would both be enhanced by systematically supporting First Nations organisations to commission independent evaluations that assess the programs that they run. Such evaluations would be commissioned by First Nations controlled organisations, with these organisations able to independently set terms of reference and identify independent evaluators. Put simply, we suggest that the IES should recommend that public funds be set aside for the use of First Nations controlled organisations to commission their own independent evaluations.

6. Ensuring compliance

It is our firm view that transparency and independence are crucial elements in ensuring evaluations are high quality and ultimately effective. We are pleased that the Issues Paper identifies both these issues as important. However, the Issues Paper appears at times to be overly cautious: ‘...some degree of independence is generally desirable to ensure that evaluations are objective’ (p.32; emphasis added). We are confident in making the argument that objective evaluations require independence full stop. And given the funds likely to be allocated across

government to evaluations under the proposed IES, it is important both for effectiveness and probity reasons to ensure evaluations are objective.

We are concerned that ensuring substantive compliance with the IES will present a considerable challenge without an independent evaluation body. For example, while transparency is an important principle of any evaluation framework, it is instructive that the Commission itself notes that ‘the level of transparency of evaluation activities across the Commonwealth is low’ (p.19 of the Issues Paper). There are, in our view, strong arguments in support of exploring a new approach that takes at least some evaluation selection, planning and implementation outside of agencies. We note that there was previously an independent statutory Office of Evaluation and Audit (OEA) within the Commonwealth which transferred to the ANAO when ATSIC was abolished and the enabling legislation for both ATSIC and OEA repealed, and appears now to have been absorbed. As argued earlier, there are strong reasons to have a high-level of First Nations control of such an independent agency.

7. Importance of transparency

In relation to transparency, we largely endorse the comments made in the Issues Paper. We note however, that transparency is about more than accountability and learning. If transparency is mandated, it builds in a powerful incentive on program and policy managers to focus on substantive issues rather than spin and PR. Given the focus the Government is placing on evaluation as a driver of better outcomes, there is an overwhelming argument in favour of mandating the public release of all evaluations within two months of their finalisation. The arguments relating to privacy and confidentiality raised in the Issues Paper clearly exist, but these can be dealt with by ensuring that evaluations are broad in scope and not focussed on minor sub-elements, and of course in requiring evaluation teams to comply with ethical obligations in relation to such matters.

Transparency is difficult if evaluations are not publicly accessible. We note that the Closing the Gap Clearinghouse is no longer functioning. Its closure has created a gap in the Indigenous Evaluation and related research space. There is a clear need for an agency – perhaps the Productivity Commission – to centrally archive and make available all evaluations and reviews of policies and programs affecting First Nations people.

It is currently unclear how funds are being spent on evaluation in Indigenous Affairs, both in terms of individual evaluations and the expenditure of funds more generally. In terms of individual evaluations, we suggest that all evaluations should be required to list the cost of the evaluation in the final report, as the ANAO already does in its performance audit reports. More generally, it is unclear if the \$50 million allocated for research and evaluation across Indigenous Affairs has been spent, and – if so – how it has been spent. While it appears that the AIATSIS Research Exchange

was funded through this mechanism, it is unclear what the Research Exchange has delivered or will deliver. There is currently very little clarity about government priorities and objectives when it comes to commissioning evaluations, which makes assessing the effectiveness of the current approach very difficult.

Transparency in evaluation also requires probity with regards to the commissioning of external evaluations by agencies. It is our view that exemplary levels of probity are required to ensure that the commissioning of evaluations does not give rise to the perception of a conflict of interest among the public and First Nations peoples. This is especially important for evaluations given their role in ensuring public accountability. For this reason, we believe that the IES should require open tenders for all externally-commissioned evaluations.

8. Data governance

Data governance should be embedded within the IES. We believe that the IES should balance two competing principles in this domain: Indigenous Data Sovereignty and Reproducibility.

Indigenous Data Sovereignty is a global movement to ensure that Indigenous Peoples have rights to govern the creation, collection, access, analysis, interpretation, management, dissemination and reuse of data about them (Kukutai & Taylor, 2016a). In Australia, institutions relating to Indigenous data governance are evolving rapidly, and include the *Maiam nayri Wingara Indigenous Data Sovereignty Collective* and the *Indigenous Data Network*. Both organisations should be closely consulted to determine the best approach for to Indigenous data governance in the IES.

Principles for Indigenous Data Sovereignty, outlined at a June 2018 summit of 40 Indigenous delegates, endorsed the statement that Indigenous peoples have rights to:

- Exercise control of the data ecosystem including creation, development, stewardship, analysis, dissemination and infrastructure.
- Data that is contextual and disaggregated (available and accessible at individual, community and First Nations levels).
- Data that is relevant and empowers sustainable self-determination and effective self-governance.
- Data structures that are accountable to Indigenous peoples and First Nations.
- Data that is protective and respects our individual and collective interests.

Furthermore, there is a separate, distinct imperative that the quantitative elements of evaluations be reproducible. Reproducibility refers to the ability of independent groups to verify the validity of

data analysis. Reproducibility rests on evaluation data being made available to third parties freely, and on as accessible a basis as possible, while respecting confidentiality and privacy.

We recommend that Indigenous data governance principles are incorporated into the IES.

9. Methodological rigour

We wish to emphasise the importance of methodological rigour when it comes to estimating the impact of a programme. Too often, evaluations of policies affecting First Nations peoples have been poorly undertaken. We believe methodological rigour should be considered in several ways.

First, with regards to any quantitative elements of evaluation, it is rarely easy to identify the direct impact of a policy intervention. However, it is possible to attribute impacts to the intervention with a reasonable degree of confidence through robust evaluation techniques. The validity of sampling designs and data analysis techniques are particularly critical to robust impact evaluation (Holland, 1986; Khandker, B. Koolwal, & Samad, 2009). If possible, random sampling, otherwise well designed purposive sampling designs are needed to produce robust data before, during and after the program interventions. Sampling designs must take a counterfactual approach, such that the outcomes of scenarios that may have occurred in the absence of the program or policy can be estimated (i.e. the sample should include control groups). Too often evaluations have been designed in such a way that causal inference is impossible.

In regards to statistical design, while Randomised Controlled Trials (RCT) are viewed as a gold standard for causal inference, they are not appropriate in every context. RCTs remain controversial for a range of reasons and do not enjoy strong support from the Australian public (Biddle & Gray, 2018). If quantitative data analysis is to be part of an evaluation, we recommend that the Commission strongly encourage the adoption of econometric statistical designs for causal inference other than RCTs. Statistical designs such as difference-in-difference, instrumental variables estimation, propensity score matching and regression discontinuity can provide results comparable to RCTs if data are available in a suitable form, especially if such a statistical approach is planned at the program implementation stage (Duflo, Glennerster, & Kremer, 2007; Gertler, Martinez, Premand, Rawlings, & Vermeersch, 2016; Imbens & Lemieux, 2008; Ravallion, 2001; Rubin, 1974). We acknowledge that there is not a single evaluation design that fits diverse programmes, and we advocate the use of a mix of designs that suit the specific intervention.

Second, while we endorse the use of well-designed quantitative research approaches where appropriate, we stress that a broader range of variables be considered in order to capture Indigenous rights, perspectives and aspirations within evaluation. For example, as Tahu Kukutai and John Taylor argue in CAEPR monograph *Indigenous Data Sovereignty*, there is a distinct deficit of data addressing Australia's fulfilment of the rights outlined in the United Nations Declaration on the Rights of Indigenous Peoples (Kukutai & Taylor, 2016b). In the same volume, Maggie Walter

(2016) argues that there are very few statistical data available that capture Indigenous perspectives, needs and worldviews. Mandy Yap and Eunice Yu (2016a; 2016b) demonstrate a promising approach to the production of social indicators related to Indigenous well-being in their work with Yawuru people. The indicators they identify include measure aspects of Family, identity and relatedness; Community involvement; Connection to Country; Connection to culture; Safety and respect; Standard of living; Rights and recognition; and Health. We argue that quantitative evaluation methods and data can and should be modified to meet the needs of First Nations peoples (cf. Walter and Andersen, 2013) – but that doing this will require the kind of First Nations governance and co-design we advocate for above.

Third methodological rigour also involves combining quantitative and qualitative research through a mixed methods approach. Having clear theoretical and epistemological foundations for mixed methods evaluation supports more comprehensive and robust forms of analysis and strengthens the credibility and relevance of the evaluation findings (Chen 1997; Hall 2013). In the case of Indigenous evaluation, there is an imperative to draw on recent developments in Indigenous research methods and methodologies (e.g. Rigney, 2006; Archibald, Lee-Morgan & De Santolo, 2019). For example, narrative research provides one promising approach to the evaluation of policies and programs affecting First Nations peoples. Narrative methods seek to identify key themes and critical insights through stories with a view to interpreting and analysing other forms of data. Indigenous adaptations of narrative methods such as ‘yarning’ are now well-developed and understood as a credible and rigorous data-gathering tool with wide cross-cultural application (Bessarab and Ng’andu 2010). We believe that rigorous evaluation requires the integration of Indigenous and Western methods of knowledge production.

10. Evaluation of the IES and evaluation of evaluations

Given the expectations and potential of the proposed IES to drive improved outcomes for First Nations people and to demonstrate best practice, we suggest that the proposed IES is itself evaluated. The IES should include a provision requiring the clearly articulating how its success should be judged, as well as describing its program logic. The IES itself should independently evaluated after five years.

Similarly, there has been insufficient effort paid to evaluating evaluations. Although evaluations and reviews have at times been reviewed and critiqued for flawed methodology, conceptual approach and execution (e.g. Hunt, 2017), there has been little systematic research evaluating the efficacy of evaluations in influencing policies that affect First Nations peoples. This is a significant gap in the literature, a gap which has led to some scepticism in some quarters about the efficacy of evaluation in leading to better policy and thereby improved outcomes for First Nations peoples.

We suggest that the IES should address this evidence gap if it wishes to increase or maintain public confidence in the operations of government.

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