



## Submission to the Productivity Commission's Indigenous Evaluation Strategy

The Department of the Environment and Energy designs and implements Australian Government policy and programs to protect and conserve the environment, water and heritage, promote climate action, and provide adequate, reliable and affordable energy.

Aboriginal and Torres Strait Islander peoples around the country are vital partners in the Department's business. We have built lasting partnerships with Traditional Owners and Indigenous organisations and communities, which has shaped and influenced our approach to the development of our policies and programs, and how we advise Government.

The Department supports the development of a whole-of-government Indigenous Evaluation Strategy, and would like to provide some brief comments in three key areas.

### **1. Environmental, heritage and cultural outcomes should be considered in evaluations**

The Department recommends the Indigenous Evaluation Strategy explicitly considers the environmental, heritage and cultural impacts of government policy and program interventions (in addition to the social and economic outcomes).

Country is a foundational aspect of cultural identity and spirituality for Aboriginal and Torres Strait Islander peoples. It encompasses everything within the landscape with which Aboriginal and Torres Strait Islander peoples have a traditional attachment or relationship – the people past, present and future, animals, plants, soils, water and air, the stories and special places.

Connection to Country is therefore fundamental to Indigenous identity; it is inherent and is externalised through knowledge of a region's natural and cultural history, coupled with complex layers of past personal and family experiences, stories, beliefs and cultural obligations. This is also referred to as heritage.

#### **Case study: Protecting Indigenous heritage and culture through Commonwealth legislation**

Aboriginal and Torres Strait Islander heritage is an important part of Australian heritage. Evidence of the occupation of Australia by Aboriginal and Torres Strait Islander people dates back more than 60,000 years. As well as being historically important, Indigenous heritage is of continuing significance, creating and maintaining continuous links with the people and the land. At the federal level, the Minister for the Environment is responsible for two pieces of legislation that provide protection to Aboriginal and Torres Strait Islander cultural heritage; the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (ATSHP Act) and the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The *ATSHP Act* can protect areas and objects that are of particular significance to Aboriginal and Torres Strait Islander peoples; it enables the Government to respond to requests to protect important Indigenous areas and objects that are under threat, if it appears that state or territory laws have not provided effective protection. Importantly, the Government cannot make a declaration unless an Indigenous person (or a person representing an Indigenous person) has requested it.

The *EPBC Act* establishes the National Heritage List, which includes natural, Indigenous and historic places that are of outstanding heritage value to the nation. The EPBC Act also establishes the Commonwealth Heritage List, which comprises natural, Indigenous and historic places on Commonwealth lands and waters or under Australian Government control, and identified by the Minister as having Commonwealth Heritage values.

Supporting Aboriginal and Torres Strait Islander people to use their traditional knowledge to work on and manage their Country has positive economic and social outcomes. This is highlighted by a number of long-term Australian Government programs, such as Indigenous Rangers, Indigenous Protected Areas and the Learning on Country programs which were designed in a culturally sensitive way to ensure alignment between Australian Government

environmental objectives and local community, environmental and cultural priorities. For example:

- **Economic** – Indigenous Protected Areas and associated Indigenous Ranger programs can return up to \$3.4 for every \$1 invested.<sup>1</sup> Land, water and sea management programs make a significant contribution to northern Australia, with the economic benefit being 2.33 times the expenditure. Indigenous organisations are engaging in fee-for-service or other income generating activities (e.g. tourism) often catalysed through engagement in programs that involve working on Country. Ranger jobs are viewed by participants and the community as good jobs, with retention amongst rangers consistently measured at over 80 per cent.<sup>2</sup>
- **Social** – Improved physical and mental health and education outcomes are delivered. Participants living and working on Country have been found to undertake more exercise, and have lower rates of obesity, diabetes, renal disease and cardio-vascular disease. School attendance, incarceration rates and relationships in Indigenous communities are also improved. Participation in Indigenous ranger projects supports positive role models and builds community leaders.<sup>3,4,5</sup>
- **Environment** – Over 40 per cent of Australia is Indigenous Estate (state-based land rights or native title determinations). Aboriginal and Torres Strait Islander people provide a range of environmental services such as wildfire abatement, biodiversity conservation, fire management, weed and feral animal control, carbon sequestration, quarantine, fisheries and water resource management, and wetland restoration.

Three of our National Parks—Kakadu, Uluru-Kata Tjuta and Booderee—are jointly managed by Traditional Owners in partnership with the Director of National Parks. In addition to strategic planning and on-park program delivery roles, economic opportunities arise from the associated tourism industry, with Aboriginal and Torres Strait Islander people employed by tour companies or owning and operating businesses (e.g. at Uluru-Kata Tjuta, young Aboriginal and Torres Strait Islander people are participating in interpretation and guiding activities).

**Case study: Warddeken Indigenous Protected Area supporting people in correctional services**

The Warddeken Indigenous Protected Area worked closely with the NT Department of Correctional Services in relation to three offenders who returned to Country to serve their parole and gained employment as Rangers with Warddeken.<sup>6</sup> Once on Country, these Rangers were supported and mentored by Senior Rangers and Elders in the community, who were in regular contact with their Probation and Parole Officer or Case Manager. The NT Department of Correctional Services sees employment as a significant factor which reduces reoffending, as a job provides routine, pride, and interaction with others. Being on country also helps offenders re-connect with their identity and culture.

Across Australia, Aboriginal and Torres Strait Islander people provide a range of environmental services including fire management, wildfire abatement, biodiversity conservation, weed control, feral animal control, carbon sequestration and trading, quarantine, fisheries management, restoration of wetlands and water resource management.<sup>7,8</sup>

Given the diversity of the Department's work, and the geographical reach of our workforce, we have a strong record engaging with Aboriginal and Torres Strait Islander peoples, organisations, and communities to deliver these kinds of outcomes through our large-scale environmental programs. This includes, for example, the National Landcare Program, the Emissions Reduction Fund, protection of cultural water flows, and the engagement of Indigenous Australians in the National Environmental Science Program.

**Case study: North East Arnhem Land Fire Abatement Project<sup>9</sup>**

The North East Arnhem Land Fire Abatement project in the Northern Territory is a registered Emissions Reduction Fund project contributing to Australia's emissions reduction targets and providing invaluable environmental, social, cultural and economic benefits. Operated by the Yirralpa Rangers in north east Arnhem Land, the project is undertaking early dry season fire management to avoid high intensity wildfires later in the season, reducing greenhouse gas emissions and protecting the natural and cultural assets of the Laynhapuy Indigenous Protected Area. In 2016, the Yirralpa Rangers earned more than 110,000 Australian carbon credit units through the fund, where one Australian carbon credit unit represents one tonne of emissions reductions.

Arnhem Land by ALFA (NT) Ltd—a company owned exclusively by Aboriginal people with custodial responsibility for those parts of Arnhem Land under active bushfire management—emphasises the high value of co-benefits generated by these Indigenous fire projects, including Indigenous employment, supporting Aboriginal people to return and remain on their country, biodiversity protection, transfer of knowledge to younger generations, maintaining Aboriginal languages, and higher standards of mental and physical health.

The Yirralpa Rangers and the Laynhapuy Indigenous Protected Area are supported by the Australian Government's Indigenous Protected Area and Indigenous Ranger programs.

The case study above demonstrates how policies and programs can deliver a range of secondary impacts that—despite not necessarily being a central goal or objective of the initiative—can have long lasting effects on Aboriginal and Torres Strait Islander peoples.

Wherever possible, the Department views it as critical that these impacts are tracked, quantified and assessed as part of policy and program evaluations and to inform our future interventions.

**2. Strong Indigenous engagement and ownership is critical**

The Department strongly supports the engagement of Aboriginal and Torres Strait Islander people in evaluation processes. The Department notes that 'Participatory' and 'Realist' evaluation approaches (as discussed on page 15 of the Commission's Issues Paper) are likely to be the most suited to policies and programs affecting Indigenous people, as they ensure stakeholders and program participants are involved in the evaluation process, and seek to understand *how* an intervention leads to change.

The Department is committed to ensuring Indigenous engagement and participation in its policies and programs. For example, the Department's National Environmental Science Program (NESP) aims to ensure effective integration of Indigenous people's aspirations and outcomes in environmental research, and recognises the importance of the rights to self-determination and participation.

A number of projects under the NESP rely heavily on the engagement of Aboriginal and Torres Strait Islander leaders and researchers. NESP projects, co-designed with Traditional Owners and Indigenous Rangers, are implementing cross-cultural monitoring and evaluating the effectiveness of resource management programs, which will contribute to Australian Government performance.

**Case study: Bininj/Munggy Healthy Country Indicators<sup>10</sup>**

To care for important areas, cross-cultural monitoring and evaluation frameworks need to be co-designed and trialled with Indigenous partners to develop appropriate measures of success, data sharing processes and methods for identifying priority management actions. *Bininj/Munggy* Traditional Owners have led the co-design of the 'Bininj/Munggy Healthy Country Indicators' research project. The project will develop and trial an adaptive approach to co-management using *Bininj/Munggy* indicators to monitor and evaluate the health of important values on Country. Through this project, *Bininj/Munggy* Traditional Owners will be empowered to monitor and evaluate if and how natural resource management objectives in Kakadu are being met. *Bininj/Munggy* co-researchers, Rangers and the research team will then reflect on the results to improve future natural resource management activities and contribute to monitoring, evaluating and reporting efforts in Kakadu.

Indigenous engagement and participation is a cross-cutting theme that must be considered in the development of the NESP's research priorities. The NESP's Indigenous researchers have developed core principles for engaging with Indigenous communities on its research projects—

which could be applied to the design and evaluation of policies and programs affecting Indigenous people—namely:

- Take time to talk to communities about their needs and how their perspectives can be incorporated.
- Fund appropriate time for engagement with Indigenous people, in addition to funds and time allocated for program design or evaluation.
- Ensure approaches are collaborative, co-designed, co-delivered, ethically sound and safeguard Indigenous information and intellectual property.
- Ensure culturally appropriate communication and settings are incorporated into evaluation activities.
- Explore opportunities for Indigenous-led monitoring and evaluation of programs.
- A culturally safe environment and respect are integral to building trusted relationships and working together.

**Case study: Three Category Approach and Workbook<sup>11</sup>**

For thousands of years Indigenous knowledge systems have formed and shaped Australia's environment. Prior to urbanisation, every city was a resource-rich landscape offering an abundance of food, shelter, and water. Areas were governed by complex economic, social and cultural systems and practices. The European settlement of Australia has significantly affected the environmental quality of the land and the relationship between Indigenous knowledge systems and practices, and the urban environment is rarely considered in Australian urban research and practice.

Supported by NESP, the Three Category Approach is a tool for non-Indigenous researchers and practitioners working with Indigenous people and organisations in the urban environment. It encourages reciprocal relationships and two-way learning and provides a way to foster respectful relationships between researchers and Indigenous people. The tool was also developed in consultation with the Department's Indigenous Advisory Committee (IAC); established under the EPBC Act to advise the Minister on the operation of the Act, taking into account Indigenous peoples' knowledge of the management of land and the conservation and sustainable use of biodiversity.

To maximise Indigenous engagement and ownership of the Indigenous Evaluation Strategy, the Commonwealth could also adopt an approach—similar to the existing Commonwealth Indigenous Procurement rules—that ensures Indigenous organisations with evaluation expertise are approached first to evaluate Indigenous policies and programs.

The Department also notes that the principles set out in the *AIATSIS Guidelines for Ethical Research in Australian Indigenous Studies* are highly relevant to the proposed Indigenous Evaluation Strategy, as they are founded on respect for Indigenous people's rights to ensure that research with and about Indigenous peoples follows a process of meaningful engagement and reciprocity.

The Department is aware that the AIATSIS guidelines are currently under review, with proposed revisions seeking to reflect emerging standards and developments with regards to ethical research and human rights in Aboriginal and Torres Strait Islander research. We suggest that the Commission also consider the revised code of ethics to ensure the Indigenous Evaluation Strategy reflects emerging standards and developments in conducting ethical research.

**3. Appropriate education, support and training is essential to deliver the Strategy**

The Department agrees that the three elements of the Indigenous Evaluation Strategy set out in the Discussion Paper (*establishing a principles-based framework, identifying priorities for evaluation, and identifying processes and institutional characteristics to promote adoption and success*) will be critical to the Strategy's success.

*Identifying the processes and institutional characteristics* will be particularly important, as staff will require varying levels of training in how to effectively use the Strategy, along with the proposed platform to allow government agencies to share data and evaluation findings.

- Appropriate training, along with easy-to-follow, fit-for-purpose guidance materials and evaluation methodologies (taking into account the different scales of policies and programs affecting Aboriginal and Torres Strait Islander peoples), data sharing templates, and recommendations for when to publish evaluation results, will make it easier for agencies to adopt the Strategy in an effective and consistent manner.
- Evaluation criteria should also be practical, efficient and achievable within reasonable timeframes so as not to discourage participation. We suggest it could include criteria for innovation, piloting and testing new ideas, and recognition that, while some programs will fail, there is value in learning from failure (particularly when it is evaluated in a way to highlight lessons learned).

Currently, every Australian Government department has different resourcing for evaluation support and/or conducting evaluations; there is no overarching policy for evaluation, which means every agency does it differently. This is a weakness, as it does not allow for effective information sharing and learning between agencies.

- This should be a central consideration in the development of the Strategy, as some agencies may require additional dedicated resources to deliver.

#### **Case study: Indigenous Data in the Department's Information Strategy**

We are developing an Information Strategy which we expect will identify Indigenous data as an area for improvement, and commit the Department to the following four actions (1) Develop a departmental Indigenous data standard (2) Work with the Department's Reconciliation Action Committee to further understand Indigenous data throughout the Department (3) Include appropriate markers to identify Indigenous data in the Department's dataset register (4) Explicitly consider Indigenous data for all improvements to data related policies, procedures and technology. In doing so, we hope to enhance how we understand, track and apply Indigenous data in our business.

<sup>1</sup> This figure is relation to the Warrdeken Indigenous Protected Area. Department of the Prime Minister and Cabinet 2016, *Consolidated Report on IPAs following Social Return on Investment analyses*, report prepared by SVA Consulting, Sydney.

<sup>2</sup> Commonwealth of Australia 2013, *Working on Country - Reporting back to you: 2009–2012*, report prepared by the Department of Sustainability, Environment, Water, Population and Communities, Canberra.

<sup>3</sup> Department of Sustainability, Environment, Water, Population and Communities 2012, *Assessment of the social outcomes of the Working on Country program*, report prepared by URBIS, Canberra.

<sup>4</sup> Mayi Kuw ayu National Study of Aboriginal and Torres Strait Islander Wellbeing – ANU. Central Land Council (CLC) rangers project. Canberra 2018. Available from: <https://mkstudy.com.au/projects/>

<sup>5</sup> Schultz R and Cairney S. Caring for Country and the health of Aboriginal and Torres Strait Islander Australians. *Medical Journal of Australia* 2017;207(1):8-10.

<sup>6</sup> Department of the Prime Minister and Cabinet 2016, *Consolidated Report on IPAs following Social Return on Investment analyses*, report prepared by SVA Consulting, Sydney.

<sup>7</sup> Berry HL, Butler JRA, Burgess CP, King UG, Tsey K, Cadet-James YL et al. Mind, body, spirit: co-benefits for mental health from climate change adaptation and caring for country in remote Aboriginal Australian communities. *New South Wales Public Health Bulletin* 2010;21(6):139–145.

<sup>8</sup> Hunt J, Altman JC, May K. Social Benefits of Aboriginal Engagement in Natural Resource Management. Canberra: Centre for Aboriginal Economic Policy Research; 2009. CAEPR Working Paper No. 60/2009.

<sup>9</sup> Department of the Environment and Energy. *Annual Report 2016-17*, report prepared by the Department of the Environment and Energy, Canberra

<sup>10</sup> <https://www.nespnorthern.edu.au/wp-content/uploads/2019/04/Bininj-Munggyuy-healthy-country-indicators-start-up-factsheet.pdf>

<sup>11</sup> <https://nespurban.edu.au/3-category-workbook/>