



Submission: draft Indigenous Evaluation Strategy

August 2020

Paul Wright
National Director

PO Box 77
Strawberry Hills NSW 2012

With thanks:

This submission was authored by Mr Paul Wright, ANTaR National Director and Ms Gemma McGreal (Researcher/Editor).

About ANTaR

ANTaR is a national advocacy organisation working for Justice, Rights and Respect for Australia's First Peoples. We do this primarily through campaigns, advocacy and lobbying.

Our current national campaigns include:

- Constitutional Recognition and Equality – for Constitutional change to recognise Australia's First Peoples and remove discriminatory elements from our founding document; and
- Advocating for treaty and agreement-making processes across Australia.

We also engage in national advocacy across a range of policy and social justice issues affecting Aboriginal and Torres Strait Islander communities, including native title, languages and cultures, economic and community development, remote communities' services and infrastructure, health and human rights.

ANTaR is a foundational member of the Close the Gap Campaign Steering Committee, the Change the Record Campaign Steering Committee and the Redfern Statement Alliance.

ANTaR has been working with Aboriginal and Torres Strait Islander communities, organisations and leaders on rights and reconciliation issues since 1997. ANTaR is a non-government, not-for-profit, community-based organisation.

Introduction

Thank you for the opportunity to provide some comments to inform the consideration of the proposed **INDIGENOUS EVALUATION STRATEGY**. We welcome the Productivity Commission's interest, via the leadership of Commissioner Romlie Mokak, in the improvement for the way in which evaluation is conducted in relation to Aboriginal and Torres Strait Islander policies, programs and services.

ANTaR has a long interest in the progress of First Nations Peoples in Australia and we have worked closely for many years with the Aboriginal and Torres Strait Islander peak organisations. Particularly through the Close the Gap and Change the Record campaigns to advocate for the rights and wellbeing of Aboriginal and Torres Strait Islander peoples.

We commend the Federal government's commitment to producing an Indigenous Evaluation Strategy (IES) and to keep in mind that the ultimate purpose and goal of such a strategy is to improve the lives of First Nations peoples across Australia.

The well-established theories of evaluation are; the need for evaluation and review to be embedded into the design of policies, the implementation of those policies and the review of outcomes; and the role of evaluation in improvement and accountability are not new. However, the record of evaluation practice, particularly in the Aboriginal and Torres Strait Islander policy space, has been patchy at best and has long required a fundamental, systematic approach.

As can be seen in recent decades, despite numerous policies in place across Australia, disadvantage remains prevalent for First Nations peoples. This can be attributed to the rationalist perspective taken by policy evaluators where policy effectiveness is determined by hard evidence that tells us what works and why.

This rationalist approach, often taken in the Australian policy landscape, fails to consider the values of First Nations peoples and structural constraints resulting in unclear objectives, ineffective implementation, and ultimately in the Government not adopting them. For evaluation strategies to work in the Indigenous policy domain, a systemic approach through a genuine collaborative process is essential.¹

¹ Dillon, M 2020, Evaluation and Review as drivers of Reform in the Indigenous Policy Domain, Centre for Aboriginal Economic Policy Research, Australian National University.

As the Close the Gap Campaign Report: *A ten-year review: the Closing the Gap Strategy and Recommendations for Reset (2018)* noted in relation to the implementation of the Strategy in its first decade:

‘Aboriginal and Torres Strait Islander affairs have experienced discontinuity and uncertainty. Regular changes to the administration and quantum of funding, shifting policy approaches and arrangements within, between and from government, cuts to services, and a revolving door of Prime Ministers, Indigenous Affairs Minister and senior bureaucrats have all but halted the steady progress hoped for by First Peoples.’²

National programs like the Closing the Gap Strategy desperately needs a systematic approach to evaluation that values the role of Aboriginal and Torres Strait Islander knowledge. We hope that the IES will provide that approach and prove an exemplar for Evaluation practices across the Australian policy landscape.

We hope that the Federal government remains committed to the Strategy, consistent with the aims of accountability and seeking to improve in evaluation, along with a long-term commitment to its implementation and evolution over the coming years. This is particularly important on the eve of the National Cabinet (of Australian governments) agreeing to the new *Closing the Gap framework* with the input of the Indigenous-led Coalition of Peaks. An effective IES will help drive the necessary work of Government, peaks, services and practitioners over the coming decades to close the gap and improve the health and wellbeing outcomes for Aboriginal and Torres Strait Islander communities.

This submission draws upon and commends the work and leadership of First Nations peak organisations and the submissions made by the coalition of organisations via the Close the Gap Campaign, the National Health Leadership Forum and other Aboriginal and Torres Strait Islander-led collaborations.

1. Accountability

² A ten-year review: the Closing the Gap Strategy and Recommendations for Reset (2018) The Close The Gap Campaign - <https://humanrights.gov.au/our-work/aboriginal-and-torres-strait-islander-social-justice/publications/close-gap-10-year-review>

ANTaR agrees with the overarching principles (*First Nations centred, Credible, Useful, Ethical, Transparent*) proposed to underpin the IES. We note that the principle of 'Accountability' was proposed by a number of submitters in the first tranche of feedback in 2019 (as per the IES Draft Background paper Table 11.1, pg. 343). While accountability is a key aim of any effective evaluation process, the IES could more directly push for specific accountabilities, connected with the Ministers and senior bureaucrats responsible for the programs and services being assessed. A system of evaluation should not be a 'tick the box' exercise but rather a meaningful mechanism to glean lessons for improvement and where those responsible are answerable to those responsibilities.

We recommend that there be direct, performance-based accountability placed upon the Senior Executive Service (SES) of the Government departments responsible for the relevant programs and services. They should be contractually obligated to adhere to the principles of the IES and have their performance assessed against IES measures to ensure their departments, divisions, branches and sections are properly engaged in the process.

Furthermore, for Ministers and SES's of relevant portfolios, the IES should consider the role of the Senate Estimates process to monitor compliance with the IES.

2. Resourcing capacity and capability

The Federal government must do more than just have a strategy in place. Departments and service providers must be resourced adequately to undertake evaluation processes properly. In the current economic environment, and with years of efficiency dividends imposed on the Public Service, it is unreasonable to expect a meaningful evaluation process without the means to employ and build expertise and engage appropriately. One of the likely benefits of good evaluation processes is the ability to identify value. However, an underfunded Public Service will not be able to deliver in line with the quality of the IES standards.

Furthermore, the many non-government service providers will need to have built-in quarantined budgets to ensure their participation with evaluation processes. This is particularly important for the Aboriginal Community Controlled Services sectors that are already often facing serious financial constraints.

Article 4 of the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) states:

*'Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.'*³

As a signatory to the UNDRIP, Australia is obligated to support Aboriginal and Torres Strait Islander peoples' rights of self-determination, often exercised through their Community-Controlled services and programs, and their capacity and capability to properly engage with the IES process.

3. Closing the Gap

As recognised in the Background and Issues papers, the IES will necessarily focus on the programs and services that will be prioritised under the next Closing the Gap Framework to be agreed between the Australian governments and Aboriginal and Torres Strait Islander peoples through the Coalition of Peaks.

The Federal Government's commitment to evaluation through the establishment of the IES should become a key plank of the Closing the Gap agreement and push the evolution of the Framework over the coming decade. As the Coalition of Peaks have identified, four (4) priority reform areas that need to be the focus of the next Closing the Gap Framework include:

1. Developing and strengthening structures so that Aboriginal and Torres Strait Islander peoples share in decision making with governments on Closing the Gap;
2. Building formal Aboriginal and Torres Strait Islander community-controlled service sectors to deliver closing the gap services;
3. Ensuring mainstream government agencies and institutions that deliver services and programs to Aboriginal and Torres Strait Islander people undertake a systemic and structural transformation to contribute to Closing the Gap; and
4. Ensuring Aboriginal and Torres Strait Islander peoples have access to, and the capability to use, locally relevant data and information to monitor the implementation of the Priority Reforms, the Closing the Gap targets, and drive their own development.⁴

³ United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) - https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf

⁴ Coalition of Peaks: Priority Reforms (2020) - <https://coalitionofpeaks.org.au/priority-reforms/>

The IES (including the *Guide*) should be geared to helping Aboriginal and Torres Strait Islander organisations and services to address these priorities. Reform Priority 3 regarding mainstream government agencies and services goes to the heart of what an IES should be informing and influencing.

Access to local and regional level data to support local Aboriginal and Torres Strait Islander community driven planning and evaluation, as well as its importance, should be a focus of the IES. The critical question is, how will Federal, State and Territory Governments ensure access to relevant and useful data that empowers the evaluation process?

4. The role of OIPE

ANTaR strongly endorses the proposal for an *Office of Indigenous Policy Evaluation* (OIPE) and Indigenous Evaluation Council. We suggest that the role and function of the OIPE can reach much further by being set up to provide a more direct auditing function, similar to the work of the Australian National Audit Office (ANAO) for Aboriginal and Torres Strait Islander specific policies, programs and services. While the stated/intended roles of the OIPE would be its primary responsibility, the ability to undertake audit and evaluation of high profile or contentious policies and programs would add authority to the OIPE within the Public Service, and contribute to the accountability and transparency bodies (ANAO, Productivity Commission etc) within Government.

Further, as per previous reports by the Productivity Commission such as the *Indigenous Expenditure Report (2017)*⁵ and the *Overcoming Indigenous Disadvantage: Key Indicators Report (2016)*⁶, the OIPE should take responsibility for these reports with input from the Productivity Commission and other key government and non-government stakeholders. Complementing the production of these reports by an Aboriginal and Torres Strait Islander led OIPE, the organisation could also, over time, take on functions similar to the Parliamentary Budget Office (PBO) where policies have their proposed financial implications and budgets assessed. There is a dearth of credible, independent capability for this type of financial/budgetary analysis for Aboriginal and Torres Strait Islander policy and the OIPE would be well placed to perform this role as part of the IES framework. There has been criticism of reports like the *Indigenous Expenditure Report* where significant expenditure is

⁵ Indigenous Expenditure Review (2017). Productivity Commission, Canberra. - <https://www.pc.gov.au/research/ongoing/indigenous-expenditure-report/2017/ier-2017-indigenous-expenditure-report.pdf>

⁶ Overcoming Indigenous Disadvantage: Key Indicators 2016 Report (2016). Productivity Commission, Canberra. - <https://www.pc.gov.au/research/ongoing/overcoming-indigenous-disadvantage/2016/report-documents/oid-2016-overcoming-indigenous-disadvantage-key-indicators-2016-report.pdf>

discussed without a nuanced analysis or appreciation of the value, or otherwise, being delivered by that expenditure. The OIPE could be the body that provides this nuanced analysis with its particular expertise on Aboriginal and Torres Strait Islander policy, along with the maintenance of a trusted network of relationships with First Nations organisations.

In turn, an Indigenous Evaluation Council can ensure that evaluation practices are grounded in Aboriginal and Torres Strait Islander values and can help to focus these practices within the intercultural context. Such a Council will make certain that First Nations peoples are actively involved in the evaluation process where policy objectives can be achievable, and also that all non-Indigenous participants be culturally competent to collaborate.⁷

The value of evaluating policy prior to its implementation should be an obvious aim to avoid wastage and make the programs and services as useful as possible.

5. Truth Telling

ANTaR suggests connecting the IES with the concept of 'Truth Telling' in Australia.

The concept of Truth Telling, and the practical examples of these processes and mechanisms in other countries, focuses on shedding light on historical truths and addressing them. In turn, evaluation can be part of a real-time, ongoing process of truth-telling accountability in Australia.

The *Uluru Statement from the Heart* (2017) called for a 'Makarrata Commission' to undertake a 'process of... truth telling about our history',⁸ and *Joint Select Committee on Constitutional Recognition relating to Aboriginal and Torres Strait Islander Peoples' Final Report* (2018) also recommended (Rec 3) that 'the Australian Government support the process of truth-telling.'⁹

ANTaR suggests that the role of the IES as promoted and pursued by a body such as the OIPE could be a valuable strand to the ongoing pursuit of Truth Telling in Australia. This will

⁷ Katz, I Newtown B, Bates, S, Raven, M (2016), *Evaluation theories and approaches; relevance for Aboriginal contexts*, Sydney: Social Policy Research Centre, UNSW Australia.

⁸ The Uluru Statement from the Heart (2017) - https://www.referendumcouncil.org.au/sites/default/files/2017-05/Uluru_Statement_From_The_Heart_0.PDF

⁹ Joint Select Committee on Constitutional Recognition relating to Aboriginal and Torres Strait Islander Peoples – Final Report (2018) - https://parlinfo.aph.gov.au/parlInfo/download/committees/reportjnt/024213/toc_pdf/Finalreport.pdf;fileType=application%2Fpdf

also add further weight to the role of quality evaluation processes that are centred on ‘Aboriginal and Torres Strait Islander people, perspectives, priorities and knowledge’.¹⁰

However, this should not be taken to replace a more fundamental process of Truth Telling about the shared history of Australia since 1788, and the many millennia of First Nations occupation of this continent prior.

Conclusion

Thank you again for the opportunity to provide a submission on this important piece of work.

ANTaR offers our ongoing support to a process that meets the expectations of Aboriginal and Torres Strait Islander peoples and we would also welcome the opportunity to meet with the Productivity Commission, to discuss any of the points raised in this submission.

Sincerely

Paul Wright

National Director, ANTaR

¹⁰ Draft Indigenous Evaluation Strategy (2020)