



NATSILS

National Aboriginal and
Torres Strait Islander Legal Services

TRUE JUSTICE FOR OUR PEOPLE

6 August 2020

Indigenous Evaluation Strategy
Productivity Commission
Commonwealth of Australia

By email: indigenous.evaluation@pc.gov.au

Re: Comments on the Indigenous Evaluation Strategy Draft

We write to you on behalf of the National Aboriginal and Torres Strait Islander Legal Services (**NATSILS**), an Aboriginal Community controlled organisation and the peak body for the Aboriginal and Torres Strait Islander Legal Services (**ATSILS**) in Australia. NATSILS and our ATSILS members are experts on the delivery of effective and culturally responsive legal assistance services to our Aboriginal and Torres Strait Islander people and communities. Together, we are the national voice on the injustices faced by our people.

NATSILS is grateful for the opportunity to provide comments on the Productivity Commission's (**The Commission**) Indigenous Evaluation Strategy Draft (**Draft Strategy**), which was released by the Commission alongside a Guide to Evaluation under the Indigenous Evaluation Strategy Draft and an Indigenous Evaluation Strategy - Draft Background Paper (**Draft Background Paper**).

NATSILS provides these comments with reference to the recommendations we have previously made in our Submission to the Commission's Issues Paper of June 2019 on the Indigenous Evaluation Strategy, dated 13 September 2019 (see **Annexure A**).

Recommendation 1: The Indigenous Evaluation Strategy has the self-determination of Aboriginal and Torres Strait Islander people as an objective.

We note that although the Draft Strategy is based on the overarching principle of '*centring Aboriginal and Torres Strait Islander people, perspectives, priorities and knowledges*', self-determination of Aboriginal and Torres Strait Islander people is not expressly referred to in the Draft Strategy (as an objective or otherwise).

We acknowledge that the Draft Background Paper references self-determination in discussing this overarching principle. However, we consider that explicit mention of our self-determination in the Strategy itself is critical, particularly as Australia is a signatory to the *United Nations Declaration on the Rights of Indigenous Peoples* as well as other human rights international legal instruments that require Australia to advance the self-determination of our people. We note that inclusion of self-determination as an express objective in the Strategy will also contribute toward ensuring our community's engagement with the Strategy.



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Recommendation 2: The Indigenous Evaluation Strategy has an objective to support and build the capacity of the ACCO sector to develop strong applications, monitoring and evaluation as a pathway to self-determination.

We commend the Commission's inclusion of *'Growing Aboriginal and Torres Strait Islander community controlled services'* as a Priority Reform Area in the Draft Strategy.

Recommendation 3: The Indigenous Evaluation Strategy has data sovereignty for Aboriginal and Torres Strait Islander peoples as an objective.

We note that the concept of data sovereignty, while considered in the Draft Background Paper, is not expressly referred to in the Draft Strategy. While the Draft Strategy does propose improving access to data for our people as a Priority Reform Area, and notes that agencies should: *'develop and/or use: appropriate Indigenous data governance arrangements, including partnering with Aboriginal and Torres Strait Islander people in the development, collection, use and management of data'*, we consider that data sovereignty should be more clearly embedded in the Strategy.

We submit that the express term 'data sovereignty' should be used in recognition of the fact that our people should be empowered in relation to our data. Ownership of our data is critical, particularly where data may be used by agencies to make decisions about us and our communities without our input or knowledge that data is being used in that way and for that purpose.

Recommendation 4: That the Indigenous Evaluation Strategy reflects Aboriginal and Torres Strait Islander organisation's understandings of effective service delivery and evaluation.

We commend the Productivity Commission's inclusion of *'Improving mainstream service delivery to Aboriginal and Torres Strait Islander people'* as a Priority Reform Area in the Draft Strategy, and are pleased to note that the concepts of cultural safety and cultural capability are referred to throughout the Strategy.

Recommendation 5: The Indigenous Evaluation Strategy is set up to support the sustainable resourcing of an effective, innovative and adaptive Aboriginal Community Controlled sector.

We commend the Productivity Commission for recognising in the Draft Strategy that sufficient resources should be allowed for meaningful engagement with our people during evaluation, and that adequate resources should be made available to undertake high-quality evaluation.

We consider that the Strategy should also recognise that Aboriginal-owned organisations, and Aboriginal and Torres Strait Islander people, should be adequately resourced for their time, expertise, and knowledge in relation to designing and carrying out evaluations.



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Recommendation 6: The Commission should include a co-design stage as a main component of the Indigenous Evaluation Strategy process.

We note the Commission's comments in the Draft Background Paper that co-design '*can be resource and time intensive*' and that '*more research and experience is needed to understand how co-design works in practice, both in policy and program design and in evaluation itself*'. NATSILS considers that co-design should be considered a fundamental part of the Draft Strategy's overarching principle of '*centring Aboriginal and Torres Strait Islander people, perspectives, priorities and knowledges*'. Accordingly, a commitment to co-design must be included in the Strategy.

Recommendation 7: The Indigenous Evaluation Strategy is built around a culturally-safe, Aboriginal Community Controlled model against which mainstream programs are also evaluated.

We consider that cultural safety is absolutely critical for engaging with and working with our people and communities. We commend the Commission on the inclusion of '*Improving mainstream service delivery to Aboriginal and Torres Strait Islander people*' as a Priority Reform Area in the Draft Strategy. It is also commendable that the Draft Strategy requires that '*Mainstream policies and programs routinely consider impacts on Aboriginal and Torres Strait Islander people — and evaluate those where the impact is considered significant*'.

Recommendation 8: The Indigenous Evaluation Strategy embeds government accountability for the implementation of evaluation recommendations.

We are pleased to see that transparency is a core principle of the Draft Strategy. We note that in light of the new Closing the Gap Agreement, Indigenous communities have a heightened expectation for government accountability across all government departments and services.

Recommendation 9: Co-design reporting requirement to make them useful for ATSILS' self-determination. Embed elements that reduce the burden on organisations such as multi-year funding agreements and flexible templates.

We refer to our comments on co-design at recommendation 6 above. While the Draft Background Paper does refer to '*the need for flexible design and delivery within policies and programs to ensure local needs and contexts are considered, and to reflect differing local priorities*', we do not consider this to be adequately reflected in the current Draft Strategy, and submits that co-design would be vital in ensuring that ensure local needs and contexts are properly considered in any evaluation.

Recommendation 10: The Indigenous Procurement Policy increases its target of Indigenous procurement to at least 50%.

NATSILS affirms its position that the Indigenous Procurement Policy target should be increased to at least 50% and that all procurement processes are open and accessible to provide meaningful opportunities for our people, organisations, and businesses to bid for contracts.



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Recommendation 11: The percentage of Indigenous Advancement Strategy funding received by Aboriginal Community Controlled Organisations and companies reaches at least 70% by 2021 and 100% by 2025.

We affirm that the percentage of Indigenous Advancement Strategy funding received by Aboriginal Community Controlled Organisations and companies should be increased. Further to our initial recommendation above, the Commission should consider targets of least 70% by 2023 and 100% by 2027.

Recommendation 12: The Indigenous Evaluation Strategy includes baselines of the needs of Aboriginal and Torres Strait Islander people for service delivery and funding allocation models.

We affirm that the Strategy includes baselines of the needs of our people for service delivery and funding allocation models.

Recommendation 13: That the Commonwealth Government work with ACCOs to comprehensively map the unmet needs of Aboriginal and Torres Strait Islander people.

We affirm our recommendation that the Commonwealth Government work with ACCOs to comprehensively map the unmet needs of our people. We consider this recommendation to be critical to the successful implementation of the Strategy, and we submit that the Commission play a leadership role in advocacy for this to happen, to the extent possible.

Recommendations 14 and 15: That the Indigenous Evaluation Strategy include adequate resourcing into improving data collection systems and processes required to improve transparency in relation to the data collected.

The Indigenous Evaluation Strategy includes adequate resourcing of ACCOs to collect, aggregate, analyse, translate and report on data that is identified in partnership as useful for ongoing improvement, including meaningful strengths-based data as defined by ACCOs, and the achievement of their objectives.

We refer to our comments on resourcing at recommendation 5, above.

Recommendation 16: That the Indigenous Evaluation Strategy creates data sets that are comparable and consistent for accurate analysis.

We affirm that the Strategy should create data sets that are comparable and consistent for accurate analysis.

Recommendation 17: Jointly establish, or task, an independent central agency with Aboriginal and Torres Strait Islander oversight to coordinate a comprehensive, current and consistent national approach to data collection and policy development.

We would like to understand in more detail how the proposed Office of Indigenous Policy Evaluation (OIPE) relates to NATSILS' Recommendations 17 and 18, or whether this model was selected over NATSILS' proposed independent model. However, we note that details on the proposed OIPE are limited and we are of the view that further conversations on before moving forward with its design and establishment are needed. We again restate our recommendation that an agency, like the proposed OIPE, should be independent from government, with strong Aboriginal and Torres Strait Islander oversight.



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Recommendation 18: Establish an independent Aboriginal and Torres Strait Islander community-controlled evidence intermediary.

We note that the Draft Strategy proposes that the OIPE and the Indigenous Evaluation Council agencies ‘share evaluation reports on a central clearinghouse of evaluations’ and ‘Agencies have processes for sharing the lessons from evaluation internally and with stakeholders’. An independent intermediary, as recommended by NATSILS, does not appear to be explicitly under consideration.

Discussion about the evidence intermediary with some Aboriginal and Torres Strait Islander peak bodies demonstrated the power that controlling data, evidence and evaluation gives to governments. For the evidence intermediary to be effective, it must shift power from governments to communities and ACCOs, working towards data sovereignty and capacity-building for self-determined evaluation. This is the importance of its independence. For these reasons, we envisaged that the independent central agency and evidence intermediary would be independently run and self-determined - rather than a government agency (ie. proposed OIPE) advised by a Council.

We believe that further discussions and co-design are needed on both the OIPE and Indigenous Evaluation Council proposal.

Recommendations 19 and 20: The Indigenous Evaluation Strategy includes an Aboriginal and Torres Strait Islander employment pathways program to increase the number of Indigenous evaluation commissioners and practitioners.

The Indigenous Evaluation Strategy includes cultural competency training for Indigenous evaluation commissioners and practitioners delivered by Aboriginal and Torres Strait Islander people.

We note that the Draft Strategy proposes that:

- *Evaluation processes seek to build capability among Aboriginal and Torres Strait Islander evaluators, organisations and communities.*
- *Agencies provide opportunities or encourage staff to pursue opportunities to strengthen their cultural capability.*
- *Agencies are open to review and feedback from Aboriginal and Torres Strait Islander people and organisations about their evaluation practices.’ (Ensure, require... stronger language)*

We commend the Productivity Commission on these proposals, and further affirm our position that it is of fundamental importance for Aboriginal and Torres Strait Islander people to be employed to conduct evaluations and lead work in their own communities.

To that end we submit that the Productivity Commission strengthen the Strategy by explicitly requiring that Aboriginal and Torres Strait Islander employment pathways programs for evaluators, organisations and communities are developed, noting that currently this is just a desirable outcome; and explicitly requiring that cultural competency and cultural safety training, delivered by our organisations, is mandatory for agencies involved in evaluation process for and with our communities.



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We hope that these recommendations may be used to inform the work of the Commission as it moves to finalising the Draft Strategy. We thank the Commission for its consideration.

Yours sincerely

Nerita Waight
Co Chair
NATSILS

Cheryl Axleby
Co Chair
NATSILS

Annexure A

NATSILS Submission to the Productivity Commission's Indigenous Evaluation Strategy Issues Paper