



***Submission on the Productivity Commission's Indigenous Evaluation Strategy
August 2019***

SUMMARY OF RECOMMENDATIONS

The NSW Aboriginal Land Council recommends:

Recommendation 1: Australian governments should ensure there are processes in place to give practical implementation to the principles of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), in particular Article 23, which refers to the right of Indigenous people to be “actively involved in developing, determining and administering programs.”

Recommendation 2: Australian governments should adopt genuine consultation processes that align with the principles of free, prior and informed consent in the UNDRIP and which recognise Aboriginal peoples' rights as First Nations peoples.

Recommendation 3: That the Productivity Commission adopts genuine co-design processes that incorporate Aboriginal cultural values throughout the life cycle of a program.

Recommendation 4: That every new program should have a program logic, evaluation design/framework and evaluation plan developed in conjunction with key Aboriginal stakeholders.

Recommendation 5: That the Productivity Commission use the development of program logics and evaluation plans to test the feasibility of new programs and prioritise evaluation activities.

Recommendation 6: That the Productivity Commission articulate the role of co-design in the Indigenous Evaluation Strategy.

Recommendation 7: That the Productivity Commission invests time to establish relationships with Aboriginal peoples and communities involved in co-design activities.

Recommendation 8: That the Productivity Commission recognises Aboriginal led evaluations are more likely to contribute to self-determination than other approaches.

Recommendation 9: That the Productivity Commission centralise evaluation activities within one government agency to enable a consistent culture of practice to develop.

Recommendation 10: That the Productivity Commission recognise and respect Aboriginal data sovereignty in the Indigenous Evaluation Strategy.

INTRODUCTION

The NSW Aboriginal Land Council (**NSWALC**) welcomes the opportunity to provide input on the Productivity Commission's Indigenous Evaluation Strategy. In making our submission we have focused on the following key areas identified in the Issues paper:

- Objectives of the Indigenous Evaluation Strategy
- Components of the Indigenous Evaluation Strategy
- Government programs
- Evaluation approaches and methods
- Relevant principles for evaluation framework
- Indigenous data sovereignty

NSWALC provides these comments in our capacity as the peak body representing Aboriginal peoples in NSW and as the largest Aboriginal member based organisation in Australia, with a network of 120 autonomous Local Aboriginal Land Councils (**LALCs**) across the state and over 23,000 members.

NSWALC is a self-funded statutory corporation under the *Aboriginal Land Rights Act 1983 (NSW)* (**ALRA**), with legislated objectives to improve, protect and foster the best interests of all Aboriginal peoples in NSW.

OBJECTIVES OF THE INDIGENOUS EVALUATION STRATEGY

NSWALC agrees that the objectives of the Indigenous Evaluation Strategy should be underpinned by the United Nations Declaration on the Rights of Indigenous peoples (**UNDRIP**). However, despite endorsement by the Australian Government in 2009, governments in Australia have not comprehensively ensured the practical implementation of the UNDRIP in laws, policies and programs.

NSWALC is of the view that the Productivity Commission should ensure that there are processes in place to give practical implementation to the principles of UNDRIP, and in particular Article 23, which refers to the right for Indigenous people to be "actively involved in developing, determining and administering programs."

As the Issues paper states, one of the purposes of evaluation is to better inform and guide the development and implementation of programs (page 16). Given this, one of the Productivity Commission's remits in developing this Indigenous Evaluation Strategy should be to ensure that no new Indigenous programs are developed and implemented without taking into account previous evaluation findings of similar programs and without an accompanying evaluation plan, developed in conjunction with Aboriginal peoples, communities and stakeholders.

Although the Issues paper refers to an iterative process in relation to developmental evaluation (page 15), all evaluation should be seen as iterative. Evaluation processes should not be confined to one off standalone evaluation projects, but should be a part of a continuous cycle of improvement embedded into the delivery of a program. As a result, each new program should have an evaluation plan, commensurate with the size of the program. Even if the budget for the program is small there should

be a way to incorporate evaluation methodologies into program delivery to ensure that Aboriginal people's experiences as participants of the program are heard and acted upon.

Article 19 of UNDRIP states: "States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them"

A considerably frustrating issue experienced by Aboriginal peoples is lack of notification of consultations and limited opportunities to co-design programs. When consultations do occur, they are not always genuine with participants restricted in the type of response they can provide. As an example, NSWALC received four days' notice for the initial consultations on the Closing the Gap Refresh in 2018. This left very little time for participants to prepare considered and nuanced responses. During the consultation session, a proposed Closing the Gap Refresh model was presented, however, there was no opportunity for participants to provide alternate suggestions or to recommend abandoning the Closing the Gap model.

NSWALC recommends that the reference to co-design in the Issues paper (page 30) should not be restricted to co-design of evaluation plans. Co-design only at the evaluation phase is disempowering and unlikely to result in meaningful community participation. The purpose of co-design is to create space for Aboriginal peoples to be free to meaningfully participate in policies and programs affecting them. Co-design also respects important cultural values of being process-oriented and not only outcome-focused.¹

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Recommendation 2: Australian governments should adopt genuine consultation processes that align with the principles of free, prior and informed consent in UNDRIP and which recognise Aboriginal peoples' rights as First Nations peoples.

Recommendation 3: That the Productivity Commission adopts genuine co-design processes that incorporate Aboriginal cultural values throughout the life cycle of a program.

¹ Juanita Sherwood, Do No Harm: Decolonising Health Research, 2010, https://www.researchgate.net/publication/267256636_Do_No_Harm_Decolonising_Aboriginal_Health_Research-Community_Research_Co-design_and_Community_Development_Korero_and_Insight_from_Maori_Co-designers, <http://www.communityresearch.org.nz/webinar-co-design-community-development-korero-insights-maori-co-designers/>

COMPONENTS OF THE INDIGENOUS EVALUATION STRATEGY

NSWALC agrees with the three elements of the Indigenous Evaluation Strategy outlined in the Issues paper, principles, priorities and processes. However, as discussed above, even if a program is not deemed to be a priority in terms of evaluation investment, it should still have an evaluation plan of some description.

If the Productivity Commission seeks to develop a more evaluative culture within government then it is recommended that every program should have a program logic, evaluation design/framework and evaluation plan. The 'Evaluation Ready' process in Box 7 of the Issues paper should be rolled out in all government departments (page 29). The process of developing the program logic /theory of change and asking questions like 'what outcomes are we hoping to achieve?', 'what are the assumptions underpinning the achievement of these outcomes?' are very useful exercises in themselves, even if a more formal type of evaluation does not occur.

The development of program logics, evaluation design/frameworks and evaluation plans should involve Aboriginal stakeholders and potential participants of programs. Testing the program logic with participants will assist in identifying measure of success and ensuring that the outcomes of the program are aligned with Aboriginal peoples' aspirations.

NSWALC recommends:

Recommendation 4: That every new program should have a program logic, evaluation design/framework and evaluation plan developed in conjunction with key Aboriginal stakeholders.

Recommendation 5: That the Productivity Commission use the development of program logics and evaluation plans to test the feasibility of new programs and prioritise evaluation activities.

GOVERNMENT PROGRAMS

The failure of most government programs to achieve intended outcomes is evidence that current processes for developing and implementing Aboriginal and Torres Strait Islander programs are not working. The 1% increase in participants achieving a 26-week job placement under Community Development Program compared to Remote Jobs and Communities Program, should not be called a success (Page 11). Even the worthwhile and much touted Indigenous Procurement Policy has experienced issues (such as 'black cladding') that could have been avoided if Aboriginal peoples were more involved in the development of the policy.

The Issues paper does not fully articulate what the Productivity Commission means by co-design and reference to co-design is limited to the development of evaluation plans. Central to any co-design activities is building trust and rapport. These types of relationship building take time and do not always neatly fit into government reporting timelines or arbitrary performance targets. In developing the Indigenous Evaluation Strategy, it is recommended that the Productivity Commission clearly articulate how the Commission intends to put co-design into practice.

NSWALC recommends:

Recommendation 6: That the Productivity Commission articulate the role of co-design in the Indigenous Evaluation Strategy.

Recommendation 7: That the Productivity Commission invests time to establish relationships with Aboriginal peoples and communities involved in co-design activities.

EVALUATION APPROACHES AND METHODS

The Issues paper correctly identifies that there are many different approaches to evaluation and that there may be merit in using a multitude of approaches (page 15). NSWALC is subsequently concerned by the question posed by the Productivity Commission “Which evaluation approaches and methods are particularly suited to policies and programs affecting Aboriginal and Torres Strait Islander people?” (page 16). Aboriginal peoples and communities are not a homogenous entity.

This comment appears to reflect a widely-held view that qualitative methodology such as "storytelling and yarning" are the most appropriate evaluation methods for Aboriginal and Torres Strait Islander people and that these methods are not as rigorous as other methods.² NSWALC is of the view that no one method (qualitative or quantitative) should be favoured over another as each method elicits different information which all help to aid understanding. Quantitative data is helpful for a bird's eye view and to see patterns, while qualitative data is vital to provide context and to explain the why and how. Neither should be viewed as inferior or superior to the other.

However, while it is true that there is not one method most suited to evaluating programs affecting Aboriginal people, there are approaches which work better than others. For example, in New Zealand Kaupapa Maori evaluation, means doing evaluation a Maori way. The methods used are those from western evaluation practice to meet accountability and funding requirements, but the evaluation is conducted by Maori embodying Maori perspectives and ways of being. This approach acknowledges that Maori evaluators, work in a liminal space between two different worldviews. The Maori way includes a more collaborative and balanced approach, which seeks to meet evaluator and stakeholder needs so that people feel like they are receiving as well as giving. For example, encouraging those they work with on evaluations to increase their evaluation knowledge and capacity and developing recommendations informed and framed by Maori traditional knowledge and practice.³

² AIATSIS Code of Ethics for Aboriginal and Torres Strait Islander Research - consultation draft (2019) https://aiatsis.gov.au/sites/default/files/docs/research-and-guides/ethics/consult/consultation_draft_guidelines_for_ethical_research_in_australian_indigenous_studies.pdf

³ Cram, F. Pipi, K. & Paipa, K. (2018). Kaupapa Maori evaluation in Aotearoa New Zealand. In F. Cram, K. A. Tibbetts, & J. LaFrance (Eds.), *Indigenous Evaluation. New Directions for Evaluation*, 159, 63–77

A similar process for conducting evaluations of Aboriginal and Torres Strait Islander programs should be developed and led by Aboriginal and Torres Strait Islander peoples, that recognises distinct world views and seeks to build a culturally strong evaluation practice in Australia.

Rather than framing the evaluation process as incorporating Aboriginal and Torres Strait Islander knowledges, priorities and perspectives into western evaluation practice, evaluation processes and practices should be viewed in reverse, where Aboriginal people's knowledges and perspectives are recognised as the most important consideration under which the evaluation methodologies sit (page 30).

Having an Aboriginal led, in house evaluation capability within the Productivity Commission or another government agency is favourable to hiring external evaluators (page 32). If external evaluators are needed, it would be preferable to procure Aboriginal and Torres Strait Islander academics and researchers rather than non-Indigenous consultants.⁴ Strategies to build a culturally strong evaluation unit within government, could also include career pathways such as scholarships to higher education (i.e Masters in Evaluation) for existing staff; internship for young Aboriginal people/students at university and secondment opportunities for program staff with experience delivering programs.

NSWALC recommends:

Recommendation 8: That the Productivity Commission recognises Aboriginal led evaluations are more likely to contribute to self-determination than other approaches.

Recommendation 9: That the Productivity Commission centralise evaluation activities within one government agency to enable a consistent culture of practice to develop.

RELEVANT PRINCIPLES FOR EVALUATION FRAMEWORK

The Issues paper contains a number of principles that have merit. NSWALC has selected and expanded on eight principles, which we consider to be most relevant.

- **Respectful:** the evaluation process respects Aboriginal peoples' knowledge, time and resources
- **Responsive:** evaluation findings are used to inform program delivery and improve subsequent evaluations
- **Reciprocal:** evaluator and stakeholder needs are balanced so that people feel like they are receiving as well as giving

⁴ Sherwood, (2010) *Do No Harm: Decolonising Health Research*, https://www.researchgate.net/publication/267256636_Do_No_Harm_Decolonising_Aboriginal_Health_Research-Community_Research_Co-design_and_Community_Development_Korero_and_Insight_from_Maori_Co-designers, <http://www.communityresearch.org.nz/webinar-co-design-community-development-korero-insights-maori-co-designers/>

- **Competent:** evaluators have cultural competency as well as technical competency
- **Accountable:** government agencies are held accountable to conduct evaluations
- **Transparent:** evaluation findings are shared with participants and evaluation summaries and their cost are made publicly available
- **Ethical:** evaluators behave in an ethical manner
- **Integrity:** recommendations in evaluation reports reflect evidence collected in evaluations

DATA GOVERNANCE ARRANGEMENTS

The Issues paper does not acknowledge the importance of Aboriginal data sovereignty, which is a significant oversight. The Productivity Commission should respect and acknowledge Aboriginal data sovereignty in the Indigenous Evaluation Strategy.⁵ Data can include information on Aboriginal peoples land/water and history including land titles, demographic data - such as health and education data, and data developed by Aboriginal peoples, such as traditional cultural data like archives of oral literature.⁶ A recent National Indigenous Data Sovereignty Summit in Canberra in 2018, developed definitions on three key aspects of Indigenous data and data sovereignty/governance that may be useful for guiding data governance arrangements. These are:

'Indigenous Data' refers to information or knowledge, in any format or medium, which is about and may affect Indigenous peoples both collectively and individually.

'Indigenous Data Sovereignty' refers to the right of Indigenous peoples to exercise ownership over Indigenous Data. Ownership of data can be expressed through the creation, collection, access, analysis, interpretation, management, dissemination and reuse of Indigenous Data.

'Indigenous Data Governance' refers to the right of Indigenous peoples to autonomously decide what, how and why Indigenous Data are collected, accessed and used. It ensures that data on or about Indigenous peoples reflects our priorities, values, cultures, worldviews and diversity.

NSWALC recommends:

Recommendation 10: That the Productivity Commission recognise and respect Aboriginal data sovereignty in the Indigenous Evaluation Strategy.

⁵Indigenous Data Sovereignty Communique (2018). *Indigenous Data Sovereignty Summit*, 20th June 2018, Canberra.

<https://static1.squarespace.com/static/5b3043afb40b9d20411f3512/t/5b6c0f9a0e2e725e9cabf4a6/1533808545167/Communique%2B-%2BIndigenous%2BData%2BSovereignty%2BSummit.pdf>

⁶Kukutai, T. and Taylor J. (eds) (2016). *Indigenous Data Sovereignty: Towards an Agenda*. CAEPR Research Monograph, 2016/34. ANU Press. Canberra. <https://press.anu.edu.au/publications/series/centre-aboriginal-economic-policy-research-caepr/indigenous-data-sovereignty>