



16 September 2019

Indigenous Evaluation Strategy
Productivity Commission
Locked Bag 2, Collins Street East
Melbourne VIC 8003

Dear Commissioner

Re: Tranby Submission- Indigenous Evaluation Strategy

Tranby National Indigenous Adult Education & Training (Tranby) supports the Productivity Commission to develop an Indigenous evaluation framework for the actions of Australian Government agencies in undertaking and commissioning evaluations on policies and programs affecting Aboriginal and Torres Strait Islander people. We strongly agree that the evaluation strategy is co-designed and co-developed with Aboriginal and Torres Strait Islander people.

We apologise for our late submission however, we only became aware of the Productivity Commission Inquiry in relation to the Indigenous Evaluation Strategy by chance due to an article in the media on Sunday 3 September 2019.

The urgency did not allow time for a submission to be prepared to respond to all of the issues that the Productivity Commission has raised. We would like to be included in the consultation process outlined in the Issues Paper when the Productivity Commission is in Sydney.

Please don't hesitate to contact me if you require further information about our submission.

Kind regards

Dr Belinda Russon

CEO



**SUBMISSION TO THE PRODUCTIVITY COMMISSION
IN RELATION TO THE INDIGENOUS EVALUATION STRATEGY
BY
THE CO-OPERATIVE FOR ABORIGINES LIMITED
TRADING AS TRANBY NATIONAL INDIGENOUS EDUCATION AND TRAINING.**

INTRODUCTION TO TRANBY

We apologise for our late submission however, we only became aware of the Productivity Commission Inquiry in relation to the Indigenous Evaluation Strategy by chance due to an article in the media on Sunday 3 September 2019.

The Co-operative for Aborigines Limited (Tranby) is Australia's oldest not-for-profit independent Indigenous owned and operated education provider. Tranby is a special place. It is a place where people gather not only to learn but to find their power. We are not a standard vocational college. Tranby has a proud 60-year history as a national centre for Indigenous education, community development and social action. Our vocational education and training courses are designed to increase employment and career pathways, as well as provide skills for Aboriginal organisations and communities to be self-managed, self-sufficient and sustainable.

Tranby National Indigenous Adult Education and Training is located in Glebe, Sydney. The organisation is a function of the Co-operative for Aborigines Limited and has been a pioneer in Aboriginal and Torres Strait Islander adult education, training, and social action for decades.

Tranby, as a nationally registered training organisation (RTO), offers units of competency, full VET qualifications, and non-accredited skill development initiatives to Indigenous adults from across Australia.

Courses at Tranby have changed over time from trade-based skills to governance and legal advocacy. Most importantly, Tranby offers these nationally accredited qualifications in a unique, culturally supportive environment.

Thousands of students have graduated from this iconic Indigenous organisation and returned to their communities empowered with newfound skills and a drive for excellence and self-determination.

In 2015 Tranby embarked on a crucial rebranding mission to guarantee that in these changing times we continued to be responsive to the needs of community, potential students and industry and also attract funding support from government and philanthropists. Our brand reflects Tranby's fresh, contemporary direction yet still encompasses our rich cultural history and esteemed core values.

The funding situation for Indigenous registered training organisations (IRTO) has deteriorated over the last few years resulting in the closure of a number of organisations, most recently the Institute for Aboriginal Development (IAD) in Alice Springs. Tranby has resolved that it is crucial to its survival to be more actively involved in engaging with Government in policy that impacts on Indigenous owned and operated vocational education providers. Tranby has joined with other IRTOs to form the Alliance of First Nations Independent Education and Training Providers (the Alliance). The urgency did not allow time for a submission to be prepared on behalf of the Alliance.

We do not propose to respond to all of the issues the Productivity Commission has raised. We would like to be included in the consultation process outlined in the Issues Paper when the Productivity Commission is in Sydney.

QUESTION ON OBJECTIVES

What objectives should a strategy for evaluating policies and programs affecting Aboriginal and Torres Strait Islander people seek to achieve?

Tranby understands that the Productivity Commission's goal is to develop a principles-based evaluation framework for policies and programs affecting Aboriginal and Torres Strait Islander people, to be applied by all Australian Government agencies.

1. Tranby believes that programs should engage with Indigenous people first in relation to policies and programs during the development stage to assess what are their goals and what do they think a successful outcome would be. If existing policies and programs are in place Indigenous people should have the right to have them reviewed and the existence of the policies justified based on outcomes.
 - a. If there are limitations around the provision of programs Indigenous stakeholders should be informed of these limitations particularly financial limitations. Tranby has repeatedly applied for Indigenous Advancement Strategy (IAS) funding only to be told that no funds are available. We note the findings in The Auditor-General ANAO Report No.35 2016–17 Performance Audit Indigenous Advancement Strategy and note Tranby's experience is consistent with the Auditor's report.
 - b. If policies are being developed or in the case of IVET already in place, Indigenous stakeholders should be advised of these policies, rather than having to guess why bureaucrats are behaving in a particular manner or refusing what seem to be reasonable requests. Again we note the experience of other organisations outlined in The Auditor-General ANAO Report No.35 2016–17 Performance Audit Indigenous Advancement Strategy
 - c. If policies are in place that deliver outcomes for Indigenous people that are demonstrably worse than previous policies, Indigenous stakeholders should be consulted. Indigenous people should be provided with an explanation as

to why Government policy makers persevere with policies that damage IRTOs and ultimately result in the closure of the IRTOs.

2. Tranby recommendations for key objectives of policies and programs should be:
 - a. The current process actively disempowers IRTOs and creates a situation where IRTOs are left with a situation where they believe they have a lack of control over their own future.
 - b. The new poor quality process and procedures reinforces historical trauma created by previous governments psychological triggers for a number of Indigenous groups. The change in policies from the previous approach to a situation where there is no sense of control over funding outcomes and no consultation or explanation is disempowering and disrespectful.
 - c. The Officers engaged by the Department need robust Cultural Competence training and should be accountable for their actions. The objectives of the policies and procedures should be:
 - i. Funding certainty over a 5-year period (subject to the usual KPIs)
 - a. Maintenance and renewals budgets for fixed and variable assets;
 - b. Staffing costs;
 - c. Funding for both local and cross border students;
 - d. Student learner support services;
 - e. Development, approval and registration of new courses;
 - f. Mobile training courses and new campuses in regional areas.
 - ii. Clear and transparent mutually agreed policy guidelines for IRTOs
 - iii. Government officers need Cultural Competence training and be accountable and transparent in their decision making
 - iv. We support the Joyce report that low risk IRTOs and Aboriginal organisations should be given preference for funding over non-Indigenous RTOs and corporates.
 - v. Set clear targets for the number of VET students and completion rates consistent with the unique needs of Indigenous learners.
 - vi. National IRTOs should be funded by the Commonwealth as they need to accept students on a national basis (not a State basis). The current system of State based Commonwealth funding prevents Indigenous learners from accessing nationally accredited training programs interstate, specifically written and developed to meet the needs of the Indigenous community. Since the changes, Indigenous learners have been prevented from accessing such interstate programs. Each State government will only fund Indigenous learners living in that State and the number of Indigenous learners requiring these courses is only financially feasible if they are provided by a small number of specialised organisations.

To what extent are the evaluation practices of Australian Government agencies consistent with the United Nations Declaration on the Rights of Indigenous Peoples?

The UNDRIP has six foundational rights: individual and collective access to human rights; equality and freedom from discrimination; self-determination (discussed below); self-governance; participation in the life of the State; and nationality. It also outlines rights to land and resources, education and information, cultural and spiritual identity and indigenous-owned institutions.

Beyond the foundational rights, there are several rights outlined in the Declaration that are of particular relevance to the Indigenous Evaluation Strategy. These include the right of indigenous peoples to:

- *participate in decision-making affecting them (article 18)*
- *determine and develop priorities and strategies to exercise their right to development and be actively involved in developing, determining and administering programs (article 23)*
- *promote, develop and maintain institutional structures (article 34) for their own development and decision-making (articles 18 and 20)*
- *the improvement of their economic and social conditions in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security (article 21).*

The current system is funded from the Commonwealth through the States and Territories under the National Agreement on Skills and Workforce Development.

Tranby is concerned that at no stage was it, or to its knowledge other IRTOs, asked to participate in the decision-making process in relation to the transfer of Commonwealth funding to the States. The change in the funding mechanism has severely financially damaged Tranby and other National IRTO providers that provide vocation education and education to indigenous students on a national basis.

Tranby is concerned that at no stage was it, or to its knowledge other IRTOs been asked to determine and develop priorities and strategies to exercise their right to development and be actively involved in developing, determining and administering programs. The current programs appear to be designed to ensure that IRTOs will have insufficient funding to be viable in the foreseeable future. This appears to also be consistent with findings in ***The Auditor-General ANAO Report No.35 2016–17 Performance Audit Indigenous Advancement Strategy.***

Tranby's view is that current Commonwealth Government policies are demonstrably causing a deterioration in Indigenous economic and social conditions in the area of vocational training and retraining. This view is supported by various independent reports most recently in the Joyce Report of March 2019.

The Prime Minister and Cabinet commissioned a Report into the Vocational Education and Training System: Strengthening Skills: Expert Review of Australia’s Vocational Education and Training System by the Honourable Steven Joyce, delivered in March 2019 (the Joyce Report). Chapter 6 is entitled “*Improving Outcomes for Aboriginal and Torres Strait Islanders Peoples and Disadvantaged Australians*”. The Joyce Report acknowledged at page 109 the current system of mainstream VET funding recognises little or no allowance for specific problems faced by Indigenous students.

Recommendations 8.5 and 8.6 of the Joyce Report states:

8.5 The Commonwealth to support the development of more quality Indigenous-owned-and-led Registered Training Organisations to provide more Indigenous learners with the option of foundation and vocational training in an Indigenous cultural setting.

8.6 The Commonwealth and the States and Territories to specifically measure levels of enrolment, progress and outcomes for Indigenous learners at relevant funded Registered Training Organisations as part of a new Commonwealth-State vocational education funding agreement.

We support the findings of the Joyce report that evaluation of the outcomes for Indigenous learners of the changes in policy have not been assessed. Tranby’s experience is consistent with ***The Auditor-General ANAO Report No.35 2016–17 Performance Audit Indigenous Advancement Strategy*** or if the findings have been published since then and the consequences of the changes in policies have been ignored.

How could practices be improved in this respect?

Participate in Decision-Making Affecting Them Article 18

IRTOs should be contacted prior to funding rounds commencing to ascertain the funding that is required to ensure the best outcomes for indigenous learners. IRTOs provide education for “second chance” Indigenous Learners.

Tranby has recently joined the **Alliance of First Nations Independent Education and Training Providers (the Alliance)** in an attempt to engage with decision makers who have consistently refused to address the damage existing policies are causing to Indigenous communities nationally.

The Minister asked us to provide proposals in a short time frame to address the issues faced by IRTOs arising from Indigenous VET policies. The Proposal was provided to the Minister’s Office in the timeframe but after repeated phone calls and emails we discovered that the Proposal that we had been requested to provide was unread. We then handed a physical copy of the Proposal to the Minister and on following it up again were advised that they had “seen it” (but presumably obviously had not read it) and that it had been provided to the Department for comment. This does not provide us with comfort as it is being commented on by the same Department that has consistently refused to engage with IRTOs on the declining IVET situation since 2013.

Determine and Develop Priorities and Strategies to Exercise their Right to Development and be actively involved in Developing, Determining and Administering Programs (article 23)

Tranby and the Alliance is working hard to engage with Commonwealth decision makers but it has been a frustrating process to date. We are concerned that whilst there are clear pathways to address the problems we have raised the response is that we should speak to other Ministers and departments. The Alliance members have done this but understandably Indigenous VET is less than 2% of the portfolio responsibility of Vocational Education and Training and significantly less than 1% of the broader Commonwealth Education Portfolio. We are then referred back to the Indigenous Australian's portfolio.

Tranby has been proactive in engaging the Government to develop more appropriate policies for IRTOs because it is clear to us, many IRTOs are financially failing due ill-considered changes in government policy.

The Minister for Indigenous Australians should have primary policy responsibility for all policies relating to Indigenous Australians. Any policy changes impacting Indigenous Australians from other portfolios should be referred to the Minister for Indigenous Australians for consultation with Indigenous Peak Bodies prior to any policy changes.

In 2017, the Australian government provided \$6.1 billion of recurrent funding to the VET sector. However, we have been advised there is "no money" but when we point out there is no money if funds have not been specifically requested from Treasury to address what is now a well-documented problem.

The Alliance in its Proposal to the Minister outlined the following Issues:

1.1 Commonwealth funding for Indigenous Owned and Operated Registered Training Organisations (IRTOs) has in recent years been re-routed through State and Territory Treasuries who will only fund students who reside in their State or Territory. This change particularly impacts Aboriginal and Torres Strait Islander students (especially those residing in rural and remote areas) and has resulted in significant de-funding of National IRTOs and a loss of training opportunities. The change in the Commonwealth funding model is resulting in previously successful National IRTOs struggling financially and in one case going into administration.

1.2 The State and Territory funding model is based on 'completion' which is not suitable for Indigenous learners who require additional time to complete their learning journeys. Learners with low levels of literacy and numeracy and low self-confidence tend to require much longer periods of study and specialised support, in a culturally safe learning environment.

1.3 National IRTOs are now required to deal with the State or Territory officers as intermediaries who in turn negotiate with Commonwealth officers. This results in a lack of accountability, transparency and control in relation to Commonwealth funding and funding recipients.

1.4 National IRTOs lack coherent, consistent and reliable funding across core funding areas in particular:

- a. Maintenance and renewals budgets for fixed and variable assets;
- b. Staffing costs;
- c. Funding for both local and cross border students;
- d. Student learner support services;
- e. Development, approval and registration of new courses;
- f. Mobile training courses and new campuses in regional areas.

1.5 National IRTOs must make multiple grant applications across a range of different grant and funding programs at a Commonwealth, State and Territory level that are fragmented, or sometimes leave gaps or result in overlapping funding.

1.6 Multiple funding programs lead to high administration costs to meet grant funding compliance and reporting obligations, time spent satisfying regulators that National IRTOs are not “double-dipping” or time spent trying to fill funding gaps.

Promote, Develop and maintain Institutional Structures (article 34) for their own Development and Decision-making (articles 18 and 20)

We wish to stress that this submission is a submission by Tranby and not the Alliance we have had insufficient time to discuss and finalise a separate Alliance submission.

The Alliance currently consists of four National IRTO:

- Tauondi Aboriginal College (founded 1973 and headquarters Adelaide South Australia)
- Co-operative for Aborigines Ltd trading as Tranby National Indigenous Adult Education and Training (founded 1957 headquarters Glebe NSW)
- NAISDA Ltd (founded 1976 headquarters Kariong NSW)
- Institute for Aboriginal Development in Administration (founded 1969 headquarters Alice Springs NT)

All four Alliance members have been successfully Indigenous owned and operated organisations for decades, offering students from around Australia vocational education and training including in AQF Certificate III and above. The current fragmented State/Commonwealth funding arrangements and limits on the intake of students on a national basis put these successful Indigenous Owned and Operated cultural icons at financial risk.

National IRTOs have become heavily reliant on Indigenous Advancement Strategy funding applications to provide core operational funding.

At a recent Alliance meeting, a number of Alliance members noted that they had submitted a variety of applications under the Children and Schooling Program and the Jobs, Land and Economy Program only to be advised that the applications had merit but there was no funding available. We are concerned that no discernible progress has been made with IAS

assessments since ***The Auditor-General ANAO Report No.35 2016–17 Performance Audit Indigenous Advancement Strategy.***

Alliance members have previously applied for an urgent increase in core funding but funding was not available putting some Alliance members under increasing financial uncertainty and stress.

Tranby is concerned that no-one in the Commonwealth government currently assumes responsibility for the Indigenous VET sector but everyone expresses concerns about the increasingly poor Indigenous VET outcomes. A number of Alliance members receive core funding from the Children and Schooling program and as the name highlights, they are not schools and Alliance members do not educate children.

Currently, the Commonwealth Government requires non-Indigenous IAS recipients to partner with Indigenous organisations, to deliver IAS projects. Those Indigenous organisations become the project lead, receive the funding and deliver the services to achieve the proposed KPIs which were originally proposed by the non-Indigenous IAS recipients. This approach was introduced with a positive intention to support Indigenous organisations to build capacity and capability. However, the transition process was not well-considered nor-strategized. There was no additional funding for the transition, nor sufficient lengths of time for funding to be approved to establish a true partnership. The Alliance believes the transition may result in the mis-representation of IAS recipient statistics, potentially destroying the partnership with non-Indigenous organisations (IAS recipients).

Tranby has been placed under pressure from the NSW Government to assist non-Indigenous RTOs to provide competing services. We are concerned that this is part of the mainstreaming policy process with the final outcome being the closure of the IRTTO service providers in favour of non-indigenous mainstream service providers.

The lack of consistent, reliable Government funding for National IRTTOs have placed the entities under significant financial pressure. The Institute of Aboriginal Development (IAD) the only National IRTTO in Alice Springs, is now in administration and we have been advised that the likely outcome is that they will no longer provide vocational education and training opportunities for the Central Australian Indigenous community if the funding arrangements are not revised. IAD has been Indigenous owned since 1969.

Tranby has also suffered from a significant drop in Government funding due to the change from direct Commonwealth funding to funding paid via NSW Treasury and limited to NSW students only. Tranby historically accepted Indigenous learners from all over Australia at the time of the change to NSW Government programs funded by the Commonwealth Tranby had a waiting list of 164 students. The failure to consult with Tranby prior to the policy change to funding by NSW on a per student basis means that Tranby has insufficient NSW students to be economically viable in the medium term. We have repeatedly raised this as a problem but our concerns about the impact of the policy change have been dismissed.

The Improvement of their Economic and Social Conditions in the areas of Education, Employment, Vocational Training and Retraining, Housing, Sanitation, Health and Social Security (article 21).

Tranby's current funding concludes in December 2019 and Tranby is urgently trying through the Alliance to have the current funding models revised as Tranby is concerned about its financial viability should the current funding model continue. The Alliance has made the following recommendations to the Minister:

SHORT TERM FUNDING COMMENCING JANUARY 2020

1. (Issue 1) Recommendation

That transitional core funding from the Commonwealth for Pilot National IRTOs for the 2020 calendar year including:

- a. Maintenance and renewals budgets for fixed and variable assets;
- b. Staffing costs;
- c. Funding and learner support for local and cross border students

2. (Issue 2) Recommendation

That urgent one-off grant funding be made to financially stabilise National IRTOs and allow urgent work to be undertaken in the transition to the new funding model for National IRTOs on and from the May 2020 Budget.

The Alliance then set out a modest Pilot Program cost that included existing funding.

3. (Issue 3) Recommendation

That Commonwealth officers be appointed to assist National IRTOs in the transition from the current fragmented inconsistent Commonwealth/State funding model so that there is an ongoing single point of contact responsible for National IRTO funding

LONG TERM (MAY BUDGET 2020 for 3 years)

4. (Issue 4) Recommendation

That the National IRTOs develop in conjunction with the Commonwealth a grant mechanism to provide single core funding for Alliance members for:

- a. Maintenance and renewals budgets for fixed and variable assets;
- b. Staffing costs;
- c. Funding for local and cross border students;
- d. Student learner support services;
- e. Development, approval and registration of new courses;
- f. Mobile training courses and new campuses in regional areas

5. (Issue 5) Recommendation

That National IRTOs to work with dedicated Commonwealth officers and the States and Territories to simplify grant responsibilities for implementation in the May 2020 Budget (if possible).

6. (Issue 6) Recommendation

That a single set of Commonwealth compliance and reporting obligations be developed to cover all single core funding reporting obligations.

We were asked by the Minister for an Alliance Proposal on the 22 July 2019 as a matter of urgency which was provided by email on 13 August 2019 to meet the anticipated Cabinet deadlines. The Alliance provided the Minister with a hard copy on 22 August 2019 and we understand he is waiting on his Department for a response.

The current policies of funding the historically National IRTOS from the Commonwealth via the States and then funding on a per student basis, will if the policies do not change, destroy the National IRTOs. We have raised our concerns repeatedly as IRTOs close due to these policies, but our concerns have been dismissed.

We are concerned that IAS funding is being directed to large non-indigenous corporate entities. The article in the New Matilda by Chris Graham on Thursday 12 September 2019 regarding an IAS grant to Wesfarmers of \$15.3 million was particularly distressing when Indigenous owned and operated service providers are being forced to close because of their IAS funding was refused. In the context of ***The Auditor-General ANAO Report No.35 2016–17 Performance Audit Indigenous Advancement Strategy*** it shows that nothing has changed and the lack of accountability and insidious effects of mainstreaming Indigenous funds to non-Indigenous entities continues.

Tranby is concerned that mainstreaming of government funding masks the damage the IAS program is doing and that misreporting the outcomes of funding approvals needs to be properly investigated. Tranby has made a number of detailed time-consuming applications for IAS funding approval only to be told by Government officers that “no funding is available”.

We note the finding in ***The Auditor-General ANAO Report No.35 2016–17 Performance Audit Indigenous Advancement Strategy*** and practices outlined at pp42-44 result in misleading or deceptive statistics in terms of “supported projects”:

Box 1- Examples of rationales for individual funding recommendations documented by the Grants Selection Committee

Example 1

An applicant requested funding for \$50.9 million under the Children and Schooling Program. The application received an assessment score of 30 and a need score of 5. The committee recommended funding of \$1.5 million, 3 per cent of the funding requested. The project was listed as ‘supported’ with the rationale stating ‘the application demonstrated close alignment with the Government’s children and schooling program priorities and the project activities appear likely to deliver good outcomes on the ground’. The reason for the level of funding

recommended was not recorded. The department advised that for a large number of recommended projects, the department already funded the applicant to deliver similar services, and understood existing funding applied for the services delivered. For example, specifying that a project was to be funded for ‘some’ elements, but not specifying which.

Box 1- Examples of rationales for individual funding recommendations documented by the Grants Selection Committee

Example 2

An applicant requested funding of \$10.9 million under the Safety and Wellbeing Program. The application received an assessment score of 28 and a need score of 2. The committee recommended funding of \$221 612, 2 per cent of the funding requested. The rationale stated that ‘the project is closely targeted to community needs’. The reason for the level of funding recommended was not recorded.

QUESTION ON COMPONENTS OF THE INDIGENOUS EVALUATION STRATEGY

Do you agree with the main components of an Indigenous Evaluation Strategy suggested by the Commission? Should other components be included? If so, why?

We understand the Productivity Commission’s Indigenous Evaluation Strategy involves:

1. developing an evaluative culture, capacity and capability in Australian Government agencies;
2. appropriate data protocols for sharing and linking relevant data;
3. compliance and monitoring arrangements to hold agencies to account;
4. processes to encourage policy-makers to consider evaluation evidence when developing or revising policies; and
5. a process for reviewing and revising the Indigenous Evaluation Strategy itself over time.

Tranby has been categorised as a low risk VET provider and is of the view that programs and policies should be discussed with Indigenous stakeholders before they are implemented. Tranby is also concerned that the initial consultation process should genuinely engage with Indigenous stakeholders as the broader Australian community has become concerned that the comments made during the consultation process are not independently reviewed and the public servants undertaking the consultation process are (in their words) the decision makers. The public servants who developed the policy or program should not undertake the consultation process and at most should have observer status.

Policies and procedures should be assessed independently of the public servants who developed them because there is an understandable reluctance to acknowledge that policies and programs have produced poor outcomes or have failed. Tranby’s experience with the current National Agreement on Skills and Workforce Development is that it has created serious problems for many IRTOs but there is a refusal at a Commonwealth and NSW Government level to acknowledge that “mainstreaming” has produced poor VET outcomes for Indigenous learners. Agencies should be independently held to account for poor outcomes or failing to properly consult with Indigenous stakeholders.

QUESTION ON APPLYING THE STRATEGY TO MAINSTREAM PROGRAMS

What is the best way to address mainstream programs in the Indigenous Evaluation Strategy?

The Joyce Report at page 107 states:

The Review heard about additional challenges Aboriginal and Torres Strait Islander Peoples face when engaging with vocational education, particularly in rural and remote areas. While access may not be a significant problem for all Indigenous Australians, many do not complete their qualification or are not able to convert their training into strong employment outcomes.

A range of factors were raised as explanations for these poorer outcomes, among them low levels of basic literacy and numeracy, which can present a barrier to engaging with higher level VET, and training methods that are not tailored to meet the needs of some Indigenous Australian learners, particularly in remote areas.

And the Joyce Report further at page 109:

Research by NCVET suggests that Indigenous students are more successful when they are taught by local trainers and are able to engage in their learning on country and in their own language. This was supported by views heard during consultations and by experience in other countries with significant indigenous populations, including New Zealand.

Accordingly, to improve outcomes, there needs to be a program that expands the pool of Indigenous-owned-and-led training organisations that can more easily provide the cultural setting and learning style that helps Indigenous learners succeed.

“Mainstreaming” appears to be the goal of the current system of funding from the Commonwealth through the States and Territories under the National Agreement on Skills and Workforce Development. This Agreement is a generic funding agreement for all vocational education and training. Once the funds are received by State and Territory Treasuries, the funding is restricted to paying for student’s resident in that State or Territory.

In 2016, the NSW State Training Services Aboriginal Training Program was defunded and closed by the NSW Department of Industry. Tranby is concerned about some States’ lack of genuine commitment to funding impactful and life changing vocational education and training services for Indigenous learners.

NSW State Training Services has advised it is unable to fund Tranby’s students from inter-state. Each State and Territory has similar restrictions in that they will only fund students who are residents of that State or Territory. The availability of National IRTOs varies from State to State and the availability of courses suitable for Indigenous learners also varies from State to State. Where National IRTOs exist in each State and Territory it is not economically sensible or even feasible for all National IRTOs to provide all relevant courses in every State and Territory.

It is crucial for National IRTOs to provide specialised courses to meet the needs and demands of a comparatively small (compared to the wider non-indigenous student population) Indigenous student cohort.

Tranby at one point had a waiting list of over 164 inter-state students wanting to study at Tranby in the upcoming academic year. Tranby was forced to reject these applications because NSW State Training Services had imposed conditions on funding received from the Commonwealth that did not permit funding for inter-state students. The existing Commonwealth funding package for Indigenous VET students has no mechanism in place to support these interstate students and sadly, they are ultimately excluded from the VET sector.

Tranby notes that many Indigenous specific programs are merged into the mainstream programs. The mainstream funding approach has severely impacted a number of IRTOs. Many culturally specific Diploma and Certificate level courses are entirely owned by National IRTOs and are not offered by any other mainstream training providers in Australia. (For example- 10578NAT Diploma of Applied Aboriginal Studies and 10408NAT Diploma of Aboriginal and Torres Strait Islander Legal Advocacy.)

NCVER data shows that Indigenous student completion rates for VET courses are lower than non-Indigenous students (See Joyce Report Page 108). There a variety of cultural reasons for the lower completion rates for example lower levels of literacy and numeracy, very low self-esteem and self- confidence, less familiarity with learning in a time structured environment as well as stronger family obligations often requiring extended absence from study e.g. deaths within the family.

Historically, Tranby's completion rates for both our Certificate IV and Diploma level qualifications have been at around 70-80% which is significantly higher than the national average of Indigenous learners at 17% and non-Indigenous learners at 33%. Tranby is categorised as a low risk training organisation.

Enrolment and completion of VET courses are often a requirement of ongoing social security payments resulting in additional hardship for Indigenous students as well as financial pressure on National IRTOs providing specialised training courses for these students. Some Indigenous students are forcibly enrolled in the Certificate III level qualification as *advised* by employment service providers to meet the mutual obligation requirements. Low attendance and low completion rates are often a result of mis-placement of the AQF level and lack of holistic support.

Indigenous students often take longer to complete their VET courses due to socio-economic disadvantage and cultural reasons – National IRTOs should not be financially penalised for the difficulty its cohort faces in completing their VET courses.

The cancellation of the Indigenous Tutorial Assistance Scheme (ITAS) funded by the Commonwealth government has negatively impacted National IRTOs ability to provide culturally appropriate student support services that would ultimately lead to higher completion rates.

The evaluation criteria should be improving outcomes for Indigenous students rather than expecting that Indigenous students to easily meet the non-Indigenous VET requirements.

One of Tranby's goals is to introduce Indigenous learners to culturally supportive vocational education and provide a pathway to mainstream higher education. Mainstreaming is unlikely to be successful unless Indigenous learners are supported through their initial vocational education to better equip them should they chose to undertake mainstream higher education.

QUESTION ON GOVERNMENT PROGRAMS

What lessons from these and other major Australian Government programs impacting on Aboriginal and Torres Strait Islander people would be useful in developing an Indigenous Evaluation Strategy?

Tranby was not consulted on the policies transferring responsibility for IRTO projects from the Commonwealth to the States, nor was it consulted on the impact of the Indigenous Advancement strategy (IAS) and associated funding changes. This lack of consultation before major changes to policies and subsequent de-funding actively disempowers IRTOs and for other Indigenous organisations, the complete loss of control around the organisation's sustainability and future is traumatising.

Tranby and other Alliance members were not contacted regarding lodging a submission to Stephen Joyce on his review of Vocational Education and Training. We note his recommendation that the Commonwealth should support the establishment of more IRTOs. We assume he would also support adequate funding for existing IRTOs. The Alliance included a number of Joyce Report recommendations in its own Proposal.

IRTOs whilst covered in Closing the Gap, do not report under Closing the Gap as they do not educate children and are not employment service providers. National IRTOs do not fall clearly into any of the internal Commonwealth Departmental categories.

Tranby has become concerned that Departmental officers it has been dealing with do not have cultural training and that funding is focused on mainstream non-Indigenous VET providers. Tranby's 60-year history of success in VET services until the 2013 and 2015 policy changes is ignored. With the latter policy changing having irresponsible and reprehensible impacts.

In Tranby's view the lessons have not been learnt as we have not identified any changes. Tranby would like to see policies that meet that actively have the genuine goals in relation to the right of Indigenous peoples to:

- *participate in decision-making affecting them (article 18)*

- *determine and develop priorities and strategies to exercise their right to development and be actively involved in developing, determining and administering programs (article 23)*
- *promote, develop and maintain institutional structures (article 34) for their own development and decision-making (articles 18 and 20)*
- *the improvement of their economic and social conditions in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security (article 21).*

Each of these UNDRIP “rights” have been actively and persistently ignored. The failure to learn these lessons have resulted in the closure of a number of IRTOs including Institute for Aboriginal Development (IAD) in Alice Springs and two IRTOs in Western Australia.

QUESTIONS ON RELEVANT PRINCIPLES FOR AN EVALUATION FRAMEWORK

What principles should be included in an Indigenous evaluation framework to be used by Australian Government agencies?

How should an Indigenous evaluation framework differ from a general evaluation framework for government policies and programs?

QUESTION ON THE CHALLENGES OF EVALUATION

How can the challenges and complexities associated with undertaking evaluation be overcome — both generally, and in Indigenous policy specifically?

In what circumstances is evaluation of policies and programs unlikely to be feasible or cost-effective?

QUESTION ON INCORPORATING INDIGENOUS PERSPECTIVES INTO EVALUATION

How are Aboriginal and Torres Strait Islander knowledges, perspectives and priorities currently incorporated into the design and conduct of Australian Government evaluations of Indigenous specific and mainstream policies and programs? How could this be improved?

What are the barriers to further increasing engagement with Aboriginal and Torres Strait Islander people during Australian Government evaluation projects?

How can the costs to government and communities of engaging more meaningfully with Aboriginal and Torres Islander people during evaluation be better integrated into existing and future program and evaluation budgets?

Tranby would like to reserve the right to comment on these questions should the Productivity Commission invite Tranby to hearings in Sydney.

QUESTIONS ON THE INDEPENDENCE OF EVALUATIONS AND EVALUATORS

What degree of independence between evaluators and policy makers/program delivery areas is necessary and/or desirable?

In Tranby's experience the officer responsible for policy and program delivery is the evaluator of the policy and program. It is obviously not best practice to be the arbiter of your own work.

Tranby's current experience is consistent with the findings in ***The Auditor-General ANAO Report No.35 2016–17 Performance Audit Indigenous Advancement Strategy.***

What are the advantages and disadvantages of existing Australian Government contracting and procurement arrangements for managing relationships between agencies and external evaluators and ensuring high quality and objective evaluation?

Tranby would like to reserve the right to comment on this question should the Productivity Commission invite Tranby to hearings in Sydney.

QUESTIONS ON ETHICAL EVALUATION

How do Australian Government agencies currently deal with ethical issues associated with evaluation?

Do existing ethical guidelines for evaluation and research provide sufficient guidance for evaluation commissioners, evaluators and participants in evaluations of programs affecting Aboriginal and Torres Strait Islander people? To what extent should the Indigenous Evaluation Strategy build in these guidelines?

In what circumstances should evaluation projects be subject to formal ethics review? In what circumstances should evaluation projects be exempt from formal ethics review?

What are the time and cost implications of embedding an ethics review process into Australian Government evaluations?

Tranby would like to reserve the right to comment on these questions should the Productivity Commission invite Tranby to hearings in Sydney.

QUESTION ON CULTURAL CAPABILITY

How can the cultural capability of evaluation commissioners and practitioners and their respect for Aboriginal and Torres Strait Islander culture, knowledges, history and values be demonstrated and improved?

Tranby and Tauondi Aboriginal College both provide Cultural competency Training programs for Government and Corporates. These programs would work specifically with Government officers to address the lack of understanding and the lack of interest many public servants display.

In relation to demonstrating respect for Indigenous Culture and Knowledge and ways to improve, our suggestion is:

1. At the end of each interaction with relevant Government Officers, the Indigenous organisation will be asked to provide feedback, comments requested and a rating given. Care needs to be taken that results are de-identified.
2. If there is consistently poor outcomes from the feedback, Government Officers should be required to do additional training or move to another area.

QUESTIONS ON EVALUATION METHODS AND DATA

What types of evaluation approaches and methods are currently used to evaluate Indigenous programs? How could evaluation methods be improved to ensure robust and reliable evidence is produced?

To what extent does a lack of high-quality, accessible data, including data gaps, act as a barrier to undertaking effective evaluation of policies and programs affecting Aboriginal and Torres Strait Islander people?

Tranby would like to reserve the right to comment on these questions should the Productivity Commission invite Tranby to hearings in Sydney.

QUESTION ON EVALUATION TRANSPARENCY

What are the current arrangements and requirements (if any) for publishing Australian Government evaluation reports? How are agencies held accountable for responding to evaluation recommendations or findings?

Should all evaluation reports be published? In what circumstances might it be appropriate to not publish evaluation reports?

What mechanisms currently exist for sharing evaluation results and data with Aboriginal and Torres Strait Islander evaluation participants? Are these effective? How could they be improved?

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Tranby would like to reserve the right to comment on these questions should the Productivity Commission invite Tranby to hearings in Sydney.

QUESTION ON THE KEY ENABLING MECHANISMS FOR EFFECTIVE EVALUATION

What supporting features and arrangements are important for the successful implementation and operation of a principles-based Indigenous evaluation framework and accompanying list of evaluation priorities?

Tranby recommends that individual evaluation frameworks be benchmarked against international best practice and UN requirements.

QUESTIONS ON DETERMINING EVALUATION PRIORITIES

What principles should be used to determine evaluation priorities?

What policies and programs affecting Aboriginal and Torres Strait Islander people (or broader policy and program areas) should be the highest priority for evaluation, and why?

How often should evaluation priorities be reviewed? How should the process for reviewing priorities be structured?

Tranby would like to reserve the right to comment on this question should the Productivity Commission invite Tranby to hearings in Sydney.

Tranby would at this stage like to make the following points:

- We are of the view that the current programs prioritise mainstreaming and cost reduction over genuine educational outcomes for Indigenous learners.
- We are of the view that the emphasis on mainstreaming is a way of reducing the cost and providing funding to low risk education VET providers.
- Tranby has a proven track record in creating a culturally supportive learning environment with successful outcomes for Indigenous learners, well above the national average.
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QUESTIONS ON IMPROVING EVALUATIVE CULTURE, CAPABILITY AND CAPACITY

How much scope do you consider there is to improve evaluative culture, capability and capacity for both those who undertake evaluations, and those who participate in the evaluation process? And how might improvements be achieved?

What resources are currently available to build and strengthen evaluative capacity among program implementation staff, service delivery organisations and community stakeholders?

What impediments are there to improving evaluative culture, capability and capacity and what can be done to address these?

Tranby would like to reserve the right to comment on this question should the Productivity Commission invite Tranby to hearings in Sydney.

Tranby believes that the highest priority for evaluation has to be solid educational outcomes. There needs to be more focus on Indigenous specific RTOs (as suggested in the Joyce report) to meet the educational needs of Indigenous adults in a culturally sensitive way.

A policy and/or program cannot be considered to be successful if Indigenous learners cannot access it because the program is only available in another State.

QUESTION ON DATA FOR EVALUATION

To what extent are current data governance arrangements effective? What can be done to improve arrangements?

Tranby would like to reserve the right to comment on this question should the Productivity Commission invite Tranby to hearings in Sydney.

QUESTIONS ON IDENTIFYING AND TRANSLATING KNOWLEDGE FROM EVALUATION

What can be done to ensure that knowledge generated through evaluation is identified and translated in such a way that it can be used to usefully and meaningfully inform policy design and implementation?

Tranby would like to reserve the right to comment on this question should the Productivity Commission invite Tranby to hearings in Sydney.

QUESTIONS ON EVALUATION MONITORING AND COMPLIANCE MECHANISMS

What approaches and models could be implemented to ensure that Australian Government agencies comply with the Indigenous Evaluation Strategy?

How should agencies' conduct against the Strategy be monitored?

Tranby would like to reserve the right to comment on this question should the Productivity Commission invite Tranby to hearings in Sydney.

QUESTION ON REVISING THE INDIGENOUS EVALUATION STRATEGY OVER TIME

How do you think the process for reviewing and revising the Strategy should be structured?

Tranby would like to reserve the right to comment on this question should the Productivity Commission invite Tranby to hearings in Sydney.

QUESTION ON ENGAGEMENT SUGGESTIONS

How and who should we engage to maximise community and expert input to this project?

Tranby would like to reserve the right to comment on this question should the Productivity Commission invite Tranby to hearings in Sydney.

From Tranby's perspective, they need to engage with IRTOs and IRTOs need to be able to discuss with Elders what the community actually needs. Government priorities and Indigenous priorities have proven in a number of instances to be different.