



Response to Productivity Commission's Draft Indigenous Evaluation Strategy

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Chapter 1. Introduction

In May 2014, legislation was passed to give the NSW Ombudsman an important new role to monitor and assess the delivery of designated Aboriginal programs in NSW¹ beginning with OCHRE – Opportunity, Choice, Healing, Responsibility, and Empowerment – the NSW Government’s plan for Aboriginal affairs, which commenced on 5 April 2013².

The legislation enabling our monitoring and assessment function in relation to Aboriginal programs also established a new role of Deputy Ombudsman (Aboriginal Programs) – the first and only position of its kind in Australia – to lead this work³. The aim of our Aboriginal programs oversight function is to provide greater transparency and accountability for the delivery of services to Aboriginal communities by government in NSW and for the resulting outcomes. This function complements and builds on work the NSW Ombudsman has undertaken for more than 16 years in relation to auditing and reviewing service delivery to Aboriginal communities.

In October 2019, the NSW Ombudsman released its OCHRE Review Report⁴. The Report highlighted the need for Aboriginal Affairs NSW to ensure their framework strengthened transparency and accountability for government expenditure on Aboriginal affairs, ‘so that forward planning and future decisions can be informed by, and based on, real evidence’⁵. The report also identified improvements were needed in how government agencies collect and analyse data regarding the implementation of initiatives under the NSW Aboriginal Affairs Plan or OCHRE. Such improvements are necessary to assess the performance and the ‘value added’ initiatives aiming to benefit Aboriginal Communities in NSW. In this regard, we reported improvements were required to establish baseline data, to collect data effectively in order to monitor OCHRE initiatives effectively from the outset of their implementation. During early consultations with stakeholders, we were frequently told that agencies were waiting for the evaluation plan to be settled to guide them on the agreed measures and data they should gather. This experience, highlights the importance of establishing an evaluative framework and process at the early onset of policy and program conception, to ensure that the correct data and analytics can be collected during the evaluation phases.

Summary

The NSW Ombudsman welcomes and supports the opportunity to provide feedback and commentary to the Productivity Commission’s Draft Indigenous Evaluation Strategy (The Strategy). The Strategy notes five key guiding principles that inform strategic and operational change, including the need for the objectives to be interconnected. To this end, we note the particular importance of “Centring Aboriginal and Torres Strait

¹ Part 3B, Ombudsman Act 1974

² Aboriginal Affairs NSW, OCHRE: Opportunity, Choice, Healing, Responsibility, Empowerment – NSW Government Plan for Aboriginal affairs: education, employments & accountability (OCHRE Plan), April 2013,

³ Daniel Lester’s term as Deputy Ombudsman (Aboriginal Programs) commenced on 7 October 2014

⁴ NSW Ombudsman, OCHRE Review Report, October 2019

(https://www.ombo.nsw.gov.au/__data/assets/pdf_file/0005/74183/OCHRE-Report_October-2019.pdf)

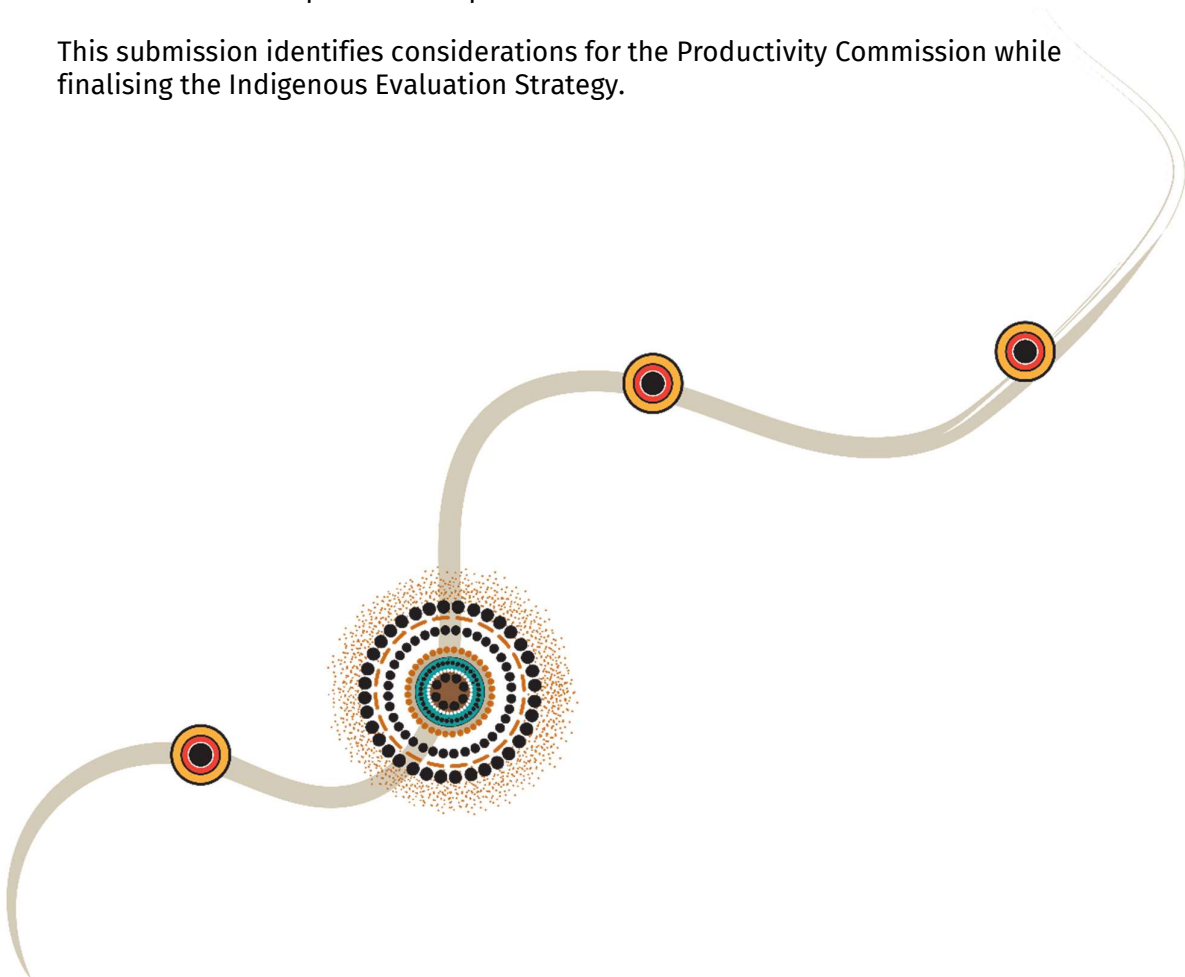
⁵ Aboriginal Affairs NSW, OCHRE: Opportunity, Choice, Healing, Responsibility, Empowerment – NSW Government Plan for Aboriginal affairs: education, employments & accountability (OCHRE Plan), April 2013

Islander people, perspectives, priorities and knowledges⁶” as highlighted in our 2011 *Addressing Aboriginal Disadvantage Report*⁷. In this Report we emphasised the need for government to build meaningful partnerships with Aboriginal communities and, in doing so, give practical recognition to Aboriginal people exercising responsibilities consistent with their right to self-determination.

The Strategy’s suggestion for a ‘Data Dictionary’ is a welcome inclusion, as this has the potential for the related data to be representative of individual communities. It also has potential to represent community related data at a national level without losing meaningful understanding and direction.

In our OCHRE Review Report⁸ we identified the need for an evaluation framework to be embedded from the onset of policy development, and to ensure that this framework is put into action during policy implementation. Furthermore, this approach also provides an earlier engagement with communities and agencies from the on-set to inform the development of key performance indicators of success. Irrespective of any evaluation, agencies have a responsibility to collect and monitor adequate data about the implementation of programs to inform operational decisions and provide transparency in relation to the expenditure of public funds

This submission identifies considerations for the Productivity Commission while finalising the Indigenous Evaluation Strategy.



⁶ Australian Government, Indigenous Evaluation Strategy Draft, May 2020

⁷ NSW Ombudsman Special Report, Addressing Aboriginal disadvantage - the need to do things differently report October 2011

⁸ NSW Ombudsman, OCHRE Review Report, October 2019

(https://www.ombo.nsw.gov.au/__data/assets/pdf_file/0005/74183/OCHRE-Report_October-2019.pdf)

Chapter 2. Considerations

Consideration 1: Embedding evaluation into policy and program conception, implementation and review.

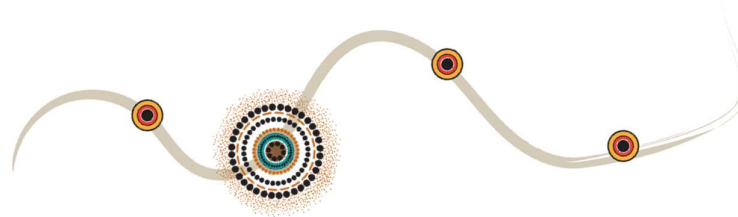
The Aboriginal Affairs NSW ‘Weaving Knowledge’s Co-design Report’⁹ notes that evaluation is often the afterthought of project and policy conception, implementation and delivery. This report notes that evaluation should be an ongoing and dynamic part of the project itself.

“...It [evaluation] should be built in – not bolted on. And it should stay always in focus and review, flexible and adaptable, as the project proceeds. It should be an organic and living process”. - *pg 27 – Aboriginal Affairs NSW, Weaving Knowledge’s Report*

Research from the Centre of Independent Studies¹⁰ also emphasises that evaluation should not be viewed as an ‘add-on’ but included as an ongoing continuous improvement process. However, history informs us that evaluation models and frameworks have been an ‘add-on’ and without proper community consultation.

In our OCHRE Review Report¹¹ we identified the need for an evaluation framework to be embedded from the onset of policy development, and to ensure that this framework is embedded during policy implementation and review. Furthermore, we recommended engagement with communities and agencies to inform the development of key performance indicators of success prior to the commencement of any programs. To this end, embedding evaluation into policy and program conception, implementation and review in our opinion, is highly recommended.

As such, at the time of writing this, the NSW Government has developed a number of tools that provide guidance on conducting evaluations. For instance, the NSW Government Program Evaluation Guidelines¹² and Toolkit¹³. These guidelines and toolkit includes the basic best practice principles to help agencies plan and conduct program evaluations.



⁹ Aboriginal Affairs NSW, Weaving New Knowledge Co-Design Report 2018

<https://www.aboriginalaffairs.nsw.gov.au/pdfs/new-knowledge/Weaving-Knowledges-codesign-report-FINAL.pdf>

¹⁰ Centre Independent Studies, Evaluating Indigenous programs: a toolkit for change, S. Hudson

<https://www.cis.org.au/app/uploads/2017/06/rr28-snapshot.pdf>

¹¹ NSW Ombudsman, OCHRE Review Report, October 2019

https://www.ombo.nsw.gov.au/__data/assets/pdf_file/0005/74183/OCHRE-Report_October-2019.pdf

¹² NSW Government Program Evaluation Guidelines 2016, accessed 27 July 2020

https://arp.nsw.gov.au/assets/ars/f506555395/NSW-Government-Program-Evaluation-Guideline-January-2016_1.pdf

¹³ <https://www.dpc.nsw.gov.au/tools-and-resources/evaluation-toolkit/how-to-use-the-evaluation-toolkit/> Accessed 27 July 2020, At the time of writing this report both documents were current in NSW

From the NSW Department of Premier and Cabinet Evaluation Toolkit –

Website accessed 27 July 2020

The seven steps of managing a program evaluation project

1. Develop program logic and review needs
2. Develop the evaluation brief
3. Commission the evaluation project
4. Manage development of the evaluation design
5. Manage development of the evaluation workplan
6. Manage implementation of the evaluation workplan, including production of report/s
7. Disseminate report and support use of the evaluation

The NSW Department of Premier and Cabinet Evaluation Toolkit¹⁴ outlines seven steps of managing a program evaluation project, when utilised accordingly, the toolkit can effectively embed evaluation into policy and program conception, implementation and review.

Consideration 2: Inclusion of advice to embed Aboriginal community expectation indicators into policy and program conception, implementation and review.

Self-determination according to the Australian Human Right Commission is defined as an ‘on-going process of choice’ to ensure that Indigenous communities are able to meet their social, cultural and economic needs¹⁵. The principles of Self-Determination are; Freedom, Authority, Support, Responsibility, & Confirmation¹⁶.

Self-determination involves many attitudes and abilities including: self-awareness, assertiveness, creativity, and pride, and problem solving and self-advocacy skills. To take charge of your own life, you must be able to set goals, evaluate options, make choices and then work to achieve your goals¹⁷.

¹⁴ NSW DPC, Evaluation Toolkit, accessed 27 July 2020 <https://www.dpc.nsw.gov.au/tools-and-resources/evaluation-toolkit/how-to-use-the-evaluation-toolkit/>

¹⁵ Australian Human Rights Commission - website accessed on the 28 July 2020 - <https://humanrights.gov.au/our-work/rights-and-freedoms/right-self-determination#:~:text=Article%201%20of%20both%20Covenants,-The%20right%20to&text=All%20peoples%20have%20the%20right,economic%2C%20social%20and%20cultural%20developm ent.&text=In%20no%20case%20may%20a,its%20own%20means%20of%20subsistence.>

¹⁶ <http://www.self-determination.com/> Accessed 27 July 2020

¹⁷ <https://www.pacer.org/transition/learning-center/independent-community-living/self-determination.asp> Accessed 27 July 2020

In recognition of Aboriginal Affairs NSW initiative Local Decision Making (LDM), it is acknowledged that a 'one size fits all' approach does not align with success in Aboriginal communities¹⁸. It is here that the NSW Ombudsman suggest the Strategy consider the concept of including Community Expectation Indicator's (CEI's) into the evaluation frameworks.

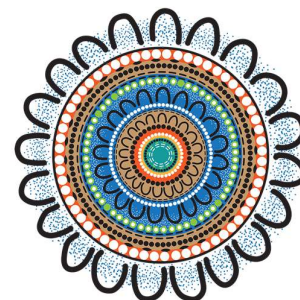
CEI's differ from the more commonly used Key Performance Indicator's (KPIs) which provide a high level 'outcome' for a policy or program. CEI's provide scope to determine the community's cultural needs, aspirations and expectations of a policy or program and in turn, supports the notion of self-determination. An example of this is outline below in the Maranguka, Bourke Aboriginal Employment Prosperity Strategy¹⁹, which has used CEI's to compliment the Strategy's KPI's and provide clear accountability back to community.

The CEI's complement the higher level KPI's for their Strategy. Below is an example of how CEI's have been incorporated.

Maranguka, Bourke Aboriginal Employment Prosperity Strategy

KPI's	Community Expectation Indicators
Aim to create sustainable jobs and employment opportunities in local businesses within the community.	<ul style="list-style-type: none"> • Visits to Bourke based business 4 times /year – Information about support programs; financial incentives for new workers; trainees; apprentices; business support. • Facilitate business information and training support available to Bourke Aboriginal businesses • Skills audit of Aboriginal Businesses for future business training/support. What do they need to become more sustainable businesses? • Conduct needs analysis for upskilling of existing staff of community controlled organisations

In our opinion, when executed effectively, CEI's can limit duplication of service provision, and redirect allocation of funds into programs and policies that Aboriginal communities need and want, rather than what Governments agencies propose. This fits well with the Strategy's principal of "Centring Aboriginal and Torres Strait Islander people, perspectives, priorities and knowledges" at the centre of evaluation.



¹⁸ Aboriginal Affairs NSW, Local Decision Making <https://www.aboriginalaffairs.nsw.gov.au/working-differently/local-decision-making/about-local-decision-making>

¹⁹ Maranguka, Aboriginal Employment Prosperity Strategy

The Empowered Communities concept is another example of the intent of CEI's²⁰ –

Empowered Communities is a new way for Indigenous communities and governments to work together to set priorities, improve services and apply funding effectively at a regional level. It aims to increase Indigenous ownership and give Indigenous people a greater say in decisions that affect them.” – *PMC, Annual Report 2017-2018 pg 81 -Performance Results for Improving the Lives of Indigenous Australians.*

As a means to operationalise the concept of CEI's, having a dedicated team within a Federal or State government agency may be beneficial to concentrating a greater effort. For instance, we have been informed by NSW Treasury that they are working to establish a dedicated Aboriginal Economic Wellbeing Team.²¹ We understand a significant focus for the Aboriginal Economic Wellbeing Team will be to develop guidance in relation to cultural values in cost-benefit analysis and test an Aboriginal economic prosperity outcome framework.²² We envisage that the benefits of having a dedicated team will enable greater focus on delivering required changes in a systemic way.



²⁰ Department of Prime Minister and Cabinet, Annual Report 2017-2018 pg 81 -Performance Results for Improving the Lives of Indigenous Australians. https://www.pmc.gov.au/sites/default/files/publications/annual_reports/2017-18-HTML/content/performance-results-improving-lives-indigenous-australians.html

²¹ At the time of writing this report the intent of such a foundational structure has merit but has not been yet fruition and requires further exploration.

²² Advice received from NSW Treasury

Chapter 3. Conclusion

The NSW Ombudsman would like to thank the Productivity Commission for the opportunity to comment on The Strategy.

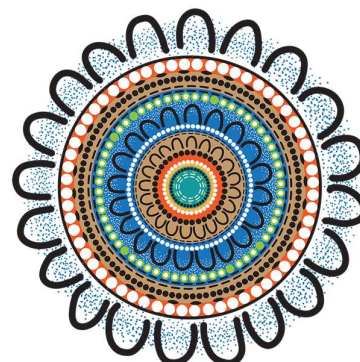
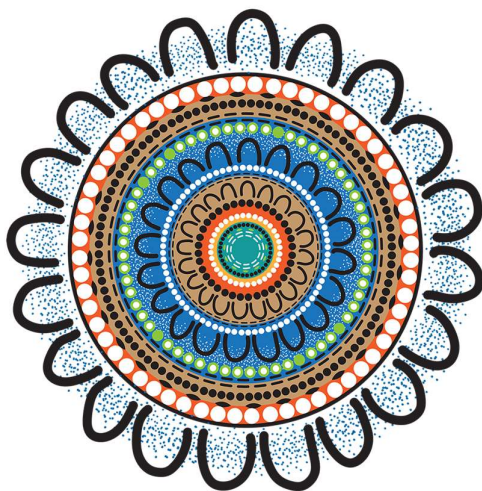
As outlined in this submission, “Centring Aboriginal and Torres Strait Islander people, perspectives, priorities and knowledges” and prioritising the two considerations is suggested to deliver on the Strategy purpose and objectives.

These considerations are,

1. **“ Embedding evaluation into policy and program conception, implementation and review;’ and**
2. **the ‘Inclusion of advice to embed Aboriginal community expectation indicators into policy and program conception, implementation and review’.**

To this end, the inclusion of CEI’s at the onset of policy and program conception, should provide the opportunity for earlier engagement between Aboriginal communities and government agencies. This, in turn can positively transform the way Governments do business with communities. Such changes will ultimately work towards the realisation of self-determination.

We commend the Productivity Commissions dedication to the improvement of Indigenous Evaluation. We look forward to working with the Commission through the work the NSW Ombudsman does to discharge its function to monitor and assess the delivery of designated Aboriginal programs in NSW.²³



²³ Part 3B, Ombudsman Act 1974