



## The Honourable Don Harwin MLC

Leader of the Government in the Legislative Council

Special Minister of State

Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts

Vice-President of the Executive Council

Ref: DGS19/1127

The Honourable Romlie Mokak  
Commissioner  
Productivity Commission  
GPO Box 1428  
CANBERRA CITY ACT 2601

Dear Commissioner Mokak

Thank you for the opportunity to provide comment on the Indigenous Evaluation Strategy - Productivity Commission Issues Paper (June 2019).

Aboriginal Affairs NSW (AANSW) has responsibility for the NSW Government's community focused plan for Aboriginal affairs, *OCHRE* (opportunity, choice, healing, responsibility and empowerment). Through *OCHRE*, the NSW Government works with Aboriginal peoples and communities to support their social, cultural and economic aspirations. AANSW also plays a key role in helping to formalise the NSW Government's relationship with Aboriginal people through the negotiation, signing, and implementation of Accords – binding agreements between the Government and Aboriginal governance bodies, on behalf of their constituent communities, on issues of mutual priority.

AANSW has published extensively in the area of evaluation practice with Aboriginal peoples and communities, focusing on lessons learnt in the practice of evaluation. These practice papers are developed in recognition that while there is considerable literature on Indigenous research and evaluation, there is little consideration of implementation issues, particularly when the research and evaluation activities are undertaken or funded by government.

I note that the Issues Paper references one of the practice papers. For your reference, the following papers are also available on the AANSW website, and copies are included with this letter:

[Practice paper: Insiders, Outsiders, Side-by-Siders: Adopting a normative approach to respond to parallel forces for change in evaluation of Indigenous-related public policies and program](#)

[Practice paper: On our terms: obtaining Aboriginal community consent for social research](#)

Significantly, the practice and experience of the *OCHRE* evaluation in its first three years has led the NSW Coalition of Aboriginal Regional Alliances (NCARA) to call for a stronger embrace of interweaving evaluation, research, policy, programming and services delivery. Further, that weaving together Aboriginal ways of being, knowing and doing with Western knowledge threads ensures that policies, programs, and services are co-owned and co-produced by communities and that such threads possess both cultural integrity and public confidence. AANSW will continue to work with the NCARA to develop this methodology as the *OCHRE* evaluation proceeds through its remaining six years. Developed from practice, this approach has considerable promise in the evaluation of policies and programs affecting Aboriginal people. Further information on this promising methodology can be found in the NCARA report [A Step Closer](#). A copy of this report is also included with this letter.

NCARA comprises nominated representatives from each of the eight Aboriginal Regional Alliances currently operating in NSW, and was established by those Alliances to provide leadership and advocacy for Aboriginal communities in relation to government policy and service delivery.

You may also find useful the paper [Evaluation theories and approaches; relevance for Aboriginal contexts](#), which was undertaken to inform the approach to the evaluation of *OCHRE*. A copy of this paper is enclosed with this letter.

The Head of AANSW would be pleased to meet with you to discuss the importance of what we have learnt over the course of the last four years, and facilitate a further discussion with key participants in the *OCHRE* evaluation.

In the interim, the NSW Government makes the following points:

- Any Indigenous evaluation framework, including principles, must be co-designed with Aboriginal peoples and localised. A localised approach supports the principles of self-determination.
- Evaluation is a form of research; therefore the principles, design and conduct of research are similarly applicable to evaluations.
- Ethical evaluation conduct requires:
  - Approval to undertake the evaluation from a local Aboriginal person or entity with the authority to provide this.
  - Formal ethical review and approval for evaluation activities from a suitable body, for example the Aboriginal Health and Medical Research Council (AH&MRC) and/or the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS).
  - The ethical considerations in quality assurance and evaluation activities (NHMRC, 2014).
- The framework should build from the guidelines and principles of ethical practice as a matter of course. Any time and cost implication in obtaining ethical review should not prevent such review. It is our experience that delays often occur when applications are sub-standard. The ethical clearance process is not simply a matter of demonstrating compliance. The process requires that the impacts on communities and individuals are fully considered and methodologies are sound.
- Monitoring and evaluation must be built into the implementation and operation of policy and services, and include the funding required. Without this, the feedback required to inform continuous improvements across the life of any policy or program is compromised or not available and the evidence base is not built. This 'learning by doing' approach is particularly important when new and innovative approaches are adopted.
- Evaluation should never occur without the consent of the Aboriginal communities involved and it is these communities who determine recommendations arising from any evaluation.
- Evaluation methods and measures to determine the success of any policy or program must be co-designed with Aboriginal communities subject to the evaluation at the time local evaluation plans are developed.
- Co-design is the cornerstone to ethical evaluation practice and commences with the design of any evaluation. For evaluations undertaken or commissioned by



government, this requires reflective public servant practice. It is through this that the 'threads' of co-design referred to earlier can be achieved.

- Successful evaluation is built from positive, respectful and honourable relationships. It takes time and resources to develop the trust needed to transform existing relationships between Aboriginal communities and evaluators, to fully consider the complexity and account for the busy schedules of Aboriginal communities. Evaluation is not feasible, and indeed may be detrimental:
  - when it does not respond to the priorities of local Aboriginal peoples and communities
  - when it needs to occur in a short or immovable timeframe
  - where funding does not cover the costs of ongoing meaningful engagement with local Aboriginal community
  - where there is no appetite to enter into agreements that require changes to the management of intellectual property
  - where there is no appetite to change or develop evaluation practices that respond to local protocols.
- Cultural capability is a pre determinate of positive relationship building. In responding to the findings of the evaluation of *OCHRE*, Aboriginal communities made several recommendations to improve cultural capability. Significantly, Aboriginal communities were clear that what makes for a cultural capable workforce must be determined by local Aboriginal communities.
- Government funded evaluation must consider the differing influences and aspects of control, power and autonomy. Significantly, the government determines the scope of evaluations, sets the end time-frame, the budget and the projects that will be evaluated. Communities will never have complete power, control or autonomy over the evaluation. There are also deeper questions around self-determination and historical issues that exist locally.
- The application of ethical practices sees Aboriginal communities as the owners of all evaluation reports. It is communities' decision to release reports and to whom including publication. Taking this approach, all but one of the reports arising from the *OCHRE* evaluation have been published. At this stage the unpublished report has been made available to the relevant public service agency to inform the development of policy and practice.
- Ethical practice also sees data ownership resting with those that provided it. The application of Indigenous Cultural and Intellectual Property (ICIP) goes some way to addressing this but standard government contracts remain an issue particularly when there is no agreed 'entity' to assign intellectual property and ongoing data governance to. NSW continues to work to address this including the development of research data management plans with Aboriginal communities prior to the collection of any data.

To further explore these issues, the Premier and I have asked AANSW to host a one-day forum in Sydney specifically for you and your team. The forum will present learnings and perspectives about evaluation practice from AANSW, human service agencies like the Department of Community and Justice, as well as the Department of Planning, Industry, and Environment and NCARA.

Ms Lou-Anne Lind, Director Strategy and Coordination at AANSW is available to facilitate arrangements

Thank you for the opportunity to comment on these important issues, and I look forward to sharing further our work in this important area.

Yours sincerely

**Don Harwin MLC**

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CC: The Hon Gladys Berejiklian MP, Premier of NSW

Enclosures:

1. Practice paper: Insiders, Outsiders, Side-by-Siders: Adopting a normative approach to respond to parallel forces for change in evaluation of Indigenous-related public policies and program
2. Practice paper: On our terms: obtaining Aboriginal community consent for social research
3. A Step Closer.
4. Evaluation theories and approaches; relevance for Aboriginal contexts