An office for advocacy and accountability in Aboriginal affairs in Western Australia

Regional Development Australia Wheatbelt Inc response to discussion paper

Introduction

Regional Development Australia Wheatbelt (RDAW) is a locally based, not-for-profit, incorporated association governed by a volunteer committee and funded by the Federal Government. The key role of RDAW is to build strong and effective partnerships across all levels of government, industry, community groups and other regional stakeholders to boost the economic capability and performance of the Wheatbelt.

The Wheatbelt Region covers 156,000 square kilometres and is made up of five sub regions being: Avon; Central Coast; Central East; Central Midlands and Wheatbelt South. The population of the Wheatbelt is 74,704 which includes approximately 3,500 Aboriginal people. The population is dispersed across 42 Shires and over 200 communities.

The region encompasses the traditional Boodjar of the Ballardong, Yued, and Wilman Noongar people with the eastern edges of the region including a portion of the Wongai people's country. Since early 2016, RDAW has engaged extensively with the region's Aboriginal population. This was in response to a directive from the former Deputy Prime Minister and Minister of Regional Development, the Honourable Warren Truss, for RDA's to engage and improve economic and social outcomes for Aboriginal and Torres Strait Islander people in their jurisdictions.

In the intervening years, RDAW has worked to develop relationships and implement initiatives with Federal and State Government agencies and stakeholders in conjunction with Elders and Noongar communities in the Wheatbelt. A key outcome of the engagement has been the development and recent implementation of the RDAW sponsored Noongar Enterprise Development Support program. RDAW developed this program over two and half years in collaboration with Noongar Elders and community leaders in the region. The formulation of the program has been directly and indirectly guided through the collaboration and as such could be said to be largely Noongar in design.

A crucial philosophy RDAW ascribed to from the very beginning of the program development was that it was to be a 'ground up' approach, delivered by Noongar people for Noongar people and offering Noongar solutions. RDAW in developing the program's conceptual framework, undertook to understand, acknowledge and respect Noongar culture and ensure cultural sensitivity and protocols were built into the program. Additionally RDAW accepted that there are different issues, challenges and opportunities within and between the communities where the project is to be delivered which are more likely to be identified by a Noongar Project Officer than a non-Aboriginal Project Officer or organisation.

Effectively RDAW's role in the project is to support the Project Officers when requested, build their capacities through training and professional development and provide overall governance and administrative management. The intention is for RDAW to totally exit these roles within three years, leaving the Aboriginal people in the region with an effective program, wholly staffed and operated by Aboriginal people for Aboriginal people.

This explanation of the 'Noongar Enterprise Development Support' projects has been included to demonstrate that RDAW's responses to the discussion paper have been made from a position of some insight and experience. RDAW views the concept of an independent office for advocacy and accountability for Aboriginal people as important, necessary and future focussed. However it is equally important that the office has legitimacy with the people it seeks to serve. Without such legitimacy, it will be unable to fulfil its stated role.

1. Views about the outline of the office's basic features

1.1 Monitoring the effectiveness and efficiency of service delivery

RDAW is in strong agreement that there needs to be a more robust approach attached to monitoring the effectiveness and efficiency of service delivery to Aboriginal people drawn principally from the rigorous evaluation of evidenced outcomes and impacts.

The gap in meaningful evaluation was illustrated by Hudson, (2016), who found that just 8% of 1,082 Indigenous programs had been evaluated[1]. Hudson (2017) also found that many government agencies were not referring to evaluations during funding processes or in the initiation of new programs[2]. This was evidenced by a NSW Evaluation strategy audit that showed that neither the NSW Department of Premier and Cabinet or NSW Treasury were using evaluated outcomes to inform implementation or continuation of programs or improving program delivery.

Compounding the lack of evaluation and use of evaluation was a lack of robust methodology applied in Indigenous program evaluation reports. A review of 49 reports identified only three that had used a rigorous methodological approach but these with the other reports, did not reach the required high standard in terms of data and evidence.

Hudson's (2017) findings and recommendations support RDAW's position for the need to rigorously evaluate Aboriginal programs to ensure effective and efficient delivery of services. The recommendations proposed by Hudson (2017) include:

- *Embedding evaluation into program design and practice — evaluation should not be viewed as an 'add on' but should be built into a program's design and presented as part of a continuous quality improvement process with funding for self-evaluation provided to organisations.*

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[1] Hudson, S, 2016. Mapping the Indigenous Program and Funding Maze. Sydney: The Centre for Independent Studies.
[2] Hudson, S, 2017. Evaluating Indigenous programs: a toolkit for change. *Research Report 28*, Sydney: The Centre for Independent Studies.

- *Developing an evidence base through an accountability framework with regular feedback loops via an online data management system — to ensure data being collected is used to inform practice and improve program outcomes and there is a process for escalating concerns.*
- *Developing an evidence base through the regular collection of data via an online data management system to not only provide a stronger evidence base for recurrent funding, but also to improve service delivery and ensure client satisfaction with the program.*

1.2 Identifying opportunities to improve services, with collaborative input from government agencies and Aboriginal organisations.

The questions RDAW have in regard to this point are:

- In respect to the balance of collaborative input between government agencies and Aboriginal organisations, is there an intent within government agencies to consciously address and overcome unconscious bias or racial stereotyping within the collaborative processes?

- Is there within government agencies, an understanding and/or an appetite to understand and engage with Aboriginal and Torres Strait Islander people within traditional Eldership protocols and governance?

- Which Aboriginal organisations will be engaged?

- Who and what will determine which Aboriginal organisations participate?

- Will these organisations be representative of the diversity of First Nations and the individual moieties and totemic clans within each Nation that are on country or living in communities across WA[3]? For example, there are the basis of five first Nations people and the associated clans in WA being:
  1. **Nyoongar (Noongar) peoples** - Perth, Wheatbelt, South West and South Coast regions, comprising the main clans of Whadjuk, Ballardong, Yued, Njakinyaki, Amangu, Bibelmen, Binjareb, Wardandi, Ganeang, Wilmen, Minang and Wudjari.
  2. **Yamatji peoples**- Murchison, Gascoyne region comprising Nganda, Nandu, Inggada, Dadei, Malgada, Ngugan, Widi, Badimaia, Wadjari, Goara, Noala, Djalenji, Yinigudira, Baiyungu, Maia, Malgaru, Dargari, Buduna, Guwari, Warianga, Djiwali, Djururu, Nyanu, Bandjima, Inawongga, Gurama, Binigura, Guwari, Bailgu, Indjibandji, Mardudunera, Yaburara, Ngaluma, Gareira, Nyamal, Ngala and Nyangamada.
  3. **Wongai peoples** - Goldfields and Nullarbor regions includes Galamaia, Ngurlu, Maduwongga, Gelago, Ngadjunmaia and Mirning.
  4. **Kimberley peoples –** Kimberley region includes Garadjeri, Mangala, Yaoro, Djungun, Ngombal, Djaberadjabera, Nyulnyul, Bardi, Warwar, Nimanburu, Ongarang, Djaul Djaui, Ungarinyin, Umedi, Wungemi, Worora and Wunumbul.
  5. **Ngaanyatjarra –** Central Desert region

As Dr Noel Nannup[4] stressed during a series of presentations of the story of a child born into traditional Nyoongar Culture[5], the traditional Noongar social structure should be referred to as a clan and not a tribe. The delineation between the two labels, he explained was based on the governance structure of each. That being, a tribe would have a chief who was the sole decision maker whereas

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[3] Wikipedia contributors. (2018, March 9). Aboriginal groupings of Western Australia. In Wikipedia, The Free Encyclopaedia. Retrieved 02:24, August 22, 2018, from
https://en.wikipedia.org/w/index.php?title=Aboriginal_groupings_of_Western_Australia&oldid=829609380
[4] ECU Elder in residence.
[5] Fireside Stories with Dr Noel Nannup (October 2017) at Mosman Park Arts Foundation

the clan was governed by a council of Elders through a consensus approach that oversaw and upheld traditional lore and cultural protocols.

Dr Nannup further explained that Noongar Eldership was and is an earned role based on age, family position, standing in the clan and acquisition of knowledge of lore. It should be acknowledged that Noongar Elders as well as other First Nations Elders continue to be recognised as custodians of the knowledge of their country and cultural leaders of their people.

1.3 Assessing the consistency of policy and performance with human rights, legislative requirements and government commitments.

Added to the limited evidenced based approach to decision making and policy development is the influence electoral cycles have on processes. RDAW acknowledges that a key aim in establishing the Office of Advocacy and Accountability is to move policy and supportive programs away from the disruptive processes of electoral cycles and shifts in ideology and viewpoints of incoming government and ministers. As shown in the Empowered Communities Design Report[6] this has been an historical issue as each incoming government, whether it's state or federal, brings its own ideological take on the policy mechanisms and approaches to deliver Indigenous programs and support.

Without revisiting the specific details of the past, it is suffice to say that one key impact for the majority of Aboriginal people was and is a great sense of distrust of Government agencies.

The distrust, as observed by Quayle and Sonn[7], is understandable, given the unequal associations of (government) power that articulated and legitimised the institutional social disenfranchisement of Aboriginal and Torres Strait Islander people. In effect, the majority of Aboriginal and Torres Strait Islander people do not trust government or government policies and initiatives, no matter how well intentioned or heartfelt.

This absence of trust signifies a challenge for the office of advocacy and accountability in its role of assessing the consistency of policy and performance with human rights, legislative requirements and government commitments. For the office to have any form of legitimacy with WA's Aboriginal and Torres Strait Islander people it will need to build trust through its own performance and relationships with the people it represents. Simply appointing an Aboriginal person or a council of Aboriginal and Torres Strait Islander people to lead will not be enough.

1.4 Assessing the evidence base for government decisions and policies

It is RDAW's view that assessing the evidence base for government decisions and policies is directly linked to the monitoring of the effectiveness and efficiency of services delivery. This is from the perspective that such monitoring would not only identify what was working, what was not working and where improvements could be made but would also provide a structured evidence base that could be used to guide government decisions.

An examination of the literature indicates that this was not occurring. An internal review undertaken by the Australian National Audit Office (ANAO) found that the Department of Prime Minister and Cabinet had not employed a rigorous process that is based on evidence, in deciding what programs received funding or continued to be funded[8].

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[6] Empowered Communities, 2015. Empowered Communities Design Report, Wunan Foundation.
[7] Quayle, A, F. and Sonn, C, C. 2013. Explicating race privilege: examining symbolic barriers to Aboriginal and non-indigenous partnership, Social Identities, Vol. 19, No. 5, 552-570.
[8] In Hudson, S, 2017. Evaluating Indigenous programs: a toolkit for change. Research Report 28, Sydney: The Centre for Independent Studies.

As Hudson (2017)[9] proposed, an evidence base should be developed through a framework of accountability underpinned by ongoing evaluation data with provision for regular feedback that is collected and managed through an online data system. This would ensure availability of data and information to inform practice, respond to issues and deliver more beneficial outcomes for Aboriginal clients.

However, there are some initial issues to consider, that may act as impediments to developing such processes. Given the philosophy behind the proposal there will be a need to engage developmental evaluation processes as well as traditional evaluation processes. Developmental evaluation differs from traditional evaluation as illustrated in Table 1.

Table 1: Traditional and Developmental Evaluation

Traditional evaluation	Developmental evaluation
Purpose: Supports improvement, summative tests and accountability	**Purpose:** Supports development of innovation and adaptation in dynamic environments
Roles & relationships: Positioned as an outsider to assure independence and objectivity	**Roles & relationships:** Positioned as an internal team function integrated into the process of gathering and interpreting data, framing issues, surfacing and testing model developments
Accountability: Focused on external authorities and funders based on explicit and pre-ordinate criteria	**Accountability:** Centered on the innovators' values and commitment to make a difference
Options: Rigorously options-focused, traditional research and disciplinary standards of quality dominate	**Options:** Utilization focused: options are chosen in service to developmental use
Measurement: Measure performance and success against pre-determined goals and SMART outcomes	**Measurement:** Develops measures and tracking mechanisms quickly as outcomes emerge; measures can change during the evaluation as the process unfolds
Evaluation results: Detailed formal reports; validated best practices, generalizable across time and space. Can engender fear of failure	**Evaluation results:** Rapid, real time feedback; diverse, user-friendly forms of feedback. Evaluation aims to nurture learning
Complexity & uncertainty: Evaluator tries to control design implementation and the evaluation process	**Complexity & uncertainty:** Learning to respond to lack of control; staying in touch with what's unfolding and responding accordingly
Standards: Methodological competence and commitment to rigor, independence; credibility with external authorities and funders; analytical and critical thinking	**Standards:** Methodological flexibility eclecticism, and adaptability; systems thinking; creative and critical thinking balanced; high tolerance for ambiguity; open and agile; teamwork and people skills; able to facilitate rigorous evidence-based perspectives

Source: Patton (2006) p.30[10]

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[9] Hudson, S, 2017. Evaluating Indigenous programs: a toolkit for change. Research Report 28, Sydney: The Centre for Independent Studies.

[10] Patton, M.Q. (2006) Evaluation for the Way We Work. The Nonprofit Quarterly. Vol. 13 (1): 28-33.

Equally it should be recognised that any evaluation is only as good as the quality, accuracy and integrity of the data collected as well as the professional expertise of those engaged to undertake the monitoring and evaluation.

The first issue is that currently there are no developmental evaluators in WA (Grist, J, Principal, Rural & Regional Economic Solutions, pers com, 2018).

The second issue relates to the collection of data in terms of the logistics associated with collecting data and the costs associated with data collection and evaluation. While Hudson (2017) recommended an online data collection and management system, RDAW proposes that this system may have limitations. These limitations could be attributable to inconsistent or inadequate digital connectivity in outer regional and remote areas such as being experienced in the Wheatbelt region.

Assuming that the Office of Advocacy and Accountability will be assessing delivery of services to Aboriginal and Torres Strait Islander people in outer regional and remote locations, it is feasible that online data collection may be problematic at times. Therefore it should be anticipated that there will be a need for data to be collected in the field by evaluators as well as a need for evaluators to intermittently spend time in the field engaging directly with clients and providers.

Responding to these considerations will increase the cost of evaluation and monitoring processes given the spatial contexts of regional and remote WA. For instance the Wheatbelt region with an Aboriginal population of approximately 3,500 people, covers 156,000 square kilometres and incorporates 42 LGA's. While almost 1,500 of the population live in the four regional centres of Northam, Narrogin, Moora and Merredin, the remaining 2,000 are dispersed among the other 38 LGA's in the region. Population size in these communities range from 100-150 people in eight LGA's to less than 50 people in 23 of the other LGA's.

Just from this example, it could be interpreted that ensuring data collection is accurate and ethical and assessing services delivery is effective could substantially increase on costs associated with evaluation and monitoring. RDAW acknowledges the intentions of the proposal to establish a robust evidence base to inform policy and decisions and highlight the complexity of the scope and costs that could be associated with such a proposal so that adequate resources can be allocated to this task.

For instance, a review[11] of AusTender procurement contracts[12] determined the average cost of an evaluation was $382,000. Currently there are 457 Aboriginal health programs operating in WA[13]. A single evaluation of each of these programs at an average cost of $382,000 would represent an investment in a one off evaluation of almost $175 million. Note that this figure is only applied to health programs and does not include other non-health programs and services being provided by Government or publicly funded NGO's or NFP's in WA.

At the same time RDAW does not dispute the need for such a large investment in accountability and oversight as supported by Hudson[14] observations that with no oversight or visible improvements in outcomes, the number of Indigenous health programs nationally has continued to multiply.

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[11] Hudson, S, 2017. Evaluating Indigenous programs: a toolkit for change. Research Report 28, Sydney: The Centre for Independent Studies.

[12] Austender Australian Government. 2017. Entity Reports for complying with the Senate Order on Procurement Contracts and use of Confidentiality Provisions. Available at: https://www.tenders.gov.au/?event=public.senateOrder.list

[13] https://healthinfonet.ecu.edu.au/learn/locations/wa/programs-and-projects/

[14] Hudson, S, 2017. Evaluating Indigenous programs: a toolkit for change. Research Report 28, Sydney: The Centre for Independent Studies.

2.   What should be the formal name of the office?

RDAW believes that finding a formal name that resonates with WA's Aboriginal and Torres Strait Islander people is critical. In deciding on the formal name of the office, it is RDAW's view that the name should reflect the representativeness and diversity of the Aboriginal and Torres Strait Islander people it will serve. Optimally the name could be in the language of the five nations however, RDAW recognises that this would be challenging due to the dialectical differences between the nations.

However it is worth noting that Aboriginal and Torres Strait Islander people's across Australia have accepted the title, The Uluru Statement, as the title for one of the most unified, important and aspirational statements made by Aboriginal and Torres Strait Islander people in recent history. This acceptance of a universal title offers some opportunity to identify a similar type title for the office that the majority of Aboriginal and Torres Strait Islander Elders and clans in WA may consent to.

3.   How should Aboriginal people and organisations be involved in the appointment process of the office-holder? Who should be involved?

Based on RDAW's experience of working with Noongar people in the Wheatbelt, we would propose that engagement occurs with the formal Aboriginal and Torres Strait Islander organisations and also clan Elders.

We would assume that the first level of consultation involves the Land and Sea Councils, being the: South West Aboriginal Land and Sea Council (Noongar); Bana Baaba Marlpa Land and Sea Council (Yamatji), Goldfields Land and Sea Aboriginal Council Corporation (Wongai); Kimberley Land Council and Ngaanyatjarra Elders.

Through the engagement with these organisations, there could be the additional opportunity to engage with clan Elders and clans.

RDAW queries the appointment of a single office-holder that will oversee the operations of the office and be the single unified voice for WA's Aboriginal and Torres Strait Islander peoples. As already noted, such an appointment represents considerable challenges given the diversity of First Nations in WA and the associated clans. These challenges are further compounded when geographic and population profiles of the various regions Aboriginal and Torres Strait Islander people live in are taken into account.

An analysis of Aboriginal and Torres Strait Islander populations based on Regional Development Australia's defined regions which align with WA Regional Development regions show that 55% of the populations live in regional areas[15]. This places 39% living in the Greater Perth Region and 4% living in the Peel Region. In addition, there are substantial populations in the Kimberley and Pilbara representing 21% and 11% of the State's Indigenous populations respectively.

By engaging with Aboriginal people in the Wheatbelt Region, (Noongar Ballardong, Yued, Wilman people and Wongai people in the Eastern regions), RDAW has found the issues, needs and possible solutions can vary greatly throughout the region. While there are commonalties across many issues and needs within the region's Aboriginal populations, identifying approaches to initiating context appropriate outcomes are more problematic.

RDAW experience is that the complexities associated within the region's Aboriginal population are derived from the different cultural belief value systems that non-Aboriginal people have little or no understanding of, as well as past (negative) interventions and interactions with policy. Then there are

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[15] ABS, 2016 Census of Population Housing, Aboriginal and Torres Strait Islander Peoples Profile, By LGA, Cat. No. 2002.0

other factors that compound the complexities such as accessibility to face to face services which are generally located in regional population centres but are not available in smaller communities.

In simple terms RDAW has found that in respect to issues and solutions, there is not a generic one size fits all for the region's Aboriginal population. Equally it is RDAW's experience that there is not an individual or group that approaches the qualification of being a single representative voice of the Wheatbelt's Noongar people and overall Aboriginal population. Rather it is RDAW's suggestion to engage with and listen to not only representative stakeholders but also family Elders and communities.

We believe that an individual or organisation that is recognised by government agencies as a public voice for Aboriginal people in WA may not be acknowledged as a leader within the Wheatbelt's Aboriginal communities or family clans because they are not an appointed Elder.

Therefore RDAW cautions that in appointing an office holder, care and time is taken to ensure the appointment results from a comprehensive inclusive process with Aboriginal and Torres Strait Islander Elders and communities across WA.

4. Conclusion

RDAW acknowledges the concept of an office of advocacy and accountability as important with potentially positive outcomes for WA's Aboriginal and Torres Strait Islander populations. However from the reading of the discussion paper, RDAW has some reservations regarding the formation of the office and the appointment processes.

RDAW hopes that these processes are approached with all due sensitivity and the outcomes are the result of inclusive collaboration with Aboriginal and Torres Strait Islander people's Elders and community representatives. If undertaken in such a way, the formation of this office offers a unique opportunity to ensure there is effective delivery of services and programs to Aboriginal and Torres Strait Islander people that will make a difference and contribute towards closing the gap.