UNIVERSITY OF TECHNOLOGY SYDNEY

Submission to the
Senate Community Affairs Committee
re inquiry into:

Stronger Futures in the Northern Territory Bill 2011

and two related bills

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February 2012

1. I welcome the opportunity to make this submission endorsed by Jumbunna to the inquiry into the Stronger Futures Bills.

2. There is a serious responsibility put on this Committee to consider the consequences of passing the above legislation despite the following deficits in processes:
   - having no evidence that the proposed policies are working or could work
   - evidence that the affected communities have not been effectively consulted and their expressed views not given due consideration.

3. These conclusions are based on the following facts:
   - timing - there were only a few weeks between the end of the so-called consultations and the tabling of the legislation
   - there were no changes made to the draft proposals in the final Bill that reflected the views expressed in the reported consultations
   - the reports that are quoted by the Minister and Department do not offer valid proof of local improvements attributable to the programs to be continued and extended.

4. There have also been many criticisms voiced about the models and processes of the consultations that suggest that the facilitation by FaHCSIA staff of the meetings and the recording of content were not conducive to free and frank discussions. The communities were, in fact, offered a summary of what was intended to be done and asked only to contribute to some aspects of implementation. This process is not the serious new engagement and partnerships the Government is claiming it to be.

5. The Government has failed to follow the guidelines for Indigenous Gap Closing programs that work, as articulated by both the Productivity Commission and most recently by the Government's own research statistics quality adviser, the Australian Institute of Health and Welfare (AIHW). In late 2011, its annual review[1] summed up the criteria. The indications are that much of both the original NTER programs and the proposed changes breach all the criteria of what works and adopted practices that do not work.

6. In particular, there is no evidence of; serious community partnerships at the local level, cultural and language recognition, developing trust and

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1 http://www.aihw.gov.au/closingthegap/documents/annual_papers/what_works_to_overcome_disadvantage.pdf

understanding complexities. Instead, the one-size-fits-all Canberra model is set in place with minor local decision-making, and fails to engage and make long-term local plans.

7. On this basis alone, the legislation should be rejected or delayed to allow these flaws in process to be fixed. Apart from any other consideration, the results of not meeting these criteria is that the programs will not work and waste goodwill as well as time and money.

8. The following items are direct quotes from the introduction to the AIHW paper listed above:

   <u>*What works:*</u>
   - ***Community involvement and engagement***
   - ***Adequate resourcing and planned and comprehensive interventions****. A strong sense of community ownership and control is a key element in overcoming Indigenous disadvantage.*
   - ***Respect for language and culture****, for example, capacity building of Indigenous families and respect for culture and different learning style were considered to be important for engaging Indigenous families in school readiness programs.*
   - ***Working together through partnerships, networks and shared leadership***
   - ***Development of social capital***
   - ***Recognising underlying social determinants****, for example, data from the Longitudinal Study of Australian Children demonstrated that financial disadvantage was one factor among other variables that may affect school readiness and progress for young children.*
   - ***Commitment to doing projects with, not for, Indigenous people***
   - ***Creative collaboration*** *that builds bridges between public agencies and the community and coordination between communities, non-government and government to prevent duplication of effort.*
   - ***Understanding that issues are complex and contextual.***

   <u>*What doesn't work:*</u>
   - ***'One size fits all' approaches***
   - ***Lack of collaboration and poor access to services*** *,for example, successful interventions require the integration of health services to provide continuity of care, community involvement and local leadership in health-care delivery and culturally appropriate mainstream services.*
   - ***External authorities imposing change and reporting requirements****, for example, a review of evidence from seven rigorously evaluated programs that linked school attendance with*

welfare payments in the United States found that sanction-only programs have a negligible effect on attendance, but that case management was the most critical variable.

- ***Interventions without local Indigenous community control and culturally appropriate adaptation***
- ***Short-term, one-off funding, piecemeal, provision of services in isolation and failure to develop Indigenous capacity to provide services****, for example, a one-off health assessment with community feedback and an increase in health service use was unlikely to produce long-term health benefits and improvements. An ongoing focus on community development and sustained population health intervention are needed.*

The lack of an evidence base

9. Apart from breaching known criteria for good practice that works, many of the extended and proposed programs are following the same lines, or extending current practices that the government falsely claims to be effective. While increased services on the ground for example night patrols and some forms of extended local policing will be welcomed by many residents, these are not enough to justify the other extended programs. These types of services should be provided as part of normal provisions for a community that is assessed as needing them.

10. Similarly, school improvements in staffing and equipment are long overdue. However, in most cases these have not resulted in higher attendance figures, suggesting other issues may be at play. Improving shop management and resources is again usually welcomed, but should not be tied to other programs in legislation.

11. Apart from the above provisions, there is little evidence that the communities are either actually safer or the children in better health or evidence of other improved lifestyles. The mass imposition of income management in the NT does not seem to have improved local social well being. While some participants, in response to surveys, may agree that there is improved community functioning, there is no valid evidence to prove their perceptions reflect reality, and some data that suggests the opposite.

12. Public discussion on using good evidence for policy making has so far not encouraged Minister Macklin to upgrade the quality of FaHCSIA data, used in Indigenous policy. These data deficits are particularly problematic, given the failure rate of so much policy making in this area. There is inappropriate official use of available data sets in current Bills on extending and amending the various pieces of Northern Territory Emergency legislation.

13. Questions on the value of many of the measures introduced in 2007 have been raised in both various official reports as well as some independent research studies.. This data deficit was mentioned in the then Report from Senate Community Affairs Committee Inquiry on extending income management, raising doubts on the validity of the data on benefits collected up to that stage in 2010.

14. I recently authored a report on the validity of the data that Minister Macklin was using specifically to justify maintaining and extending income management. The detailed analysis is available in *The Journal of Indigenous Policy* Issue 12.[2] My conclusions were that the studies and statistics available showed no valid or reliable evidence of measurable benefits of income management to individuals or communities. Additionally, a published analysis by me of the extra 'evidence' can be found on *The Conversation* (a university run website).[3]

15. Income management should be one of the easier programs to measure as there are presumably records of payments, bank accounts and other financial details on BasicCards. These independent data items could be used to assess changes in savings and purchasing patterns, but none of these items have been included in existing official studies. The statistics collected on school attendance, education grades, crime, health and child welfare should offer evidence of changes in wellbeing and safety. However, where data was collected and published in official reports, but not publicised, it has have shown improvements in wellbeing since 2007.

16. Attitude research is legitimate but is not enough to prove benefits without triangulation with external data to show actual behaviour and well being changes. There may be other traps as interviews, particularly long ones which carry a fee, tend to reflect what respondents think the interviewers want to hear, known as gratuitous concurrence.

17. There are further current questions of the validity of Minister Macklin's further claims of evidence in two more recent reports issued in late 2011 discussed below which are presumably intended to support the current legislation in the Senate for extending some other NTER measures.

18. The reports included an online survey of service providers, and a commissioned study by various consultants of people living in some of the targeted communities. There was also an extensive final report on the NTER which drew on both of these studies but also included, when read carefully, some interesting official data and many negative results.

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[2] http://www.jumbunna.uts.edu.au/researchareas/newmedia/JIP12online2011.pdf)
[3] http://theconversation.edu.au/whats-data-got-to-do-with-it-reassessing-the-nt-intervention-4993

19. The online survey done by FaHCSIA, covered the opinions of nearly 700 service providers, most of whom work in organisations that are government run or funded. Less than 9 per cent were Indigenous, and relatively few came from isolated communities.[4] While most employees of these services reported they felt safer and they thought that communities were safer, they offered no independent evidence. Their responses show interestingly that they saw better results in community safety and reduced problems in smaller rather than larger communities.

20. This difference was significant but not noted by the Government that is still committed to funding and developing the larger centres, not the smaller ones that their own research suggests seem to function better. This finding also emerged in the survey discussed below but the policies are still shifting smaller populations to designated hubs.

21. There are some criticisms of the program and loss of local control which again has had no impact on policy. It is hard to see how this collection of opinions is validating the extension of the programs.

22. The commissioned study[5] was an ambitious and interesting attempt to tap local views but methodologically flawed. The Community Safety and Wellbeing Research Study (CSWRS) covered 1 411 residents in 17 Northern Territory Indigenous communities It attempted to both adapt survey methodologies and engage local people. Again, the emphasis was on opinions, so while it may offer a credible record of some local views it does not offer any valid measures of actual benefits. The questionnaires were apparently very long and applied by local people, so criticisms may have been muted. It is also not stated how the small local samples were chosen, which raises questions of whether the sample was representative or whether dissident voices were excluded.

23. Many of the respondents were reported to like extra services and other aspects of the NTER, which is not surprising. Interestingly, the report itself comments on the contradiction of their positive perceptions on measurable items such as school attendance, where there was actual evidence of static or even reductions in numbers in many communities.

24. These two studies are also reported as part of the *Northern Territory Emergency Response Evaluation Report, November 2011*[6], together with

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[4] http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/Documents/Community_Safety.pdf.

[5] http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/Pages/community_safety_wellbeing.asp

[6] http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/Documents/nter_evaluation_report_2011.PDF.

other data. In its introduction, the report includes the following caveat (my bold):

While the report does have a strong focus on data, it is important to understand that there are only around 45,000 Indigenous Australians resident in the NTER communities. ***It can be difficult at times to observe trends in some outcome data for what is a relatively small population over a four-year period****. It is also important to understand that the NTER is a very complex policy response that has many elements. It is not always possible to identify the additional impact of individual measures because so many changes, both NTER and other measures, were introduced at a similar time.*

25. This extraordinary admission suggests a lack of confidence in their own data. In the context of the decisions already taken on income management and the new Stronger Futures initiatives, this is interesting.

26. Their own reporting of consultations claimed support but for their proposed programs and laws. However, this is not supported by their commissioned report, covered above, that 'analyses' in a very dubious way, the collected records from the consultation processes.

27. The *O'Brien Rich Stronger Futures Quantitative Analysis Report* [7]offers a statistical analysis of the notes taken by FaHCSIA staff at the 499 or so consultations in the Northern Territory.

28. These records were given to the research consultancy to be coded and cross-tabulated as data reflecting the content of the discussions. These were notes taken by public servants as a record for government and feedback, not as research data, so their recycling in this way is odd. There was also no ethics clearance sought to use them as such, which raises other issues of legitimacy of process. So why pretend they are the equivalent of focus group type data and analyse them with SPSS?

29. This report also spells out a series of caveats:

    The data presented in this report should therefore be read as a summary of information recorded during the consultations. It should not be considered to be representative of the opinions of all consulted communities.

    This begs the question, why spend $75 000 to produce it and cast further doubts on the portfolio commitment to good research practice let alone effective use of evidence.

[7] (http://www.obrienrich.com.au/OBrienRich-indigenous.html#analysis)

30. The best view of the data available, for example, on income management, is that reported opinions of the community are diverse but there is still no hard data on program benefits. As there is other evidence on purchasing patterns not having changed significantly because of income management then a moratorium on extending programs would be a good starting point for indicating a serious interest in evidence based policy. Why spend lots of extra money on extending programs without evidence they work?'

31. The following quotes come from the O'Brien Rich reports and offer a more detailed analysis than the material I used in the article above. It looks particularly at the questions of reliability of their methods and the data itself (the italicised quotes their report. My bold):

    1.1 Understanding the tables
    In a survey, people respond to set questions; in a consultation process people simply provide their point of view. This has important implications for understanding the tables

    Quoting later:

    The main purpose of this exercise was to quantify the qualitative ***information recorded from the Stronger Futures consultations, and to analyse these by a number of demographic and other variables identified by the Department.*** *Two researchers have carefully checked the data, coding frames and the results of analysis****. We believe that the data presented in this report is an accurate representation of the consultation records provided by the department.***

32. My concern is that these assertions (above bold) make it clear that any credibility at all relates to the quality of the recording of views given, which is nowhere validated. Or even made public! The research consultants make it clear that they can at best state their products as reflecting the documents they received but not whether these are accurate records of what went on. Given the process, the lack of objectivity by FaHCSIA staff note takers and their presumed limited formal research skills, all these results should be treated as very dubious. The question of biases in the recording of views needs to be addressed as the consultations were based on materials the Government had prepared and presumably were committed to implement.

33. Later the consultants even expressed their own doubts, and, as the following quotes show, had concerns about how the data should be used. They also reveal that they have used FaHCSIA priorities to order, sift and exclude some data. As many communities were excluded from the consultation document, this admission further breaches the formal consultation protocols. They say:

The data presented in this report should therefore be read as a summary of information recorded during the consultations. It should not be considered to be representative of the opinions of all consulted communities.

The tables would best be read in conjunction with the qualitative information from the consultation responses, together with Departmental knowledge of the issues from other sources. This data should therefore be considered as one piece of information, which may be triangulated with other data to enable a more robust assessment of responses to the priority issues.

In developing the coding frames attention has been focused on providing as accurate a picture as possible of the views expressed by the consultation participants. However, where statements were clearly not related to the broad parameters of the consultation process they have not been quantified.

34. Their description of their own data raises other concerns, for instance, the influence of the Department:

    Caution should be exercised in interpreting the cross tabulated data. The data has been cross tabulated by a number of variables of interest to the Department. Some of the cell sizes in are too small to provide reliable, meaningful information and the percentages in these cells should be treated with caution.

35. In section *1.3.2 Data Limitations*, they raise other issues about validity:

    It is important to recognise that the information contained in the consultation reports has a number of limitations in relation to this exercise: The unit of analysis is the written report for each separate consultation. The responses recorded include community consultations, small and large groups and individual consultations.

36. Again, this raises questions about who monitored these sessions and the quality of the FaHCSIA staff reporting. There is no public access to the written reports that were provided to the consultants which could then be used to compare the quality of the summaries with the existing Tier Two sessions that were recorded and transcribed.

37. The Department should be asked to make these records available so readers can assess the quality of the processes. We also do not know how the input from General Business Managers and others in the sessions affected the smaller discussions in Tier One, so we do not know

whether there was prompting, suggestions or directions signalled, and omissions in recording content.

38. The consultants conclude section *1.3.2* with the following statement which is very contestable on their own critiques (my bold):

    The data presented in this report should therefore be read as ***a summary of information recorded during the consultations****. It should not be considered to be representative of the opinions of all consulted communities****.***

39. This report which cost $75 000 should therefore not be taken seriously as a legitimate report of all that was said. However, even with all its flaws there are some interesting indicators that the government's account of what was seen as important may not be so.

The extension of the SEAM programs in schools

40. Despite there being again no evidence that the new SEAM initiatives on school attendance are or will work, the Bill to extend the program is also before the Senate.

41. The following data from their own O'Brien Rich Report shows attitudes to school reform that do not validate the Government's claims of clear support for the extension of SEAM**.** The Government has declared on a number of occasions that there is substantial support for their new education policy which proposes that parents be disciplined financially if their children are not compliant with school attendance requirements.

42. The claims are that the consultation responses show this policy change is what is wanted. However, their own data analysis suggests that the support is neither clear nor overwhelming, even given all the constraints suggested by the compilers.

Table 2.2 Parents by Tier response -

	Tier1 (372)	Tier 2 (99)	Total (471)
Parents should take responsibility for getting kids to school	80 22%	46 47%	126 27%
Govt should cut off Centrelink / family payments for non-attendance	69 19%	23 23%	92 20%
Parent problems / drink / gunja / gambling cause low attendance	49 13%	32 32%	81 17%
Parents need support / education to understand importance of school	34 9%	16 16%	50 11%
Parents should not be fined / have payments cut / kids will suffer	22 6%	11 11%	33 7%
Parents should be fined for non-attendance	12 3%	2 2%	14 3%

43. The above data shows that some people (27 per cent) do see problems with low school attendance and parental roles but somewhat fewer also support Centrelink payments being cut (20 per cent). Only 3 per cent support fining parents and 7 per cent oppose it. Problems are seen as substance abuse and lack of understanding of school importance, but not as parent's deliberately keeping children out of school.

Conclusions and recommendations

44. The above data and descriptions of the 'consultation' processes do not support the claims the government is making for Aboriginal community support for the extensions of the NTER controls, and for extending SEAM and other measures.

45. These results also continue to cast doubt on the earlier Senate decisions to allow the extended income management legislation to pass, despite the lack of evidence of benefits. As the Government has already extended the earlier schemes despite the Community Affairs Committee suggesting further change be delayed until there was data on the policy benefits, we ask you do not make the same mistake this time.

46. I therefore ask that the Committee recommend against passing the legislation and require the Government to establish a new consultation process that follows the UN criteria and programs that meet the AIHW criteria for what works. This would prevent further examples of measures that will not work because they are not bottom up and culturally appropriate, nor do they engage with local communities in partnerships.

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