

21 August 2019

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

To the Productivity Commission,

***The National Social Security Rights Network (NSSRN) submission to the inquiry into an Indigenous Evaluation Strategy***

1. The NSSRN is a peak community organisation in the area of income support law, policy and administration. Our members are community legal centres across the country that provide free and independent legal assistance to people experiencing issues with social security and family assistance payments.
2. Our contribution to this inquiry draws on the front-line experience of our member community legal centres in providing legal services in to Aboriginal and Torres Strait Islander clients. Our contribution to this inquiry is limited in that we are not experts in evaluation methodology or practice. However, our experience and knowledge of the impact of government policies and programs in the area of social security and family assistance law is highly specialized. We are funded to provide insight to government into how social security programs operate on the ground. Our work helps government to identify unintended consequences of their programs and policies. For these reasons, it would be valuable to consider how organisations like ours can meaningfully contribute to evaluations of these programs.
3. In the area of social security and family assistance law, there are a range of Federal Government programs that disproportionately apply to Aboriginal and Torres Strait Islander people, particularly those who live in remote areas of Australia.
4. The Productivity Commissions' Issues Paper<sup>1</sup>, released to guide submissions made to this inquiry, identifies some of these social security programs. They include:
  - a. the Community Development Program – the employment services program for people living in remote Australia (around 80% of participants identify as Indigenous);
  - b. ParentsNext – an employment focused program for parents with children under 6 years old (around 19% of participants identify as Indigenous<sup>2</sup>); and

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<sup>1</sup> Productivity Commission, *Indigenous Evaluation Strategy* (Issues Paper, June 2019), <<https://www.pc.gov.au/inquiries/current/indigenous-evaluation/issues/indigenous-evaluation-issues.pdf>>

<sup>2</sup> Senate Community Affairs Reference Committee, *ParentsNext, including its trial and subsequent broader rollout*, (Report, March 2019), p29.

- c. a range of income management regimes, including the Basics Card and the Cashless Debit Card (CDC), which quarantine a proportion of a person’s social security payments to a debit card, prohibiting the purchasing of items such as alcohol and gambling (approximately 78% of Basics Card holders<sup>3</sup> and 33% of CDC holders<sup>4</sup> identify as Indigenous).
5. Many of these programs have been introduced as trial programs, subject to evaluation by contracted for-profit agencies or government itself. Typically, these evaluations conclude that the relevant program is on track with purported government outcomes and result in a broader rollout of the program. However, there is a range of evidence-based research that have highlighted the shortcomings of these evaluations and suggest that the conclusions made cannot be relied on.
6. For example, on 17 July 2018, the ANAO tabled their performance audit report on *The Implementation and Performance of the Cashless Debit Card Trial*.<sup>5</sup> They found that the approach taken by government in monitoring and evaluating the CDC trials was inadequate. Assessing the evaluation conducted by ORIMA research<sup>6</sup>, the ANAO questioned the Government’s findings that the CDC was producing outcomes as intended.<sup>7</sup>
7. In another example, the Australian Human Rights Commission (AHRC) concluded that the evaluation of the ParentsNext trial relied on “problematic evidence”.<sup>8</sup> The AHRC identified issues with the evaluation lacking information about “sample size, participant selection methodology, the de-individualised raw aggregated data corresponding to each survey question and the survey instrument/s.”<sup>9</sup> Additionally, the evaluation appeared to be conducted by the then Department of Small Jobs and Business rather than an independent evaluator.<sup>10</sup>
8. The front-line experience of our member community legal centres supports the view that many adverse effects arising from these programs are not adequately addressed in these evaluations. We observe enormous gaps in the evaluations of these social security programs. In our view, some of the key problems with evaluations of social security programs are that:

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<sup>3</sup> Department of Social Services, *Cashless Debit Card and income management summary* (21 February 2019), <<https://www.aph.gov.au/~media/Estimates/ca/add1819/Tabled%20Docs/Social%20Services/Additional%20information/A11%20-%20Social%20Services%20Portfolio%20-%202021%20February%202019.pdf?la=en>>

<sup>4</sup> Explanatory Memorandum, *Social Services Legislation Amendment (Cashless Debit Card Trial Expansion) Bill 2018 (Cth)*, 9.

<sup>5</sup> Australian National Audit Office, *The Implementation and Performance of the Cashless Debit Card Trial* (Performance Audit Report, 1 of 2018-2019), <<https://www.anao.gov.au/work/performance-audit/implementation-and-performance-cashless-debit-card-trial>>

<sup>6</sup> ORIMA Research, *Cashless Debit Card Trial Evaluation: Wave 1 Interim Evaluation Report*, released by the Department of Social Services (February 2017); ORIMA Research, *Cashless Debit Card Trial Evaluation: Final Evaluation Report*, released by the Department of Social Services (August 2017).

<sup>7</sup> The ANAO stated that “it is difficult to conclude whether there had been a reduction in social harm and whether the card was a lower cost welfare quarantining approach.” See ANAO, *The Implementation and Performance of the Cashless Debit Card Trial* (Performance Audit Report, 1 of 2018-2019), Summary and recommendations, para 8.

<sup>8</sup> Australian Human Rights Commission, Submission No 16 to Senate Standing Committees on Community Affairs, *ParentsNext, including its trial and subsequent broader rollout*, 1 February 2019, p3 & 5.

<sup>9</sup> *Ibid*, p5.

<sup>10</sup> Department of Jobs and Small Business, *ParentsNext Evaluation Report* (Report, 2017).

- a. Our members and ally organisations report that there is insufficient engagement and partnership with Aboriginal and Torres Strait Islander communities who are impacted by these programs. The planning and design of these policies and programs, and their subsequent evaluations, must be guided by the people and communities whose lives will be directly impacted. We support a human rights model approach where individuals are empowered to participate in decisions affecting their human rights, including the right to social security and an adequate standard of living.
  - b. As evaluations are rarely formulated by those impacted by the program, evaluations are often framed in a language and approach that is inaccessible to Indigenous people, particularly those living remotely. Our members and ally organisations have observed that evaluation indicators often do not address relevant key questions about particular programs, and evaluators often lack cultural competency and awareness when working with communities. Additionally, insufficient time is allowed to enable the conduct of thorough and meaningful evaluations in remote Australia. Yet despite these issues, government departments treat evaluation reports as comprehensive and credible.
  - c. Many evaluation models do not capture dissenting viewpoints of programs and policies. Many organisations invited to participate in program evaluations commonly are involved in the operation of these programs in the role of program providers, evaluators or assessors. Where applicable, this conflict of interest must be acknowledged and their contributions to evaluations must be contextualised in light of their dependence on government who fund them to provide these services. Furthermore, there must be participatory evaluation frameworks that are culturally safe and enable marginalised and disadvantaged people to express a wide range of viewpoints, including dissenting viewpoints, without fear of retribution.
  - d. There is insufficient funding for services, such as community legal centres like our members, in regional and remote areas affected by new policies and programs. This often results in significant unmet legal need for people experiencing adverse consequences arising out of new programs. This unmet legal need creates a significant gap of analysis for program evaluators, and results in evaluations missing critical aspects of the programs' unintended consequences.
  - e. The NSSRN and our member centres are regularly invited to make submissions to evaluations of various government programs. We are in a unique position to provide input as evidence of the effectiveness and impact of a social security program. However to provide this input, there must be adequate funding for social security legal assistance, particularly in remote communities, both to assist the clients impacted by these programs and to collect and to analyse data on how the programs are affecting clients.
9. The NSSRN strongly supports the implementation of the *Uluru Statement from the Heart* to provide Indigenous constitutional recognition and a framework for self-determination for Indigenous

Australians. The statement should directly inform the design, implementation and evaluation of all programs and policies affecting Indigenous people.

**Contact for this submission**

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