

SOME FEATURES OF EVIDENCE-BASED POLICYMAKING FOR ABORIGINAL AND TORRES STRAIT ISLANDERS PEOPLES

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'In my opinion, it ought not to be regarded as discriminatory to identify Aboriginal people in data collections; indeed it is desirable to identify them, provided that the information so derived may be used for the purpose of advancing the rights of Aboriginal people. The apparent conflict in advocating a policy of Aboriginal self-determination and empowerment, but measuring its outcomes in terms of how much like other Australians Aboriginal people have become, is too often not recognised'.¹

I. Policy, policymaking and evidence

Policymaking in Indigenous affairs is a joint effort between Australian governments and Aboriginal and Torres Strait Islander peoples and organisations. What are the features of evidence-based policymaking, and how might they assist us to approach policymaking in a different way? How can an evidence-based approach enhance the quality of dialogue among policymakers and promote the formation of stronger policy partnerships?

II. Policy, policymaking and evidence

We can make a somewhat artificial but useful distinction between policy (product concept) and policymaking (process concept).

- *Policy as product* refers to a statement of objectives and directions; the end product of a process of development and drafting. Policies may encapsulate an overarching political vision or focus on particular courses of action, which give effect to that vision. Sometimes, perhaps most often, policies are a mix of both vision and action plans.
- *Policymaking as process* refers to the process of developing policy. According to the United Kingdom Government's 1999 White Paper on *Modernising Government*, policymaking is defined as "the process by which governments translate their political vision into programmes and actions to deliver 'outcomes'".

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¹ Elliott Johnston, Royal Commission into Aboriginal Deaths in Custody, 1991

- desired changes in the real world." We could therefore consider a working definition of *evidence-based policymaking* as policy development in which evidence such as statistics and the results of research influences the content and structure of the *process* by which political visions are translated into action statements.

The term *evidence-based policy* (product concept) tends to imply that evidence is the sole or principal consideration in policy. While some may argue that this would be desirable, it is rarely, if ever, the case in practice. Nor would a policy based primarily on evidence necessarily be effective.

Evidence-based policymaking (process concept), on the other hand, acknowledges the importance of evidence while allowing for other influences. Indeed, analysts in policy studies and pragmatists alike contend that policymaking is driven much more strongly by influences such as political ideology, finance, personal beliefs and interests, and chance, than by empirical evidence. They claim that a rational model of policymaking is a myth and offer alternative images, for example:

- *Muddling through*: Policymaking is 'the science of muddling through' in which decisions follow a policy chain. Inertia is a major factor in policy development. New decisions do not arise from thoroughgoing analysis, but are chosen from a limited number of options, all of which represent incremental changes only to the current position.²
- *Garbage can*: Participants in a decision-making process are confronted by a stream of current problems and a stream of available solutions, all of which happen to be dumped together in a kind of garbage can. Chance plays a significant part in policy development. Solutions are somewhat arbitrarily attached to problems, due to accidents of time and place, and uncertainties about organisational structure, access to information and the level of engagement of decision-makers. In a certain sense, solutions seek out problems.³
- *Rhetorical/argumentative*: The purpose of policymaking is to persuade others of your point of view or proposed action. Language and argumentation play a critical role in the framing of policy problems and filter assumptions and evidence that are used to arrive at solutions. We need to be sceptical about our supposed rationality in using empirical data since, consciously or not, we

² C. Lindblom C (1959) *The science of muddling through* in Public Administration Review: no 19, 79-88.

³ M. Cohen M, March J and Olsen J (1972) *Power and poverty, theory and practice*. Oxford University Press: New York.

select and structure evidence to suit our ideological positions and personal interests.⁴

In any case, policies emerge from a complex inter-weaving of influences in a process that may be 'ethereal, diffuse, haphazard and somewhat volatile'.⁵

III. Links between evidence and policy

Despite what the critics might say, there is tremendous interest across government in using statistics and other research to inform decision-making. Before we examine some of the features of an evidence-based approach that have potential to enhance policymaking in Indigenous affairs, it is worthwhile to briefly review three ways in which evidence actually impacts on current-day policy. We can identify context setting, establishing a basis for new programs and performance monitoring. These mirror in part different stages of the policy cycle.

a. Context setting

Evidence underpins policy. Well-known measures of the disparity of Aboriginal and Torres Strait Islander peoples relative to the Australian population as a whole set the context for policy. The Coalition Government's policy for Indigenous Australians and the Aboriginal and Torres Strait Islander Commission (ATSIC) Corporate Plan both draw from headline indicators of life-expectancy, imprisonment rates and educational achievement.⁶

There are many activities within government and outside to compile statistical information about Aboriginal peoples and Torres Strait Islanders. Impetus for national statistical activity came from the 1991 report of the Royal Commission into Aboriginal Deaths in Custody (the Royal Commission) which recommended that a national survey be undertaken to provide base-line information on a range of social, demographic, health and economic characteristics of the Aboriginal population.⁷ As a consequence, the Australian Bureau of Statistics was funded to conduct the 1994 National Aboriginal and Torres Strait Islander Survey. This has proved to be an important and enduring source of contextual information, particularly on law and justice issues.

In 2001 the Australian Bureau of Statistics responded to continued and growing interest in data by releasing a strategy to increase the range and quality

⁴ M. Danziger, Marie (1995) *Policy analysis postmodernized: some political and pedagogical ramifications* in Policy Studies Journal: vol 23, no 3, 435-450

⁵ J. Lomas, (2000) *Connecting Research and Policy* in ISUMA, 140-144

⁶ Coalition Government (2001) *Indigenous Australians: a national commitment*. Aboriginal and Torres Strait Islander Commission (2001) *ATSIC Corporate Plan 2001-2004*, Canberra.

⁷ Royal Commission into Aboriginal deaths in Custody (1991) *National Report*: vol 2. Canberra.

of statistics on Aboriginal and Torres Strait Islander peoples.⁸ This strategy focused on the household survey program and administrative data. The survey program would include continued improvements to the Census of Population and Housing, a regular general survey - the first Indigenous Social Survey will be conducted in the second half of 2002 - and sample supplementation to report on health and labour force status through standard national surveys. The Australian Bureau of Statistics would work in partnership with other agencies, in national and state spheres, to improve identification of Indigenous status in administrative collections and develop common reporting standards across jurisdictions.

In 2001 the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs released a report entitled *We can do it! The needs of urban dwelling Aboriginal and Torres Strait Islander peoples*. This report highlighted the importance of statistical information in setting the context for policy activity and recommended concerted efforts by Australian governments to improve data coverage and quality.⁹

b. Establishing a basis for new programs

Evidence establishes a basis for new policy interventions. Policymakers use the findings of independent social research or commission research of their own to investigate emerging policy issues. In a certain sense, heightened interest in evidence-based policymaking since the early 1990s and continued debate about its effectiveness has tended to focus on this dimension. Evidence-based policymaking was originally influential in health policy but now has wider application.¹⁰

The Commonwealth Grants Commission's recent Indigenous Funding Inquiry gathered and analysed a vast amount of evidence in the course of its investigation into the relative needs of Indigenous people in different regions of Australia, and the association between needs and the distribution of funds. As part of its research, the Inquiry commissioned the Australian Bureau of Statistics to develop experimental indexes of relative socioeconomic disadvantage among ATSIC regions. In its final report the Inquiry assessed the limits to which evidence could inform funding policy noting both the value of quantitative information and the need for policymakers to exercise judgement.¹¹

⁸ Australian Bureau of Statistics (2000) *Directions in Australia's Aboriginal and Torres Strait Islander Statistics*. Canberra.

⁹ House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs (2001) *We can do it! The needs of urban dwelling Aboriginal and Torres Strait Islander peoples*. Canberra.

¹⁰ Ham C, Hunter D J and Robinson R (1995) *Evidence Based Policymaking in British Medical Journal*: vol 310, 71-72; *bmj.com*. HTO, Davies, Nutley S T and Smith P C (1999) *What Works? Evidence-based policy and practice in public services*. The Policy Press: Bristol.

¹¹ Commonwealth Grants Commission (2001) *2001 Report on Indigenous Funding*. Canberra.

Other government agencies fund sophisticated research projects to inform decision-making. The Department of Family and Community Services is undertaking longitudinal studies of the general Australian population to investigate pathways through childhood (Longitudinal Survey of Australian Children) and the dynamics of households and labour force activity (Household, Income and Labour Dynamics in Australia). The need for comparable information on Aboriginal and Torres Strait Islander peoples is well recognised but not incorporated in the first phase of these groundbreaking projects.

Many organisations undertake significant research into the circumstances of Aboriginal and Torres Strait Islander peoples that is then available to the policymaking process. The Australian Institute for Aboriginal and Torres Strait Islander Studies conducts research into native title, history, culture and language. Other academic institutes, such as the Centre for Aboriginal Economic and Policy Research at the Australian National University - which attracts significant funding from ATSIC - also conduct vigorous research programs.

c. Monitoring and evaluation

Evidence serves a monitoring function in policy evaluation. Policies that continue to attract support and funding are those that achieve desired outcomes, adapt over time to meet changing needs and show gains in productivity. Impetus for monitoring of Indigenous policies comes from the Council of Australian Governments through the Review of Government Services and the 2000 Reconciliation Framework.

In 1997 the Prime Minister, with the support of Premiers and Chief Ministers, wrote to the Review of Government Services asking it to give particular attention to the performance of mainstream services in meeting the needs of Indigenous Australians. The seventh annual Report was released in 2002. Like previous reports, it included comprehensive information on services to Aboriginal and Torres Strait Islander peoples and an assessment of progress to date in monitoring activities.¹²

Under the 2000 Reconciliation Framework, the Council of Australian Governments asked 25 ministerial councils to develop action plans with performance reporting strategies and benchmarks to assist in measuring progress towards addressing the disadvantage of Indigenous Australians. The action plan of the Ministerial Council for Aboriginal and Torres Strait Islander Affairs includes development of indicators of economic and social well-being to facilitate regular reporting.¹³

¹² Steering Committee for the Review of Commonwealth/State Service Provision, (2002) *Seventh Annual Report of the Review of Government Services*. Canberra.

¹³ Ministerial Council for Aboriginal and Torres Strait Islander Affairs (2001) *Action Plan 2001-2003*. Canberra.

IV. Features of evidence-based policymaking and their application to the Indigenous context

The evidence-based approach draws our attention to certain features of the decision-making process that can inform our muddling through, make us more strategic about our choices, and uncover our presuppositions in the way we use language. These features are access to relevant data, the capacity of policymakers to deal with quantitative information, attitudes towards evidence, the structure of the policymaking process itself and the knowledge flows between evidence and policy. Each of these, in turn, warrants examination within the special context of policymaking in Indigenous affairs.

a. Access to data and data collection processes

Policymakers who have access to data and data collection processes are in a much stronger position to influence current-day policy development than those who don't. Governments have turned more to evidence to inform decision-making for a variety of reasons. These include awareness of the complexity of policy issues in a rapidly changing society, expansion in the availability of social science knowledge, growth of an increasingly well-educated and well-informed public, and demands for greater accountability.¹⁴ In addition, evidence is also required by current-day policymaking practices such as the need to develop evaluation strategies, pilot testing of programs prior to widespread implementation, and performance monitoring of outcomes.

Application to Indigenous policymaking

Aboriginal peoples and Torres Strait Islanders will tell you that they are the most over-researched and least understood people in Australia. It is crucial that in the rush to get evidence, policymakers and researchers keep in mind the interests of the people from whom they obtain the information. The Royal Commission set guidelines for the involvement of Aboriginal peoples and Torres Strait Islanders in the data collection process and for their access to the results of research. The 1991 report recommended that Indigenous people participate in defining the issues under investigation, have substantial control of the research and receive results in a form that they can understand. Further, the report recommended that research include proposals for future action within the communities that provided.¹⁵

The Royal Commission also recommended that, in data collection activities, the Australian Bureau of Statistics and other agencies consult ATSIC 'at an early stage ... to ensure that full account is taken of the Aboriginal

¹⁴ Davies H T O, Nutley S T and Smith P C (1999) *What Works? Evidence-based policy and practice in public services*. The Policy Press: Bristol.

¹⁵ Royal Commission into Aboriginal deaths in Custody (1991) *National Report*: vol 2. Canberra.

perspective'.¹⁶ We must remember that *the Aboriginal perspective* may not necessarily be a consistent national view. There are over 60 language groups across Australia, each with its distinctive identity, culture and traditions. Therefore, while data from national surveys may be useful in setting the broad context for Indigenous policy, additional evidence, both quantitative *and* qualitative, is required to inform decision-making at the local level.

b. Capacity to use evidence

Evidence is a source of power for policymakers who have the skills to harness it, and those who have defined the problem to which it is applied. The policy-product model implies a kind of determinism in which certain policy outcomes proceed automatically from certain evidence inputs. This would likely lead to resistance or outright rejection of evidence by policymakers, and the misconception that policymaking will be dominated by elite researchers and technocrats. Rather, evidence-based policymaking as a process indicates the need for policymakers to have adequate skills to understand and use quantitative information and to exercise judgement in weighing evidence. The relationship between evidence, analysis, and judgement was well illustrated in the final report by the Commonwealth Grants Commission of the 2001 Indigenous Funding Inquiry.¹⁷ Nevertheless, an evidence-based approach does encourage agencies to expand their statistical and analytical capacity, and strengthen their access to research.

In this regard, there is a subtler dimension of policymaking that warrants our attention. Post-modern analysts have identified the importance of language and culture in shaping the policy process.¹⁸ Power arises not only from using evidence to arrive at policy solutions, but also from establishing the discourse within which problems are framed in the first place. Further, 'a problem arises when certain groups in society do not have access to research evidence and, even if they did, their ability to use this evidence is restricted due to their exclusion from the networks that shape policy decisions'.¹⁹

Application to Indigenous policymaking

It is important that the policy agenda for which evidence is sought, is not only that determined by government but also includes policy issues initiated by Aboriginal and Torres Strait Islander peoples. The Royal Commission recommended that the informed views of Aboriginal people should be

¹⁶ Ibid.

¹⁷ Commonwealth Grants Commission (2001) *2001 Report on Indigenous Funding*. Canberra.

¹⁸ Danziger. Op. Cit.

¹⁹ S. Nutley and J. Webb (1999) *Evidence and the policy process* in Davies et al (1999) cited above.

incorporated into the development, interpretation and use of social indicators to ensure that they adequately *reflect Aboriginal perceptions and aspirations*.²⁰

In addition, Aboriginal and Torres Strait Islander peoples and organisations need appropriate support and training to develop their statistical and analytical capacity. This involves both skills development, and the shaping of research and policy processes to overcome any imbalance in capacity between Indigenous and non-Indigenous policymakers.

c. Critical attitude toward evidence

Policymakers who adopt a critical attitude toward evidence will be able to use research intelligently to inform decision-making. The policy-process model alerts us that evidence is inherently contestable. The results of current research are working hypotheses only. New research projects start from a critique of previous ones and aim to discover a better explanation. In a similar way, a certain degree of scepticism towards evidence is warranted throughout the policymaking process. Evidence is a lens through which policymakers view the world. It focuses attention, but it is not the real world nor does it disclose the whole picture. An important issue to be considered is the circumstances under which it is reasonable and defensible to reject the evidence in sound policy formulation.²¹

Application to Indigenous policymaking

To some extent, the challenge for policymakers in Indigenous affairs is to resist the swirling tide of evidence or at least to stem its flow. Relevant, high quality and meaningful information will emerge gradually, from a careful process of discovery. Despite vigorous activity at present, social and economic research into the circumstances of Indigenous peoples are not as extensive as research into the circumstances of general populations in developed countries. We may be justified in applying the results of a particular piece of research to the Australian population as a whole. However, we cannot assume that the same research will validly apply to the distinctive context of Aboriginal and Torres Strait Islander peoples. In particular, development of socioeconomic indicators must be undertaken with care.

d. Structured approach to the policymaking process

A policymaking framework assists policymakers to establish evidence needs, manage stakeholder interests and identify outcomes in the early stage of policy development. Evidence itself arises from the rigorous processes of social

²⁰ Royal Commission into Aboriginal deaths in Custody (1991) *National Report*: vol 2. Canberra.

²¹ B.J. Gibson. (unpublished 2002): I am grateful to Brendan Gibson who is writing a doctoral thesis on evidence-based policymaking at the Australian National University for his insights on the importance of a critical attitude towards evidence.

research encompassing critical review of past research, hypothesis testing, analysis and judgement. Likewise, policymakers who use evidence are challenged to follow a structured process.

In 1999 the United Kingdom Cabinet Office released a report on professional policymaking which found that a consistent, distinguishing feature of best practice in policy development was use of project management disciplines. A planning framework that drew on project management principles provided policymakers with tools to focus on the different aspects of policymaking simultaneously.²²

Application to Indigenous policymaking

As already noted, the Royal Commission recommended specific steps for the involvement of Aboriginal and Torres Strait Islander peoples in research and, by implication.²³ A framework for policymaking would give these principles a formal structure and identify the stages at which government agencies and Aboriginal and Torres Strait Islanders peoples and organisations connect in the policymaking process. A planning framework would help to facilitate community-level partnerships, leadership and local decision-making.

e. Interface between evidence and policy

Policymakers can play an integral role in facilitating the flow of knowledge between evidence and policy. The interface between evidence and policy is complex. Even in a sympathetic environment, evidence often appears to be supplanted by other considerations.

There is debate in policy studies as to whether evidence influences policy directly or indirectly. Some analysts argue that evidence does have a direct influence, as may occur between medical research and health policy. Others propose that the predominant effect is indirect: evidence increases knowledge and challenges beliefs more generally. They argue that research is most likely to effect a gradual change in policy outlook through an extended process of communication. To this end, policymakers need to be more involved in the conceptualisation and conduct of research, and researchers need to acquire a more sophisticated understanding of the policy process.²⁴ Formation of *policy communities* comprising policymakers, researchers, service deliverers and community representatives could facilitate the flow of knowledge between evidence and policy.

Policymaking forums are not necessarily going to achieve consensus, nor should they. The attempt to satisfy all stakeholders imposes limits on the

²² UK Cabinet Office United Kingdom Cabinet Office (1999a) *While Paper: Modernising Government*.

²³ Royal Commission into Aboriginal deaths in Custody (1991) *National Report*: vol 2. Canberra.

²⁴ N. Black, (2001) *Evidence based policy: proceed with care* in *British Medical Journal*: vol 323, 275-278; *bmj.com*

sorts of evidence and knowledge that are admitted into the policymaking process.

Application to Indigenous policymaking

Effective policymaking communities, inclusive of Indigenous and government policymakers, researchers and local community members, could facilitate greater exchange of ideas, build capacity, and open access to wider policymaking networks. These forums could allow evidence to enter the policymaking process through advocacy. Current policy-research relationships, such as that between ATSIC and the Centre for Aboriginal Economic and Policy Research, could be strengthened and new relationships established to achieve a more focused link between policy and research. There may also be opportunities for greater collaboration among government agencies in Indigenous policy development and research ('joined up' government).

V. Opening dialogue in policymaking partnerships

In conclusion, a well-conceived evidence-based approach to policymaking may open the way for better dialogue and partnership among government policymakers and Aboriginal and Torres Strait Islander peoples and organisations.

a. Opening dialogue between different political visions

In any policymaking process, participants around the policy table may well hold divergent or even opposing political visions and beliefs. This is likely to be the case in Indigenous affairs where government agencies have major program responsibilities and Indigenous organisations like ATSIC have an explicit function to advocate on behalf of Aboriginal and Torres Strait Islander interests. An evidence-based approach brings statistics and social research data to the discussion. Even though such evidence is embedded in language and culture and is inherently contestable, it focuses attention outward, on characteristics and behaviours of people and their communities, rather than to differences in visions or beliefs among the policymakers themselves. Evidence could therefore assist in opening dialogue by providing a starting point for discussion, and an anchor amid the volatility of the policymaking process. Indeed the very struggle with data will provide insight to the process.

b. Opening dialogue between service and governance policies

Many of the Coalition government's priorities are oriented towards service policies. These seek to address the disadvantage of Aboriginal and Torres Strait Islander peoples relative to the general Australian population. The policy priorities of Indigenous organisations such as ATSIC are oriented towards governance policies. These seek to achieve greater autonomy through a human rights-based agenda and self-determination. Evidence-based

policymaking could assist in opening a dialogue that builds bridges between practical reconciliation and rights-based policies.

Certainly, the government's service-oriented policy also aims to support community capacity building, strengthen local decision-making and promote leadership, effective community management and shared responsibilities.²⁵ That is, the governance dimension of policy is anticipated. Likewise, Indigenous policymakers acknowledge the importance of effective service policies in the key areas of health, housing, education, and employment.

While service policies are generally amenable to an evidence-based approach, governance policies are more likely influenced by political considerations. At first glance, rights-based policies tend to imply an underlying set of principles that are inherent, inalienable, and universal - a far cry from the inherent *contestability* of statistics and research evidence. However, there may be scope for service programs to be developed within different governance models according to the circumstances of different communities. Under an evidence-based approach, the planning framework would identify *both* the service provision and governance dimensions of the program. Similarly, monitoring effectiveness and efficiency of the policy would report on both dimensions and, in particular, gather evidence about 'what works' and best practice in governance policies.

c. Opening dialogue between social science and cultural perspectives

In an evidence-based approach to policymaking, government agencies may bring relevant social science and economic data to the policy table, together with other knowledge drawn from experience in policy implementation and administration. Likewise, Indigenous organisations and communities may bring socio-economic data together with evidence drawn from local knowledge, cultural practice, and traditional wisdom. An evidence-based approach to policymaking could open dialogue in an atmosphere of mutual respect for different types of evidence. Under such an approach the role of Indigenous research into culture and tradition becomes a strong resource for policymaking and the process has potential to discover innovative outcomes.

²⁵ Coalition Government (2001) *Indigenous Australians: a national commitment*.

