I want to talk today about a complex and complicated wicked problem.

The over-representation of Aboriginal people, as victims and offenders, in Western Australia's criminal justice system is well-documented **[SLIDE 3]**. Placing responsibility for this over-representation solely at the foot of greater Aboriginal criminality has become increasingly untenable.

The Aboriginal Justice Agreement (DotAG 2004) was developed in recognition of this and a knowledge that the conventional justice system has failed to meet the needs of Aboriginal people. While there might be argument about the remedies to this situation, there is general agreement that Aboriginal communities and governments need to assume greater responsibility for justice programs and processes.

The architects of the AJA recognised this and drafted an agreement that commits justice-related state government agencies to work collaboratively and in partnership with Aboriginal people to ensure that they experience the same justice outcomes as other Western Australian citizens.

They have sought to design an initiative that would address the multitude of inter-related issues that contribute to the higher rates of victimisation and the higher rates of Aboriginal arrest and imprisonment. These are complex and complicated issues – the very same types of issues that Glouberman and Zimmerman (2002) were tackling in Canada's health sector. In doing that they recognised the need to differentiate between simple, complicated and complex problems.

They tell us; in simple problems like cooking by following a recipe, the recipe is essential **[SLIDE 4]**. It will be tested often to assure easy replication without the need for any particular expertise. Recipes produce standardised products and the best recipes give good results every time.

Complicated problems **[SLIDE 5]**, like sending a rocket to the moon, are different. Formulae or recipes are critical and necessary to resolve them but are often not sufficient. High levels of expertise in a variety of fields are necessary for success. Sending one rocket increases assurance that the next mission will be a success. In some critical ways, rockets are similar to each other and because of this there can be a relatively high degree of certainty of outcome.

Raising a child, on the other hand, is a complex problem **[SLIDE 6]**. Here, formulae have a much more limited application. Raising one child provides experience but no assurance of success with the next and although expertise can contribute to the process in valuable ways, it provides neither necessary nor sufficient conditions to assure success. To some extent this is because every child is unique and must be understood as an individual. As a result there is always some uncertainty of the outcome but the complexity of the process and the lack of certainty don't lead us to the conclusion that it is impossible to raise a child.

The problem with previous attempts to resolve the health care problems, according to Grouberman and Zimmerman is that they have looked at the system as though it were **only** complicated which has led to the development of interventions in complicated ways

with largely negative results. Better results can be achieved if we understand the health system as, at one and the same time, complicated **and** complex.

You've probably heard reference to the wicked problems. Problems that can't always be reduced to their constitutive parts **[SLIDE 7]**. Problems that can't be easily resolved or when solved, the solutions don't function like recipes which can then be applied to other problems. The nature of the problem is hard to define and its causes can be explained in numerous ways.

Attempts to address wicked problems will often lead to unforeseen circumstances and other unintended consequences. They are generally socially complex and solutions will sit across organisations. Improvement will often require behavioural change – not only in the community members but also in service providers and in government personnel and ways of working. Traditional techniques of policy development are unlikely to be successful. The linearity of traditional policy making cannot capture the multiple dimensions and interactions, the complexity and uncertainty nor the complex interdependencies that characterise these wicked problems.

It is towards addressing the wicked problem that is the obscenely high levels of contact with the criminal justice system experienced by Aboriginal people that the AJA was framed.

I'd like to first talk briefly about context.

The Agreement was signed by the signatory agencies **[SLIDE 8]** in March 2004.

One month later on the 15 April the then Prime Minister, John Howard announced the federal Government's intention to abolish ATSIC.

In 2005 we had an Inquiry into the corrections system and the Department of Justice. In the same year we also saw a functional review of the Department of Indigenous Affairs commence.

The following year, 2006, we have the signing of the Bilateral Agreement on Indigenous Affairs between the State and the Commonwealth. This Agreement establishes an agreed framework and priorities for intergovernmental cooperation and enhanced effort in Indigenous affairs. One of the six key outcome areas is Law and Order and Safe Places for People. Clearly operating in the same area as the AJA and thus being a factor if we're considering the issue of causality.

Also in 2006 there was a functional review of the Department for Community Development (DCD).

Only the Police and the Aboriginal Legal Service were unaffected by reviews of some description and ensuing restructure.

After all this the signatory agencies look like this. **[SLIDE 10].** Similar but different and changed.

This is the organisational and environmental context within which the AJA was launched - an environment of enormous change and volatility with little certainty and a virtually no stability.

Now to the Agreement itself **[SLIDE 9]**.

The Agreement operates via a number of local justice forums across the state. The forums provide a space in which representatives from the signatory agencies, from other state and local government entities, from non-government organisations and most importantly from local Aboriginal communities come together to talk about justice issues in that location. The result of these discussions is the creation of a document – the local justice agreement which is essentially an agreement between all those present at the forums about what are the pressing justice issues and how might they be addressed.

Two community members from the local forum then sit on a regional justice forum. The Regional Justice Forums consolidate the local agreements and create one Regional Justice Agreement which, as the name suggests, identifies the key justice issues for the entire region.

The final component in the AJA structure is the State Aboriginal Justice Congress providing a high level advisory body and a central repository of the statewide justice issues facing Aboriginal people. A State Aboriginal Justice Plan will be crafted by the Congress to guide policy-making in relation to improving justice outcomes for Aboriginal people.

The AJA Project has not been funded to develop nor deliver programs, nor is it funded to offer grants. The funding covers the administration necessary to create the forums. It is, in effect, a community engagement model.

So we have multiple components – multiple agencies, multiple sites, multiple stakeholders. There is a structural complexity with both horizontal and vertical partnerships; temporal complexity – long-term changes but a need for short-term results; a complexity of scope – how can we disentangle the social aspects of justice from 'pure' justice issues. We have a wicked problem with multiple and contested causes with a need to bring about changes in multiple areas – within individuals and communities and in the public sector.

In terms of beginning to devise an evaluation framework we turned to the document itself. Sadly we found that it provides confusion rather than clarity. While the **intent** of the Agreement is clear it is a conglomeration of aims, goals, outcomes, principles and focus areas. It was obvious that while evaluation of the project was considered by the architects of the Agreement how it would manifest in reality was a decision left for later.

On reading the document we find the aim of the Agreement is to provide a framework for improving justice-related outcomes for Aboriginal people

This aim is supported by 4 statements of intent operating under 4 principles with 3 high level outcomes across 5 Strategic Focus Areas

Here they are **[SLIDE 10]**.

For an evaluator this collection has to be worked through. While you might think that finding things to measure is made easier by this vast array that hasn't been the case. Can we measure all of these? Do we need to? What is their relationship to each other?

It was essential when we were developing the Framework that we worked closely with the AJA project team. This helped to develop a shared understanding of the program. I guess that here we were trying to understand the program theory – why was the AJA expected to deliver the outcomes when other projects had not. Here again we found the issue of vague clarity. While there was a tacit understanding of the purpose and function of the Agreement it was difficult for the team to articulate. They thought they were clear in their understanding but were hard pressed to explain it when asked.

Once we had the AJA sufficiently described we turned our hand to identifying the indicators we would need to capture and measure in order to make a judgement about the value of the project.

The overall aims of the AJA to create safe and sustainable communities, reduce the number of victims of crime and reduce the over-representation of Aboriginal people in the criminal justice system are ambitious and could realistically only be achieved over the very long term. In some cases they might even be in conflict with one another. If we make people in communities feel safer then they might be less reluctant to report crime – thus we have more identified victims and potentially more people coming into contact with the criminal justice system.

In terms of measuring things like the number of victims of crime and the over-representation of Aboriginal people in the criminal justice system it's relatively easy to find statistical data that would indicate a shift (or not). Some of these could also be useful in suggesting whether communities are safer. But finding a good measure of sustainability or safety is difficult. Defining it is difficult. What is a safe community? What is a sustainable community? Do we want to define these if the lack of either could potentially lead to very adverse outcomes? All of a sudden we have some ethical dilemmas.

Staying away from those for the moment we can find some measures of safety in crime rates, number of identified victims, hospital admissions for assault and the like but it was felt that these only made sense if they were considered along with **perceptions** of safety and sustainability thus the decision to go with a culturally appropriate personal safety survey.

In the short term we have focused on the performance or process of the AJA. **[SLIDE 12]** What we have devised is a program logic that suggests that if we undertake certain activities (holding forums, sharing information) we will generate some 'enabling outcomes' that will contribute to facilitating a positive shift in the higher level outcome indicators. In effect we have designed a framework that seeks to assess the extent to which the stakeholders are engaged in the AJA project; how do they collaborate, what is the extent of their engagement, what is the capacity of the community to contribute, are there structures in place that will enable 'things to happen'?

Here we will be looking at the number of forums held, the outputs from those meetings in the form of the Local Justice Agreements and also, through discussions with participants, about their perceptions.

Now I have to point out that we recognise the great evaluation chasm between the enabling outcomes and the outcome indicators. It's a chasm where causal linkages and attribution should lie. As an evaluator, at this early stage I can't do much about the chasm. The actions that will emerge out of the forums and bring about change haven't necessarily been devised yet. What we have tried to do is create an evaluation framework with enough flexibility that it allows for evolving evaluation strategies to emerge. In terms of data collection we have the signatory agencies on board. They will be able to provide some of those useful quantitative measures. We're encouraging and educating on the capturing of both quantitative and qualitative information at the forums so the forums will be assisting us to evaluate them.

Our approach is more along the lines of developmental evaluation as we become part of the project team, helping to monitor what's happening, both processes and outcomes, in an evolving, rapidly changing environment of constant feedback and change.

I think that the whole process has been made far more difficult than it need be because people with experience in evaluation were not involved in the early design stages. I am happy to say, though, that since we have come on board the opportunities to provide input have been excellent. We've been able to provide some direction in designing the format and content for the local plans so that they sit within the AJA more coherently. And I believe our involvement with the AJA Team has helped them to better, and more fully understand what they were doing.

At the moment we're preparing 4 case-studies of communities where LJPs have been created. The findings from these should guide the continued development of our impact evaluation design. And this is the thing about evaluations of complex and complicated wicked problems.

To paraphrase Patricia Rogers "while the overall goals may be clear the specific evaluation activities and causal paths will evolve during implementation, to take advantage of emerging opportunities and to learn from difficulties" (2008).

The evaluation framework is just that – a framework, a basic conceptual structure used to situate and guide. In 2 years we will have to undertake an impact evaluation of the AJA. By then I expect our methodology and design to have emerged out of the operation of the AJA itself.