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Position Paper

## Community-led diversion of Indigenous young people from the justice system: The role of government administrative data

Rebecca Reeve<sup>a,\*</sup>, Ruth McCausland<sup>a</sup>, Peta MacGillivray (Kalkutungu)<sup>a</sup>,  
Virginia Robinson (Gamilaraay)<sup>b</sup><sup>a</sup> University of New South Wales, Sydney, NSW, 2052, Australia<sup>b</sup> Dharriwaa Elders Group, Walgett, NSW, 2832, Australia

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## ABSTRACT

Indigenous communities in Australia have grave concerns about the high rates of incarceration of their young people, and advocate for the need for holistic community-led solutions. This article details the use of administrative data in the evaluation of a model of youth diversion led by an Elders group in a remote community, developed in partnership with a university. The model views effective diversion as addressing all underlying factors driving contact with the justice system for Indigenous young people. The methodology includes linking data from relevant government agencies for holistic understanding of young people's institutional engagement over time, including unmet health, housing, education and disability needs and opportunities for positive pathways. Administrative data has not conventionally been subject to ethical scrutiny nor seen as compatible with community priorities. However, we demonstrate how it can enable communities to investigate questions and build change meaningful to them, and improve evidence and policy.

## 1. Introduction

Indigenous scholars have been leading critical work over the past decade on Indigenous Data Sovereignty (IDS) and Indigenous Data Governance (IDG) that asserts the importance of community control and ownership of quantitative data (Walter and Anderson, 2013; Walter and Suina, 2018; Maiam nayri Wingara Aboriginal and Torres Strait Islander Data Sovereignty Collective & Australian Indigenous Governance Institute, 2018). Indigenous peoples have long been subjected to research by non-Indigenous researchers that collected data, classified and represented Indigenous people and cultures primarily in terms of physical and social deficits, often serving to legitimise and perpetuate the processes of colonisation (Tuhiwai Smith, 2021); quantitative research drawing on government administrative data in particular has been critiqued as being overwhelmingly deficit focused (Walter and Anderson, 2013). However, in operationalising IDS and IDG in relation to administrative data, community interests and aspirations for change can be served. In this article, we detail the efforts of a community-led partnership between an Aboriginal community-controlled Elders group and a university, Yuwaya Ngarra-li, that is being guided by this work in its approach to developing a data linkage project designed to progress the Elders' vision for positive social change for children and young people in their community.

\* Corresponding author. UNSW, Sydney, 2052, Australia.

E-mail address: [r.reeve@unsw.edu.au](mailto:r.reeve@unsw.edu.au) (R. Reeve).<https://doi.org/10.1016/j.ijlcrj.2024.100650>

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Indigenous communities in Australia<sup>1</sup> are gravely concerned about the high rates of incarceration of their children and young people. This is demonstrated by the decades of Indigenous-led advocacy and community-development initiatives including Social, Emotional Wellbeing (SEWB) models which aim to connect children and young people with their Country<sup>2</sup> and culture, empower communities and enable self-determination (Black et al., 2023). In 2016, Australia's peak Aboriginal and Torres Strait Islander organisations jointly released a statement, the Redfern Statement, which outlined – the urgency of Indigenous social disadvantage; the marginalisation of Indigenous peoples and issues in the national debate; the ongoing creation of laws and policies by non-Indigenous people without being led by Indigenous communities where it would have a significant impact; and the lack of systemic and structural change within government to achieve better outcomes for Indigenous communities (National Aboriginal Community Controlled Health Organisation, 2016). Without these calls being addressed, the social determinants of health and wellbeing are not improving enough and in some areas, particularly youth justice, they are getting worse. Approximately 6% of Australians aged 10–17 are Indigenous (Aboriginal and Torres Strait Islander). However, in the June quarter 2022, over half (56%) of 10–17 year olds in detention in Australia were Indigenous (Australian Institute of Health and Welfare, 2022).

Along with researchers and advocates, Indigenous community leaders are positioning this hyperincarceration<sup>3</sup> as a legacy of colonisation and are emphasising the need for holistic community-led solutions. There has recently been increased political appetite and resourcing for place-based initiatives which purport to centre Aboriginal community leadership known as 'justice reinvestment', which are often described as data driven (Bryant and Spies-Butcher, 2022) or data-informed (Jumbunna Institute for Indigenous Education and Research, 2023, 7). While government is trialling new approaches to data sharing in some justice reinvestment sites (Maranguka Community Hub et al. nd), this is not widespread. Current approaches also don't enable community access to government data that is linked across different agencies and areas that can provide a more holistic understanding of systemic barriers and opportunities, including where greater investment in health and education initiatives might offset police and corrections budgets. Governments do not systematically make accessible the data they hold that communities need to build the evidence base that government say they require to make different policy and funding decisions.

In this article, we detail the use of administrative data in the progressive evaluation of a community-led model of youth diversion led by an Elders group in a remote community in Australia and developed in partnership with a university. The model views effective diversion as including health, education, housing and environmental factors, and the evaluation methodology includes developing a linked administrative dataset on children and young people that involves data from all relevant government agencies. This enables a holistic understanding of young people's institutional engagement over time, including factors influencing their contact with police, courts and corrections such as unmet health, housing and disability needs and disengagement or exclusion from education. It also addresses policy makers' evidence threshold by using government data to track outcomes and impact, while also allowing community leaders to investigate the evaluation questions that have meaning to them and hold government agencies with responsibility for children and young people to account.

## 2. Background

### 2.1. The Yuwaya Ngarra-li partnership

Walgett is a remote town in the far north-west of the state of New South Wales (NSW), with a population of around 2000 people. This includes Walgett Town and the nearby Aboriginal villages of Gingie and Namoi. Dharriwaa Elders Group (DEG) is an Association of Aboriginal Elders living in Walgett which is located on the river borders of Gamilaraay, Wayilwan, Yuwaalaraay and Ngayimbaa nations. Approximately 50 per cent of the Walgett population are Aboriginal, from at least three different language groups, compared to 3.4 per cent of the total population of NSW (Australian Bureau of Statistics, 2022). Yuwaya Ngarra-li is the long-term partnership between the DEG and the University of New South Wales (UNSW), established to work together to improve the wellbeing, social, built and physical environment, and life pathways of Aboriginal people in Walgett. The Walgett Aboriginal community has significant strengths founded on cultural beliefs, connections to Country and family, and community loyalty. There is strong Aboriginal leadership through local community organisations including the Walgett Aboriginal Medical Service (WAMS) and the DEG, and a long and continuing history of Aboriginal people engaged in political activism, advocacy and research (McCausland et al., 2021; DEG, 2020; Walden, 2016).

Yuwaya Ngarra-li was built from a previous research collaboration between UNSW researchers, WAMS, and the DEG investigating

<sup>1</sup> Indigenous Australians include two culturally distinct groups, Aboriginal and Torres Strait Islander Peoples, within which are many different First Nations Peoples with their own culture, language, beliefs and practices (<https://aiatsis.gov.au/explore/australias-first-peoples>).

<sup>2</sup> Capitalisation of Country throughout this article is in recognition that Indigenous ways of being are intricately connected with Country (land, water and air) including social, spiritual and relational systems (Redvers et al., 2022; Poelina et al., 2023).

<sup>3</sup> Hyperincarceration refers to the mass incarceration of socially marginal groups, including Indigenous Australians (Cunneen et al., 2013, ch.1 p.4).

Aboriginal and Torres Strait Islander people with mental and cognitive disability in the criminal justice system. This research, funded by an Australian Research Council (ARC) Linkage Grant (Project LP100200096),<sup>4</sup> was informed by critical Indigenous methodologies and sought to collaborate with community-controlled organisations and to privilege the voices and worldviews of Aboriginal peoples (Baldry et al., 2015). The recommendations from that research included the critical need for solutions to the numerous systemic problems identified to be led by Aboriginal communities, and in 2016 the DEG invited UNSW to work in partnership to build such solutions. The name Yuwaya Ngarra-li is the phrase for **dream** (*yuwa-ya*) from sleep-in, and **see** (*ngarra-li*) in the *Yuwaalaraay* and *Yuwaalayaay* languages. This name was chosen by the DEG to reflect their core collective sentiment that this partnership represents their vision for community-led development in their community (Robinson, 2020). The long-term goals of Yuwaya Ngarra-li in Walgett are.

1. Greater Aboriginal community control and capacity
2. Increased numbers of Aboriginal young people in education, training and employment
3. Reduced numbers of Aboriginal people in contact with the criminal justice system
4. Improved social determinants of health and wellbeing amongst Aboriginal people
5. Increased sustainable management of water and Country
6. Redirection of government funding towards strengths-based, holistic, community-led initiatives

Yuwaya Ngarra-li seeks to continue to contribute to quality research and evidence across all six goals (McCausland, 2018b, updated 2022; McCausland et al., 2021).

## 2.2. Indigenous Data Sovereignty and Indigenous Data Governance

Administrative data have historically been collected and used according to the ideologies and agendas of government agencies and non-Indigenous researchers. This has led to research that is predominantly deficit-focused and fails to address the needs and priorities of Indigenous peoples and communities themselves. Thus it is not data per se that is problematic, rather what data are collected about Indigenous peoples and how they are used. As more scholarly attention is given to critiquing the collection and use of administrative data and its utility to effect positive change, particularly in relation to social welfare and criminal legal system policy and practice, concepts developed through Indigenous-led scholarship and analysis of data-related matters have come to the fore. For many years, Indigenous researchers, collectives, and networks have been scrutinising, from an Indigenous perspective, the data logics and methods applied to Indigenous data (Kukutai, 2016). This work includes the development of definitions and concepts such as Indigenous data, IDS and IDG by a global network of Indigenous scholars (see for example, [Global Indigenous Data Alliance](#), [e Mana Raraunga Māori Data Sovereignty Network](#), [United States Indigenous Data Sovereignty Network](#) and [Maiam nayri Wingara Indigenous Data Sovereignty Collective](#)). IDS is about the rights of Indigenous Peoples to control their own data, from what data are collected through to access, data management, analysis, interpretation and dissemination of findings and the reuse of data (Walter and Carrol, 2020; Walter et al., 2018). IDG is about how IDS is put into practice, to ensure that data collection, access and usage reflect the priorities, values, culture, lifeworlds and diversity of Indigenous peoples (Walter et al., 2018). Principles and practice of IDG takes place throughout the entire research process, from development of the research agenda, ethics application process, data collection, analysis, reporting and knowledge translation of research findings (Lovett et al., 2019).

The Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) has developed Guidelines for Ethical Research in Australian Indigenous Studies which outlines the responsibilities of people conducting Aboriginal and Torres Strait Islander research (AIATSIS, 2020). In NSW, the Aboriginal Health and Medical Research Council (AH&MRC) Human Research Ethics Committee was established to embed Indigenous ethical research principles and better outcomes for Aboriginal people and their communities (AH&MRC, 2020). Drawing on guidelines and research principles from both IDG and Indigenous research methodologies and ethics, all Yuwaya Ngarra-li's work, including its approach to research and evaluation, are underpinned by its core principles developed collaboratively between the DEG and UNSW (Robinson, 2020).

## 3. Establishing genuine community led-partnership

### 3.1. Yuwaya Ngarra-li core principles and protocols

Five core principles underpin the work of the Yuwaya Ngarra-li partnership. These were developed collaboratively between the DEG and UNSW and were further elaborated upon by Virginia Robinson (2020), Walgett Aboriginal Elder and Secretary of the DEG.

<sup>4</sup> The ARC's Linkage Projects scheme promotes national and international research partnerships between researchers and business, industry, community organisations and other publicly funded research agencies (<https://www.arc.gov.au/sites/default/files/2023-06/Linkage%20Projects.pdf>). ARC Linkage Grant Project LP100200096 'Indigenous Australians with mental health and cognitive disability in the criminal justice system in NSW' included the following Chief Investigators: Eileen Baldry, Leanne Dowse, Julian Trollor, Patrick Dodson, and Partner Organisations: Justice Health, Housing NSW, Ageing Disability and Home Care NSW, Legal Aid NSW.

1. **Community-led:** Aboriginal Elders and local community organisations are best placed to lead the development of sustainable solutions that empower and strengthen their community.
2. **Culturally connected:** Aboriginal culture and knowledge is central and vital to strong, resilient, and flourishing communities.
3. **Strengths-focused:** Taking a strengths-based approach seeks opportunities to complement and develop existing strengths and capacities, recognising community resilience and focusing on potential, interest, ability, knowledge and capacity, rather than deficits and disadvantage.
4. **Holistic:** A holistic approach that understands individual health and wellbeing in the context of the social, emotional and cultural wellbeing of community.
5. **Rights-based:** The United Nations Declaration on the Rights of Indigenous Peoples (United Nations, 2007) creates a paradigm for Yuwaya Ngarra-li including on self-determination and equity on issues including health, housing, education, employment and imprisonment rates for Aboriginal people (Robinson, 2020).

Yuwaya Ngarra-li has operationalised these principles in its approach to research, also drawing on the AIATSIS Guidelines for Ethical Research in Australian Indigenous Studies (AIATSIS, 2020) and the NSW AH&MRC principles and processes for ethical conduct in research with Aboriginal and Torres Strait Islander people and communities (AH&MRC, 2020). The Yuwaya Ngarra-li Research Protocol sets out the context, principles and processes for research undertaken as part of Yuwaya Ngarra-li and seeks to respect and build Walgett Aboriginal community knowledge, capabilities and control in all aspects (McCausland, 2018b, updated 2022). The application of these principles in the context of Yuwaya Ngarra-li's data linkage study is detailed in Section 6.

Fig. 1 illustrates the way Yuwaya Ngarra-li undertakes research, learning and evaluation, including what we do, how we work, who we work with and why we do it. This is elaborated on further in the sections below, in the context of our work focused on children and young people.

### 3.2. Yuwaya Ngarra-li's focus on Aboriginal children and young people

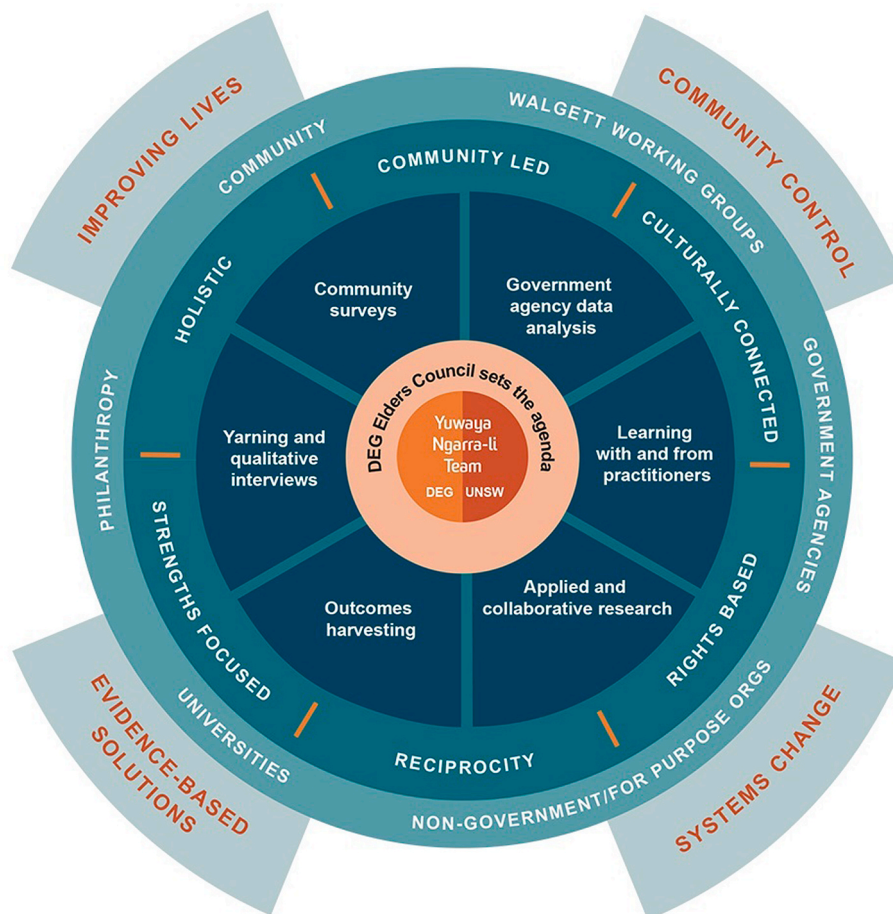
"Our vision is that Aboriginal children & young people in Walgett can learn, work, be safe, supported and thrive within a robust sense of belonging to their families, community, culture and Country." (DEG, 2018, p.2).

For decades, Elders and the Walgett Aboriginal community have been deeply concerned as their children and young people continue to be severely impacted by the legacies of violent dispossession, persistent systemic and institutional racism, and failures by systems of education, care and justice that are meant to serve and protect them. There are grave concerns about young people in the community ending up in the justice system rather than in education and employment. The DEG identified this as an urgent priority for the Yuwaya Ngarra-li partnership (Yuwaya Ngarra-li, 2018).

In 2018, Yuwaya Ngarra-li hosted a community Youth Justice Forum at the Walgett High School campus (Yuwaya Ngarra-li, 2018). For this forum, UNSW researchers analysed local court data provided by NSW Bureau of Crime Statistics and Research (BOCSAR, 2018; Reference: sr18-15971). The data show that of the 327 children and young people aged 10–17 appearing in Walgett court from October 2006 to September 2017, 322 were Aboriginal. All 35 children and young people aged 10–17 who appeared in Walgett court in October 2015 to September 2016 were Aboriginal. This research indicated that Aboriginal young people were not being diverted from court even when it was their first finalised court appearance. This was particularly concerning when the charges young people were appearing in court for were low level (non-violent) offences such as property damage, public order offences and offences against justice procedures such as breaching bail (McCausland, 2018a). This reflected research which found that diversionary options are underutilised for Aboriginal and Torres Strait Islander young people in various states of Australia including NSW, contributing to their extreme over-representation in the youth justice system (Cunneen, 2015; Snowball, 2008).

The analysis presented at the Youth Justice Forum was used by community members attending the forum as evidence of systemic problems with the criminalisation of Aboriginal children and young people in Walgett and to advocate for improved practices and outcomes and greater accountability amongst police and other agencies. It led to the development of a Walgett Action Plan for Children and Young People, which included the goal that less than 10 per cent of Aboriginal children and young people aged 10–17 from Walgett are appearing in the Children's Court, excluding appearances related to diversion (DEG, 2018). The intention is that this goal is reached not just through changes in police behaviour, although that is necessary, but also through all other organisations with responsibility for children and young people making clear and funded commitments and being held accountable for improving long-term education, health, housing and employment outcomes.

In 2018, the Walgett Holistic Working Group was established following the Youth Justice Forum. The creation of the Working Group was a key action out of the forum, as the community had called for greater coordination and accountability of government agencies with responsibility for children and young people in Walgett. The first two years of the Group's operation focused on learning



## RESEARCH, LEARNING & EVALUATION

● What we do   ● How we work   ● Who is involved   ● Why we do it

Fig. 1. Yuwaya Ngarra-li - research learning and evaluation.

how formal mechanisms for diversion under legislation, controlled by police, were operating and utilised in Walgett. The Group is facilitated by the Yuwaya Ngarra-li Senior Research Fellow – Legal and Justice at UNSW together with the DEG, and includes representatives from Walgett Police, Walgett Local Court, Youth Justice NSW, Legal Aid NSW, Aboriginal Legal Service NSW/ACT, WAMS, the Department of Communities and Justice, and Walgett Community College.

Since 2018, Yuwaya Ngarra-li has developed its community-led model of youth diversion, *Baulaarr Bagay Warruwi Burranba-li-gu* (Gamilaraay), which translates to ‘Two River Pathway to Change’ (MacGillivray et al., 2024). This model is a community-wide and multifaceted approach designed to build genuine pathways out of the criminal justice system and respond to the holistic needs and priorities of the Walgett Aboriginal community. The conceptualisation of the model and its key elements have been developed through community collaboration processes led by the DEG, as well as the evidence base that is being developed through UNSW expertise. The model has three inter-connected parallel strategies.

1. Influence the practices and services and improve the accountability of responsible agencies to support better outcomes for Aboriginal children and young people.
2. Support engagement and leadership by Aboriginal Community Controlled Organisations,<sup>5</sup> parents and carers to support better outcomes for Aboriginal children and young people.
3. Work intensively with Aboriginal children and young people in Walgett to increase their rates of belonging, safety and wellbeing and reduce or prevent ongoing contact with the criminal justice system.

The remainder of this article details how Yuwaya Ngarra-li is applying the principles and protocols underpinning its partnership to research and evaluation, leading up to the development of a linked administrative dataset, to work towards the DEG's vision for change for children and young people in Walgett. In particular, we focus on the role of administrative data to enable holistic community-led research and evaluation that serves community priorities, and steps towards achieving IDG in Walgett, through facilitating access to government held data for community purposes. The following sections explain how the partnership is working together to access and analyse data to enhance the community's understanding of and locally-led response to the relationships between different experiences and outcomes for Aboriginal children and young people in Walgett, what works to help children and young people to thrive, and evidence of the systemic barriers and changes required to support positive change.

#### 4. The role of data in Yuwaya Ngarra-li

The Yuwaya Ngarra-li Research and Evaluation team work together with the DEG, and then, with their direction, other stakeholders, to identify and collect relevant data to evaluate the impact of the youth diversion work, hold relevant agencies to account for their responsibilities for children and young people, and build an evidence base for ongoing advocacy for systemic change. This is an iterative process of collaboration and capacity building between the DEG, UNSW and other stakeholders to address underlying systemic disadvantage and reduce the number of Aboriginal children and young people from Walgett being held in police custody and appearing in court.

Yuwaya Ngarra-li holds regular research and evaluation workshops between the DEG and UNSW and other research collaborators which facilitate DEG leadership of research and ongoing collaboration and knowledge exchange between researchers and the Elders. Outside of these meetings, the Research and Evaluation team regularly consult with Elders as well as DEG and other Yuwaya Ngarra-li staff to ensure that data collection and research addresses community priorities and adheres to the core principles of Yuwaya Ngarra-li. Meeting regularly with the DEG brings their rich local knowledge to the forefront, providing researchers with a deeper understanding of the context and circumstances of the issues being investigated as well as providing a way of building data literacy amongst the DEG Elders Council and staff.

In 2018 and 2019, Yuwaya Ngarra-li conducted annual community data gathering sessions in Walgett to better understand and document the perspectives and experiences of Aboriginal children, young people and adults, and service providers in Walgett relevant to the aims and activities of the Yuwaya Ngarra-li partnership. This included surveying children and young people about the areas that are the focus of the Walgett Action Plan for Children and Young People (DEG, 2018). Although in-person interviews and surveying have been affected by COVID restrictions on gathering and travel in recent years, the findings from the community data gathering have informed Yuwaya Ngarra-li's planning and activities and provided a baseline for its evaluation of the impact of the Two River Pathway to Change.

Since 2019, to continue developing a mutual understanding of the issues affecting children and young people in Walgett and to enable collaboration on the solutions, the Yuwaya Ngarra-li Research and Evaluation team have analysed administrative data from individual agencies. This has included aggregated census, police, court, fines and education data, and de-identified unit record data on finalised diversions, charges court appearances and youth custody episodes from the NSW Bureau of Crime Statistics and Research (BOCSAR). The findings from these data have been presented in the form of briefing papers, presentations, and research reports which are discussed and refined with the DEG (<https://www.unsw.edu.au/walgett-partnership/publications-resources>). Insights and local knowledge from the DEG assist the Research and Evaluation team to better understand the context and complexities underlying the observed outcomes and trends in the data. The discussions also raise numerous questions, some of which pertain to institutional practices. Following discussions with the DEG, findings are then discussed with other relevant stakeholders, such as the principals of the high school and primary school, the local police, and the Aboriginal Medical Service (either individually or through the Holistic Working Group).

#### 5. Working towards data sovereignty

The values, principles and vision of the DEG and their manifestation through Yuwaya Ngarra-li reflect self-determination, Indigenous Knowledge and ownership of research, and Indigenous sovereignty over water and Country (McCausland et al., 2021). This is a

<sup>5</sup> "an Aboriginal and/or Torres Strait Islander Community-Controlled Organisation delivers services, including land and resource management, that builds the strength and empowerment of Aboriginal and Torres Strait Islander communities and people and is: a. Incorporated under relevant legislation and not-for-profit b. Controlled and operated by Aboriginal and/or Torres Strait Islander people c. Connected to the community, or communities, in which they deliver the services d. Governed by a majority Aboriginal and/or Torres Strait Islander governing body" (Closing the Gap, 2020; clause 44, p.8).

reflective and iterative process of learning and refining as a partnership led by a community-controlled organisation as well as working together with other relevant stakeholders to develop mutual understanding and shared goals. It is necessary for institutions, including academic and government agencies, who largely hold the power over resources, to listen to and work with community leaders to achieve the best outcomes. This includes a genuine commitment to support and resource community-controlled organisations to lead the process towards long-term change, responding to local priorities, resourcing challenges, and crises that occur along the way.

In the context of Yuwaya Ngarra-li's work with young people, this process is facilitated through collaboration between the DEG, UNSW and the Holistic Working Group in order to meet the DEG's long-term goals. A core element to this work is building the evidence base to understand what is working, what barriers exist that prevent children and young people from thriving in their community, and how and why outcomes are changing over time. The current power imbalance between the institutions that control access to administrative data and the people to whom the data actually belong is a fundamental problem that needs to be addressed to enable evidence-based community-led initiatives and advocacy for the systemic changes necessary to achieve the long-term vision of the partnership. A key role of Yuwaya Ngarra-li's Research and Evaluation Team is to support community-controlled organisations to access information, ensuring that data that are collected are meaningful, obtainable and useful.

Data custodians are responsible for managing data, but custodianship is not synonymous with ownership (NSW Government, 2013). We contend that information about individuals, such as personal administrative data collected by government agencies, belongs to the people represented by that data. Under Priority Reform Four of the National Agreement on Closing the Gap,<sup>6</sup> Australian governments agreed to "share available, disaggregated regional data and information with Aboriginal and Torres Strait Islander organisations and communities on Closing the Gap, subject to meeting privacy requirements" (Closing the Gap, 2020; clause 72. a, p.14). However, Yuwaya Ngarra-li's attempts to obtain de-identified administrative data about people in Walgett for community-led research has identified institutional failures with respect to some agencies denying or hindering access to community data. This points to the need to better educate government entities to understand their role as custodians of data for which they are currently responsible but which, we argue, belong to the people who contribute to these data collections. Enabling community access to community data is fundamental to operationalising IDG. For how long must communities face barriers to accessing data for their own community, despite this being an agreed Closing the Gap priority?

### 5.1. Facilitating community access to data

Yuwaya Ngarra-li's UNSW Research and Evaluation team work closely with the DEG to understand the complex dynamics affecting children and young people in the community. Collecting relevant data and presenting it back to the DEG and other stakeholders in ways that are easily understood and useful enables the process of reflection and planning and working together to help young people in the community to thrive. A large amount of community data exists but is not readily accessible by people outside of government agencies and the research community. Administrative data are often difficult to obtain, and even where such data are publicly available they are often challenging to locate and are frequently presented in formats, such as tables, that are not easily understood in their raw form. Researchers have a responsibility to help make data accessible and useful to the community. Accessing data, compiling it in illustrative ways and presenting it to the DEG and other stakeholders, including members of the Holistic Working Group and government agencies, helps researchers and community leaders to work together to better understand what is happening in the community over time and provides quantitative evidence for advocacy and evaluation of the work of Yuwaya Ngarra-li.

Obtaining relevant data is a major challenge due to the power imbalance between agencies who control the data and the community to whom it belongs. A large amount of administrative data is collected by government agencies and these data, particularly when combined, can be an extremely valuable tool for understanding and tracking outcomes when appropriately analysed. Over time these data are becoming more available to researchers but there is often a reluctance on the part of data custodians to share information. This is likely grounded in concerns about privacy; however, there are necessarily stringent ethics processes required to obtain access to unit record data. The benefits to the community of being able to access their own de-identified data need to be weighed against the risks which can be managed through strict research protocols and processes.

De-identification of unit records, limiting access to raw data to specified members of the research team, ensuring that data are securely stored and that outputs cannot inadvertently lead to identification of individuals are essential. Moreover, while researchers have the technical skills to analyse data, how data are used and interpreted must be governed by the community to maximise the benefits and minimise risks of misinterpretation. For this reason, ongoing community leadership is required at all stages of the research process, from formulating research questions, identifying relevant data sources, and providing context for understanding and interpreting the results of data analysis and guiding how the results are used and for what purpose. The principles and protocols of Yuwaya Ngarra-li are embedded in our research practices to ensure genuine community control.

Through the Yuwaya Ngarra-li partnership, the DEG and researchers at UNSW have been negotiating with agencies to access relevant administrative data for young people in Walgett. The Holistic Working Group understands and supports the value of data in

<sup>6</sup> The National Agreement on Closing the Gap is an agreement between all Australian Governments and the "Coalition of Peaks" (non-government Aboriginal and Torres Strait Islander Peak bodies and certain independent statutory authorities which have responsibility for policies, programs and services related to Closing the Gap) to "overcome the entrenched inequality faced by too many Aboriginal and Torres Strait Islander people so that their life outcomes are equal to all Australians" (Closing the Gap, 2020; clauses 10–12 & 15. P.3). The agreement includes four Priority Reform Areas: 1. Formal Partnerships and Shared Decision Making; 2. Building the Community Controlled Sector; 3. Transforming Government Organisations; 4. Shared Access to Data and Information at a Regional Level.

helping the partnership to evaluate the youth diversion work and monitor trends in young people's interactions with the justice system. In 2022, Yuwaya Ngarra-li's Research and Evaluation Team and Youth and Legal Adviser (now Senior Research Fellow – Legal and Justice) analysed diversions, criminal court and youth detention data provided by BOCSAR to measure changes over time in interactions between young people and the justice system before and after the "Two River Pathway to Change" Youth Diversion Model commenced. The findings were interpreted in conversations between the DEG, Youth and Legal Adviser and Research and Evaluation team and published as a research report (Reeve et al., 2022). However, justice system data are only one part of this complex puzzle which needs to be understood holistically.

## 5.2. *Appropriate usage of Indigenous status as a variable in quantitative research*

There are understandable concerns about the misuse of Indigenous status as a variable, including by whom and for what purpose the data are collected and used, given the dominance of decontextualised deficit-focused research which has an embedded narrative of problematising Aboriginal and Torres Strait Islander peoples (Price; Walter et al., 2018; Walter and Suina, 2018). Race is a social construct, not a biological one (Watego et al., 2021; Lovett, 2021); however, there are often differences between outcomes for Aboriginal and non-Aboriginal people, such as in health, education, and rates of incarceration. These "gaps" in outcomes are inter-linked and are themselves the outcome of policies that have discriminated against Aboriginal people (Cunneen and Tauri, 2019). Further, where all known observable variables contributing to outcomes being evaluated do not fully explain them, the remaining differences between such outcomes are not caused by Aboriginality itself. These residual differences can be due to unmeasured systemic factors, including the institutional failure and racism described by Aboriginal community members. For example, Thurber et al. (2022) found that interpersonal racial discrimination (measured through a survey) could explain up to half (47.4%) of the difference in psychological distress prevalence between Aboriginal and Torres Strait Islander people and non-Indigenous Australians.

It follows that an important step towards understanding and working holistically to resolve poor outcomes for Aboriginal young people in Walgett is to ensure that, to the extent possible, we include all observable relevant explanatory variables in analyses. This will reduce the likelihood of omitted variable bias and help us to understand the specific institutional issues and challenges faced by young people in the community, what may be contributing to positive change, and the barriers to change that need to be overcome. This understanding will complement critical community perspectives and narratives. Indigenous status will be included in our analyses as a proxy variable for the purpose of identifying the magnitude of unexplained differences due to systemic failure, in addition to the effects of systemic factors already accounted for in the analysis (directly or indirectly). While Indigenous status is often under-reported in administrative data, the use of multiple data sources helps to overcome this problem. Interacting Indigenous status with other characteristics, such as gender and disability diagnoses, will also help to gain deeper insights into the outcomes and trajectories for different sub-groups of children and young people in Walgett. The use of panel data techniques and composite case studies can enable detailed analysis of institutional pathways, what has changed over time and for whom, and where additional support is required.

To these ends, the next stage in Yuwaya Ngarra-li's data journey is linking data from multiple sources.

## 6. Developing the data linkage project

### 6.1. *Yuwaya Ngarra-li's journey towards linked data analysis*

Yuwaya Ngarra-li's collaborative journey from understanding institutional data in the public sphere through to applying for more detailed data and, ultimately, a multi-agency data linkage project has purposely been undertaken gradually. This ensures that each person involved is able to build their capacity to effectively understand and interpret data and that the right data are collected so that the research and evaluation work of Yuwaya Ngarra-li is useful and relevant to the community.

Our data analyses, discussions and workshops to date have helped the Research and Evaluation team and the DEG to better understand the underlying systemic failures and breadth of issues faced by Aboriginal people in Walgett, particularly children and young people, and how these are manifested in institutional data. Limits of the flexibility of and gaps in publicly available data, and the limitation of analysing individual datasets in isolation, have demonstrated the need for linked (de-identified) unit record data from multiple agencies to build on this work.

There are existing data linkages in Australia which include Aboriginal and Torres Strait Islander people, including the NSW Child Development Study (NSW CDS), Griffith University's Social Analytics Lab (SAL) in Queensland and the NSW Government Human Services Dataset (HSDS). However, these are either out of scope, not representative, or not accessible for Yuwaya Ngarra-li's Walgett community-led research agenda. Place-based community-led data linkage research requires data at the community level, as defined by

the community, that include variables that are relevant to help answer research questions developed by community leaders and organisations. Indigenous scholars such as Eve Tuck (Tuck and Yang, 2012; Tuck and McKenzie, 2015, 55) have articulated the ways in which Indigenous people's relationship to place and land and associated practices and knowledges do not necessarily reflect settler colonial maps and government boundaries. Administrative data is inherently reflective of government definitions of who is classified as Indigenous, what data is collected about them and how it is collected. However, a dataset customised to serve local community priorities enables such data to be analysed in ways that make sense to them.

An example of a place-based initiative that has successfully secured government data at the community level is the [Maranguka Justice Reinvestment Project](#), an Aboriginal-led collaboration in Bourke, a remote town in north-west NSW, which aims to reduce the incarceration of Aboriginal people by implementing strategies that address drivers into the criminal justice system. An Impact Assessment of Maranguka in 2018 drew on government data to find there had been a reduction in police recorded incidents of domestic violence, increased Year 12 retention and reduced charges against young people, and reduced bail breaches and time in custody for people in Bourke in the previous year, with positive community and economic impacts (KPMG, 2018). A data infrastructure platform has since been established to enable ongoing and timely access to agency and service data for community leaders and stakeholders in Bourke ([Maranguka Community Hub et al. nd](#)).

The Australian Government has recently committed to significant investment in Justice Reinvestment projects in up to 30 communities across the country, including a commitment to 'work with communities and state and territory governments to promote access to data and data sharing arrangements to support justice reinvestment, as well as strengthening local capability in data collection, management and analysis' ([Jumbunna Institute for Indigenous Education and Research, 2023, 9](#)). While these are positive developments around data sharing for example in Bourke, this is not yet widespread. Current approaches also don't enable community access to government data that is linked across different agencies and areas that can provide a more holistic understanding of systemic barriers and opportunities, including for example where greater investment in health and education initiatives might offset police and corrections budgets.

To our knowledge there are no community-level longitudinal linked administrative datasets developed to date that enable investigation of the complex relationships between different institutional contexts, experiences and outcomes for Aboriginal children and young people that can comprehensively inform planning and evaluation and improve services and programs. With the DEG's guidance, our hope is that Yuwaya Ngarra-li's efforts to develop this custom linked administrative dataset to enable detailed, longitudinal, place-based community-led research and evidence-building in Walgett can become a model for other contexts, in particular to inform how governments can work differently to genuinely support community initiatives and aspirations for positive change.

The DEG's vision is that Aboriginal children and young people in Walgett can learn, work, be safe, supported and thrive within a robust sense of belonging to their families, community, culture and Country. There are grave concerns about the risk of young people in the community ending up in the justice system rather than in education and employment. Yuwaya Ngarra-li's data linkage study aligns with the priorities set by the DEG and their vision for change for children and young people. It will help to provide a better understanding of how criminal justice outcomes, education, health and wellbeing, and other family and community factors as captured in institutional data relate to each other for Aboriginal children and young people in Walgett to help ensure they get access to the services and support they need. This is a critical component of Yuwaya Ngarra-li's work, using a range of evidence including administrative data grounded in the knowledge and experience of the community, to better understand and demonstrate through rigorous analysis what may be contributing to positive change in the Walgett Aboriginal community and the barriers to change that need to be overcome.

## 6.2. Steps to ensure community control and leadership

[Fig. 2](#) summarises the steps involved in developing Yuwaya Ngarra-li's data linkage study, which can be broken down into four phases of work. We are currently in phase 3 of this process.

The first step in planning the data linkage study (in Phase 1) was the development of a Data Linkage Protocol, led by the DEG secretary and co-author Virginia Robinson. Underpinned by Yuwaya Ngarra-li's core principles, the Data Linkage Protocol will guide all stages of the study, through an iterative process of sharing knowledge, interpretation and decision-making between Yuwaya Ngarra-li's Research and Evaluation team and the DEG. The application of Yuwaya Ngarra-li's five core principles ([Robinson, 2020](#)) in the context of this data linkage study are as follows.

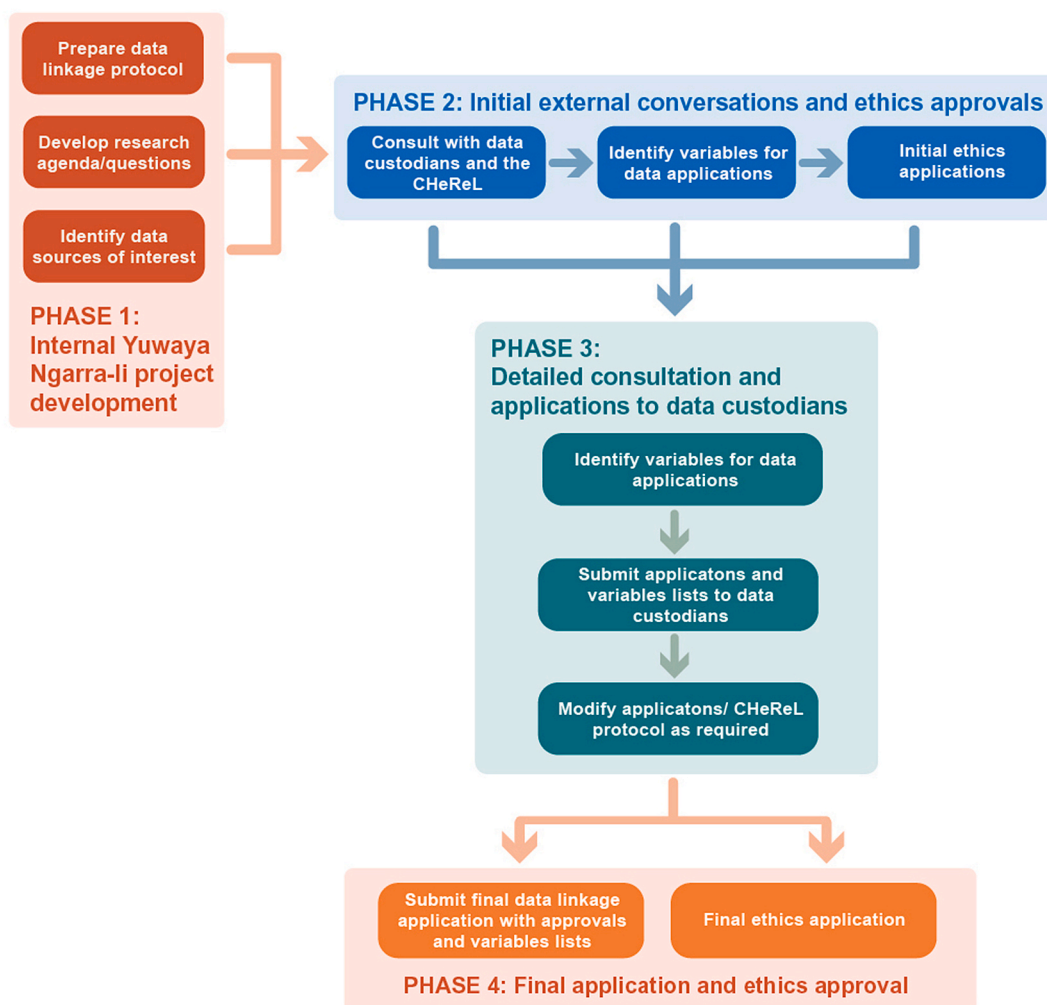


Fig. 2. Summarises the steps involved in developing Yuwaya Ngarra-li's data linkage study, which can be broken down into four phases of work.

#### 1. Community-led

- Developing data linkage protocol with DEG Secretary Virginia Robinson to guide the research agenda.
- Consultation with and reporting back to the DEG at all phases of the research to ensure the research is informed by and contributes to community priorities, and protocols are being followed.
- Peta MacGillivray, who is a Kalkutungu and South Sea Islander woman, lawyer, Yuwaya Ngarra-li's Senior Research Fellow focused on legal and justice issues, and Executive Committee Member of Maiam Nayri Wingara, helping to lead the project at UNSW. Building Indigenous quantitative research capacity wherever possible.

#### 2. Culturally connected

- Regular meetings with the DEG to inform all phases of the research to ensure that it is conducted in a way that is culturally connected and responsive to the needs and expectations of Aboriginal people in Walgett.
- Consultation with Aboriginal young people via the DEG to ensure the research reflects their experience, needs and expectations.
- Ensuring that the research findings are presented in a way that is useful, respectful and accessible.

#### 3. Strengths-focused

- Identifying the enablers of positive pathways and outcomes for Aboriginal young people in Walgett, including education, through consultation via the DEG, and gathering appropriate data to capture these, as well as systemic barriers, such as over-policing, that prevent young people reaching their potential.
- Assisting the DEG to use the research findings in communications with key institutions to advocate for positive change and required resources.

#### 4. Holistic

- Recognising that the solutions do not lie solely in one area and linking data from multiple sources to better understand and demonstrate this, and then plan and respond appropriately led by the DEG and other Aboriginal Community Controlled Organisations.
5. Rights based
- Working in partnership with the DEG to undertake research that will provide evidence to help respond to the systemic issues facing Aboriginal young people in Walgett so that they can more fully enjoy their human rights.
  - Build on and contribute to broader research on data sovereignty, including that which references the Declaration on the Rights of Indigenous Peoples.

Through discussions between the Research and Evaluation Team and the DEG, three overarching research questions were developed for the data linkage study.

1. What are the changes in Aboriginal children and young people's police and court outcomes since Yuwaya Ngarra-li began its focused work on youth diversion in 2018?
2. Are changes in justice system contacts associated with changes in education and health outcomes for Aboriginal children and young people in Walgett?
3. What can we learn about young people's pathways from their interactions with different agencies (health, housing, child protection, education and justice)?

Answering these questions, contextualised and interpreted through the deep local knowledge and experience of the Elders and other community members, will give Aboriginal Community stakeholders a deeper understanding of how young people interact with different services over time and the impact of this. This information can inform community-led planning and advocacy to ensure young people get access to appropriate supports and services.

Yuwaya Ngarra-li's Research and Evaluation Team commenced consultations with data custodians to identify relevant datasets for the project and options for accessing and linking these data. The HSDS is an existing government-held dataset containing already linked data from multiple state and federal agencies, which would streamline the process for Yuwaya Ngarra-li's data linkage project. However, the agency hosting the dataset advised Yuwaya Ngarra-li that the population of Walgett postcode area is too small and that access to the data would typically be provided at the "Statistical Area Level 2" (SA2)<sup>7</sup> level which covers Walgett-Lighting Ridge. The Walgett-Lighting Ridge SA2 includes other population centres which are not representative of the Walgett community, meaning that data at this level would not be appropriate for this study. Further, the statistical software used by Yuwaya Ngarra-li for data analysis is not contained in the platform that must be used to access the HSDS. The additional investment required to master new software would be extremely resource intensive and demonstrates a technological barrier to accessing data. The responsible agency did offer to facilitate access to the specific datasets they manage (including Public Housing, Homelessness Services, Child Protection and Out of Home Care) for linkage by a specialist state government data linkage service, the Centre for Health Record Linkage (CHeReL); however, the delays and resources required for this extended process highlight one of the major challenges with communities obtaining access to their own data.

After deciding to apply directly to the CHeReL to access and link the relevant data, an application was submitted to the AH&MRC Human Research Ethics Committee with supporting documents for their review, including letters of support from the DEG and WAMS, which has been approved (Phase 2). Yuwaya Ngarra-li are now in Phase 3, working with the CHeReL to complete the application process, including identifying relevant variables and obtaining data custodian approvals from each agency contributing data to the study. This is an extensive and complex process with each agency having their own governance structures and application requirements, and varying degrees of transparency about available data, which are too detailed to outline in this article. However, we are preparing a briefing paper to unpack the technical aspects of the process in more detail which will be made publicly available (Reeve et al., 2024). When the linkage is complete, the de-identified linked unit record data will be securely transferred to UNSW and stored in E-Research Institutional Cloud Architecture (ERICA), where it will be accessible by authorised members of Yuwaya Ngarra-li's Research and Evaluation Team for analysis.

### 6.3. *Expected outcomes of the linkage study*

The data linkage project will help the DEG to improve outcomes for young people in Walgett through:

**Community control** – Providing evidence to assist the DEG to improve the accountability of government agencies, address systemic barriers and drive change for improved outcomes for young people in Walgett.

**Advocacy** – Demonstrating the relationships between education, health and criminal justice contacts and advocating for more effective, community-led solutions. Enabling access to data and building data literacy across government agents and Walgett Aboriginal community stakeholders.

**Evaluation** – Tracking the progress and impact of strategies and programs to improve outcomes for children and young people.

**Understanding** - Identifying systemic factors and drivers of change in outcomes for young people.

<sup>7</sup> SA2s are medium-sized statistical areas with an average population size of around 10,000 persons (Australian Bureau of Statistics, 2021).

The overall objective of this data linkage study is to improve the community's understanding of and inform locally-led responses to the complex relationships between different experiences and outcomes for Aboriginal children and young people in Walgett and what works to help children and young people to thrive. This study will also have impact beyond the Walgett community as a demonstration of the operationalisation of IDG protocols; how research institutions and government departments can support Indigenous communities to lead their own research agendas. Importantly, as described in Fig. 1, Yuwaya Ngarra-li's data linkage study is not a standalone project. It is embedded in the broader work of the partnership, led by the DEG in the interests of their community. The DEG will continue to provide leadership and guidance and engage other stakeholders where appropriate as the research progresses. This will ensure that the findings are appropriately interpreted, contextualised and disseminated in ways that are respectful, accessible and useful to the community.

## 7. Discussion

The DEG's vision is that Aboriginal children and young people in Walgett can learn, work, be safe, supported and thrive within a robust sense of belonging to their families, community, culture and Country. Through collaborating with researchers, the Elders have identified linked administrative data as a way to improve advocacy and accountability in working towards this vision. Yuwaya Ngarra-li members at the DEG and UNSW are journeying together to locate, access and analyse quantitative data to inform understanding, planning and evaluation of what is happening in the community. Engaging with and holding to account government agencies with responsibility for children and young people is a necessary part of the process in addressing institutional barriers. Access to linked data is an important part of building a holistic evidence base to help to identify and respond to the issues faced by young people in Walgett, to evaluate the outcomes and impact of various strategies and programs, to inform more effective policy and services and to advocate for systemic change.

Academic research partners can play a role in educating government entities to understand their role as custodians of data for which they are currently responsible, but which we argue actually belong to the people who contribute to these data collections. An important outcome of Yuwaya Ngarra-li's data journey so far is that government departments are taking a keen interest in our work. Members of Yuwaya Ngarra-li have been invited to speak on multiple occasions about the way in which our partnership works in a genuinely community-led way. One key department is closely following the progress of our data linkage study and are assisting us to overcome barriers to data access.

Institutions and researchers can play a critical role in facilitating communities access to their own data which is fundamental to enabling IDG. Universities and funders also need to build in flexible timelines if they are genuinely committed to Aboriginal leadership of research that impacts Aboriginal people. Current timelines and processes of most granting bodies and academic institutions limit the capacity of true community control which requires in-depth consultation, capacity building and collaboration at all stages of research.

Administrative data is collected by agencies for their own purposes, which do not necessarily align with community priorities. However, such data can be an important source of information for community-led research and evaluation, especially when linked. Communities have a wealth of local knowledge that governments do not have. Being able to access government data is useful for research purposes because communities can use the data to build evidence, develop deeper understanding and insights at the community level and inform locally-led responses to issues that are a priority to the community. One of the major hurdles that needs to be overcome to achieve this is the power imbalance between data custodians and communities to whom the data belong.

The Yuwaya Ngarra-li partnership, informed by decades of work by Indigenous scholars and leaders and the growing scholarship on IDS and IDG, is building and implementing a model of community-led research and evaluation in practice. Communities know their own priorities and the specific issues and context relevant to appropriate collection, analysis and interpretation of data. Genuine community-led research takes time. It is underpinned by relationship building and trust and a mutual process of capacity building through collaboration and knowledge sharing. A key role of the university in this data journey is facilitating access to and use of data by the community. Through partnering with the DEG, researchers at UNSW are learning how to listen to and work with community leaders to collaborate on research that achieves the best outcomes for the community, and the DEG are building data literacy skills to inform their advocacy and progress their vision for change.

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## Appendix A. Supplementary data

Supplementary data to this article can be found online at <https://doi.org/10.1016/j.ijlcrj.2024.100650>.

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