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PRELIMINARY FINDINGS OF THE *OCHRE* LOCAL DECISION MAKING EVALUATION STAGE 2

D. HOWARD-WAGNER AND F. MARKHAM

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Preliminary Findings of the *UCHRE* Local Decision Making Stage 2 Evaluation

D. Howard-Wagner and F. Markham

Abstract

Local Decision Making (LDM) is a NSW Government initiative that aims to transform the way that NSW Government agencies engage with Aboriginal communities regarding service delivery. The aims and approach of the LDM initiative are characteristic of the contemporary emphasis on partnerships, agreements, and accountability structures in Aboriginal and Torres Strait Islander public policy in Australia.

This report presents the overarching preliminary findings of the *UCHRE* Local Decision Making Stage 2 Evaluation. It considers those findings in the context of the evaluation's primary goal of understanding the operation of the *UCHRE* LDM initiative in order to improve its processes and outcomes.

The report presents case studies that illustrate how communities are strengthening their leadership and governance around service delivery through regional governance bodies. It discusses how regional governance bodies are providing NSW government agencies with a key point of access for community engagement and advice, and examples where regional governance bodies are instrumental in securing improvements around community control over service delivery. It describes occasions where regional governance bodies have worked with NSW Government agencies to secure new innovative approaches to the way that government does business with them.

While highlighting these examples of success, the report finds that progress under LDM has been *ad hoc*. LDM is not implemented well across the board. There have not been systematic transformations of relationships between Aboriginal communities and the NSW Government under LDM. The report discusses areas where the design and implementation of LDM are falling short. It provides evidence and recommendations that may be used to improve outcomes under LDM in future.

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This report synthesises research by Aboriginal community-based researchers and numerous current and former CAEPR colleagues. We are grateful for their contribution to this project.

We thank the numerous interlocutors who have commented on earlier versions of this report, presented either in written drafts or seminar form. These include members of the New South Wales Coalition of Aboriginal Regional Alliances (NCARA), senior NSW government officials, the *OCHRE* Evaluation Steering Committee, Professor Heidi Norman, Associate Professor Janet Hunt, and Dr Marnie O'Bryan. We are grateful to Isabel Palm, who has provided invaluable support to the CAEPR Evaluation team as the LDM Evaluation Research Officer.

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Acronyms

AANSW	Aboriginal Affairs New South Wales
ACCO	Aboriginal Community Controlled Organisations
AECG	Aboriginal Education Consultative Group Inc.
ALC	Alternate Learning Centres
ANU	Australian National University
ASL Hub	Aboriginal Shared Learning Hub
ATSIC	Aboriginal and Torres Strait Islander Commission
CAEPR	Centre for Aboriginal Economic Policy Research
CAPO (NSW)	Coalition of Aboriginal Peak Organisations
CATSIPO	Coalition of Aboriginal and Torres Strait Islander Peak Organisations
CBR	Community Based Researchers
CCC	Central Coast Council
CDEP	Community Development and Employment Projects (program)
CEO	Chief Executive Officer
CGC	Commonwealth Grants Commission
CIRCA	Cultural and Indigenous Research Centre
COAG	Council of Australian Governments
CTG	Closing the Gap
CTG 2020	(new) National Agreement on Closing the Gap
CWP	Community Working Party
DCJ	Department of Communities and Justice (NSW)
DPP	Director of Public Prosecutions
GNL	Gudjagang Ngara li-dhi (Central Coast)
IWAAC	Illawarra-Wingecarribee Alliance Aboriginal Corporation
IYLP	Indigenous Youth Leadership Program

JDM	Joint Decision Making
JSCCRATSIP	Joint Select Committee on Constitutional Recognition relating to Aboriginal and Torres Strait Islander Peoples
KPI	Key Performance Indicator
LALC	Local Aboriginal Land Council
LDM	Local Decision Making
MOU	Memorandum of Understanding
MPRA	Murdi Paaki Regional Assembly
MPRHC	Murdi Paaki Regional Housing Corporation
NAPLAN	National Assessment Program – Literacy and Numeracy
NCADA	North Coast Aboriginal Development Alliance
NCARA	New South Wales Coalition of Aboriginal Regional Alliances
NGO	non-government organisation
NIAA	National Indigenous Affairs Agency
NPARIH	National Partnership for Remote Indigenous Housing
NRAA	Northern Region Aboriginal Alliance
NSW	New South Wales
<i>OCHRE</i>	Opportunity, Choice, Healing, Responsibility, Empowerment
OOHC	Out Of Home Care
PCYC	Police Citizens Youth Club
PES	Professional and Ethics Standards
RAHLA	Regional Aboriginal Housing Leadership Assembly (Murdi Paaki)
RMRA	Riverina Murray Regional Alliance
RYSS	Regional Youth Support Services
SPRC	Social and Policy Research Centre
TRRA	Three Rivers Regional Assembly
TWA	Tribal Wave Assembly

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Preface

Scope of Stage 2 of the *OCHRE* Evaluation

The Centre for Aboriginal Economic Policy Research (CAEPR) at the Australian National University (ANU) has been commissioned by Aboriginal Affairs New South Wales (AANSW) to conduct the *OCHRE* Local Decision Making (LDM) Stage 2 Evaluation (2019–2023). CAEPR has evaluated:

- the operation of LDM with three Aboriginal Regional Alliances – Murdi Paaki Regional Assembly (MPRA), the Three Rivers Regional Assembly (TRRA), and the Illawarra-Wingecarribee Alliance Aboriginal Corporation (IWAAC)
- the operation of LDM and the Accord with the NSW Coalition of Aboriginal Regional Alliances (NCARA), and
- the negotiation processes for three Accords: the Barang Regional Alliance (Barang) Accord, the Riverina Murray Regional Alliance (RMRA) Accord, and MPRA Accord II.

CAEPR's evaluation of the Accord Negotiation process produced three site-specific Accord Negotiation reports and a report synthesising the findings of those evaluations, alongside previous Accords Negotiation evaluations conducted by the Cultural and Indigenous Research Centre (CIRCA) in 2015 and the Social and Policy Research Centre (SPRC) at the University of New South Wales in 2018. Reports regarding the operation of LDM with MPRA, TRRA, IWAAC and NCARA are forthcoming, as is a final synthesis report for the *OCHRE* Stage 2 Local Decision Making evaluation.

Co-designed research approach

The *OCHRE* LDM Stage 2 Evaluation has been co-designed with participating Aboriginal Regional Alliances/Assemblies, their communities, and representatives from NSW Government agencies (see Figure 1). The co-design approach was comprehensive, covering all stages of the evaluation process from evaluation design to data analysis and reporting. The initial co-design process for each site-specific evaluation took over 24 months (2019–2021), a period which also involved some data collection. All co-designed evaluations produced site-specific evaluation and fieldwork plans and data management plans. The site-specific evaluation and fieldwork plans were approved by AANSW prior to commencing the evaluation proper. During 2022, working in close collaboration with participating Aboriginal Regional Alliances/Assemblies and NCARA, CAEPR researchers evaluated *OCHRE* LDM as a whole in three LDM sites and with NCARA, as well as across a range of NSW Government agencies. Those two phases were iterative and overlapping.

In-depth data collection across a range of stakeholders

Over 230 interviews have been conducted in total for this stage of the *OCHRE* Evaluation. Over fifty interviews were conducted with public officials from a wide range of NSW Government agencies, including:

- Aboriginal Affairs NSW
- Regional NSW
- Education
- Health

- Communities and Justice
- NSW Police
- Transport, Planning and Environment
- Families and Community Services
- Treasury
- Premier and Cabinet
- Public works advisory
- Legislative Council
- Office of the Children's Guardian
- Local Land Services
- Customer Service.

Interviews with public officials encompassed representatives from a broad cross-section of levels of authority, including Deputy Secretaries, Regional Managers, and regionally-based project officers and officers based in central agencies.

Wide range of LDM sites

A wide range of LDM sites were also included in the evaluation, encompassing a wide geographic spread across NSW with diverse social, economic, and cultural contexts. LDM sites included in this stage of the evaluation are:

- New South Wales Coalition of Aboriginal Regional Alliances (NCARA) – state-wide body of Aboriginal Regional Alliance/Assembly Chairs
- Barang Regional Alliance (Barang) – Central Coast
- Riverina Murray Regional Alliance (RMRA) – parts of the Riverina, spanning Albury, Cootamundra and Hay
- Three Rivers Regional Assembly (TRRA) – parts of the Central West spanning from Bathurst to Nyngan
- Murdi Paaki Regional Assembly (MPRA) – the former Murdi Paaki ATSIC region, spanning from Wentworth-Dareton to Collarenebri
- Illawarra Wingecarribee Alliance Aboriginal Corporation (IWAAC) – the Illawarra and Wingecarribee regions.

A map showing the approximate regions associated with these five Aboriginal Regional Alliances/Assemblies is shown in Figure 2. That map is indicative only, as the official boundaries between the regions are owned by the Regional Alliances/Assemblies themselves.

Figure 1 Overview of methodology, co-design, sites, data collected, data analysis process and outputs, *OCHRE* Local Decision Making Stage 2 Evaluation

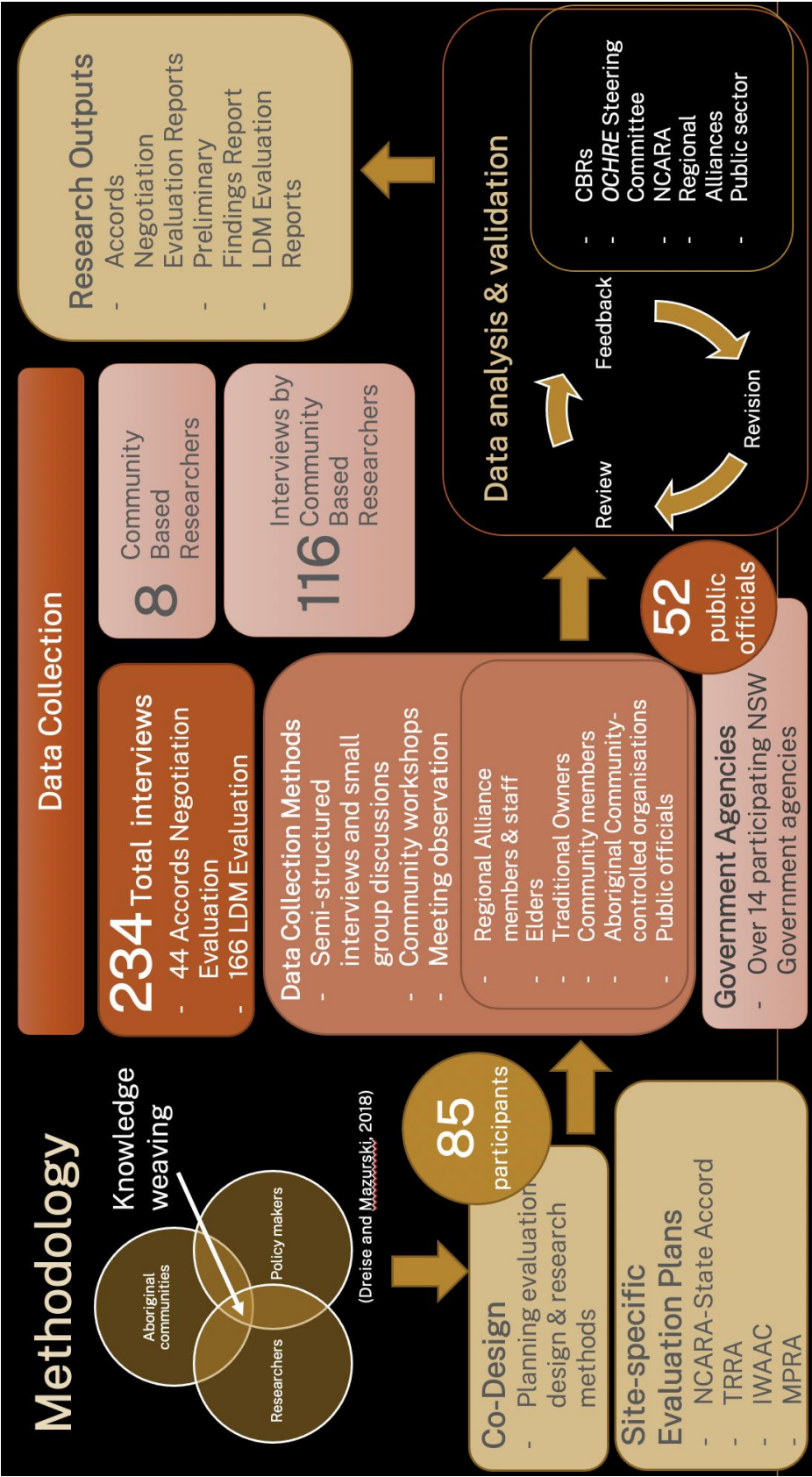
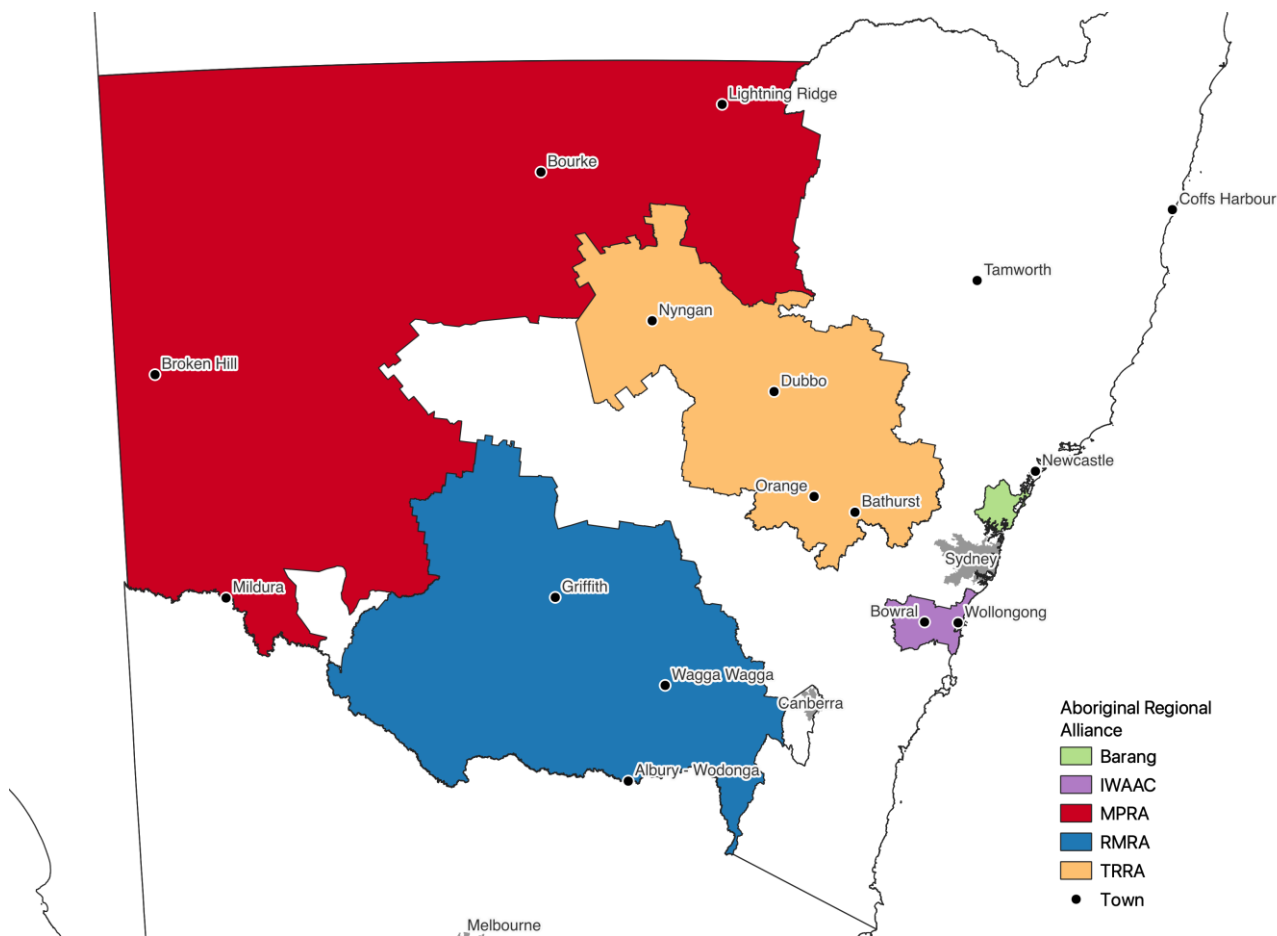


Figure 2 Indicative boundaries of the Aboriginal Regional Alliances/Assemblies in the *OCHRE* Local Decision Making Stage 2 Evaluation, not to be considered as official boundaries



Community based researchers

Community-Based Researchers (CBRs) assisted CAEPR researchers with the wider LDM evaluation in the IWAAC, MPRA and TRRA regions. These CBRs were situated in local communities and had existing relationships with the community. CBRs assisted with knowing who to speak to in each community, obtaining and conducting interviews, interpreting what we heard, and in some cases contributing towards some of our reports. We also had members of the ANU research team with no connection to the community conduct interviews in those regions. This was done to manage any potential conflicts of interest of CBRs and to ensure that those members of community who did not wish to be interviewed by the CBRs had the option of being interviewed by an independent researcher.

Ongoing fieldwork and communication with stakeholders

The CAEPR researchers undertook numerous visits to communities across five LDM regions: Barang, RMRA, TRRA, MPRA and IWAAC. CAEPR researchers also facilitated three workshops with NCARA, two community forums, and one forum with senior public officials as part of the NCARA–State Accord Evaluation.

Regular meetings were held with the research team at AANSW in relation to the study design; collection, analysis, and interpretation of data; and writing of the reports.

Bi-monthly presentations were made to the *OCHRE* Evaluation Steering Committee in relation to the study design; collection, analysis, and interpretation of data; and all evaluation plans and reports. The *OCHRE* Evaluation Steering Committee is independently chaired by Associate Professor Lynette Riley from University of Sydney. Other Committee members include Professor Gawaian Bodkin-Andrews from University of Technology Sydney, Samantha Faulkner from the National Health and Medical Research Council, Ben Barnes from Transport for NSW, Rick Marcourt from NSW Treasury, as well as ex-officio members from AANSW. Detailed feedback was sought on all reports.

Executive Summary

How *OCHRE* and Local Decision Making began

The *OCHRE* Local Decision Making (LDM) initiative, which commenced in 2013, arose from the recommendations of a New South Wales Ministerial Taskforce on Aboriginal Affairs (the Taskforce). The Taskforce was led by the then Minister for Aboriginal Affairs and established in August 2011 to develop a new Aboriginal affairs strategy for NSW.

The Taskforce was in part a response to calls from Aboriginal communities for greater Aboriginal control of decision-making regarding service delivery in NSW and the perceived failure of the 'Two Ways Together Plan for Aboriginal Affairs' to deliver on this need. The Taskforce intended to find a way for Aboriginal communities to have a real say in coordinating and directing the services that are delivered to them by the NSW Government and contracted agencies, and to strengthen community leadership and governance around service delivery.

Purpose of Local Decision Making

The resultant LDM initiative aimed to transform the way NSW Government agencies engage and do business with Aboriginal communities around service delivery. It was directed at relational change – from transactional to transformative relationships – with the relational dynamic to shift from consultation to empowerment.

Ultimately, it was envisaged that LDM would see regional representative bodies (which became known as Aboriginal Regional Alliances or Aboriginal Regional Assemblies) and their communities 'take control of government services and enhance their governance capacity, management skills and decision-making authority' (Dominello, 2013, p. 1).

Through LDM, the NSW Government committed to working with Aboriginal communities to improve service delivery and achieve meaningful, permanent outcomes that improve the lives of Aboriginal people. LDM is working toward devolving decision making to communities and self-determination in action. Reform is directed at transforming the system: transforming the way government works, transforming relationships, and thereby transforming outcomes.

Local Decision Making leads the way nationally

While LDM drew on previous initiatives like the Council of Australian Governments (COAG) Trials (Morgan Disney & Associates, 2006), it was in some ways ahead of its time compared to Aboriginal and Torres Strait Islander policy nationally. Its objective of providing shared decision-making and co-design around service delivery at the regional level is now a principle guiding Aboriginal and Torres Strait Islander public policy in Australia.

The Northern Territory has adapted LDM to its own context in its 'Local Decision Making' policy. Queensland's 'Local Thriving Communities' initiative also owes an intellectual debt to LDM in NSW. Similarly, the Australian Government-commissioned Final Report of the 'Indigenous Voice Co-design Process' explicitly draws on LDM in NSW in its design of Local and Regional Voices. These Local and Regional Voices are intended 'to enable Aboriginal and Torres Strait Islander people in every community to have a greater say in public policy, programs and service delivery affecting their lives through shared decision-making in partnership with governments' (Langton & Calma, 2021, p. 35).

LDM inspired models and its intent to devolve decision-making power around service delivery will remain a part of the Indigenous affairs policy landscape in Australia.

An ongoing initiative

On 16 November 2022, a Local Decision Making (LDM) Parliamentary Forum was held at Parliament House in New South Wales, co-hosted by the Member for Barwon, Roy Butler MP, and the President of the NSW Legislative Council, Matthew Mason Cox MLC. At that Forum, the NSW Minister for Aboriginal Affairs, Ben Franklin MP, the Shadow Minister for Aboriginal Affairs and Treaty, David Harris MP both committed to the future of the LDM initiative.

Minister Franklin stated the following in his speech at the Forum:

I asked for a review to be done so that we can not only see what work LDM is already doing, and can I say, by the way, the work that Alliances do on the ground, compared with the amount of money that they get from government is profound. And they are punching above their weight. I hear that everywhere that I go, and so Shane [Hamilton, Head of Aboriginal Affairs NSW and Deputy Secretary] and I are looking at how we can take this and maximise it... I want to make it very clear that I recognise and understand and deeply appreciate the work of Alliances across the state, and that I have absolutely nothing but total support for their continuing success. And I want to do everything I can to keep working with both NCARA and Alliances across the state to do that... This is above politics... that we work together as much as we possibly can. Because that's what community would expect. And I'm really delighted that we're able to keep doing that. And the great thing is that whatever happens in the election, I know we'll continue to... the work that Alliances do on the ground is some of the most meaningful work that I've seen in my time as Aboriginal Affairs Minister in the last four months. The outcomes that are achieved, are so important and to see the lives of both individuals and broader communities being literally turned around are really, really important. So, I commend you, and I thank you for the work that you're doing. And I look forward to continuing to do all I can to keep supporting LDMs across the state.

The NSW Shadow Minister for Aboriginal Affairs and Treaty, David Harris MLC, echoed the Minister's support in his speech at the Forum:

And can I say that I have a very strong commitment to Local Decision Making... The good news is I was already on board... we have to fund that in an appropriate way... I know in our area and the young fellas that have come from the Central Coast, I can't be more impressed by the Local Decision Making group there, and how they're actually growing the reputation of the Aboriginal community right across the whole Central Coast... And as Minister Franklin said, we do work closely together... Thank you for the lives that you change. And thank you for making sure through your advocacy, that we're well aware of what needs to be done in each of your communities. Hopefully, there will be a Local Decision Making group across every part of the state — and I know that there's some in development and some in the earliest stages, some have been around for a long time, especially in the western part of the state... So, on behalf of New South Wales Labor, thank you for the work that you do. And I certainly commit our support moving forward to grow your network and empower your network. Thank you.

Scope of this preliminary report

This report revisits the context in which LDM was created and the aspirations of Aboriginal communities in NSW at that time, contextualising the intent of LDM, as well as the state and national Aboriginal and Torres Strait Islander policy context in which LDM is situated today. Revisiting these contexts and the intent of LDM and its

principles assists us to juxtapose the intended workings of LDM with how it has fared in practice. Revisiting these contexts also assists us to illustrate how LDM operates as a conduit for achieving wider Aboriginal policy goals on the ground in NSW, such as achieving CTG 2020 Priority Reforms and CTG 2020 targets, and in this way operates as a key feature/centre piece of Aboriginal public policy infrastructure in NSW and as an advanced policy initiative.

Case studies are used in this report to illustrate how LDM provides a platform for transformational change. They demonstrate how LDM can be a vehicle for voices of community and regions to reach NSW Government agencies through bottom-up, Aboriginal-led regional governance structures. Case studies illustrate how LDM can enable Aboriginal-led and designed regional governance structures to work with NSW Government to facilitate and increase the control and self-determination of LDM communities over how NSW Government programs and services are delivered.

Case studies also assist to explain the barriers to transformation.

Local Decision Making is a vehicle for government to hear community voice and supports grassroots Aboriginal governance

The preliminary report provides examples of some significant benefits of LDM and the transformations taking place on the ground. It explains where and how LDM has facilitated either the strengthening or building of Aboriginal regional governance structures and how those governance structures are empowering LDM communities. It also provides examples of improvements to service delivery and its governance on the ground.

Communities have signed up to LDM because it strengthens their capability to be self-determining around their priorities and to progress those priorities holistically and at the scale suitable for that context. It moves service delivery away from a deficit-based approach and/or tackling a piece of the problem. LDM does this by offering an opportunity for communities to engage multiple stakeholders to craft solutions and access the resources necessary to create change and new on the ground outcomes. It offers an opportunity for control over service delivery so communities can do just that.

LDM offers an opportunity for NSW Government agencies to engage and participate in realising the NSW Government's public promise to begin the journey of sharing authority and decision making while ultimately working toward the devolution of decision making to communities. It also offers NSW Government and its agencies a unique opportunity to engage with communities around bigger picture conversations and meaningful cross agency solutions for building Aboriginal prosperity and wellbeing, building Aboriginal regional economies, and thinking holistically about the needs of Aboriginal children, for example.

Building or strengthening Aboriginal regional governance structures and obtaining the buy-in of Aboriginal Regional Alliances/Assemblies and broader Aboriginal communities are significant achievements in themselves. On top of this, the LDM initiative is facilitating and increasing control and self-determination over Aboriginal service delivery, improving recognition of and support for Aboriginal-led and designed regional Aboriginal governance structures, and enabling a local Aboriginal voice to filter through and influence how NSW Government agencies deliver services in those regions. It is improving working relationships between Aboriginal Regional Alliances/Assemblies and NSW Government agencies.

Local Decision Making is a catalyst for shared decision-making, transforming government, and transforming relationships

The report includes key case studies illustrating how the LDM initiative has been a catalyst for shared decision-making and transforming government and relationships in LDM regions. This has been clearly demonstrated during COVID-19. While COVID-19 put LDM as a process on hold, and much momentum was lost on Accord negotiation and implementation as the NSW Government and Aboriginal communities focused on the pandemic crisis, this report shows that the rapid responses in LDM regions were substantially enhanced due to the existence of Aboriginal Regional Alliances/Assemblies. The speed at which Aboriginal Regional Alliances/Assemblies, working with ACCOs and informal community structures in their regions, got the message out to communities; found solutions to getting the spread of COVID under control; and distributed food hampers and hygiene materials generally outstripped the capacity of NSW Government agencies. In this preliminary report, case study 8 demonstrates the incredibly positive outcomes of transforming relationships and developing collaborations between TRRA and NSW Government agencies that were essential to managing the outbreaks of COVID-19 in LDM communities in that region.

Local Decision Making acts as an infrastructure which provides additional benefits

The report illustrates how LDM has begun to act as a form of governance infrastructure – peoples, practices, relationships, and systems – which has additional benefits for Aboriginal communities and NSW Government beyond the objectives of the LDM initiative itself. LDM supports community voice and grassroots Aboriginal governance, drawing on existing regional governance bodies or facilitating the development of new Aboriginal Regional Alliances/Assemblies where none existed previously. This has led to unintended positive consequences.

While the local contexts are complex, and there are many interacting influences, such as engagement with other government initiatives (e.g., Empowered Communities) that make it difficult to attribute these benefits to LDM directly, the community-led and coordinating role of Aboriginal Regional Alliances/Assemblies is yielding other positive benefits. Aboriginal Regional Alliances/Assemblies are producing ancillary benefits to LDM, such as crisis response, building the capacity of their regions around data governance, and building the capacity of young leaders in their regions. It appears that it is the community-led and coordinating role of Aboriginal Regional Alliances/Assemblies together with their ability to negotiate directly with high-level government decision makers through LDM, that is a key driver of these ancillary benefits.

Case studies illustrate positive outcomes from Local Decision Making

When conditions have been right, LDM has led to positive outcomes. There are powerful case studies in this report demonstrating how LDM has been a catalyst for shared decision-making, transforming government, and transformative relationships in LDM regions.

Case studies also illustrate how working relationships of trust between senior public officials and Regional Alliances/Assemblies have been developed through hard work over many years. LDM has provided direct access for participating communities and Aboriginal Community Controlled Organisations (ACCOs) to key government stakeholders.

Further, while there is considerable room for improvement around NSW Government agencies sharing data, with sufficient investment regional data gathering and governance could be achieved through Aboriginal

Regional Alliances/Assemblies. Aboriginal Regional Alliances/Assemblies are creating their own highly effective forms of data gathering and governance despite scant funding and LDM relying on high levels of Aboriginal volunteerism.

With adequate financial investment in regional infrastructure even greater LDM successes will be possible on the ground.

Systematic government support of Local Decision Making is needed

While the report gives examples of positive change around LDM in line with its principles and objectives, those examples do not reflect systemic improvement. So, while positive examples of LDM facilitating change exist, on the whole public sector agencies predominately still operate in an outdated engagement framework with Aboriginal Regional Alliances/Assemblies.

Generally, the report finds that many NSW Government agencies are not transforming, or even adapting, their practices in delivering services to Aboriginal communities. The report explains that, although the intent of LDM and its framework were very clear from the outset, the working relationships between NSW Government agencies and Aboriginal Regional Alliances/Assemblies and their communities remain predominately consultative.

Too often, the devolution of decision-making power to local or regional communities has eluded LDM participants. Aboriginal Regional Alliances/Assemblies remain largely situated as decision-takers rather than decision-makers; treated as 'stakeholders' and 'interest groups' by public officials in service delivery and policy negotiations.

The report explains how and why the workings of LDM in practice have fallen short, particularly with respect to public sector engagement in the LDM initiative. It finds that, while LDM's aspirations are sound, implementation and policy design are wanting.

It finds that structural change around the LDM initiative has been well driven by government. It also finds that a clear framework around the principles and objective of LDM has been provided to those charged with taking carriage for LDM. Despite this, the central leadership and drive around LDM within the public sector are lacking. Operational responsibility and accountability within the public sector are also lacking. There is no evidence within or across NSW Government agencies of sustained traction around the LDM initiative or systemic service delivery transformation. Nor did we find concerted, ongoing effort by NSW Government agencies to achieve community aspirations and shared decision-making under LDM.

Despite Aboriginal Regional Alliances/Assemblies engaging their communities to identify key priorities for their region and aspirations around how those priorities will be achieved, relationships between NSW Government agencies and Aboriginal Regional Alliances/Assemblies remain mostly transactional.

Funding typically remains for a specific purpose and typically falls within a siloed sector. Decision making around funding remains top-down and compartmentalised. Power remains largely in the hands of NSW Government agencies. There are few accountability mechanisms in place to enforce NSW Government agencies and individual public officials to forge new relationships with Aboriginal Regional Alliances/Assemblies and their communities under LDM.

Local Decision Making complements other policy goals

The evaluation also has broader implications that are relevant for NSW Government agencies considering the national Indigenous Voice and the July 2020 National Agreement on Closing the Gap (hereafter 'CTG 2020'), as

well as agreement-making, shared decision-making, transformational relationships, and data sharing and governance more generally. LDM is a NSW approach to self-determination around service delivery, while CTG 2020 is a national, multi-jurisdictional agreement between Governments and Indigenous peak bodies. We find that there is a complementarity between LDM and the efforts and work of Aboriginal Regional Alliances/Assemblies and the CTG 2020 agenda. The ‘on the ground’ work of Aboriginal Regional Alliances/Assemblies, often through LDM, often contributes towards meeting the Closing the Gap targets and priority reforms. All LDM Accords and their Schedules align with CTG reforms and socio-economic targets to a considerable degree.

Aboriginal Regional Alliances/Assemblies and their members potentially have an important part to play in actualising the priorities around Closing the Gap on the ground. This is not currently being done in any synergistic or coordinated way. Aboriginal Regional Alliances/Assemblies are attempting to change service delivery under LDM in communities and regions, while a separate structure representing the Aboriginal community-controlled sector at the state level directs the NSW Government’s formal roadmap to achieve meaningful reform under CTG.

Caution is needed with respect to attempts to align the LDM initiative with the architecture for implementing CTG in NSW. The work of Aboriginal Regional Alliances/Assemblies is not, and should not be, restricted to realising the CTG targets and priorities reforms. Part of the value of these governance bodies lies in their relative autonomy and their ability to conduct their own planning based on local and regional priorities rather than priorities set at the national or state levels. There is a risk that attempts by the NSW Government and its agencies to strategically align CTG and LDM will limit the scope of LDM and Accords to becoming a means of implementing CTG reforms. There is already evidence that Accord Schedules risk being the point at which NSW Government agencies silo their commitments to sector initiatives as opposed to LDM regional priorities. While both government agencies and the CTG initiative tend to work on a sectoral basis, the strength of LDM is to focus on the needs of community as a whole, and to push for reforms at a whole-of-government level. Too close an alignment between LDM and CTG risks losing LDM’s flexible and cross-sectoral focus, and its community-driven approach to priority setting and planning.

This does not mean that Accord Schedules should not address broader socioeconomic targets in LDM regions. However, LDM is designed to be a vehicle for the voices of community and regions to reach NSW Government agencies through bottom-up, Indigenous-led regional governance structures. So, in keeping with the principles of LDM, those Schedules should stay true to community-led and self-determined agendas and progress regional priorities.

We find, too, that higher-level consideration is needed around how the NSW Government and NSW Government agencies engage Aboriginal stakeholders in more inclusive and suitable approaches. It is important for NSW Government agencies to:

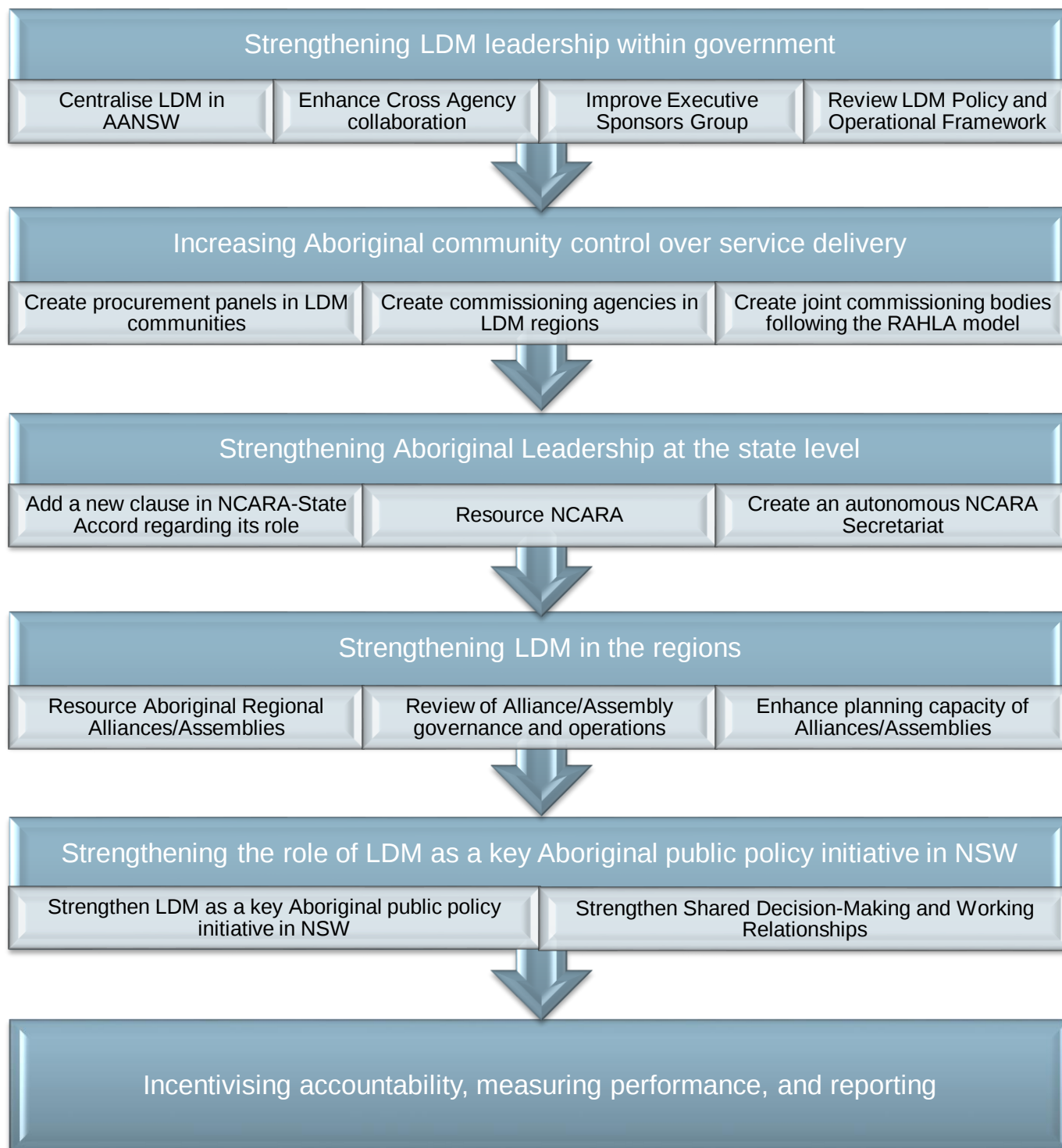
- facilitate those conversations
- visibly engage the wide range of Aboriginal stakeholders in this space, and
- bring Aboriginal stakeholders together in a way that respects the different objectives of those parties.

Such engagement by NSW Government agencies would enable greater legitimacy, multi-perspectives, and diversity of Aboriginal representative voices.

Going forward: recommendations

This report makes 13 recommendations detailed on pages 102–107. Figure 3 maps those recommendations across six key thematic areas.

Figure 3 Overview of recommendations, Preliminary Findings Report, *OCHRE* Local Decision Making Stage 2 Evaluation



Background: LDM ahead of its time

The Ministerial Taskforce on Aboriginal Affairs

You had on that taskforce a group of Aboriginal representatives, particularly I remember the state Aboriginal Land Council was there. The Aboriginal Education Consultative Group was there... What Victor Dominello wanted was a group where Ministers and Aboriginal people directly meet and set the agenda for going forward...It ended up with the OCHRE policy... It was really the Aboriginal representatives that led Local Decision Making. I remember Steven Ryan was there from the Aboriginal Land Council, advocating really strongly that there needed to be Aboriginal voice that could negotiate directly with government about how services were delivered. My recollection of those discussions is that the idea was that you would put Aboriginal representatives in a driver's seat for what should happen locally in terms of how services were delivered in their area (NCARA–State Accord Evaluation interview, Deputy Secretary, NSW Government agency).

In August 2011, the recently-elected NSW Government announced the establishment of the Ministerial Taskforce on Aboriginal Affairs (the Taskforce) to make recommendations for a new Aboriginal Affairs strategy with concrete reforms. The Ministerial Taskforce was led by then Minister for Aboriginal Affairs, the Hon Victor Dominello. It included: the Hon. Jillian Skinner MP, then Minister for Health; the Hon. Adrian Piccoli MP, then Minister for Education; the Hon. Mike Baird MP, then Treasurer; the Hon. Greg Smith SC MP, then Attorney General and Minister for Justice; the Hon. Pru Goward MP, then Minister for Family and Community Services; and the Hon. Kevin Humphries MP, Minister for Mental Health, Healthy Lifestyles and Western NSW. In terms of Aboriginal representation, the lead at the table was Mr Stephen Ryan, who was then Chair of the Coalition of Aboriginal Peak Organisations (CAPO) and NSW Aboriginal Land Council Chair. The Chair of the Aboriginal Education Consultative Group (AECG) was at the table. Senior Aboriginal public officials and Aboriginal youth were represented too.

Consultations undertaken by the Taskforce

In the first quarter of 2012, the Taskforce undertook an extensive consultation process with Aboriginal communities and stakeholders in NSW to provide input into its deliberations. OCHRE was informed by a high level of Aboriginal community consultation in NSW to date involving over 2700 people in NSW alone, and 200 written submissions. As part of this process, the Taskforce heard first-hand issues about the delivery and accountability of government-funded services and how service provision could be improved.

In 2022, and its ninth year of implementation, conversations about OCHRE now include over 6500 people, not including those involved in this evaluation.

What communities wanted

According to the documentation of that process that is available to us, communities wanted the following (NSW Government Ministerial Taskforce on Aboriginal Affairs Report, 2013 and Summary of Community Consultation, 2012, p. 1–2):

- increased Aboriginal control of decision-making, service design and delivery;
- a strengthened community-controlled sector; and
- improvements to the quality, coordination, and transparency of service delivery.

Put simply, Aboriginal people wanted greater control of service delivery in their communities. That was the strong and consistent message to emerge from the community consultations. The push from the ground was for ‘Aboriginal people [to] drive and have ownership of services, from conception to delivery’ (NSW Government, Ministerial Taskforce on Aboriginal Affairs Report, 2013 and Summary of Community Consultation, 2012, p. 2).

Calls for improved cultural competence

Consultations also identified that communities wanted to see the cultural competence of government agencies improved. Such improvements were seen as critical to enabling the successful implementation of the initiatives proposed by the Taskforce (NSW Government, Ministerial Taskforce on Aboriginal Affairs Report, 2013 and Summary of Community Consultation, 2012, p. 2).

The Taskforce identified ways to achieve this through building the cultural awareness of the public sector that incorporated mentoring, localised cross-cultural education, and cultural safety programs (NSW Government Ministerial Taskforce on Aboriginal Affairs Summary of Community Consultation, 2012, p. 2).

Community-led Local Decision Making model

The Taskforce was strongly influenced by what communities said during consultation meetings. Based partly on what it heard during consultations, the Taskforce recommended the implementation of an Aboriginal Local Decision Making (LDM) model to improve service delivery outcomes and accountability at the local and regional level (NSW Ministerial Taskforce on Aboriginal Affairs, 2013).

It recommended that the model be implemented initially as a trial in one urban, one regional, and one remote location and be fully evaluated. Its proposed model was designed to ensure Aboriginal communities had a real say in what and how services are delivered to them and to strengthen community leadership and governance (NSW Ministerial Taskforce on Aboriginal Affairs, 2013).

In advancing these objectives, the Taskforce and many participants in consultations were no doubt influenced by the COAG Trials and other partnership-based arrangements which the Australian Government – and at times the NSW Government – had entered into with MPRA since 2003 (Burns Aldis, 2019).

Other participants were likely to be influenced by the memory of the Regional Council system, which operated through the Aboriginal and Torres Strait Islander Commission (ATSIC) from 1990 to 2004.

The winding back of the highly autonomous community-controlled organisations which had been running the Commonwealth’s Community Development and Employment Projects (CDEP) scheme in communities was also likely to be front-of-mind for many participants in the consultation process. The Taskforce’s consultations took place in an environment strongly influenced by recent policy history.

While the idea of regional Aboriginal governance of service delivery was strongly supported by communities, there were differing views about the preferred model of Aboriginal regional governance (NSW Ministerial Taskforce on Aboriginal Affairs, 2013). Many believed this should build on existing Aboriginal decision-making bodies rather than developing a new regional geography of service delivery governed by new representative structures.

Based on this consultation process, the Taskforce acknowledged that each community is different, and that government needs to respect community preferences regarding representative structures, in line with human rights principles (NSW Ministerial Taskforce on Aboriginal Affairs, 2013).

It recognised the demand for strong Aboriginal community governance, with good representation within communities, along with peak bodies, to enable effective negotiation with government and NGOs.

Consequently, the Taskforce agreed that the model of governance should build on existing governance in regions and be community-led and designed.

Key elements of the Local Decision Making model

The Taskforce recommended the LDM model include:

- *formal partnerships between the NSW Government and community in which Aboriginal community leaders enter into those formal partnerships on behalf of their communities*
- *the development of Aboriginal community service delivery protocols*
- *local planning which addresses local circumstances and community-identified needs, and*
- *that funding service delivery be made dependent on evidence of real collaboration and partnership, not 'tick a box' consultation (NSW Ministerial Taskforce on Aboriginal Affairs Summary of Community Consultation, 2012, p. 2).*

The Taskforce also recommended that the model include the following core elements:

- *detailed service mapping*
- *building on existing community decision-making arrangements,*
- *progressively increased authority and delegation based on community capacity,*
- *flexible and pooled funding arrangements, and*
- *capacity building for both communities and government (NSW Ministerial Taskforce on Aboriginal Affairs, 2013, p. 6).*

Through the Taskforce and community consultations, the NSW Government developed a public sector wide Aboriginal non-government organisation (NGO) capacity building strategy that it believed would improve the lives of Aboriginal people. This strategy, which was to be termed *OCHRE* – an acronym for Opportunity, Choice, Healing, Responsibility and Empowerment – positioned the NSW Government's efforts in Aboriginal affairs.

The *OCHRE* strategy aimed to ensure that:

- *Aboriginal NGOs are supported to be fully functional, sustainable and achieve good governance and effectiveness*
- *procurement processes across government support the purchasing of services from Aboriginal NGOs without compromising probity requirements, and*

- *there is an increased Aboriginal workforce capacity across government-funded NGOs (NSW Ministerial Taskforce on Aboriginal Affairs, 2013, p. 6).*

OCHRE set an agenda whereby government agencies were to work in partnership with regional representative bodies to drive practical policy and program changes around service delivery, and to ensure that its investment decisions were shaped by regional and local contexts, community-identified aspirations and needs, and local solutions.

The NSW Government identified that this is where it had the capacity to make a difference to improve the lives of Aboriginal people in NSW and through its influence it could help to shape, reinforce, and leverage a whole of government effort. It is in this way that LDM – a key initiative of OCHRE – was ahead of its time.

At the time, it was recognised this model would need a strong authorising environment to guarantee that NSW Government agencies would fully participate. Specifically, the Taskforce recommended it should be legislated to ‘govern agency participation and ensure the effective devolution of decision-making’ (NSW Government Ministerial Taskforce on Aboriginal Affairs, 2013, p. 6).

The LDM vision

LDM is underpinned by the principle of facilitating Aboriginal self-determination and aims to ensure that Aboriginal communities have a genuine voice in determining what and how services are delivered to their communities (LDM Policy and Operational Framework, 2017).

In this way, LDM intends to move government away from consulting with communities to partnering with communities, giving communities greater power and control over service delivery.

LDM is intended to transform government by working across the siloed government agencies, fostering new cross-agency integration with public sector officials thinking and working together as part of regionally-based networks.

LDM is also intended to encourage agencies to change the way they design, fund, and implement their services and programs, by responding to community needs and priorities, and by building government’s cultural capacity to work safely in partnership with communities.

Ultimately, transforming government is about intervening in the structures of government agencies to transfer power and decision-making authority around service delivery to Aboriginal communities.

LDM mechanisms: the enabling framework

Authorising framework for LDM

The Premier’s Memorandum M2015-01-Local Decision Making provides the enabling framework for LDM, including Accord-making as an environment for facilitating innovative approaches to service delivery. According to the Local Decision Making Operation and Policy Framework (2017), Accords are the central mechanism for negotiating the staged devolution of decision making and accountability to Aboriginal Regional Alliances/Assemblies under the LDM policy ‘in relation to how government programs and services, which impact on them, are conceived, developed, and implemented’ and ‘the vehicle for re-setting this relationship and ensuring that decision-making between government and communities occurs collaboratively and in partnership’ (AANSW, 2017b, p. 6).

Despite the suggestion of the Taskforce, LDM has never been legislated and continues to rely on the 2015 Premier’s Memorandum to provide an authorising environment.

LDM Accords: mechanism for shared decision-making

Through LDM, Aboriginal Regional Alliances/Assemblies negotiate formal and binding agreements (Accords) with NSW Government agencies that influence how and what government services are delivered to regional Aboriginal communities. The Accord-making process involves three phases of negotiation: the pre-negotiation, negotiation, and post-negotiation phases. Prior to entering the three phases of Accord negotiation, Regional Alliances/Assemblies must demonstrate that they are Accord-ready and engage with their communities to develop a Statement of Claim. Once their Statement of Claim is signed by the NSW Minister for Aboriginal Affairs, Accord negotiations commence.

The negotiation phase includes pre-Accord workshops in which NSW Government agencies are tasked with supporting Aboriginal Regional Alliances/Assemblies to decide on issues to be addressed, as well as supplying data and information, participating in designing innovative cross-agency responses to policy issues, and implementing decisions. Both parties work together to develop shared goals and shared understandings of what success looks like. Through the negotiation of Accords, LDM intends that Aboriginal Regional Alliances/Assemblies seek service delivery outcomes that accommodate their interests jointly with delegates of NSW Government agencies. The negotiation phase also includes formal Accord negotiations, where both parties work together to establish strategies, activities, resources, and responsibilities to achieve their shared objectives.

The NSW Minister for Aboriginal Affairs and the Chair of the Aboriginal Regional Alliance then sign the Accord. In the post-negotiation phase, agreed strategies, activities, resources, and responsibilities are recorded; indicators, measures and targets are confirmed; and accountability arrangements are negotiated in the form of Accord Schedules. Once the Schedules are signed by the NSW Minister for Aboriginal Affairs, the process enters the implementation phase in which the Accord and its Schedules are implemented.

Negotiating Accords requires innovation

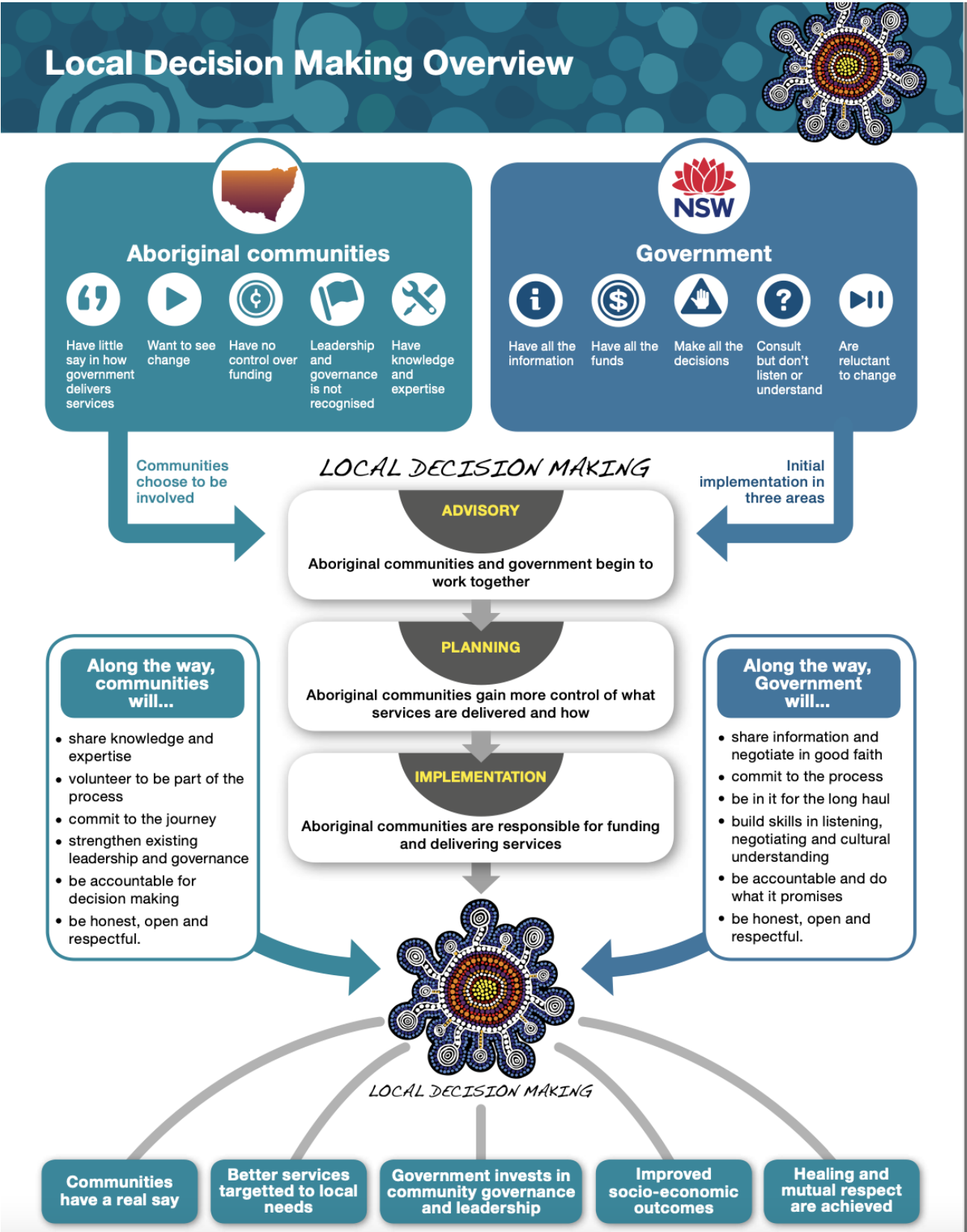
Accord-making creates an environment that places new and greater demands on NSW Government agencies and their delegates. It is envisaged that in Accord negotiations, Aboriginal Regional Alliances/Assemblies are able to work with delegates from a range of NSW Government agencies to develop whole-of-government responses to issues that Aboriginal Regional Alliances/Assemblies have identified as community priorities. Accord-making requires innovation in how community and government work together to address community priorities, including actions, timeframes, resources, responsibilities, and ways to measure success. It also requires innovation in how NSW Government agencies work together across existing institutional structures. Such innovation may require reforms to laws, policies, practices, responsibilities, systems, and processes.

Staged devolution of decision-making via LDM

LDM is also envisaged as a phased or staggered initiative, in which progressively greater autonomy and resourcing is devolved to Aboriginal Regional Alliances/Assemblies as they gain capacity and strengthen their governance. Thus, initially Accords provide a mechanism for achieving shared decision-making around service delivery in regions. Through the staged process, LDM is intended to gradually transfer autonomous decision-making powers to Aboriginal Regional Alliances/Assemblies.

Something of a shift to this new way of thinking about relationships is evident when newer Accords are compared to older Accords. Both the MPRA Accord II and RMRA Accord state that the parties make a 'genuine commitment to developing transformative relationships rather than transactional relationships, with a renewed focus on developing innovative and holistic solutions and on considering different, more equal approaches to partnership' (RMRA Accord, Clause 2.1.11, MPRA Accord Clause 2.1.10). Figure 4 illustrates how devolved decision making is envisaged under LDM.

Figure 4 LDM Decision Making Overview



Source: AANSW 2019.

LDM in the national context: towards self-determination

During the days of the Aboriginal and Torres Strait Islander Commission (ATSIC), there were a lot of community Aboriginal organisations, and at least I felt, there was quite a strong Aboriginal community voice, and when ATSIC ceased to exist that representative voice kind of left the scene and a lot of organisations that had been funded by ATSIC ceased to exist as well. The Aboriginal community-controlled sector must have dropped by 50-60%, I think, in that timeframe. It just died. For a long time, there was no community voice. This LDM process held out a lot of hope for people that maybe it would be kind of a regional structure that people would come together and negotiate with government (NCARA–State Accord Evaluation interview, Deputy Secretary, NSW Government agency).

In 2013, the OCHRE LDM initiative was ahead of its time. The LDM initiative arrived during an era when a partnership approach to Aboriginal and Torres Strait Islander service delivery had become the new norm in Australia but without the robust structure of representation once provided by ATSIC. In the same year that LDM was established in NSW, 'Empowered Communities' commenced nationally. The Commonwealth and states had been seeking to share decision-making in the realm of service delivery with local and regional Aboriginal and Torres Strait Islander communities, but with limited success (Morgan Disney & Associates, 2006).

In 2001, the Commonwealth Grants Commission (CGC) Inquiry into Aboriginal and Torres Strait Islander funding recommended that Aboriginal and Torres Strait Islander people should have authority to make decisions about the services they receive, be involved in decision-making for mainstream services, and ideally, even control the funds to provide the services (CGC, 2001, p. xiii). The intent was for funding arrangements to change to 'enable community control of service provision as far as practicable' (CGC, 2001, pp. xv–vi).

Whole-of-government approaches had also come to occupy a significant place in Aboriginal and Torres Strait Islander affairs policy thinking. Indeed, 12 months earlier, the Federal Minister for Family and Community Services had issued a statement setting out that Aboriginal and Torres Strait Islander government programs should be delivered 'on a strategic, coordinated, and whole-of-government basis. Programs should be based on the views and aspirations of whole communities and Indigenous people themselves should have a central role in the design, planning and delivery of services' (Federal Minister for Family and Community Services, 24 October 2000). This set out a potential new model for service delivery in which Aboriginal and Torres Strait Islander decision-making was combined with a whole-of-government approach in the delivery of services.

However, the abolition of ATSIC in 2004 represented a step backwards for this agenda. The failure of the Australian Government to fill the vacuum that ATSIC left behind, left Aboriginal and Torres Strait Islander communities with few regional representative structures or levers to influence government decisions on service delivery. Despite commissioning a review which found that Regional Councils were the strongest part of the ATSIC model (Hannaford et al., 2003), the Australian Government watered down and then ultimately scrapped its commitment to providing support for regional representative structures in the wake of ATSIC (Arabena, 2005, pp. 34–39).

A partnership approach continued to be taken by the Australian Government, but in the absence of nation-wide structures of Aboriginal and Torres Strait Islander regional representation. The COAG Trials during 2002–2007, Shared Responsibility Agreements, and Regional Partnership Agreements were prominent parts of this agenda (Arabena, 2005; Walden, 2016). Aside from ATSIC, partnership approaches by the Australian Government have

been limited to experiments and trials in a small number of regions for discrete periods of time. They have not represented a systematic change to government approaches to Aboriginal and Torres Strait Islander public policy across the board.

Such approaches have been far from unanimously viewed as a success – indeed, an evaluation of the COAG Trials was generally negative (Morgan Disney & Associates, 2006, p. 4). The difficulties in implementing this approach were attributed to:

- the importance of personal relationships between participants and the problems caused by high turnover in government personnel
- racism among government personnel
- structural difficulties for governments in implementing whole-of-government solutions, and
- the importance of active leadership within government to driving the trials from the highest levels down.

In NSW, the only COAG Trial site was in the Murdi Paaki region in far western NSW (Morgan Disney & Associates, 2006). The Murdi Paaki COAG trial was structured around a Shared Responsibility Agreement, which focused on governance and community capacity building. The first priority of this Shared Responsibility Agreement was the strengthening of community and regional governance structures. In practice, this meant a financial investment from governments in the resourcing of the 16 Community Working Parties (CWPs) that comprise the constituent bodies of MPRA (Burns Aldis, 2019). It is important to note that these CWPs had been established by communities independently from, and prior to, the COAG Trial. They were consequently well-placed to utilise community facilitators and the secretariat support which was funded under the Shared Responsibility Agreement to support the CWPs to implement their Community Action Plans. While this was seen as a positive for communities in the Trial, non-lead government agencies were criticised for a failure to work constructively with other government departments and with CWPs (Urbis Keys Young, 2006). As the evaluators reported:

In some instances, government agencies were said [by community members] to be unresponsive to community priorities... Such issues were not seen to be uniform across the government sector; rather, certain agencies (and levels of government) were seen as 'repeat offenders,' having ways of operating which do not fit well with the COAG Trial or the role of CWPs. Some agencies were said to have operated outside of established protocols from time to time – for example by not consulting CWPs about issues affecting their communities or making funding decisions unilaterally. As one person put it, such agencies 'need to be reminded of how business needs to be done'. The perception of many community members who were consulted in 2005 was that while government agencies might talk about consultation and coordination, little had actually changed at that stage in the way they went about their business (Urbis Keys Young, 2006, p. 22).

Beyond the Murdi Paaki region, an initial attempt to fill the void left by ATSIC in NSW was made with the 2003–2012 plan for Aboriginal Affairs called 'Two Ways Together' (NSW Government, 2003). Two Ways Together incorporated a bundle of initiatives, including a Partnership Community Program from 2009–2011 (Auditor-General of NSW, 2011). By working with existing or newly established community governance bodies at the local level, this program intended to provide a 'clear way for communities to work with government as partners to identify and better respond to community needs, drive local planning, and improve service delivery on the ground' (Auditor-General of NSW, 2011, p. 34). However, despite an audit report describing the Partnership Community Program as a promising development, Two Ways Together and the Partnership Community Program was ultimately scrapped after a change of government in March 2011. Many elements of LDM's design are consistent with this short-lived program.

LDM arrived after many years of transactional government characterised by the post-ATSIC era. From 2004, Aboriginal and Torres Strait Islander government service delivery had become more market and transactional focused, with prominent Cobble Cobble and South-Sea Islander scholar, Megan Davis (2015) describing this as the era of 'mainstreaming'. Mainstreaming meant a rejection of long-term funding of ACCOs and an introduction of a competitive market model for delivering services. ACCOs found themselves in a highly competitive service delivery market with mainstream not-for-profit organisations who possessed market advantage due to their size (Howard-Wagner, 2018).

As the interview extract reproduced above explains, the move to a competitive Indigenous service market and transactional relationships with ACCOs at the state and federal level saw a significant loss of ACCOs in NSW. Nationally, the number of Aboriginal and Torres Strait Islander corporations registered under the Corporations (Aboriginal and Torres Strait Islander) Act 2006 fell from over 2800 in 2005 to under 2300 by July 2010. LDM was conceived of after nearly a decade of destruction of the Aboriginal community-controlled sector.

LDM was among the first models of the post-ATSIC era which endeavoured to systematically move government service delivery relationships with communities away from a transactional relationship with government agencies to a transformative relationship (AANSW, 2018, p. 10). In tacit recognition of the failure of the mainstreaming agenda, Australian governments began experimenting with different relationships with First Nations people around service delivery. Since 2013, the Commonwealth has focused on regional investment partnerships through Empowered Communities and other regional investment strategies, although no nationwide structure for regional representation has emerged to replace the ATSIC Regional Councils.¹ LDM foreshadowed the 2020 National Agreement on Closing the Gap (hereafter 'CTG 2020') insofar as it was already thinking about decision-making partnerships, the transformation of government agencies, data sharing – three of the 2020 Priority Reforms – several years before the renegotiation of CTG began with the national Coalition of Aboriginal and Torres Strait Islander Peak Organisations (CATSIPO) in 2019.

In 2017, the Australian Government went a step further and directed a service delivery shift away from transactional basis of engagement to a more collaborative, strong place-based relationship, predicated on recognition of strengths, sharing power, and decision-making (AANSW, 2017, p. 32). This saw the advent of a discourse of co-design, 'genuine partnership' and collaboration, empowerment, shared accountability, and transparency as key features of the Australian Government's approach to Indigenous policy (Dillon, 2021a). Such an approach has been driven, according to one analyst, by the exhaustion of the legitimacy of approaches to Indigenous affairs that are driven by Governments and their agendas rather than by Indigenous peoples (Dillon, 2021c).

The Australian Government now describes its agenda as seeking to move from transactional relationships to formal partnerships and Indigenous empowerment through its leadership, partnerships, and programs, building on the proposed National Voice and Local and Regional Decision-Making, community and organisational capability, and its contribution to CTG (NIAA, 2022b). The federal Indigenous policy framework is described by the National Indigenous Australians Agency as investing in a strategic, evidence-based, outcomes focused

¹ This has seen significant investment in two LDM sites: Barang Regional Alliance under empowered communities and MPRA under other regional investments. The Australian government is supporting the critical capability of Aboriginal community leaders on the Central Coast of NSW as it works with its communities and partner organisations to identify and progress local priorities. Through other funding avenues, the Australian Government has also provided support to MPRA in western NSW over a number of years (Burns Aldis, 2019). Like Empowered Communities, 'this aims to empower Indigenous people to exercise choices and make decisions about their lives, build trust between communities and governments, and move away from an application driven transactional approach that entrenches disempowerment to one of true partnership' (NIAA, 2022b, p. 1.). According to National Indigenous Affairs Agency (NIAA) notes, 'The MPRA has become a representative regional voice for Indigenous communities to participate in decision-making, assist in the implementation of government policy, and ensure both government and Indigenous people are accountable for the delivery of outcomes on the ground' (NIAA, 2022b, p. 1). The NIAA notes that the Australian Government is working with the MPRA as a key point of engagement on service delivery in the region due to its strong capability, governance, and leadership, as well as its role in the LDM framework. Accordingly NIAA 'are looking at opportunities to build on this relationship, including how to align the efforts of both the Commonwealth and NSW Governments to maximise outcomes' (NIAA, 2022b, p. 1).

approach, recognising that the best outcomes occur when government and Aboriginal and Torres Strait Islander peoples work together in partnership (NIAA, 2022b).

In 2019, as part of the shift towards partnership-based approaches, the Australian Government announced the results of the long-awaited 'refresh' of CTG undertaken in partnership with CATSIPO and all Australian state and territory governments, as well as a representative of local governments. The CTG 2020 focused on four priority reforms:

- formal partnerships and shared decision-making
- building the community-controlled sector
- transforming government organisations, and
- shared access to data and information at a regional level.

CTG 2020 may represent a significant milestone in Indigenous public policy in Australia. Pressure had been building for several years for greater involvement of Indigenous institutions in Indigenous public policy-making. Whereas Australian government rhetoric from the final years of the Howard Government had emphasised the need for unilateral action from governments, the failure of this approach to deliver health and socioeconomic outcomes for Aboriginal and Torres Strait Islander peoples led to its exhaustion by the advent of the Turnbull Coalition Government. Without delivering significant reforms, this Government recast the rhetorical frame around the need for policy co-design between Aboriginal and Torres Strait Islander People and Governments (Dillon, 2021a) and sought to portray itself as embracing the slogan of 'nothing about us without us' when undertaking Indigenous public policy making (Turnbull, 2020). But it was not until consultations on the 'refresh' of CTG began in earnest in 2018 that a significant policy reform was delivered that put this slogan into practice. Coming under concerted pressure in the media from the Indigenous peak organisations that later formed the original members of CATSIPO, the Coalition Government, under the then recently elected leader Scott Morrison, agreed in December 2018 to give the peaks a greater role in the CTG refresh process and its future implementation (Dillon, 2021b).

The partnership approach to CTG 2020 is formalised through two agreements. The first, a Partnership Agreement signed in March 2019 by all Australian governments and CATSIPO, established the Joint Council of Australian Governments and Aboriginal and Torres Strait Islander People on Closing the Gap. The Joint Council had the task of undertaking the refresh of the CTG targets. It was co-chaired by the Federal Minister for Indigenous Australians and the Chief Executive Officer (CEO) of the CATSIPO. Some 16 months later, all parties agreed to the CTG 2020. Through a partnership with CATSIPO, the 2020 National Agreement recast ACCOs not solely as service providers in an open market and in a transactional relationship with governments, but as intrinsic partners in CTG.

Reflecting on these priority reforms, as well as the current 17 'socioeconomic' targets of the CTG 2020, it is apparent that LDM and CTG share many of the same goals, assumptions and ways of working. Both are intended to transform government through shared-decision making and are meant to lead to partnership and agreement-making between Government and Aboriginal and Torres Strait Islander interests becoming the standard mechanism for Indigenous public policy development and implementation. Both are intended to lead to a greater degree of community control over service delivery. Both recognise the importance of governments providing Aboriginal and Torres Strait Islander interests with access to administrative and other data as key to

all of these processes. And indeed, the vast majority of the objectives agreed to in LDM Accords align with the socioeconomic, health and justice targets outlined in CTG 2020.²

The LDM model has also been emulated and adapted in other Australian jurisdictions. For example, in the Northern Territory, at least seven LDM Agreements have been signed by government and local or regional Aboriginal representatives at the time of writing, with several more reportedly under negotiation.³ Several of these agreements indicate a great deal of mutual ambition to devolve service delivery to Aboriginal structures. For example, the Groote Archipelago LDM Agreement between the Northern Territory Government and Anindilyakwa Land Council promises the establishment of an independent Aboriginal boarding school, a community-owned and managed low security alternative to prison facility in one community, a registered community housing provider, and a new community-controlled bi-lingual education system and a Child and Family Centre (Groote Archipelago LDM Agreement, 2018). In Queensland, the Local Thriving Communities approach was developed in response to a Queensland Productivity Commission report which described service delivery to discrete Aboriginal and Torres Strait Islander communities in the state as ‘fundamentally broken’ and recommended ‘structural reform to transfer accountability and decision-making to communities’ (Queensland Productivity Commission, 2017, p. viii). Local Thriving Communities is governed by a Joint Coordinating Committee of local community representatives and government officials and is co-chaired by an Aboriginal community representative and Dr Chris Sarra, Director-General of the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships. Part of this approach involves the recognition or establishment of ‘Local Decision Making Bodies’ at the community level to negotiate ‘Community Agreements’ with the Queensland Government. Much like Accords, Community Agreements will outline shared priorities between the Local Decision Making Bodies and the Queensland Government, and that Government’s commitments to meet them. Clearly NSW’s LDM model has been influential in other Australian jurisdictions.

The former Coalition Australian Government also recognised the importance of shared regional decision making. As a partial response to the Uluru Statement from the Heart and a subsequent inquiry and report from a joint parliamentary committee (JSCCRATSIP, 2018; Referendum Council, 2017), the Federal Minister for Indigenous Australians established a process to co-design an Indigenous Voice to government in October 2019. Among its terms of reference, it was to ‘articulate effective regional mechanisms for improved local and regional decision-making by Indigenous Australians in partnership with governments, including their purpose and scope’ (Langton & Calma, 2021, p. 243). The report recommended the establishment of bodies to be known as ‘Local and Regional Voices’ that would, among their functions, ‘undertake and facilitate shared decision-making with governments’ (p. 23). The Langton and Calma model for Local and Regional Voices owes a clear intellectual debt to LDM in NSW, and specifically calls for the non-duplication of existing regional structures such as Aboriginal Regional Alliances/Assemblies. The former Coalition Government accepted this aspect of the co-design report. In its response to the report, the former Coalition Government included a commitment to establish the envisaged Local and Regional Voices, through engagement with the states and territories, the formation of a Local and Regional Voice Establishment Group, and a process for engaging with stakeholders (Wyatt, 2021). By April 2022, just prior to the federal election, the Establishment Group had been appointed and funding for the creation of Local and Regional Voices appropriated in the 2022–23 budget (National Indigenous Australians Agency, 2022a). Although the election of the Albanese Labor Government in May 2022 with plans for a constitutionally-enshrined Voice to Parliament has interrupted the implementation of this plan, in August 2022 all Ministers responsible for Aboriginal and Torres Strait Islander Affairs in Australia were reported to have continued their discussion of ‘the practical steps for implementing voice arrangements, including at a regional

² Although the Closing the Gap targets go to issues generally considered to be beyond the scope of Accords, such as land and water rights which are not dealt with under LDM in NSW.

³ As reported on the Northern Territory Government website, 14 August 2022, <https://ldm.nt.gov.au/>

level, that would enable First Nations people to work in partnership with all levels of government to improve policies, programs and service delivery in their regions. This work will build on and align with existing and emerging arrangements currently supported by states, territories, and the Commonwealth' (Burney, 2022, p. 1).

In summary, LDM as an initiative drew on prior approaches to joint regional decision making, making similar policy design decisions, and involving many of the same individuals and institutions in Aboriginal communities. LDM also prefigured many subsequent approaches in other jurisdictions, including local and regional approaches in Queensland and the Northern Territory, the Partnership Agreement between Indigenous peak organisations and Australian governments, and on-going proposals regarding regional Voice arrangements. There is clearly a demand among governments for shared decision-making at regional and jurisdictional levels, one with which many Aboriginal organisations and representative bodies are willing to engage.

International development in transforming Indigenous service delivery

The term 'transformed government' arises from the international social service design and delivery literature and is consistent with the design, ethos, and rhetoric of LDM. Within this literature, transformation relates to government agencies changing the way they work with communities to solve policy problems. Importantly though, transforming government concerns transforming the role of government agencies and transforming the relationship between government agencies and communities. As Nambisan and Nambisan note, 'realising a transformational change in roles... demands entirely new perspectives on engaging with citizens in problem-solving, new ways of doing business with citizens, and new forms of connecting with citizens' (Nambisan & Nambisan, 2013, p. 9). This research scholarship offers 'a network-based, collaborative innovation framework to explain how government agencies (federal, state, and local) can partner with varied external networks and communities – including citizen networks, non-profit organisations, and private corporations – and play different types of problem-solving roles to find innovative solutions that drive transformational change in the business of government' (Nambisan, 2008, p. 6.). The idea is that government agencies engage communities as co-creators and partners in public service innovation (Nambisan & Nambisan, 2013, p. 8). As von Heimberg and Ness (2021, p. 640) point out, 'co-creation logic represents a participatory, collaborative, deliberative, multi-stakeholder, and boundary-spanning approach to public value creation, ...[which] aligned with a 'new public governance' approach, is rapidly becoming a core principle of reforming public sectors and democratic governance.

According to scholars of public policy, transforming government is about changing the policies, administrative requirements, and organisational structures around service delivery (Abramson et al., 2006, p. 3). It is also about changing systems, procurement practices, budgeting, and financial management (Abramson et al., 2006, p. 3). As Abramson, Breul and Kamensky explain, 'governments are increasingly discarding one-size-fits-all approaches and permitting departments and agencies more "managerial flexibility" with customised operating procedures and approaches to delivering services' (2006, p. 3). To achieve this end, it is recognised within the literature that such change means 'providing program managers with more managerial flexibility in combination with holding them accountable for performance ...[it] gives those who know the most about an agency's programs the power and flexibility to make those programs work' (Abramson et al., 2006, p. 3).

The transformative elements of LDM

LDM fits neatly into this new policy approach given its focus on transforming Aboriginal service delivery arrangements, transforming how government works, and transforming relationships. The LDM transformative process is a multi-layered approach. Under the Accord-making process, transforming working relationships and innovating solutions around service delivery is both a structural and system change. At the heart of this multi-

layered approach to transformation is community voice and grassroots regional governance. Changes to decision-making processes are staged. At first, this transformative process is about making room at the table for shared decision-making around Aboriginal service delivery in LDM regions, but ultimately the end game is government agencies moving over and delegating local decision making around service delivery to Aboriginal community decision-making bodies (Ardler, 2017, p. 114).

According to the former Head of Aboriginal Affairs NSW, the initiative sets up ‘an entirely new relationship between Aboriginal communities and the New South Wales Government’ (Ardler, 2017, p. 113). It requires a real shift in the way that NSW Government agencies have traditionally worked (Ardler, 2017, p. 113). This relationship is managed through the Premier’s Memorandum M2015-01-Local Decision Making and is about shifting the power relationship (Ardler, 2017, p. 113). The Premier’s Memorandum M2015-01-Local Decision Making sets out that:

NSW Government agencies are required to work respectfully, constructively, and cooperatively with Aboriginal Regional Alliances/Assemblies, to develop Accords [negotiated agreements]. Agencies are obligated to adhere to the principles of LDM, to negotiate openly and in good faith, and to share service provision and indicator data with Aboriginal Regional Alliances/Assemblies (NSW Department of Premier and Cabinet, 2013, p. 23).

As Ardler explains, ‘not only does this support power sharing between government and Aboriginal communities but it also requires government agencies to respond directly to Aboriginal perspectives. The empowerment of Aboriginal communities, the sharing of decision-making, and transparency, all mean that government is now accountable to those communities’ (Ardler, 2017, p. 114).

Ultimately though, as Ardler comments, it requires a responsive public service that is willing to and structurally capable of transforming the way that it works for LDM to succeed (Ardler, 2017, p. 114). LDM envisages that the benefits of transforming government and the process of transforming working relationships and innovating solutions around service delivery will be achieved through the Accord-making process. The LDM initiative was intended to create a decision-making environment which changed the rules structuring services design and delivery, giving greater decision-making power to Aboriginal communities, and thereby transforming government. The ultimate objective is for government agencies to move over and delegate local decision-making authority around service delivery to Aboriginal community decision-making bodies (Ardler, 2017, p. 114).

Why relationships matter for transforming government

In 2017, AANSW sponsored a report examining the research question How can the NSW public service shift its structural and attitudinal frameworks to support devolving decision-making to Aboriginal communities? The report produced from that research was framed around the NSW *OCHRE* plan, examining what working with communities would need to look like and how public service structural and attitudinal frameworks would need to shift to support devolving decision-making to Aboriginal communities under that plan. They examined those relationships on a continuum with consultation sitting at one end and empowerment sitting at the other. Reflecting on those working relationships, the report’s authors explain why those relationships need to give way to better practices, explaining the profound adverse effect that poor structural and attitudinal frameworks – the structures of an organisation and the beliefs and attitudes of individual employees – can have on an organisation’s ability to collaborate successfully with Aboriginal communities (Andrew et al., 2017, p. 12). The authors also suggest that the reason why those structural frameworks do not give way may be due to institutional racism. They draw on the work of legal scholar Richard Delgado to define institutional racism as ‘the manner in which a society’s institutions operate systematically, both directly and indirectly, to favo[u]r some groups over others regarding access to opportunities and valued resources’ (Delgado, 2015, para 1 cited in

Andrew et al., 2017, p. 13). They point out that ‘institutional racism can persist even if the individuals working within the organisation do not have racist beliefs, attitudes or actions’ (Andrew et al., 2017, p. 13). The authors identify a series of examples of institutional racism including white language, insensitivity to Aboriginal protocols, and tokenistic inclusion of Aboriginal representatives in governance structures which offer no opportunity for real influence (2017, p. 18). They also note that ‘the structures and frameworks used to establish and develop working relationships have also been subject to criticism’ (2017, p. 14). For example, they identify the way that public officials engage with Aboriginal people – do to or doing for, rather than doing with – as a form of institutional racism (Andrew et al., 2017).

Drilling down to what those transformed working relationships should look like under LDM, Dr Mandy Yap was engaged by Aboriginal Affairs NSW to develop a survey instrument for measuring working relationships as part of the *OCHRE* LDM Stage 2 evaluation. Yap set out to respond to the evaluation question ‘To what extent has the LDM positively transformed the relationship between Alliance and government? What enables and impedes this transformation?’ As Yap explains, the concept of interest is ‘the working relationship that develops between public officials and Aboriginal community members through the Accord making process and subsequent implementation of the Accord actions (Yap, 2022, p. 2). Through a series of collaborative exercises with Aboriginal Regional Alliances/Assemblies and public officials engaged in Accord making and subsequent implementation of Accord actions, Yap co-developed themes and indicators of the strength of these working relationships. As Yap notes, ‘For each of the indicators, there were one or more potential questions presented for discussion with Aboriginal Regional Alliances/Assemblies and public officials’ (Yap, 2022, p. 21). Those discussions allowed Yap to ensure that the framing of the survey questions were right, the questions were relevant in terms of capturing the underlying concept being measured, and the appropriate questions to be used (Yap, 2022, p. 21).

These themes and indicators are listed in Table 1. It is clear that the notion of a good working relationship is complex and multidimensional. It not only requires that individuals have the appropriate attitudes, but crucially that the right structures are in place to facilitate healthy relationships. The LDM initiative is primarily intended to deliver a structure for shared decision-making through which strong working relationships can develop.

Table 1 Themes and Indicators of working relationships under LDM

Theme	Indicators
Recognise and value different knowledge systems and authority	Community principles and cultural protocols guide the ways of working together
	Strength, skillset, and expertise of partners are valued and resourced
	Distinction between communities is respected and acknowledged
	Having the opportunity to make sense and develop solutions together
	The representatives of partners in the relationship are respected
	Negotiations and decision-making reflect the strengths of the parties involved in the relationship
	Knowledge of and understanding government structures, systems, and processes
Communication – honest, open, transparent, and timely	Communication and engagement between partners are open and honest
	Decision-making processes and guidelines are clear and transparent
	Information concerning and impacting on partners in the relationship is received in a timely manner
	Making the time to listen, engage and understand the whole/broader circumstances (not siloed)
	Communication is consistent and respectful (checking in to ensure all are getting the same message)
Genuine and ongoing engagement and collaboration	Having genuine interest in the LDM goals and its success
	Feeling empowered about the process
	Being able to negotiate the terms of engagement
	Partners trust each other to make decisions/recommendations in the best interest of all
	Feel safe to voice and share ideas and concerns without being judged, shamed or blamed
Accessibility in language and framing	The framing and language of the LDM and Accords represent futures and priorities of Regional Alliances/Assemblies
	Language and framing of the LDM and Accords are collaborative and specific to each regional alliance
Respectful ways of working	Contribution of each partner are recognised and acknowledged
	Disagreements, problems, and concerns are discussed and worked through taking as much time as needed
	Being able to understand the scope of negotiations and boundaries of authority
	Collective interests and goals rather than individual agendas guide discussions and decision-making
Representation and power asymmetry	Decision-making processes are inclusive and accommodates diverse viewpoints
	All parties have access to resources or expertise to negotiate fairly and make informed decisions
	All parties have access to relevant information and data to make informed decisions and negotiate
	Equitable and relevant representation and participation at the table
	Respecting and accommodating/incorporating different forms of representation

Mutual accountability and responsibility	All parties have a shared understanding of what has been agreed and signed in the Accords
	All parties have a shared understanding of the goals, engagement terms and accountability structures of the LDM
	Two-way reporting of milestones and deliverables in a timely manner to all parties
	Changes to the Accords are discussed and reasoning for change documented and communicated
	Handover of responsibilities and documentation is carried out when individuals or personnel change
Strong and ongoing commitment	Promote and advocate/champion for LDM across policies and programs within the footprint of regional Alliances/Assemblies
	Delivering on and sticking to the commitments made in the Accord
	LDM is embedded and mandated in processes and policies relating to priority areas identified by Alliances/Assemblies in the Accord
	Monitoring and evaluation of the LDM accords
Awareness, learning and self-reflection	Being open to doing things differently
	Embrace learning opportunities to better understand local history and cultural context
	Willingness to improve and incorporate feedback to the process
	Being self-aware of personal and cultural biases and prejudices
	Being adaptable and flexible to changing circumstances and priorities

Source: Yap (2022).

Findings

LDM's principles and successes

LDM is intended to be:

- a means for empowering communities
- establishing formal partnerships, local decision-making, transforming working relationship with NSW Government agencies
- improving government accountability, and
- improving Aboriginal peoples' access to information and data to attain better service delivery in their regions.

LDM's principles remain widely supported across those interviewed in NSW Government agencies and those in LDM regions. Few involved in the initiative, including Aboriginal and non-Aboriginal senior public servants, hesitate to voice their support for the goals of LDM. Throughout our evaluation, we have heard widespread support for the principles of LDM and its intent, albeit not unanimous support. In general, support for the principles of LDM is strongest among those most closely involved, although we are unable to determine whether this is because they are most familiar with the initiative and its operation, or because those who are more sceptical within communities and the public sector have not chosen to engage with LDM.

It is also our observation that, despite the challenges, which we will outline later, the desires of those representing their local and regional Aboriginal communities that led to LDM's inception has continued. LDM has seen high levels of goodwill, volunteerism, and political capital staked by local and regional Aboriginal community leaders who have encouraged their community representative bodies or community-controlled organisations to engage with LDM. They have asked their communities to trust them in embarking on the LDM journey. Those leaders have invested significant time in the LDM model and the Accord-making process as a vehicle for voices of communities and regions to reach the NSW Government and NSW Government agencies.

Importantly, we have found that on occasion, LDM has delivered transformative changes. There are parts of LDM that have successfully delivered on its intent. At each regional site, LDM has been designed and implemented in and by communities to reflect the characteristics and needs of each location and the regional governance structures build on existing community decision-making arrangements. LDM has built on and strengthened Aboriginal governance in LDM regions, although this process has not been without challenges.

In this section of the Preliminary Findings Report, we outline through a series of case studies how, when done well, LDM has produced benefits on the ground. They illustrate how:

- LDM can be a vehicle for grassroots regional Aboriginal governance
- By supporting the infrastructure of Aboriginal Regional Alliances/Assemblies, ancillary benefits to LDM are produced
- LDM can operate as a catalyst for shared decision-making, transforming government and transformative relationships
- working relationships of trust have been developed through hard work over many years between senior public officials and Regional Alliance/Assembly officeholders
- investment results in higher levels of capacity around data governance, service mapping, and capacity strengthening for young community leaders, and

- while there is considerable room for improvement around NSW Government agencies sharing data, with investment Aboriginal Regional Alliances/Assemblies are forging new ground in relation to regional data gathering and regional data governance, despite less-than-ideal data sharing from NSW Government agencies.

There are powerful examples where working relationships of trust have been developed through hard work over many years between senior public officials and Regional Alliance/Assembly officeholders. Significant goodwill and trust have developed in communities in LDM regions. LDM has provided direct access for communities and ACCOs to key government stakeholders.

Local Decision Making is a vehicle for government to hear community voice and supports grassroots Aboriginal governance

The initiative itself, LDM, it took community a little while to understand what we've been given and now that we've been working in the space for a while, we really feel that we've got something that can really make a difference in our community. And even government, I don't think government understood what they give us... this is about changing lives. I'm doing stuff in schools which is ground-breaking. I'm getting access to 60 principals in my community. I've never had that access before. That comes from LDM. This is where we're changing the lives. We've got to start getting away from this us and them... stuff, let's sit at the table and really make the difference for our mobs (NCARA-State Accord evaluation interview, Chair, Aboriginal Regional Alliance/Assembly).

If we're talking about a community, so the community must have their own structure, so the community can come together and work out what their issues are, and put that to the next level, which is your Regional Alliance. So, there's strength in then the region taking on board those individual community issues, which could be very similar, but not exactly the same, every community is different. But it could be a similar issue that, for argument's sake, that in all the TRRA 12 communities they have a problem with education. So, there's a similar issue then the regional body can have that conversation with government. If the regional body isn't getting any take with Education, then they can escalate that to the NCARA, which is the state-wide body. The advantage of NCARA being the state-wide body is, they're regularly in contact with the Secretaries of the agencies. So, they have that direct line into the ultimate decision makers for each of the government structures, government silos, departments. So, I think that's a good structure (NCARA-State Accord Evaluation interview, former TRRA Chair).

LDM is pulling communities together. You look at Dubbo. Dubbo is only one of 12 of our communities, Dubbo's got 8 clan groups, Aboriginal Education Consultative Group Inc. (AECG), you mob, TRRA, and the Aboriginal Working Party. That's one community. We're all coming together. The clan groups in our region have been [unclear] for a long time, they're starting to come to sit at the meetings I am chairing. LDM is bringing mob there and that's what's frightening them. You talk about accountability, but that's real accountability, cause it's not only Land Councils sitting there you got community coming together and that's strong stuff when they can all come together and hold them accountable (NCARA-State Accord Evaluation workshop, TRRA Chair).

The LDM initiative with its Accord-making process is a vehicle for voices of communities and regions to reach the NSW Government and NSW Government agencies through Aboriginal regional governance structures. Those structures of Aboriginal governance provide ‘a bottom-up approach, so it’s coming from community’s eyes, so that lived experience is a gamechanger’ (NCARA/State Accord evaluation, NSW Government Agency senior position holder). As one interviewee stated: ‘LDM is a community groundswell, it’s not coming from an Aboriginal community-controlled organisation nor is it coming from a member base or an association or an organisation. This is grassroots community members coming together and embodying what they think is in the needs of community and then how government respond accordingly’ (NCARA-State Accord evaluation interview, NSW Government Agency Deputy Secretary).

All Chairs of Aboriginal Regional Alliances/Assemblies live in communities in their regions, and almost all delegates to Aboriginal Regional Alliances/Assemblies live in the communities that they represent. As these representatives are keen to explain, this geographical proximity and lived experience makes them not just experts in Aboriginal community life, but also personally accountable to the neighbours and fellow community-members on whose behalf they work.

Barang Regional Alliance (Barang) and Illawarra-Wingecarribee Alliance Aboriginal Corporation (IWAAC) have adopted an incorporated model, bringing together ACCOs in the region into a new corporate structure. In contrast, Murdi Paaki Regional Assembly (MPRA), Three Rivers Regional Assembly (TRRA) and Riverina Murray Regional Alliance (RMRA) have formed unincorporated Assemblies comprised of delegates from Community Working Parties and/or Local Aboriginal Land Councils. Table 2 describes the location and membership structure of 10 Aboriginal Regional Alliances/Assemblies with different levels of participation in LDM as of June 2021.

Case studies 1 and 2 describe the two observable models of Aboriginal regional governance under LDM at present.

Table 2 The membership and location of Aboriginal Regional Alliances/Assemblies participating in the LDM Initiative, June 2021

Aboriginal Regional Alliance	Composition	Region
Barang Regional Alliance	One representative from six lead Aboriginal Community Controlled Organisations and the Local Aboriginal Land Council (Bara Barang Corporation, Darkinjung Local Aboriginal Land Council, Gudjagang Ngara li-dhi Aboriginal Corporation, Mingaletta Aboriginal Corporation, NAISDA Dance College, The Glen Centre, Yerin Aboriginal Health Services Inc.) (Barang Regional Alliance, 2021)	The Central Coast
Illawarra-Wingecarribee Alliance Aboriginal Corporation (IWAAC)	Currently five Indigenous Sector organisations (Shellharbour Aboriginal Community Youth Association Inc., Illawarra Aboriginal Corporation, Kullila Housing and Cultural Heritage AC, Koori Services Australia AC and Koori Kulcha AC)	The Illawarra and Wingecarribee areas
La Perouse Aboriginal Community Alliance (LPACA)	Seven organisations which undertake community development and deliver services to the La Perouse area: La Perouse Local Aboriginal Land Council; Guriwal Aboriginal Corporation; Eastern Zone Gujaga Aboriginal Corporation; La Perouse Youth Haven; La Perouse Board Riders Aboriginal Corporation; La Perouse Panthers Sporting	Local government areas of the City of Sydney, Bayside Council, Sutherland Shire Council, Randwick City Council, Waverly Council and Woollahra Municipal Council

Aboriginal Regional Alliance	Composition	Region
	Aboriginal Corporation; and Gamanygal Aboriginal Corporation	
Murdi Paaki Regional Assembly (MPRA)	One representative from each Community Working Party for the 16 constitutive communities (MPRA, 2016)	Bourke, Brewarrina, Broken Hill, Cobar, Collarenebri, Coonamble, Engonia, Goodooga, Gulargambone, Ivanhoe, Lightning Ridge, Menindee, Walgett, Weilmoringle, Wentworth/Dareton, and Wilcannia
North Coast Aboriginal Development Alliance (NCADA)	'...[R]epresentatives from across the Northern Rivers; inclusive of Health, Social Justice, Local Government, Youth, the Aboriginal Land Council Network, Housing, Education, Family and Wellbeing' (NCADA, n.d.)	Ballina, Byron, Clarence Valley, Kyogle, Lismore, Richmond Valley and Tweed local government areas
Northern Region Aboriginal Alliance (NRAA)	Two representatives from the NSW Aboriginal Land Council Northern Region and one representative from Incorporated Aboriginal Community Controlled Organisations aligned to one of eight portfolios: Land & Cultural Heritage; Education; Economic Development & Employment; Housing; Community Healing, Well-being Children & Families; Social Justice; Health (including Aged Care and Disabilities); and Arts (NRAA, 2020)	The local government areas of Armidale, Glen Innes, Gunnedah, Guyra, Inverell, Liverpool Plains, Muswellbrook, Singleton, Tamworth, Tenterfield, Upper Hunter, Uralla, Walcha, Warrumbungles
Riverina-Murray Regional Alliance (RMRA)	Representatives of each of the Community Working Parties (CWPs) from 10 member communities (RMRA, n.d.)	Albury, Cootamundra, Cumeragunja (non-active member), Deniliquin, Griffith, Hay, Leeton, Narrandera (non-active member), Wagga Wagga, Tumut
Three Rivers Regional Assembly (TRRA)	Two representatives from each of twelve communities, drawing from their Local Aboriginal Land Councils (currently 19 members) or Aboriginal Community Working Parties (currently 3 members), with two delegates currently inactive (TRRA, 2021)	Bathurst, Dubbo, Gilgandra, Mudgee, Narromine, Nyngan, Orange, Parkes, Peak Hill, Trangie, Warren and Wellington
Tribal Wave Assembly (TWA)*	One male and one female representatives from each of six Local Assemblies aligned to Local Government Areas (TWA, 2019)	Local government areas of Coffs Harbour, Bellingen, Nambucca Valley, Kempsey, Port Macquarie, and Mid Coast
Western Sydney Aboriginal Regional Alliance (WSARA)	No publicly available information	Western Sydney

Source: Dreise et al. (2021).

Note: *In June 2021, Tribal Wave Assembly was no longer listed on the Aboriginal Affairs NSW website and does not appear to be an active participant in the LDM initiative.

Both the MPRA and Barang regional governance structures pre-date LDM, and both regional Alliances/Assemblies engage with the NSW, federal, and local governments through a variety of mechanisms not limited to LDM. For example, as one Barang Regional Alliance Negotiator points out,

Barang is an Empowered Communities region, looking at Closing the Gap. Community voice is central to all of the work that Barang does. Everything has to be approved by community so that there is actual change that ultimately benefits community. Community should determine policy, not the other way around... You want to call it LDM, call it LDM. You want to call it Place Based Decision Making, Closing

the Gap, call it that, Voice, whatever. We are not going anywhere. We are embedded in community.
(Barang Regional Alliance Negotiator 2 – Extract from Howard-Wagner & Harrington 2022, p. 23).

While Aboriginal Regional Alliances/Assemblies work to strengthen Aboriginal governance around service delivery in LDM regions, paving the way for an Aboriginal authorising environment more conducive to better service delivery, their role goes beyond the work of LDM. These efforts beyond the specific remit of LDM are synergistic with contemporary Indigenous policy agendas. They strengthen the effectiveness of Aboriginal Regional Alliances/Assemblies and, at times, the capacity of government agencies, thus indirectly furthering the objectives of LDM itself.

In other regions however, LDM has served as the catalyst for the development of strong Aboriginal regional governance bodies. In particular, the TTRA and RMRA were developed by Aboriginal communities in more recent years, motivated in large part to participate in LDM. The development of these capable structures for regional governance has taken considerable time, ingenuity, and political capital on the part of Aboriginal community participants. It should be considered as a significant positive outcome of the LDM initiative in itself.

Case studies 1 and 2: Grassroots governance

Case study 1 – Barang Regional Alliance

In 2013, local Aboriginal organisations on the Central Coast came together to formalise governance arrangements in the region in response to the loss of government funding to the region and changes in government programs at the state and federal level that occurred between 2011 and 2013. Such changes included the introduction of the Indigenous Advancement Strategy. Prior to these changes, a loose alliance of local Aboriginal community-controlled organisations collaborated and supported one another to advocate on behalf of the Central Coast Aboriginal community. The Barang Regional Alliance ('Barang') was formally founded as a governance structure in 2016 to represent the Aboriginal peoples of the Central Coast region, which the Barang Regional Alliance recognises as Darkinjung Country.

As an Alliance, Barang brings together seven 'opt-in' First Nations organisations or what NSW Government agencies refer to as Aboriginal Community Controlled Organisations (ACCOs) from across the Central Coast region, with equal board representation. The seven alliance organisations include: Bara Barang Corporation, Darkinjung Local Aboriginal Land Council, Gudjagang Ngara li-dhi Aboriginal Corporation, Mingaletta Aboriginal Corporation, NAISDA Dance College, The Glen Centre, and Yerin Eleanor Duncan Aboriginal Health Services.⁴ Barang's seven opt-in ACCOs include: Australia's premier national arts training organisation for Aboriginal and Torres Strait Islander students; one of the wealthiest and most successful local Aboriginal Land Councils in NSW; the national leading Aboriginal alcohol and drug service; and an esteemed Aboriginal community-controlled health service.

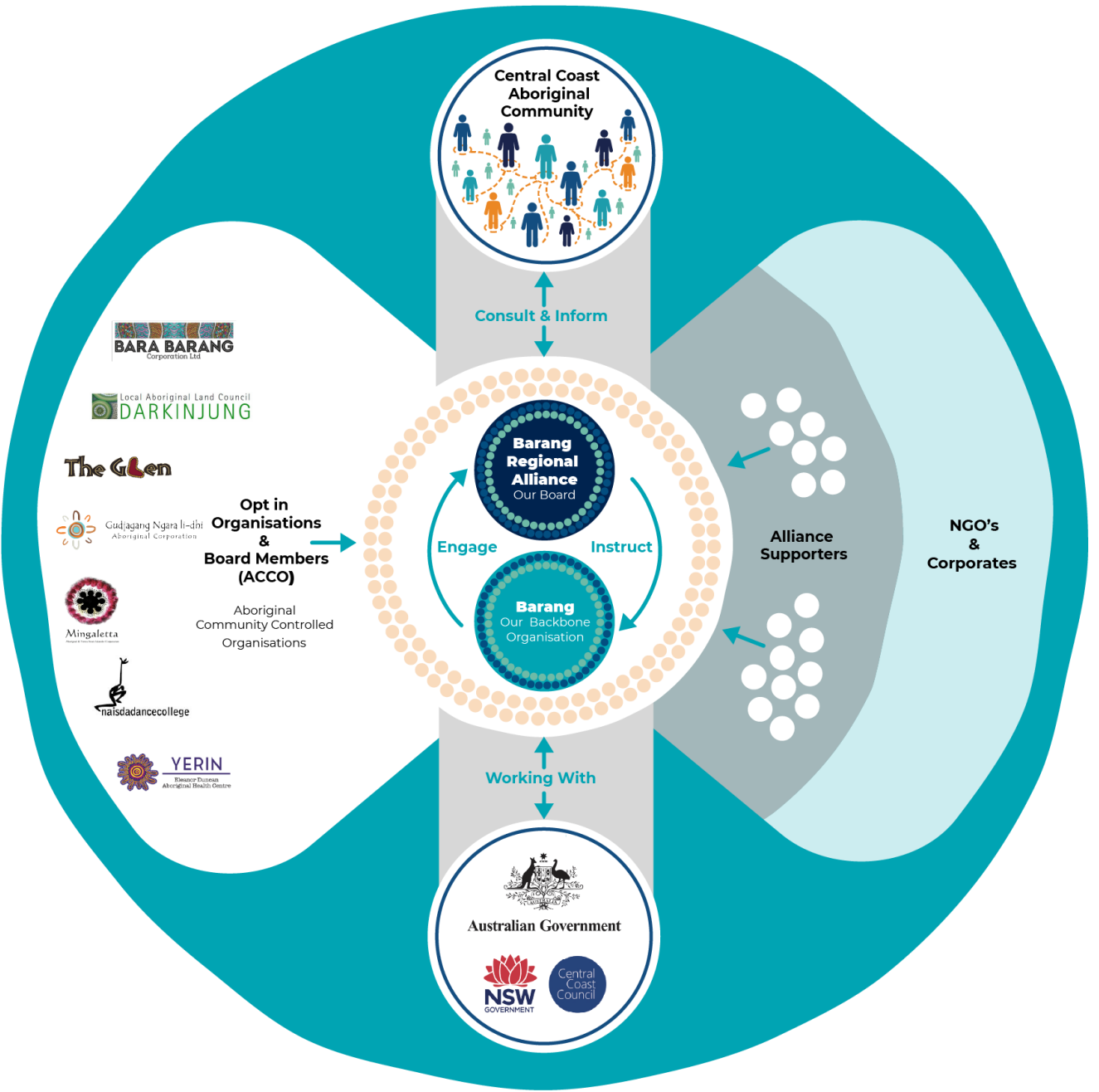
Barang's governance arrangements have been refined over time – with opt-in/opt-out opportunities now being available to all incorporated ACCOs on the Central Coast. Associate members include youth, independent Indigenous businesses, Elders, the Wollotuka Institute at the University of Newcastle, and the local Community Legal Service. Associate members also have critical expertise and play an important advisory and expert support role.

Figure 5 is an iconographic representation of Barang's governance arrangements.

Extract from Howard-Wagner & Harrington, 2022, Barang LDM Accord Negotiation Evaluation.

⁴ One member of the Central Coast Aboriginal community said that the Barang Regional Alliance does not represent the whole Aboriginal community because not all community organisations are members, such as Nunyara Aboriginal Health Unit. However, representatives of Nunyara have been included in some LDM processes, such as during the Barang Accord Negotiation process.

Figure 5 Barang Regional Alliance governance arrangements



Source: Barang 2022 <https://www.barang.org.au/partners/partner-structure>

Case study 2 – Murdi Paaki Regional Assembly

The Murdi Paaki Regional Assembly (MPRA) is the representative body representing the communities of the Murdi Paaki region in far western NSW in negotiations with Governments. It pre-dates the *OCHRE* strategy by more than 20 years. Indeed, along with its precursor, the Murdi Paaki Regional Council, the two bodies have provided a model for regional Aboriginal representation since the 1990s. The popularly elected Murdi Paaki Regional Council was established in 1990 under the auspices of the Aboriginal and Torres Strait Islander Commission (ATSIC). Later, in 2004, MPRA was constituted to represent the 16 communities of northern and western NSW: Bourke, Brewarrina, Broken Hill, Cobar, Collarenebri, Coonamble, Engonia, Goodooga, Gulargambone, Ivanhoe, Lightning Ridge, Menindee, Walgett, Weilmoringle, Wentworth/Dareton, and Wilcannia (Burns Aldis, 2019). MPRA has been part of the LDM program since its inception in 2013 (Katz et al., 2018a, p. 52) and, in 2015, became the first Regional Alliance to sign an Accord with the NSW Government.

MPRA has 'a long and proud history of prosecuting a visionary agenda for regional autonomy and self-determination in the Murdi Paaki Region' (Murdi Paaki Regional Plan, 2016, p.2). Its community-led governance model comprises the MPRA from 16 Community Working Parties (CWPs) giving equal representation to the Region's principal communities. CWPs situate themselves as the peak local bodies for representation and decision-making on a range of issues. CWP structure and composition are decided by the communities to suit local ways of engaging and decision-making, as are the processes used to give effect to the CWP. While CWP structures vary across communities, each CWP's governance model as a whole works to a consistent set of values and practices around probity, inclusiveness, and other matters of shared importance. Each CWP is bound by a Charter and Code of Conduct under which it operates. Each CWP's role includes assessing local community development needs, undertaking strategic planning, advocacy, and negotiation, and representing the voice of the community at the regional level (Burns Aldis, 2019, p. 14).

The MPRA and its CWPs not only pre-date LDM, but also is involved in a range of relationships with government outside the LDM framework. Prior to LDM, MPRA was one of the eight partners to the COAG Trials across Australia. It continues to have significant relationships with the Commonwealth Government and a range of other not-for-profits in the region. It is not a product of the LDM initiative, but it is one of its earliest and most experienced participants.

The MPRA model is based on equitable representation and participation for all Aboriginal people in the Region. The business of the Assembly is conducted to an agreed set of rules led by an Independent Chairperson. The Assembly is authorised to speak on behalf of communities through its relationship with the CWPs.

Extract from O'Bryan et al., 2022, *OCHRE* LDM Stage 2 MPRA Evaluation Report.

Local Decision Making acts as an infrastructure which provides additional benefits

The establishment and entrenchment of Aboriginal Regional Alliances/Assemblies, and their relationships with NSW Government agencies and personnel developed through the LDM initiative provide a governmental infrastructure that has benefits beyond the direct objectives of Accord negotiation and implementation. For example, Barang Regional Alliance's efforts to empower young people on the Central Coast through its forums and extensive engagement with youth over the last five years. The efforts of its Chair, Vicki Parry, have led to the creation of a NSW Parliament Young Aboriginal Leaders Program. Vicki Parry has been nominated as the Ambassador of this program. Similarly, MPRA is building the capacity of young leaders in community through its Murdi Paaki Aboriginal Young Leaders Project and its Young and Emerging Leaders Forums. The range of ancillary benefits from LDM is varied across regions. However, many interviewees from Aboriginal Regional Alliances/Assemblies reported a range of benefits that they seem to have come from LDM that sit outside the activities of LDM itself. Many of these ancillary benefits have been initiated by Aboriginal Regional Alliances/Assemblies autonomous from government.

It is difficult to attribute these successes entirely to LDM. Particularly in the case of Barang and MPRA, the extent to which LDM played a role in preparing or supporting the Alliances/Assemblies to undertake these activities is unclear. However, in the case of newer Aboriginal Regional Alliances/Assemblies such as TRRA

and RMRA which were specifically formed to participate in the initiative, the attribution of their ancillary benefits to LDM is clearer.

Case study: Ancillary benefits

Case study 3 – Murdi Paaki Regional Assembly Youth Empowerment

LDM is likely to have contributed to building the capacity of young leaders in the region. In several communities, interviewees included young adults who had been selected as part of the Federal Government's Indigenous Youth Leadership Program (IYLP) when they were still at school. Their testimonies speak to the efficacy of that program, and the extent to which being involved in the LDM process created new and supported leadership opportunities. Sitting at the table with MPRA leaders and with senior Government figures helped them to better understand the machinery of government, and the contribution they could make to the betterment of opportunity within their own community and across the region.

The following case study is the testament of a young man currently leading a suicide prevention program in his community. It is a synthesised version of an interview he gave which has been reviewed and expressly approved by him.

I run the suicide prevention program, which is a program set up to prevent and break down stigma around suicide in community and also engage into mental health services. I guess being a community-controlled organisation it's coming from what our people want. Being controlled by a board that's from the community we can look at the needs of the community and put forward services and stuff like that.

When the girls had the debutante ball, that all came from Murdi Paaki Regional Assembly. The Young Leaders were in charge of that, they ran it. To see the girls, have this big role in community and give back and really put on a good show for the night, it really surprised our whole community. I guess them just being a part of that and leading it, getting that power and that good self-esteem as well, and to see the young ladies and men all dressed up and looking pretty nice. I think that would give them a bit of boost to confidence as well. The empowerment you see in some of the photos of them just being in a limousine and all that sort of stuff. Yeah, it was good. That all came from young women being young leaders and leading it.

We had opportunities to go to an MPRA meeting, and we got to speak about what we'd like to see in community and what could benefit us. Being a young person with the CWPs, the community working parties, I guess it was good to see how they operate, where the decisions come from and then have your input... I often went. I was actually very lucky and privileged to be a part of that, yeah, just to see black faces, black people putting forward decisions for black people and the black community. It was a big privilege to be able to come through the Young Leaders and then be delegated to sit at the MPRA.

It was really good to see young Indigenous people sitting around and putting things in place and being the forefront of the decision-making. I guess for me that was a real empowerment.

I've always wanted to be a big person in community, I wanted to be a leader, I guess someone that I never really had growing up. I wanted it for the next generation to come through, to be that person that's going to stand up and talk for our community and put things in play.

Being a part of that, it empowered me, and made me learn a lot about other communities as well, we have relevancy in issues and stuff like that. It's not only just the one community that suffers, there's a lot of communities and I guess being a powerful young black person sitting around with these powerful old Elders, really empowered me to stand up and make change (Participant in the MPRA Young Leaders program).

Extract from O'Bryan et al., 2022, OCHRE LDM Stage 2 MPRA Evaluation Report.

LDM currently requires high levels of Aboriginal volunteerism

LDM in regions has operated on high levels of Aboriginal volunteerism and, at times, relies on a governance infrastructure that is subsidised by Commonwealth funds obtained through other agreements. LDM regions and Aboriginal Regional Alliances/Assemblies have lacked a dedicated, reliable, and consistent funding model designed to suit the regional alliance infrastructure around LDM required by communities. This has negative consequences when it comes to the time and effort Regional Alliance/Assembly members are able to invest in LDM. As one senior public official noted, if you have 'those members of Aboriginal Regional Alliances/Assemblies involved in Accords doing other things for most of their day, working in paid work, it is then hard to find the time and effort to dedicate to the thinking around those issues and undertaking those tasks' (NCARA Evaluation interview, Deputy Secretary, NSW Government agency).

While Aboriginal Regional Alliance/Assembly negotiators are vocal about funding issues, particularly the lack of operational investment and remuneration, public officials are equally scathing of the lack of sufficient operational funding for Aboriginal Regional Alliances/Assemblies. Examples of the statements made were as follows:

NSW Government provides operational funding to LDMs for them to operate annually, and it's really a pittance compared to – if you look at each of – just if you look at the AANSW regional setup, we've got seven regions across New South Wales, and it would be on the public record that the operations for each of those regions would probably be somewhere between \$750 000 to \$1 million. I would say, that the LDMs received probably a fifth of that to operate. So, already there's inequity in them being able to function as an equal partner (NCARA–State Accord Evaluation interview, Deputy Secretary, NSW Government agency).

Government still wants free consultancy from Aboriginal people. So, in that, they're not paid to attend any meetings. They are not paid to attend any Accord negotiations, anything like that (NCARA–State Accord Evaluation interview, Deputy Secretary, NSW Government agency).

Aboriginal Regional Alliances/Assemblies and their communities need investment to do this important work on the ground and in partnership with the government (NCARA–State Accord Evaluation interview, Deputy Secretary, NSW Government agency).

There has been very little investment in regional infrastructure around LDM on the ground. Resourcing models may differ between Aboriginal Regional Alliances/Assemblies based on their governance structure and their geographical footprint, and work is needed to develop appropriate models for each regional body. In all cases, core operations and the resourcing of ancillary functions such as around regional data capabilities, service mapping, and young leadership programs should be covered.

Local Decision Making has been a catalyst for shared decision-making, transforming government, and transforming relationships

No formal program logic that we are aware of has been developed for LDM by the NSW Government, although the initiative's theory of change can be inferred from policy documents. The LDM Policy and Operational Framework sets out that LDM commits NSW Government agencies to:

change the way they work with Aboriginal communities. NSW Government agencies work in partnership with participating regional Alliances/Assemblies to build community strengths and address key priorities. With LDM, sharing decision-making between government agencies and regional Alliances/Assemblies means changing the way agencies design, fund and implement their services and programs. Agencies and staff have to respond to community needs and priorities, change the way they work, and develop new ways of doing business. This will mean training and developing new skills for government staff as well as Aboriginal communities (AANSW, 2017, p. 9).

LDM is intended to encourage NSW Government agencies to change the way they design, fund, and implement their services and programs, respond to community needs and priorities, and build their cultural capacity to work safely in partnership with communities. LDM is aiming to operate in the shared or joint decision-making space at present. Shared decision-making is about transforming relationships and transforming the way government works. At this stage, shared decision-making is incremental at best and has only occurred to a limited degree. The cases in which it has occurred demonstrate that shared decision-making has marked benefits for NSW Government Agencies and Aboriginal Regional Alliances/Assemblies, and their communities.

LDM is not dissimilar to CTG 2020's Priority Reform Three for Transforming Government. Its transformation elements include governments identifying and eliminating racism, embedding, and practicing meaningful cultural safety, delivering services in partnership with Aboriginal and Torres Strait Islander organisations, communities and people, increasing accountability through transparent funding allocations, supporting Aboriginal and Torres Strait Islander cultures, and improving engagement with Aboriginal and Torres Strait Islander people. Transforming the way government works at the interface between community and government domains introduces many new considerations under the LDM initiative.

While the objective of the LDM initiative is Aboriginal service delivery transformation, LDM is anchored in principles of shared decision-making, transforming government practices, prioritising Aboriginal voices, and partnerships predicated on 'doing with' rather than 'doing for'. LDM is intended to place Aboriginal people at the centre of service design, planning and delivery, and enable the staged devolution of decision making and accountability to the local level. Tracking the way government is transforming the way that it works at this interface and the degree to which shared decision-making has been achieved reveals many of the issues that have emerged as the LDM initiative has developed. This section reveals how the ongoing efforts within LDM to create and sustain an empowering initiative has generated cases of innovation with positive outcomes, but it has also generated several dilemmas and challenging circumstances as well as the impetus to look for solutions. We start with shared decision-making.

At the end of this section, case studies 4–8 provide detailed examples of shared decision-making, transforming government and relationships.

Case study 4 illustrates the potential of shared or joint decision-making and transformative relationships have been demonstrated around the activities of the Murdi Paaki Regional Aboriginal Housing Leadership Assembly (RAHLA), which is the subject of a separate Social Housing Agreement or Accord between the NSW Government and MPRA. In clause 21 of the RAHLA Terms of Reference, the reason given for establishing and pursuing this agenda is outlined as follows:

Innovative solutions to sector market failure, poor outcomes from transactional procurement processes, and sub-optimal value for money expenditures in the Murdi Paaki Region will require active community leadership in policy development, decision-making and programme and project implementation. In line with international best practice in the development of enterprise models, Murdi Paaki Services Ltd were contracted to organise and lead sector reform at regional and community level and roll-out of the Action Plan on behalf of the Commonwealth and NSW Governments and the Assembly (Murdi Paaki RAHLA ToR, Clause 21).

Case study 4 explains how RAHLA achieved this objective. It outlines a transformative process of Indigenous-led, co-designed, shared decision-making around social housing service delivery for the Murdi Paaki region. It speaks to the value of transforming Aboriginal–state relations, capacity strengthening in regions, and a defined pool of funding and of resourcing Aboriginal Regional Alliances/Assemblies to collect their own data on the needs and aspirations of Aboriginal people in their region. Once again, it is difficult to attribute the success of RAHLA solely to LDM, especially given the influence of the Australian Government in funding the arrangement. However, as the case study suggests, LDM has played an important role in the initiative’s apparent success.

It also speaks to the value of achieving the objectives of LDM in terms of realising CTG 2020 priorities and targets around social housing. Its efforts are not only directed at Aboriginal people in the region securing appropriate, affordable housing that is aligned with their priorities and needs, but also targeted at the needs of Aboriginal people through comprehensive engagement.

More importantly, RAHLA provides a case study of the potential of shared decision-making between Aboriginal Regional Alliances/Assemblies and governments to deliver superior outcomes when compared to government-driven initiatives from Sydney or Canberra. It shows the capacity of Aboriginal Regional Alliances/Assemblies to manage and expend large sums of funding to a standard that arguably exceeds that of government agencies in terms of delivering value-for-money and appropriate solutions. It also shows the capacity of government to jointly participate in this process when suitable structures are put in place.

It also illustrates the importance of a community-driven agenda for regional housing:

Through our RAHLA program we’ve got 16 housing environment and health plans for each of our 16 communities and we’ve also developed a regional housing and environmental regional strategy for the whole Murdi Paaki region so I would be happy to have a yarn to you guys and you know share that information as well to be included. Cause that’s gone through the establishment of looking at each community, there’s about 10 chapters in it looking at community services, housing, how much it would cost to bring everything up to par, and it’s that \$430 million that we would need in the Murdi Paaki Region (NCARA–State Accord Forum, CEO, Murdi Paaki Services).

While not to the degree of the RAHLA case study around social housing, there have also been other significant ad hoc wins on the ground and examples of how relationships are transforming and moving to shared decision-making, which is empowering local communities and ACCOs. For example, Barang has been instrumental in securing several improvements around community control over service delivery, and, on a few occasions, securing new innovative approaches in Aboriginal service delivery.

Case study 5 explains how Barang leveraged its relationship with a NSW Government agency to not only get the Aboriginal Homes Together program on the Central Coast, but an ACCO to take the lead in that partnership. The Central Coast Aboriginal Together Home program is delivered as a partnership through a Memorandum of Understanding (MOU) between an ACCO and a mainstream not-for-profit, with the ACCO as the lead agency doing case management and the mainstream community housing provider providing the housing. This arrangement works toward Barang’s aspiration of community-led decision making.

Aboriginal Homes Together achieves a major success at the state-level with one of Barang's opt-in ACCOs delivering the first ever Aboriginal Homes Together program, along with life-changing outcomes for Aboriginal people who are homeless on the Central Coast. A strength-based service is now in the hands of an ACCO and that ACCO has an MOU with a mainstream NFP and procures the mainstream NFP to provide community housing. This procurement arrangement is innovative and of benefit to its community. It achieves CTG Priority Reforms One and Two.

Case study 6 describes another innovation in procurement, albeit a less ambitious one. It demonstrates the capacity of Aboriginal Regional Alliances/Assemblies, in this case through a CWP, to be involved in shared-decision making.

Under Accord II in the Murdi Paaki region, DCJ committed to involving the Regional Assembly in procurement decisions in the early childhood space. One procurement process has been undertaken under this joint model.

One consistent frustration of MPRA delegates and CWP members has been not only the inability to have control over service delivery in their communities, but even to know which providers have been funded, for what services and under what conditions. Despite repeated requests for service mapping, such data has generally been unavailable. As the MPRA Chair, Des Jones explained:

At the end of the day, the biggest hurdle has been finding out who is providing services in our communities, at what level, and what are the benefits of these programs? That's been the dilemma ever since we've signed the Accord. Our chairs just want to participate in it so we can support those arrangements.

The MPRA Accord II provided an opportunity for MPRA delegates to gain more control over services delivered in their communities. MPRA and DCJ agreed to a commitment that DCJ include MPRA members on procurement panels that are assessing tender responses to provide services in MPRA communities. Under the unpublished draft schedules to Accord II and its agreement to advance outcomes in the early childhood domain, DCJ commits that 'where appropriate, MPRA member to be included on district led tender evaluation panels'. To the best of our knowledge, this commitment has been honoured on exactly one occasion.

This case study also shows that such involvement is likely to lead to better outcomes in terms of service provision that is more responsive to local needs and aspirations. This is precisely the sort of outcome LDM was intended to deliver. However, LDM participants felt that this sort of limited inclusion in procurement decisions, while a welcome step in the right direction, was far more limited in scope than they desired. Rather, a more substantive form of devolved control of service delivery is sought by MPRA.

Case study 7 explains how a co-commissioned strategic business case for a Cultural Recovery and Healing Centre in the RMRA footprint came out of the negotiated Health, Healing and Wellbeing schedule of the *Ngunggiyalali* RMRA LDM Accord in the Riverina Murray. This case study can be clearly attributed to the LDM initiative, but also advances the CTG 2020 priority reform relating to community-controlled service provision.

RMRA leveraged the relationship it had established with NSW Government agencies during its Accord negotiation to co-commission this case study. Again, it is as a positive step in the right direction.

Case study 8 demonstrates the incredibly positive outcomes of transforming relationships and developing collaborations between Aboriginal Regional and NSW Government agencies that were essential to managing the outbreaks of COVID-19 in LDM communities. It showed how Aboriginal Regional Alliances/Assemblies worked best with the support of NSW Government agencies and larger networks and infrastructure. The community solutions were upscaled through their collaboration with NSW Government agencies. The TRRA example illustrates how a responsive government that listens and responds to community can achieve important

outcomes. COVID-19 pandemic response and planning has given Aboriginal Regional Alliances/Assemblies an opportunity to demonstrate their adaptive capacity and assist in non-LDM matters.

LDMs across the region were invited and actually strongly encouraged to sit at the table. There's a local manager who manages all the other teams and when we couldn't get there, they were asking for a representative to sit at that table, just so they could get that connection to our Aboriginal communities... (NCARA–State Accord Evaluation interview, Chair, Aboriginal Regional Alliance).

When government shut the state down, they shut the state down so that nobody could leave their front door. But we were still out in our communities. So that's where they went – that is, the Regional Emergency Management Committees that we are all part of stretched from Lithgow all the way out to Broken Hill. Again, the Major General who coordinated the response for the country come to Dubbo to see what we were doing, how we were getting the message out to our community, so there's probably a really good resource to show LDM on the ground. There's some really good stuff on the ground that if it wasn't for the old Black volunteer out there. It's a really good resource for people to go and look at – how we stood up out there and it was LDM that did that. The Regional Emergency Management Committee, they would have their own evidence. They were all whitefellas we were just sitting at the table and they wouldn't have got anything done if it wasn't for us. Everything is there that could support our work on the ground. That's what I'm saying you need to be looking at all those other areas to get that evidence you need cause there's some really good stuff that was done that no one has heard of or captured (NCARA–State Accord Evaluation interview, Chair, Aboriginal Regional Alliance).

The speed at which Aboriginal Regional Alliances/Assemblies, working with ACCOs and informal community structures in their regions, got the message out to communities; found solutions to getting the spread of COVID-19 under control; and distributed food hampers and hygiene materials – outstripped the capacity of NSW Government agencies. One outworking of this was that LDM Regions have had close to 100% vaccine take-up.

IWAAC has continued to distribute food hampers, building on this arrangement with various organisations who now regularly donate food, new clothes, and white goods and furniture to IWAAC, who distribute those donations widely among Aboriginal people within the region, including those living rough.

The benefits and importance of transformative relationships were demonstrated through shared decision-making between senior public servants, and MPRA, the Wilcannia Working Party, Health, Transport, and other NSW Government agencies who worked collaboratively to find solutions in the Wilcannia area while it was under severe strain.

We did – for Wilcannia, actually did it myself, we had, I don't know, about 50 campervans, because they were having a real problem with separating people with COVID from the rest of the community at Wilcannia. So, they decided they'd set up like a campervan hospital almost. So, we spent a weekend, driving all of these campervans out to Wilcannia, which we left there to be set up as somewhere – accommodation for people who had COVID, who could be away from the rest of the community, but not very far and they could be looked after in a nice clean, safe environment (NCARA-State Accord Evaluation interview, Deputy Secretary & LDM Executive Sponsor, NSW Government agency).

A Deputy Secretary from NSW Transport, who is also an LDM Executive Sponsor, drove one of the caravans to Wilcannia. While this example highlights what's possible, the Accord process did not directly lead to this outcome. It is the relationships and structures that were built through Accord negotiations and implementation that facilitated this outcome.

Case studies 4–8: Shared decision-making, transforming government and relationships

Case study 4 – MPRA priority Aboriginal social housing

In the MPRA region, negotiations between the NSW Government and MPRA's Regional Aboriginal Housing Leadership Assembly (RAHLA) provided the leading example of how the Regional Assembly would like business to proceed.

In 2015, NSW exited the former National Partnership for Remote Aboriginal Housing (NPARIH) amid widespread complaints about shoddy workmanship and the allocation of funds earmarked for remote housing to regional areas of the state (Department of Prime Minister and Cabinet, 2017). An agreement between the NSW Government and the Commonwealth saw NSW take responsibility for remote Aboriginal housing, in exchange for a transfer of \$48 million. The following year, in 2016, the Commonwealth Government paid remaining funds to the NSW Government. This agreement included the condition that \$15 million of this payment be in the Murdi Paaki region, delivered through a Local Decision Making Accord with the Murdi Paaki Regional Assembly.

Funds were to be administered through the NSW Department of Communities and Justice (DCJ). An interviewee from Regions NSW recounted:

We went and set up a separate bank account within DCJ for transparency and accountability. [We] had given communities certainty that their funds weren't just sitting in the DCJ [consolidated revenue] and they sat there in a totally separate bank account [and] the interest actually just stayed with the owner of the cash.

In response, MPRA initiated a major grass-roots review of the Aboriginal social housing stock and needs in western NSW. Negotiations to action the findings took place in June–October 2018 and, on 10 December 2018, the Minister for Aboriginal Affairs on behalf of the Government of NSW and the MPRA Independent Chairperson on behalf of the Assembly entered into an Agreement to improve Aboriginal social housing outcomes in the Murdi Paaki Region. The Agreement established RAHLA as the overarching governance structure for delivery of the Agreement objectives.

RAHLA was, and remains at the time of writing, tasked with devising and pursuing actions as a joint decision-making body. Its roles include to advise government and the Assembly on ways to direct social housing programs and policies to operate effectively and efficiently, to respond to the priorities of Aboriginal communities in the Region. Mutually agreed service outcomes with the NSW Government were established. Further, RAHLA was, and remains, tasked with reinstating opportunities for the Region's active and constructive participation in housing and infrastructure planning, design, building and maintenance of social houses; adopting an effective and efficient procurement approach of goods and services; conceiving, developing, planning, and implementing strategies and actions to give effect to the allocation of the \$15 million.

Working with a small number of senior bureaucrats, RAHLA then commenced the co-design of an Aboriginal social housing plan for the Region. In its composition and methodology, the RAHLA process differed from Accord making as specified in OCHRE LDM frameworks. A senior government participant in this process explained it in the following terms:

What we've done here is, essentially, we've come up with a process where we've got an independent chair, we've got four community members, we've got four senior government reps sitting around a table and actually setting up a business plan, and then delivering on that plan as one.

So, we're not still going, well okay, Health, can you do this for us? They go, yes, or no or whatever. Whereas here we've actually gone, well, we all want a common goal. Let's work together. We've got a pot of money. How are we going to spend that for the best outcomes? I think, generally, it's worked very well. It's not all been roses, but it's been probably the most – probably it's had some of the best wins in Aboriginal outcomes that I've seen, and I've worked in this space for a long time. **(Continued...)**

Case study 4 continued...

This streamlined approach was described by all concerned as effective and empowering. At a recent RAHLA meeting, one participant reflected:

With the work that we've just recently done, and just about to complete, we'll be the only region in Australia now that's got a strategy and a set of evidence to put in front of governments for housing. We pretty well know what we need to be doing. The figures might change because of cost of living and inflation and everything else, but we've pretty well got a strategy and a plan now to do it (Focus Group Member, RAHLA).

Although the \$15 million was originally allocated by the Federal Government, participants in a focus group discussion reflected that when LDM frameworks were adopted by the NSW Government in 2015, RAHLA found a 'policy hook to hook the housing agenda onto'.

All parties agreed that building trust and a joint sense of purpose was a process, but it helped that objectives were clear and the resources available to achieve them defined. In determining how \$15 million would be spent across a vast geographic region where the shortage of social housing and its often poor state of repair is a long-term issue, RAHLA and Lead Agency negotiators undertook a joint problem-solving exercise:

So, the strength of local decision making backed up by the RAHLA project has been successful. When you consider \$15 million in 16 communities, that's only a million bucks each - so, we've done well for a small amount of money, when you really consider it, and you've got to take your hat off to the people sitting in the room there. I remember the early conversations and the body languages and all that, but I think that's come to an ease [Focus Group Member, RAHLA].

All participants in the focus group agreed:

[RAHLA meetings are] not just talk fests. The resources have been put there and our people are actually seeing something happening before their eyes. Because they get sick of the talk fests. If they don't see the rubber hitting the road, they get disillusioned about what do these people do? [...] Having the money available, and also the collaboration between government and the priorities of the Accord being implemented, is something that is totally empowering for our people.

This has real consequences for community:

The spin offs are a lot of local tradies got a lot of work, and a lot of our community members got a lot of benefits out of it through the solar projects, and our [Tenant Support and Education Project] TSEP program, our energy efficiency offices [... Another] good example is the air conditioners they put in the houses, and the fans. Like, for instance, people have been waiting since 1995 for those, and for them to get it they're over the moon because at least they can keep warm now inside.

In the words of another RAHLA member:

I think LDM, for me, out in our region has been a breath of fresh air in that arrangement with government – we couldn't bring them to the table otherwise. Now we've got them to the table, there's an opportunity to stay at the table.

From the perspective of Murdi Paaki Regional Housing Corporation (MPRHC) – a housing company set up by MPRA in 1997 to help communities retain control of community owned housing assets that would otherwise have been lost as existing Aboriginal community housing providers became insolvent – the transition to providing housing investment through RAHLA rather than through NPARIH has seen a dramatic improvement in the quality of housing works and the appropriateness of the works themselves. The MPRHC CEO, Paul Kemp, explained:

NPARIH was a programme, which, at that time, was a nightmare for us. So, we had different contractors in different areas. And we made a lot of noise about it through the Regional Assembly. We actually went to the Minister at the time and made some complaints along with all the documentation – photographs. Subcontractors were doing disgraceful work. And we were getting them because we had no control over it. That's the problem. And they were managed through from Sydney. In every community we had issues... (Continued...)

Case study 4 continued...

I raised it through the Assembly... and I kept raising the issue around quality assurance. Why wasn't the good quality assurance around keeping these contractors accountable? There were silly things that were happening in the homes, the builders were using the tenants' food at times, drinking in the house! That was crazy, you know! And we had to deal with those issues. Forever sending emails, emails, emails, you know. To me that didn't work.

I'm grateful that the Assembly [MPRA] can pull those people, particularly the Ministers and tell those types of people what they need to hear. Particularly if it's a part of their portfolio, if it's not working, then the serious questions need to be asked...

So, the RAHLA, I think it took a little bit of time, we presented to the RAHLA and explained our roles and positions and what we managed... But it was good because we had a bit of a voice. They had people at the RAHLA speaking that could reflect back on their own communities, as well as some senior people here from government, DCJ and housing, I think Premier and Cabinet were there and Treasury was there. To me, it painted a different picture.

[Under RAHLA], I think the fellas that got the contract were people like [subcontractor] who was a qualified electrician, he had done my work for years, he lived in Bourke. So, he was one of the main contractors. He knew the region. He had the quality staff, certified trades. He's an Aboriginal man... And I can call him anytime day or night... But he is committed over the years, and I've had no one come back to me to say anything negative about his workers. They are respectful... So, the work is quality work, people are grateful that we put the solar panels on the roofs, they got extra fans, weather strips, people were so grateful

Put simply, the RAHLA process was viewed as highly productive. Because it came with funds attached, it gave RAHLA members the ability to use their local knowledge and expertise to make sure that funding decisions were made wisely. Local knowledge and connections – such as those with MPRHC – were used to make sure that contractors were selected who knew the region and who had a track record of delivering respectfully in the region. Rather than repeating the mistakes of NPARIH's Canberra and Sydney driven approach, RAHLA was able to deliver outcomes better tailored to community needs – and better value for taxpayer money – by devolving real decision-making power to MPRA delegates.

Extract from O'Bryan et al., 2022, OCHRE LDM Stage 2 MPRA Evaluation Report.

Case study 5 – Barang Regional Alliance and the Aboriginal Home Together Program

Barang Regional Alliance signed up to LDM to achieve ‘structural reform outcomes that embed community led decision making into the regional governance structures for core and discretionary funding programs driving service delivery in the region’ (Barang Statement of Claim, 2018, p. 7). Its Statement of Claim set out that Barang and the Central Coast community ‘aimed at achieving 4 key objectives to enable [Barang and the Central Coast community] to achieve a long term, sustainable shift from control to empowerment’ (Barang Statement of Claim, 2018, p. 11). Those objectives are: (1) Aboriginal Community Led Decision Making; (2) Tailored services based on local and regional community identified need – Pathway to Empowerment Model; (3) Regionally Driven Investment; and (4) Regional Accountability. As the Statement of Claim declares:

The deficit approach of Close the Gap is too heavily weighted on the provision of basic and specialist services. Too often these services tick the boxes without building community capability or aspiration, resulting in individuals cycling through the service system again and again.

This over-investment in ‘band aid solutions’ reinforces a cycle of disempowerment and despair. It removes community control and puts it in the hand of well-meaning mainstream organisations who meet their ‘outcomes’ without actually having any lasting impact on community. We call this recurrent cycle through basic and specialist services the ‘Crazy 8’. We are seeking a reform process that invests in building genuine ‘Pathways to Empowerment’ (Barang Statement of Claim, 2018, p. 11).

For over five years, Barang has provided government with a key point of access for community engagement. Its ‘focus is on what it can do to look at across-government collaboration’ (Barang Regional Alliance Negotiator 1). As one Barang Regional Alliance Negotiator points out, ‘Barang is an Empowered Communities region, looking at Closing the Gap. Community voice is central to all of the work that Barang does. Everything has to be approved by community so that there is actual change that ultimately benefits community. Community should determine policy, not the other way around.’ (Barang Regional Alliance Negotiator 2).

Barang Accord Negotiators hoped that, with this change, there could be a level of innovation and change in government service delivery to Aboriginal people on the Central Coast. In line with CTG 2020, Barang had not only identified the problem, but also the solution.

Barang has conducted extensive and ongoing community engagement, surveys, and workshops to identify regional priorities. Barang collected local data from surveying the local community that was critical to its understanding of local community needs in relation to service delivery and informed the development of its Statement of Claim and later its negotiation of initiatives with Lead Agencies. It compiled data from local organisations and peak bodies, as well as ‘hitting the ground hard and surveying the hell out of local Aboriginal people’ (Barang Regional Alliance Accord Negotiator).

Barang also identified a common theme to emerge from its community consultation and strategic review process was a collective consensus for the need for “structural reform” that puts power into the hand of community through greater decision making over the long term, instead of “one-off” piecemeal initiatives’ (Barang Statement of Claim, 2018, p. 8). Through its Statement of Claim, it sought structural reform outcomes that embed community led decision making into the regional governance structures for core and discretionary funding programs driving service delivery in the region’ (Barang Statement of Claim, 2018, p. 8). Barang wants practical Joint Decision Making (JDM) mechanisms put in place to support government-funded organisations to align their activities to the community’s regional priorities and drive the Pathway to Empowerment (Barang Statement of Claim, 2018, p. 12).

After negotiating a yet unsigned Accord, Barang leveraged its relationship with a NSW Government agency to not only get the Aboriginal Homes Together program on the Central Coast, but an Aboriginal Community Controlled Organisation (ACCO) to take the lead in a partnership between it and a mainstream not-for-profit community housing provider.

(continued...)

Case study 5 continued...

The Central Coast Aboriginal Together Home program is the first ever Aboriginal homelessness program in the state. While the ACCO does not have community housing, it is delivered as a partnership through a Memorandum of Understanding between an ACCO and a mainstream NFP community housing provider with the ACCO as the lead agency doing case management and the mainstream NFP community housing provider providing the housing. Here Barang, and one of its opt-ins, achieved Closing the Gap Priority Reforms One (formal partnerships and shared decision-making) and Two (building the community-controlled sector) on the ground.

As the CEO of Yerin Eleanor Duncan Aboriginal Health Service explains:

Aboriginal Together Home program, which is an Aboriginal homelessness program born out of the COVID response. The NSW Government's COVID response. Newcastle and Sydney were only earmarked for this funding. There was no Aboriginal housing component. They were going to fund mainstream housing providers to deliver the program. There were no Aboriginal organisations to be funded under the program. So, we said to X 'flip-it'. We'll be the lead agency doing case management. We will broker a relationship and develop an MOU with a housing provider. She was like – 'Ohhh!' It was all a bit hard, but then 'no, let's do it'. We were up and running within four months. We had 17 packages. They were filled within the first eight weeks, and we have an MOU with a lead not-for-profit community housing provider.

They were really nervous at first because they have always been the lead agency in Newcastle. They had to let go of the reins a bit. I can tell you now hand on heart we have just been given another 30 packages. We are the only one of its kind in the state. We have successfully housed 22 mob that probably have been chronically homeless on average 10 years plus. The eligibility is sleeping in parks, sleeping in tents.

There is one fella. He got his child restored. He had been in and out of jail. Part of his probation and rules were that he had to be successfully housed. He had lived on the streets nearly all his life. We housed him. After four months, he went back to DCJ. His little fella kept voting with his feet. We said get it back into Children's Court and get this kid restored to his father. They're both in therapy here and our Buraja. We brokered a relationship with Coast Shelter. He does cars up. He gifted that to Yerin. So, we gave it to this fella. He drives his son to school. He's now able to get himself a job. The rest is history. This fella – it's amazing. (Interview, CEO, Yerin Eleanor Duncan Aboriginal Health Service).

Extract from Howard-Wagner & Harrington, 2022, Barang Accord Negotiation Evaluation.

Case study 6 – Community involvement in procurement decisions in Walgett

In 2021, the CWP Chair for Walgett community, Gary Trindall, was invited to join a DCJ procurement panel that was evaluating tenders for the provision of early childhood services in Walgett, along with Aboriginal and non-Aboriginal DCJ staff. As Gary describes it, his local input was decisive in influencing the outcome of the panel:

Three different bids were provided, and one I thought was a standout. But... [during the interview process] the standout went backwards, and the other one come forward. One organisation stood up and said 'we will use local people, we will use local this, we will use local that'. The other organisation which was 110% in front of them stood up and said, 'Well, we will use Dubbo people to do everything.' Immediately, that put them down [the rankings for me] and I explained that to the rest of the panel... If I wasn't there, it definitely would have... [been awarded to a less desired provider]. An Aboriginal person who was employed by DCJ on the panel [listened to me] and I explained to him [my reasons for preferring the Walgett-based provider] and he said: 'Oh shit you're right, I didn't realise until you explained it'.

This was described by the DCJ Negotiator as 'a really positive experience' which was 'for the benefit of DCJ, for the benefit of all'. DCJ expressed a desire to repeat this process, albeit with a caveat that DCJ conduct only limited amounts of procurement in the district. Similarly, Gary described the opportunity to sit on the procurement panel as 'one of the best things I've ever done in LDM' and that he would 'like to see more of it'.

The process was seen to have several benefits. First, the service itself was meeting community expectations, particularly in terms of the place of residence of the staff members and thus their ability to be responsive to community needs. Having local voices and needs heard in the procurement process has resulted in a service being purchased and delivered that is better at meeting community needs than would have happened otherwise.

Second, CWP members explained that because the CWP was empowered to have influence in determining funding outcomes, service providers had become more responsive to the community:

We have not had one [CWP] meeting since the assessment programme that... [the service provider] has not attended, sat there, and given us a full report on what they're doing. They don't do anything in the community unless they ring us and talk to us about it... And it has created that much connection... I think it's because they realise – and I don't like to say it – that the working party is really being recognised and have a bit of power in adjudication. And I think... they say, 'Well, hang on, we've got to keep these people on board'. And if that's what it takes to get people on board, I think that's what we need to do.

Third, MPRA delegates felt that their expertise was being valued. As Grace Gordon from Brewarrina CWP explained, 'It's a professional process... It's about our experience in the region, our knowledge in the region'.

Other working party representatives suggested that this sort of arrangement was already going on but that it was ad hoc. They would like to see a process where it is made mandatory that the 'working party has got to be really involved' (Alan Cobb, Lightning Ridge CWP).

This case study, which arose directly from an Accord commitment, has provided a significant improvement, both in terms of the service being delivered and the accountability and responsiveness of the provider to the community. This is greatly appreciated by MPRA delegates who, like DCJ, expressed a desire to see this replicated more systematically. However, we are unaware of any further instances of this process being implemented to date.

While there was an appetite for the Assembly having a stronger role, most people we spoke to thought that these decisions should be made at the Community Working Party level. Further, MPRA delegates also identified ways that this process could be further strengthened. Specifically, if MPRA delegates were involved in service commissioning earlier in the process, this could ensure that the services which were tendered for were a better match for community needs. As Des Jones explained:

What we want is being involved in designing the procurement process... to make sure that the services involved are at the level required... to develop new procurement arrangements so that we know that the selected services that come in are in line with what we want as a standard... Our people have to get the benefit of these services so the resources are targeted within the region.

Extract from O'Bryan et al., 2022, OCHRE LDM Stage 2 MPRA Evaluation Report.

Case study 7 – RMRA Cultural Recovery and Healing Centre Strategic Business Case

Along with other initiatives, the Riverina Murray Regional Alliance (RMRA) and its Community Delegates are striving to build a Culturally Safe Rehabilitation Centre in the RMRA footprint under its Accord. RMRA have worked with NSW Government agencies to get this process started through LDM and its Accord. RMRA is now building on that hard work by investigating the development of this culturally safe Centre in its region for its people.

A consulting firm was co-commissioned to produce a strategic business case for a Culturally Safe Rehabilitation Centre in the RMRA footprint. It was commissioned by RMRA, the Murrumbidgee Local Health District, Regional NSW, and NSW Treasury. It forms a central part of the negotiated and agreed actions outlined in the Health, Healing and Wellbeing schedule of Ngunggiyalali – the RMRA Local Decision-Making Accord in the Riverina Murray. It includes a rationale for an on-Country facility, as well as why trauma-informed care is needed. It includes a Financial Analysis and Cost Benefit Analysis for the Centre.

I think one of the positives for us for RMRA is the business case for our cultural recovery and healing centre. We've actually got that off the ground through NSW Treasury and our Accord process. Now we've put in our business case, a more detailed business case, to get that happening you know, it's going to cost the government a massive amount to build it, but over the life time of say 10 years you'll probably save triple that in regards to people going through custody or people being involved in the criminal justice system. It's \$160 minimum per adult, per day, 365 days a year to house these people. Junee's expanded, Junee jail went from 640 to 1280 you know and they're nearly full you know so just imagine the dollars that are going into GEO's pockets that could be put back into a rehab in the local area and you know support community better...

I know the three Aboriginal Medical Services down there have been calling for a culturally safe centre for years. Because of RMRA's seat at the table with the Accord and pushing government on the behalf of the community, this is what we've got out of it – and that's something we can build in our region and not travel you know 3hrs to Cowra or 4.5hrs over to Nowra or maybe Canberra and Melbourne (interview RMRA Chair).

Extract from Howard-Wagner, 2022, NCARA–State Accord Evaluation Report.

Case study 8 – TRRA COVID-19 Response

TRRA played an invaluable role during COVID-19 outbreak in the region. One government official saw TRRA's role in COVID-19 as one of the 'incredibly positive' outcomes of having that relationship:

I don't think Western NSW would have got through COVID-19 in the same way if TRRA hadn't existed...we were able to call the chair and work through plans and responses, and he was able to call us and say this is what's happening on the ground, do something about it. We would – because we had that relationship, we would listen to that, so I think that enabled us all to mobilise better in response. Very grateful that [TRRA] was there through such a difficult period.

Another explained the critical role TRRA played in coordinating all the activity through the 'Koori Connect Network' – including that there were nine Aboriginal-run food banks operating, and TRRA could alert the Government to problems on the ground that needed attention. This official also recognised TRRA's value as a sounding board, to check out what approaches might work.

TRRA staff made the point that initially when Governments mobilised to get the message about COVID-19 out to communities, they intended to say they were coming round to do 'welfare checks'. TRRA staff explained to them that this messaging would be interpreted negatively in their communities '... the minute people hear that, you'll get a door slammed in your face'. TRRA advised them how to communicate successfully and engage Aboriginal people. They also partnered with the government to get the message out:

... people should never underestimate the power of a brand as well. So, the credibility, the joint communication and sharing of information and just getting things around through the network have been really helpful with the TRRA. Their ability to be able to reach into those inter-agencies and the community working parties in all the towns means that you run less of a risk that you're going to miss people in towns getting access to the information that you want them to get access to.

Getting everyone vaccinated was a critical priority, yet in many parts of the state, Government struggled with their Aboriginal vaccination programs. But that was not the case in the TRRA footprint:

... the best community Aboriginal program that we ran was the one that the TRRA connected us into, where we went door to door or gate to gate and vaccinated people in partnership with the TRRA at the front of their homes. That's how we got Wellington, the mission and all that done at Wellington and the really, really densely populated social housing areas in Dubbo. We went out with a co-branded co-supported TRRA Local Health District community vaccination program. Again, if you don't do that, then you probably get no one that comes out of their home because they're like what are all these people doing in these yellow costumes outside here?

Indeed, though Police were not party to the Accord, another government official explained that 'The police asked that the Assembly be front and centre at the regional emergency management meetings as they recognised the value TRRA brought to the COVID-19 response'.

And TRRA made the point that when the COVID-19 lockdown occurred, NGO and other services stopped going out from their major town bases, leaving the smaller, more remote towns without any services. It was in this context that the Aboriginal organisations in those towns stepped up to look after people, with food hampers and much more.

... it was our delegates and our communities that stood up on the ground when they needed – everyone else stopped working, so even the people that were getting paid to deliver service in our community, when they said lockdown, so they closed their doors, so there was no one out in our communities. So, wherever they were travelling from or wherever their service was being delivered from, the outreach people, all of them fellas that get – need blackfella money and don't do nothing, they're non existing in our communities. So, it was our delegates in our community that were standing up.

In Gilgandra, for example, one government officer was alerted by TRRA that the Gilgandra Elders wanted to make masks for the community, but they needed a sewing machine which he provided, along with some material (via TRRA):

They made 600 masks... for the community; Aboriginal designed masks and some carry bags and stuff like that... If you know where the community was at, at that time and how hard masks were to get and the fear and whatever, to have a group of elders in your community make masks for you, drop them around to support your family, it means everything to people who are anxious and scared.

Extract from Hunt et al., 2022, OCHRE LDM Three Rivers Regional Assembly Evaluation Report.

Working relationships of trust and institutional capacity are developing

The above case studies illustrate how working relationships of trust have been developed through hard work over many years between senior public officials and Aboriginal Regional Alliance/Assembly officeholders. Significant goodwill and trust have developed in communities in LDM regions. LDM has provided direct access for communities and ACCOs to key government stakeholders. Case study 9 is an example of how Barang Regional Alliance has leveraged the working relationships it developed under its Accord negotiation to achieve its agenda of empowering young people on the NSW Central Coast.

Case studies 9–11 show that, while shortcomings of the Accord negotiation and implementation process remain, the relationships established through LDM can be used alongside that process to leverage and achieve the objectives of LDM communities. These objectives, such as securing funding for ACCOs, are also aligned with the priority reforms committed to by the NSW Government under CTG 2020. However, as case study 11 demonstrates, sometimes the outcomes achieved under LDM have not met the objectives originally envisaged by LDM communities.

Case studies 9–10: Trust and institution capacity

Case study 9 – Barang Regional Alliance empowering youth on the Central Coast

Despite its negotiated and agreed Accord and Schedules remaining unsigned and its implementation plan unfunded, Barang has pushed forward with its priority agenda of empowering young people on the Central Coast. Under the direction of its opt-in ACCOs, the strategies Barang has selected to broker outcomes and leverage funding include developing the community hub on the Peninsula of the Central Coast; assisting NAISDA Dance College in procuring funds to develop its business plan for expansion; and, securing funds for opt-in ACCOs to expand existing and introduce Aboriginal service delivery initiatives on the Central Coast.

Through Barang, service integration and coordination are improving for the Aboriginal community on the Central Coast. It is enhancing the service system's ability to produce holistic wrap-around care for Aboriginal people in the Central Coast. Through Barang, opt-in ACCOs, that are usually autonomous organisations, work together for the Aboriginal community rather than their members.

Barang has leveraged its working relationships with NSW Government agencies to develop networks and effective partnerships to integrate and improve Aboriginal service delivery on the Central Coast, particularly young people. The examples below illustrate how Aboriginal people, who often have complex needs and require a broad array of responses by different service providers and agencies across many systems, are the beneficiaries of this service system approach. The examples below illustrate the impact of social capital and service integration on service delivery outcomes for Aboriginal people in this region. This is a significant outcome. The service system literature supports this finding noting that the higher the level of social capital and the higher the level of service integration, the greater the likelihood of improved service delivery outcomes. Importantly, this is bottom-up community-led service change as opposed to being led by NSW Government agencies. The examples below support this.

ACCO CEOs, which have opted into Barang, such as Bara Barang, *Gudjagang Ngara li-dhi* (GNL), NAISDA and Yerin Eleanor Duncan Aboriginal Health Service explain the benefits of an Aboriginal regional governance structure and the success it brings. Under LDM, Barang has leveraged relationships and critical funding for opt-in ACCOs and brokered important outcomes for local Aboriginal people. For example, the Bara Barang CEO explained how Barang had secured funding for its critical *Barranggirra Employment and Mentoring Program*, which aims to support Aboriginal young people seeking jobs in ongoing education and training to secure employment and create employment pathways. It led to employment outcomes for 30 Aboriginal young people. **(continued...)**

Case study 9 continued...

In keeping with empowering youth on the Central Coast, Barang leveraged its relationships with a NSW Government agency under LDM to secure funding for Bara Barang's Dream Builders program. The Dream Builders program is a cultural education, work education and career planning package for Aboriginal young people that promotes Year 12 completion and transition to further education and is delivered in schools, community centres, youth services and employment agencies. It provides a range of culturally relevant and engaging activities that reach into the world of work and participation in the economy.

Barang leveraged its working relationships with a NSW Government agency to secure recurrent funding for five years for Gudjagang Ngara li-dhi, allowing it to keep its doors open and continue to deliver early intervention initiatives for babies right through to Aboriginal Elders on the Central Coast.

An example of a success measure for Barang is GNL. GNL is an early intervention program that works with our babies right through to our Elders. Through the LDM process and direct negotiations, we were able to secure \$526 000 to run a targeted early intervention program, which is a wraparound holistic coordination care model for our families and youth. There is a family component and a youth component. That was hugely required because we don't actually have a youth funded program and most of the government funding would go to RYSS, which is Regional Youth Support Services. Great mob, located in Gosford, but it's not an ACCO. So, that \$500k was recurrent – it was just renewed for another five years. It's a pretty big investment from the Department of Communities and Justice, because it also links into our kids who are leaving care into a safe cultural space to stay connected to community. So, it's actually a beautiful model of care. The Buradir group wasn't funded through DCJ but CCC. The biggest piece of work that came out of LDM GNL was the \$500k plus. Big investment!

GNL was on the brink of having to close its doors. It was through the negotiations and its relationships developed under LDM that Barang could be broker through LDM, particularly the Barang Regional Alliance Negotiators and the DCJ Negotiators, we were able to directly procure through changing ways of doing business to those organisations and what that did for GNL was to firstly have an investment of dollars, but it meant that a community was able to keep its doors open and provide services to the community. I'm not an economist, but I can't imagine that the cost benefit would be anything less than amazing (Board Member, GNL).

GNL's program is directed at empowering young people through early intervention programs. GNL was established in 2011 by a group of local Aboriginal women concerned for the growing number of Aboriginal children from the area entering Out Of Home Care (OOHC), were driven by a wish to provide care for families, children, and young people within the context of their cultural community. *Gudjagang Ngara li-dhi*, which means 'listen to the children' in Darkinjung Language is the principal at the core of how it does business. It operates on the premise that Aboriginal families, children, and young people need to be connected to their community and culture and to participate and contribute to their story.

Barang has also leveraged its working relationships with a NSW Government agency to secure funding for Yerin Eleanor Duncan Aboriginal Health Services to target the empowerment of young people through a diversionary program directed at keeping young people at risk in school, while addressing the risky behaviour, building capacity around that young person, and providing that young person with support, among other examples.

Extract from Howard-Wagner & Harrington, 2022, Barang Accord Negotiation Evaluation.

Case study 10 – Disengaged students, unresolved complaints, cultural safety, and a Learning Hub in Dubbo

In Dubbo, there was a long-standing problem of where about 20 students who were seriously disengaged from Delroy College (a Year's 7–10 high school), and barely attending school. There were 19 boys and one girl of ages ranging from 14 to 16 years old included in this group. There had also been many varied complaints from parents over the years about the school and its way of treating students. Some of the complaints were seven years old and remained unresolved – the complaints had not progressed. The former Principal and Deputy Principal at the school had been major blockages to resolution of the issues, and the Deputy Principal was in fact a target of one of the complaints. TRRA raised the problems with the NSW Ombudsman and the Office of the Children's Guardian, and the school had to speak to them. Only then, did the Aboriginal community gain any traction on this long-standing problem that had been ignored by the school. This action by TRRA also led to a connection with the Professional and Ethical Standards (PES) which developed further and is described later.

However, concerning student disengagement, three meetings had been held in 2020, led by Regional NSW, involving the Superintendent of Police, Aboriginal Affairs NSW, LeaderLife (an NGO in Dubbo supporting young people), DCJ, and the Police Citizens Youth Club (PCYC), before TRRA, and AECG as well as and the Department of Education became involved. Prior to TRRA's involvement, the group had already made a plan about what should happen with these disengaged young people – and the idea was to engage them working on a farm. At the first meeting TRRA attended, it was clear to TRRA Chair that 'they just wanted our blessing' for this plan. An AANSW staff member said 'Paul, where's community?' The TRRA Chair could see that they'd already made their minds up. TRRA objected, and contacted the Education Director responsible for Dubbo, to find out why Education was not at the table making the decisions about these disengaged young people. Plans were halted when the LDM Lead from Regional NSW was contacted by a Director of Education about TRRA's concerns. TRRA argued at the next meeting that:

...Education, the community, and TRRA itself needed to lead the solution to the problem of these students. That got a few noses out of joint because I was, in my role, whatever influence I had, was going to be part of any decisions that affected our community. That came out of LDM, I pulled rank a little bit. They said these kids didn't want to be at school.

Over the Christmas holidays, the TRRA Chair accompanied by others from AECG and Aboriginal Education, visited the homes and met with every one of the families of these 20 students. 'When we truth tested it, we found for example, one kid was all ready for school and when PCYC came with school transport, he wasn't waiting outside so they stopped a few seconds and then left – but he was all ready to go to school.' They found that the parents and grandparent carers were all unanimous that they wanted the young people back in school to continue their learning. TRRA argued that taking kids away from school to the PCYC, implying a negative view of school, was counterproductive. Rather, the school needed to change to become an environment that would nurture and support these kids, and whatever happened would happen in the school grounds. 'So that's where the cultural safety stuff came in.'

In tackling this problem, a group had formed, comprising Paul Carr, TRRA Chair, Rob Riley, an AECG delegate from Dubbo, and Allan Hall, a senior Aboriginal staff member in Education, as well as the Directors and Executive Principals. This group has been involved in the design of a new special purpose Aboriginal Learning Hub to be built at Delroy College and now has ongoing input to education matters in the school. As one of the Education Directors stated:

So, we've actually been able to start building, with TRRA and other local community, an Aboriginal student hub in the school to try and reengage these students in school and give them some basic literacy and numeracy skills that they'll need, and some skills around job hunting, and at least getting them into the workforce rather than just having them as completely disengaged citizens. So that's been really positive work, and I think the relationship with TRRA – so we pulled in their local Aboriginal Affairs, the police, various non-government agencies that were working with the students, TRRA sat at the table, the AECG sat at the table, local directors sat at the table, and it was a very, very collaborative way of solving the problem.

(continued...)

Case study 10 continued...

Longer term, this commitment to build a special purpose Aboriginal Shared Learning Hub at Delroy College and to collaborate with the community and families about it is clear. The College's Strategic Improvement Plan 2021–2024 says 'The Aboriginal Shared Learning Hub (ASL Hub) will use collaborative strategies to support the wellbeing of Aboriginal students. These strategies will be developed with the community and families to build and foster a positive learning environment.' The school plans to 'collaboratively work with families and community to co-design and support the delivery of strategies for learning. This will enhance connection and foster a sense of belonging to support a positive transition to future learning in public education' and 'co-design [of] culturally safe learning programs with community partners'.

As the TRRA Chair says, 'It's still a work in progress, but it only took 12 months to get something happening after seven years' when TRRA got involved to resolve issues that have been problems for so long. Now TRRA and representatives from AECG and Aboriginal Education meet fortnightly with the school – it has a small Aboriginal committee similar to the Aboriginal Education Committees agreed to (but elsewhere not happening) in the TRRA Accord. By September 2022, the Committee also knows how the money that comes to the school, as per the level of Aboriginal enrolment, is being spent and can comment on that expenditure.

The meetings involve the Aboriginal arm of the school, the new Principal and Deputy Principal and community. The meetings put out any complaints or questions and provide access the TRRA and its community never had before. As the TRRA Chair said, 'Even our Aboriginal teachers are a lot more comfortable now that we are there. There's a lot more focus on Aboriginal activities in the school now – Welcome to Country at a couple of Assemblies, had a Sorry Day Assembly, they've never had that before, a lot more cultural stuff in the school now.' Given that around 60% of the kids at this school are Aboriginal this is very important. And the TRRA Chair says 'Even the non-Aboriginal teachers are pleased that we've put a focus on the problems over there. There was a time when TV showed teachers who had walked out of school and were on the Oval – it was put down to Covid – but it wasn't Covid – it was about the situation at the school. The school has settled now – with outside eyes on the problem inside. Teachers can see we support them.' The school's 2021 Annual Report states that there was a 10.7% increase in the proportion of Year 9 Aboriginal students achieving in the top 3 bands in the National Assessment Program – Literacy and Numeracy (NAPLAN) in reading, and a 14% increase in the number of Year 9 Aboriginal students achieving in the top 3 bands in NAPLAN numeracy. Attendance did not improve in 2021, but Covid no doubt has had an impact on that.

The experience of dealing with the longstanding complaints against the school led TRRA to get to know key staff in the Professional and Ethics Standards (PES) body. PES is the professional standards unit of the NSW Education Department, which looks after complaints from parents and community about schools. When a complaint is made, it goes to a panel for investigation, but there were no Aboriginal people on the panel and at the table where complaints were heard. TRRA asked the question 'how many black eyes at that table?' Now, following valuable meetings with the Director of Strategic Initiatives and Projects at PES and a colleague of hers, an Aboriginal person is to be included on the panel and recruitment is underway for two high-level identified positions created as Principal Aboriginal Project and Liaison Officer roles, one for North and one for South, to go out and gather the evidence and be present from the early stages of any complaint investigation relating to an Aboriginal child or family.

The work on cultural safety has also had a wider impact than Delroy College. TRRA's Chair has been working with the AECG, an Aboriginal Education staff member and Dubbo Local Aboriginal Land Council (LALC) on a cultural safety training package to use in the Dubbo region. While the LDM Education Lead wants to develop a state-wide cultural safety framework, TRRA's view is that 'cultural safety has got to be done locally. It must come from the ground up with local people, because each location is different'. TRRA, Aboriginal Education, AECG and the Dubbo LALC have prepared a half day workshop that they are now offering to school principals. They have access to 60 school principals in the northern part of the TRRA footprint and in addition to the highly participatory process of the workshop, they also provide a package of relevant materials for principals about TRRA, the Accord, various policy documents relating to Aboriginal Education, among them AECG's Cultural Protocols document and the Partnership Agreement 2020–30 between AECG and the Department of Education. **(continued...)**

Case study 10 continued...

The concept of cultural safety in schools put forward by TRRA and its colleagues in AECG, the Dubbo LALC and Aboriginal Education has been articulated by them in the following way:

- it means WALKING TOGETHER and TALKING TOGETHER to create an environment where wellbeing of all is protected
- it will involve self-reflection of by the school as a whole and involve creating a mechanism for evaluating previous, current, and future methodology of for protecting well-being
- making sure the school is aware of Cultural protocols and that these Protocols are adhered to when engaging organisations and staff who may be involved in delivery of Culture or programs for Aboriginal students.
- regular engagement with the Aboriginal community to make sure Education continues the work around cultural safety
- goal setting, short term, medium term, and long term
- examining peoples own Culture within the school staffs' own culture and how those views may influence decision making
- creating clear and respectful communication and developing trust
- making sure all Education staff understand culture shock and the effects it may cause, and having a process in place this when it occurs
- making sure Education has a process for cultural competence surrounding the well-being of staff.

TRRA now feels that through LDM, the connections it has made within government have enabled it to achieve these important steps forward. It can now have conversations with the right people about the issues that community members are concerned about and can begin to resolve long standing problems. There is still a long way to go, but the foundations to make progress are there now.

Extract from Hunt et al., 2022, *OCHRE* LDM Three Rivers Regional Assembly Evaluation Report.

Aboriginal Regional Alliances/Assemblies are positioned to move from sharing data with government to regional data governance

Yeah, with that regional data stuff there, it clearly showed to me in those Accord meetings with government, we can ask all those agencies for the same data and all those agencies will come back with different data. It's exactly the same data, but it's tailored to their needs. Prime example was housing, you know you go in and say what's your housing stock they go there's so many houses in Wagga that sort of thing, I said Well what about the Aboriginal component – oh we got this and this – and then you ask the social housing mob and they got this, this, and this. I say the numbers don't match, what's going on. The thing around data and government you know no agency will share data with another agency. That's quite clear, Department of Ed, DCJ, out-of-home care kids, they got a cultural plan, they can't share that with the Department of Ed. Yet those kids are there from 8.30 to 4.00pm in the afternoon. They both align, but they're not allowed to share them, and you can't talk about it cause of privacy issues. And same with health, you go to health or your doctors, it's the same situation. You've got all these agencies sitting in siloes, we're there sitting as a holistic body trying to say this is a family you got to deal with. And this is how we mapped it out in the Accord process. I said, well, this family – let's look at a family with 3–4 different age groups you know, preschool, primary school, high school, older child, and parents. The older child might be involved with the justice system. I said where do they come into play along there – we did a timeline and some of the stuff where they could have intervened down here, but because of privacy issues they couldn't do it, they actually had to wait until they got in trouble and then oh, we've got all these services for you, come here let's help you. Oh, it's too late he's in the criminal justice system now. So, we're setting our kids up to fail and once you get that permanent record, gee it's very hard to get a government job. Even a local job, even a job at the local store cause most of them do criminal record checks now (NCARA–State Accord Evaluation interview, Aboriginal Regional Alliance Chair).

The data, the evidence that we're seeing is a lot of the services are taken out of their local communities, gone, and done that for all the regions, whatever, and then they come up with this thing called Closing the Gap to get some of those services back in our communities, using the black dollars. So let's start being a little bit smarter about showing this stuff up – I've been in this stage for three or four years now and I can see it, we just got to be real smart, get some evidence and show some stuff, you know Closing the Gap has been failing for some time, but the mainstream services, if you're out in a small community and – so white fellas are suffering too – they're the ones going to AMS's too, you know, so let's start being smarter and using that data that's there to show LDM works (NCARA–State Accord Evaluation workshop, Chair, TRRA).

The thing about data, the data person admin costs, I think for our community we actually do need someone who drives a lot of that within it so maybe not just funding towards that, but for a position to actually do that on the ground as a full-time job (NCARA–State Accord Evaluation workshop, Chair, Aboriginal Regional Alliance).

The first quote above illustrates not only the value and importance of data for Aboriginal Regional Alliances/Assemblies in supporting the needs Aboriginal people in their region, but the complexities around accessing data. The second quote relates to data around service delivery and where funding goes in relation to

service delivery. The third quote relates to capacity building needs of Aboriginal Regional Alliances/Assemblies around data gathering and governance.

It is our finding that, while there is considerable room for improvement around NSW Government agencies sharing data, with investment Aboriginal Regional Alliances/Assemblies can forge new ground in relation to regional data gathering and regional data governance. That is, the evaluation of LDM has brought to the fore case studies of how investment results in higher levels of capacity among Aboriginal Regional Alliances/Assemblies around regional data gathering and data governance. So, when an Aboriginal Regional Alliance has the funds to do this effectively, such as Barang Regional Alliance, it can host community forums and conduct community surveys to understand the range of needs of Aboriginal people in their region (Howard-Wagner & Harrington, 2022). Barang is leading the way in community engagement, data gathering and data governance in NSW. In August 2020, 'Ngiyang Wayama' was formerly established by Barang Regional Alliance. It is the first Aboriginal led and community controlled Aboriginal Regional Data Network in the country, involving collaboration and support with state, federal and regional agencies (both government and non-government), academic institutions, think tanks in addition to Aboriginal Community-Controlled Organisations, local services, and grass roots community members.

Similarly, the provision of appropriate funding enabled the Murdi Paaki Regional Aboriginal Housing Leadership Assembly (RAHLA) to doorknock 1401 households living in community housing to determine their housing needs and priorities. This provided unprecedented data on Aboriginal housing circumstances in the Murdi Paaki region that is indispensable in directing housing funds and understanding infrastructure needs. These data are also consistent with the key principles of Indigenous Data Sovereignty outlined by Maïam nayri Wingara, the Aboriginal and Torres Strait Islander Data Sovereignty collective in their June 2018 communique (Maïam nayri Wingara, 2018). These include the rights of Indigenous peoples to: control of the data ecosystem (RAHLA's housing data remain under RAHLA's control); data that is contextual and disaggregated (RAHLA's housing data is available and accessible to them at individual and community levels); data that is relevant and empowers sustainable self-determination and effective self-governance (RAHLA's housing data was developed for this purpose); data structures that are accountable to Indigenous peoples and First Nations (RAHLA's housing data is ultimately governed by RAHLA's board); and data that is protective and respects our individual and collective interests (RAHLA's housing data is designed to further the interests of Aboriginal residents of the Murdi Paaki region with respect to housing).

However, these examples have been the exception rather than the rule. On the whole, Aboriginal Regional Alliances/Assemblies do not control quantitative data about the residents they serve. Rather, they rely on government agencies who collect and collate administrative data, or at times, on Census data. These data are frequently ill-suited to answering the questions that Aboriginal Regional Alliances/Assemblies have about service needs and outcomes in their regions, whether that be because of poor data quality, a mismatch between the geographical coding of the data and the geographies of interest to Alliances/Assemblies, or a mismatch between the data collected and interests of Alliances/Assemblies. Furthermore, NSW Government agencies generally only provide data to Aboriginal Regional Alliances/Assemblies on request, such is the magnitude of the data they hold. But NSW Government agencies have often taken many months to fulfill such data requests, and Aboriginal Regional Alliances/Assemblies report that the data received can sometimes be inaccurate, limiting any use that Aboriginal Regional Alliances/Assemblies may have for such data. Case study 11 below illustrates how TRRA took matter into their own hands in relation to the lack of data on service in their region, embarking on their own efforts to undertake service mapping.

LDM has uncovered the problems associated with efforts on the part of NSW Government agencies to share data (Howard-Wagner & Harrington, 2022; Howard-Wagner et al., 2022), but it also uncovered the differing levels of capacity of Aboriginal Regional Alliances/Assemblies to adopt their methodologies of choice, gather their own data, and work toward data governance. Significant improvements to the way that data collection and

access is managed is required if the promise of LDM to provide Aboriginal Regional Alliances/Assemblies with the data they need to make informed decisions is to be realised. Foremost among these improvements must be a preparedness to fund Aboriginal Regional Alliances/Assemblies to design, collect, analyse, and hold the data that they require. However, resolving the challenge of improving the utility of government-held data is complicated and difficult, given the fragmented and inconsistent ways that data is held across a multitude of Government agencies.

Case study 11: Beyond data sharing

Case study 11 – TRRA service mapping and data sharing

Local Decision Making is meant to be facilitating equal access to local and regional data to support decision-making and Indigenous Data Sovereignty. Yet very little data has been shared with TRRA, either about the socioeconomic situation of the people in its region or about the services being provided there. The best data provision was by the Aboriginal Housing Office and the Department of Communities and Justice in relation to the housing consultations conducted as part of the Accord. This was valuable as it became apparent that some of the data held by government did not match the reality in communities. Some initial data was also provided by Education (seven schools in the footprint with highest Aboriginal suspensions), but this has not been updated in subsequent years.

In response to this situation, and in order to find out precisely which services are supposed to be being provided to its communities, and by whom, TRRA initiated its own Service Mapping Project. TRRA was provided funding for this work from AANSW and has engaged two staff and an Aboriginal consulting company to lead this service mapping project. The project is intended to provide information about services in the footprint to assist decision-making. TRRA is ground testing issues such as service duplication, gaps, accessibility, appropriateness and whether services are meeting their intended objectives. TRRA also intends to use the mapping information as a community resource about services available across their footprint, with community-by-community mapping of services available on a SharePoint site owned by TRRA.

To identify the services, TRRA wrote to NSW Health, the Department of Planning and Environment (Aboriginal Housing Office and NSW Land and Housing Corporation), NSW Treasury, Department of Communities and Justice and Regional NSW requesting data on Aboriginal specific service funding across these following priorities in the TRRA region: health, housing, infrastructure and Covid response funding. TRRA was seeking:

- a) program details including objectives, eligibility, contract timeframes and decision-making processes, evaluation outcomes
- b) service providers including 2021–22 funded amounts, KPIs, service delivery boundaries or outreach locations, and
- c) operation of the Aboriginal Procurement Policy in the TRRA region including details of active capital works and maintenance contracts requiring Aboriginal participation strategies.

Agencies were reminded that the request was consistent with commitments made in the Accord between TRRA and the NSW Government and the Premier's Memorandum on Local Decision Making. In addition, TRRA wrote to the Australian Government via the National Indigenous Australians Agency in line with its aspiration to be a point of service coordination across the region, regardless of the level of government.

TRRA staff also conducted community consultations in its footprint about services being delivered locally. Some communities provided local service directories to support the mapping process, and feedback was provided on local service delivery issues including gaps, accessibility, outreach etc. The ground truthing about services was tested this way.

While this remains a work in progress, the process has revealed some information from government, with responses provided by the Department of Communities and Justice, and the Local Health District – while Covid funding was public information. This is a step forward for TRRA, but it has also revealed areas of government which are unable or reluctant to provide information, notably about procurement contracts with Aboriginal business or employment opportunities in the region.

While the Service Mapping Project has provided some of the data TRRA needs about services in its footprint, which is a big step forward, the picture is so far incomplete. Overall, there is a lack of regional and local data and TRRA does not have the ability to disaggregate information to identify key services being delivered across its footprint. Agencies and different levels of governments provide data in inconsistent forms, and generally without support. Subsequently TRRA carries the substantial burden of needing to transpose, analyse and interpret government data to understand what is occurring across the region. The inability of the NSW Government to provide regional data on government contracts has impeded the delivery of Accord commitments made by the NSW Government with TRRA. These issues combined have hindered TRRA's ability to obtain meaningful data to drive service accountability and coordination, and this impacts TRRA's ability to track the achievement of Accord commitments made in its partnership with Government.

Extract from Hunt et al., 2022, *OCHRE LDM Three Rivers Regional Assembly Evaluation Report*.

Aligning Aboriginal public policy initiatives in NSW

The key theme running through this report so far concerns how LDM contributes to contemporary Aboriginal and Torres Strait Islander policy agendas in terms of (a) voice, self-determination, and empowerment through shared decision-making around service delivery, and (b) transforming government in terms of the way it does business and its relationships with communities. This is also a key theme running through the interviews with public sector officials and community members all weighing in on this subject.

So far, the report has illustrated the contributory value of LDM to achieving other Aboriginal policy objectives. However, during interviews it became clear that uncertainty regarding the relationship between LDM and Closing the Gap has been, at times, an obstacle for the implementation of the LDM initiative. Despite their complementary goals and considerable common ground when it comes to underlying policy principles regarding shared decision-making, partnerships, and the transformation of government agencies, LDM and Closing the Gap have at times been seen as competing for the attention and resources of NSW Government (Dreise et al., 2021).

Consequently, in this section we seek to briefly document what we see as the complementary nature of Closing the Gap and LDM arrangements in NSW. As one Deputy Secretary put it, LDM, Closing the Gap, and Place-based partnerships are 'each a different means and vehicle for achieving the overarching agenda of contemporary Indigenous policy in the state of NSW' (NCARA-State Accord Evaluation interview, Deputy Secretary, NSW Government agency). That same official argued that:

LDM should be considered as an option, an alternative to things like Closing the Gap. Even alternative place based like I mentioned, because the intent of Local Decision Making is through the eyes of the community and what their particular needs are. As I said before, everyone's got an option to vote as to who they choose to engage with and the reasons why they choose that is up to them. But as an addition to things like Closing the Gap and their operating model, in my opinion Local Decision Making should sit next to that as an option for community to make sure that their expectations and needs are represented.

Closing the Gap is an option, Local Decision Making is an option, alternative place-based partnerships are an option. Even how agencies go about their business on any given day to address disadvantage and better outcomes for Aboriginal people, that's an option as well. Because I do not think that you can hang full accountability and responsibility on one model because it's not representative of the whole community in which we serve on any given day (NCARA-State Accord Evaluation interview, Deputy Secretary, NSW Government agency).

Similarly, CTG 2020 envisages its shared decision-making structures build on existing structures. As article 34 of that Agreement states (CATSIPO and Australian Governments, 2020, p. 7):

The Parties acknowledge shared decision-making structures already exist across the country, and that many of these have been developed by Aboriginal and Torres Strait Islander people. Actions under this Priority Reform are not intended to replace these arrangements, but rather build on these successes, and expand and strengthen shared decision-making arrangements.

Aboriginal Regional Alliance members perceive their own work as contributing to the objectives of the CTG 2020 agenda. Indeed, a comparison of commitments under the various LDM Accords and the socioeconomic targets of CTG 2020 indicates a very high degree of complementarity between the two. LDM regions were and are working towards CTG. The case studies above also illustrate the role of Regional Alliances/Assemblies and their communities in CTG. According to one Aboriginal Regional Alliance/Assembly Chair:

You know we've said from day one we've been working on Closing the Gap for a long time at our own local level to see the impact and we have seen that over the last 4–5 years. We have done that on a shoestring budget. So, imagine what we could do if we had a decent budget. (NCARA–State Accord Evaluation workshop, Aboriginal Regional Alliance/Assembly Chair).

The case studies below, and interview data, suggest that NSW Government agencies could make better use of LDM structures to improve how they deliver CTG targets.

I think one of the things this conversation raises for me around CTG [is]... whether we're using LDM structures to improve the sophistication of how we're going to deliver the CTG targets, or is that being done in a different [way]... I think that would speak to whether this has created a thickened relationship that is being used for what is now a big government commitment. Not just a government commitment, but governments have signed up to deliver this. And are we using an improved relationship established through LDM structures, state-wide and local, to make sure we get it right (NCARA–State Accord Evaluation interview, Deputy Secretary and LDM Executive Sponsor, NSW Government agency).

We see no reason that NSW Government agencies cannot do this. By working more effectively with Aboriginal Regional Alliances/Assemblies, NSW Government can further their objectives in regions and on the ground. LDM has the potential to be a mechanism for realising the objectives of other Aboriginal policy initiatives in NSW.

To give one example, in working with LDM regions around community control of Out-of-Home Care,

- NSW Government agencies would not only be fulfilling their commitments under LDM but also CTG 2020 and broader Aboriginal and Torres Strait Islander child care and protection agendas.
- NSW Government agencies would be furthering Aboriginal self-determination in not only service delivery, but also Aboriginal child care and protection.

In responding, NSW Government agencies would be fulfilling their policy obligations under LDM and CTG and their legislative obligations under Sections 11, 12, and 13 of the *Children and Young Persons (Care and Protection) Act 1998*. While LDM, CTG 2020, and Aboriginal and Torres Strait Islander out-of-home care are separate initiatives and programs, there is a role for NSW Government agencies to work effectively with LDM regions and their communities to actualise outcomes on the ground that realise those synergies.

Substantively, LDM and Aboriginal Regional Alliances/Assemblies provide a mechanism to further the five NSW priority reforms under CTG 2020 (see Table 3). The six Accords examined in Table 3 all contribute to each of the Priority Reform areas identified in the National Agreement on Closing the Gap and the NSW Government's implementation plans. NCARA's Accord, which was signed on 27 February 2019, commits the NSW Government and NCARA to working together to support, renew, and return Aboriginal people to prosperity. As such, strong and functioning Aboriginal Regional Alliances/Assemblies taking part in LDM initiatives should be seen as advancing the Closing the Gap agenda, albeit through a different set of structures to those set up directly to implement CTG. The execution of these Accords and implementation of the commitments under them will contribute to realising the Closing the Gap Priority Reforms.

Table 3 Alignment of LDM Accords with CTG Priority Reforms

CTG Priority Reform	MPRA	TRRA	IWAAC	Barang	RMRA	NCARA
Formal Partnerships and Shared Decision Making	✓	✓	✓	✓	✓	✓
Building the Community Controlled Sector	✓	✓	✓	✓	✓	✓
Transforming Government Organisations	✓	✓	✓	✓	✓	✓
Shared Access to Information and Data at a Regional Level	✓	✓	✓	✓	✓	✓
Employment, Business Growth and Economic Prosperity (NSW specific)	✓	✓	✓	✓	✓	✓

Table 4 Regional priorities identified in six LDM Accords

Regional Alliance/Assembly	Overarching Regional Priority
NCARA	Support, renew & return Aboriginal people to prosperity.
MPRA	Economic Development, Law and Justice, and Early Childhood and School Education with health outcomes also identified across these priority areas.
TRRA	Education, Housing, Economic Development and Health.
IWAAC	Relieve poverty, sickness, destitution, helplessness, homelessness, distress, suffering and misfortune in the community.
Barang	Empowered Youth.
RMRA	Preserve and enhance the Aboriginal cultures and identities of the region and increase the decision-making autonomy, self-sufficiency and sustainability of its member communities; Healing, Health & Wellbeing.

Through engagement with their communities, Aboriginal Regional Alliances/Assemblies adopt a holistic commitment to addressing an overarching regional priority/priorities through their Accords (see Table 4). This does not mean that LDM regions are not working toward Closing the Gap. However, key regional priorities are bottom-up and holistic community agendas, which have been identified through strong community engagement. Those agendas are the focus of Accords and their Schedules. This does not mean that Accord Schedules

should not address broader socio-economic targets in LDM regions. Indeed, LDM Accords and their Schedules invariably do work towards meeting the 17 socio-economic targets of the National Agreement on Closing the Gap. However, LDM is designed to be a vehicle for the voices of community and regions to reach NSW Government agencies through bottom-up, Indigenous-led regional governance structures. We see little value arising from any process to structure Accord-making processes around the CTG framework explicitly. Government agencies and the CTG initiative tend to work on a sectoral basis. But the strength of Accords and their Schedules lies in their community-led and self-determined agendas and their progressing of regional priorities. LDM should continue to focus on the needs of community as a whole, and to push for reforms at a whole-of-government level. Too close an alignment between LDM and CTG risks losing LDM's flexible and cross-sectoral focus.

Much of the tension between CTG and LDM arises at the top of their structures, with demarcation issues arising between NCARA and NSW CAPO. Within the regions studied by the evaluation team, ACCOs generally work closely and well with Aboriginal Regional Alliances/Assemblies, although this was uneven and varied on a community-by-community basis. Many of the same LALCs and ACCOs that are represented at the state-level through sector specific peak organisations and by CAPO also sit as delegates to some Aboriginal Regional Alliances/Assemblies, which are ultimately represented at the state-level by NCARA. This should not be seen as a duplication of representative functions, but as an evolution of a diverse set of representative institutions that serve different purposes. In particular, Aboriginal Regional Alliances/Assemblies represent the interests of the residents of their regions, whereas the sectoral peak bodies of different groups of ACCOs represent the interests of those organisations, including but not limited to their members. According to one senior public sector official:

... there's a difference in discussions when you have those discussions with a CAPO [member] rather than with NCARA, or the LDM groups themselves. The CAPO discussion tends to be very sectionalised [about a particular community-controlled service sector]... The discussion with the LDM is very much about a community and what happened in a place with a group of people. And they're really not the same discussion.

These different roles suggest benefits will arise from the co-existence of a diversity of representational structures. As Dreise et al. (2021) argue:

... a diversity of perspectives [should be] encouraged, expected, and understood as a necessary prerequisite to both policy success and robust First Nations governance and self-determined development. It should be expected that different interests and preferences will arise out of successful representative processes and that not all issues that arise are going to solely relate to policy delivery priorities. This can work if all the parties to this network of structures themselves have a clear understanding of both the boundaries and intersections of their authority and representative mandates.

How LDM implementation can be strengthened and supported

So far, the report has explained the background to the OCHRE LDM initiative and its approach to structural reform. It has described how LDM aims to devolve power to regional Aboriginal communities through an agreement-making model. It suggests that the aims and approach of LDM are characteristic of the contemporary emphasis on partnerships, agreements, and accountability structures in Aboriginal and Torres Strait Islander public policy in Australia. LDM's approach is already serving as a model for policy change in other Australian jurisdictions.

With NSW Government support, transformations in the way government agencies do business, and proactive Aboriginal Regional Alliances/Assemblies working in concert, there are significant positive outcomes in LDM

communities in line with contemporary Indigenous policy around the world. The above examples illustrate how communities are strengthening their leadership and governance around service delivery through Aboriginal Regional Alliances/Assemblies. Aboriginal Regional Alliances/Assemblies are providing government with a key point of access for community engagement and advice. Aboriginal Regional Alliances/Assemblies are instrumental in securing improvements around community control over service delivery and, on occasion, securing new innovative approaches to the way that government does business with them, even if they are ad hoc rather than across the board.

Cases exist of previously transactional relationships transforming into respectful partnerships where government and Aboriginal bodies engaged in genuine, joint problem-solving exercises. In some instances, this had resulted in improvements around government procurement of services from ACCOs. We found pockets of adaptive strategies and innovation, but those examples were limited and not the norm. Aside from the RAHLA case study, we found no evidence of Aboriginal Regional Alliances/Assemblies having substantive influence over how core program and discretionary government funding is allocated to Aboriginal services in their regions. It is important to note that this case study was achieved alongside, rather than through, the LDM program, with funding to support initiatives emanating from the Federal, not NSW Government. Experiments in procurement with Barang Regional Alliance and the Walgett CWP are perceived to have been beneficial but fall short of the sorts of transformative changes envisaged under LDM. Aboriginal Regional Alliances/Assemblies are not yet influencing how NSW Government agency programs and services for their regions are conceived, developed, and implemented in a systematic, holistic, cross-agency way.

The LDM initiative and its agendas complement a wider Indigenous policy agenda around transforming government and transforming relationships in the Indigenous policy space. The organisational change that is needed within NSW Government agencies around LDM is the same organisational change needed around the new CTG 2020. LDM is an opportunity to transform government, share decision-making with Aboriginal Regional Alliances/Assemblies around service delivery in their regions, and build the community-controlled sector. LDM shows an institutional capacity that is well developed among many Aboriginal Regional Alliances/Assemblies and some NSW Government agencies to negotiate and implement partnerships and agreements regarding service delivery. But while examples of success exist, those are ad hoc and there is not the widespread reform across NSW Government agencies to the degree envisaged. It is our finding that LDM is not implemented well across the board. And there is a cost to poor implementation, not only in terms of the opportunity cost of continuing the status quo, but also in terms of the squandered goodwill of Aboriginal stakeholders.

The evaluation has the primary goal of understanding the operation of the LDM initiative in order to improve its processes and outcomes. And, while it might shine a light on some of the problems in terms of what NSW Government agencies and Aboriginal Regional Alliances/Assemblies are not getting right, it also aims to provide evidence and insights to improve outcomes under this initiative.

Overall, we find that, while structural change around the LDM initiative has been driven by government, and a clear framework around the principles and objective of LDM has been provided to those charged with taking carriage for LDM, the central leadership and drive within the public sector are simply not present with LDM and that operational responsibility and accountability within the public sector have been lacking. There is no evidence of sustained traction around the LDM initiative within or across NSW Government agencies. There is no evidence of systemic service delivery transformation across or within NSW Government agencies around LDM. There is no evidence of NSW Government agencies making a concerted effort within or across agencies to achieve community aspirations around decision-making under LDM and/or advance key priorities for LDM regions.

In the next sections, we draw on the evaluation data to explain where efforts around systemic and service delivery transformation have fallen short.

Systemic and service delivery transformation: where efforts are falling short

I think there's a point to be drawn out that the obstacle to replicating any of these case studies across the board is actually the reluctance of government to approach things differently and having seen how slowly things move with the discussion around the implementation of LDM. For Barang in particular a lot of it is, there's so much resistance to changing the way you look at things or what your default conversation is that nothing changes on the government side, and it only happens because you have existing relationships that you can leverage, or you've got the right person in the ear of the right Minister.

So, I think there's probably a point to be drawn out that really when you're talking about changing the relationship or changing the way you do things, it's not just on the part of the community, which I think is the assumption a lot of the time. With the LDM initiative, it's actually about government agencies changing the way they think about every single aspect of the way they do business (NCARA–State Accord Evaluation, NSW Government agency executive officer).

I think some government agencies have come in leaps and bounds. But I just think some other government agencies are just so stubborn, they're not willing to change. Or they're not willing to push boundaries either. Because it's always been, oh well, because this is how we have to do it. I think in terms of pushing things up, [the one for them], I don't think that they are willing to do that or to ruffle the feathers, because I think they'd be too frightened. Because they also probably could lose their jobs either by trying to push an agenda when they know it's not going to be received well, I think. I don't think the issue is with the staff on the ground. I think the issues are the top execs. That's where the barriers are (NCARA–State Accord Evaluation interview, NSW Government agency senior position holder).

The LDM initiative has created some very real and important changes in LDM regions. The value of transforming government is demonstrated in the above case studies. However, those case studies are not indicative of widespread transformation. There has been no system-wide transformation within NSW Government agencies across multiple levels of action, from leadership to governance through to front line practice, to achieve the purpose of the LDM initiative.

So far, this report points to a missed opportunity within and across NSW Government agencies to operationalise the LDM initiative. This not only affects the implementation of LDM Accords, but as explained above, is a missed opportunity to further other Aboriginal policy initiatives through regional governance structures, such as CTG and specific policies (e.g., around out-of-home care, education, housing, economic development, etc.). In providing a detailed stakeholder analysis and review of systemic and structural issues around the degree to which government had transformed around the LDM initiative, the evaluations identified a number of shortcomings around systemic and service delivery transformation that may explain why these opportunities have been missed. That is, the evaluations uncovered structural, systemic, and attitudinal frameworks that currently prevent transformative relationships, genuine partnerships, and empowerment (Andrew et al., 2017, p. 9). Those structural (institution), systemic (system), and attitudinal (individual) frameworks also point to the apparently poor ability of government organisations to transform in line with CTG 2020 Priority Reform Three.

For the LDM initiative to work, it requires change around the three interconnected layers or strata of change for genuine transformation – structural, systemic, and service delivery change. In the case of the LDM initiative, it is NSW Government agencies that are the enabler of systemic and service delivery change. NSW Government

agencies have struggled to make room for shared decision-making and facilitate innovative solutions to service delivery.

However, while we identify a number of blockages around organisational change, it is our finding that a shortfall in public sector leadership, governance, and transformative execution around the LDM initiative most likely accounts for the absence of widespread government transformation around the LDM initiative.

Public sector leadership, governance, and execution of LDM

Let's be honest with OCHRE, OCHRE was about the way by which government needs to transform its way of doing business with and for Aboriginal people. I'm of the view that local decision-making is certainly still of high relevance in terms of the intent, but it was the execution that has certainly let it down (NCARA–State Accord Evaluation interview, Deputy Secretary, NSW Government agency).

You have a big bureaucracy that does not want to change from health to education. It takes a lot of effort to change. It takes leadership. Without leadership from the top, you can't change it (NCARA–State Accord Evaluation interview, Deputy Secretary, NSW Government agency).

Yeah, it's more than just socialising LDM, something we haven't done is actually advocating LDM across government. When we got moved into DPC there was — every second sentence was you are part of DPC you should start using that and none of us had any idea of what that would look like. But this is an obvious example of where we should be using our role as a central agency, particularly now that we have a Dep Sec again, to actually advocate and hold other parts of government to account to do things differently (NCARA–State Accord Evaluation interview, senior position holder, NSW Government agency).

I think the advantage for the Regional Alliance is that this really has never been done by government before, which is great. That's an extreme positive, that government actually wanted to try and sit around the table on an equal footing and gather that information and try and actually resolve devolve service delivery to Aboriginal communities using the knowledge of the locals. Where they get muddled up is that government are reluctant to change policies, are reluctant to be innovative on how they might implement that different strategy to that area, and those issues in itself create a bit of a friction, I suppose, between LDM and NSW Government (NCARA–State Accord Evaluation interview, Deputy Secretary and LDM Executive Sponsor, NSW Government agency).

In terms of transforming government, it's about how agile government is to respond to the needs of that request or the community's interest. I'm of the view that government have certainly embodied and enabled that within some of the implementation of the Accords, which has been a game changer (NCARA–State Accord Evaluation interview, Deputy Secretary, NSW Government agency).

LDM is intended to be achieved through a cross-agency, collaborative approach within the NSW public sector. However, other than around the case studies discussed above, there is no evidence of systematic cross-agency collaboration within the NSW public sector or between the NSW public sector and NCARA or between the NSW public sector and Aboriginal Regional Alliances/Assemblies. Our interview data suggests that this is due to a lack of central government leadership around the LDM initiative. The interview data indicates that central government leadership and drive around the LDM initiative have dropped off in recent years and operational responsibility and accountability within the public sector have been lacking. While the COVID-19 crisis appears to have exacerbated these dynamics, early interviews conducted during the co-design stage of the research prior to the pandemic demonstrate that these issues pre-date COVID-19.

On thematically coding the interview data, it was evident that the analytical threads undergirding the comments of public officials suggest that systemic under-design and implementation capabilities within the public sector around LDM are specific to leadership, governance, and execution within the NSW public sector. The following table represents examples of the themes emerging from the interview data along with some interview quotes indicative of that theme (see Table 3).

Table 3 presents a sample of indicative interview quotes for each identified theme which speak to the degree to which there has been widespread system change. Many of the quotes cut across different themes. For example, the following interview extract is about stewardship and accountability: ‘...I think... [there is an] absence of something that forces you, particularly if you’re a Dep Sec, to participate in the process...’ (NCARA State-Accord evaluation interview, NSW Government agency deputy secretary and LDM Executive Sponsor).

Interviewees pointed to the absence of high-level leadership, governance, and accountability around LDM, including centralised leadership around LDM, stewardship on the part of Executive Sponsors (Deputy Secretaries) as leaders, and an authorising environment in which senior public officials (Directors and Managers) were not always given the authority to change the way they do business.

Senior public officials who were interviewed as part of the evaluation expressed what good leadership, governance and execution should look like for them around the LDM initiative. There was some consensus around how this should look. Senior public officials suggested that in any big organisational design, a big task like LDM needs to be the responsibility of a centralised agency. Many of those interviewed also claimed that there needs to be the appointment of a high-level public official, who is the lead person, who is responsible for LDM on behalf of the NSW government, who drives and takes oversight of LDM.

A comparison of Table 3 with the shortcomings identified in the review of the COAG Trial in the Murdi Paaki region summarised above (Morgan Disney, 2006; Urbis Keys Young, 2006) reveal startling similarities. Many of the problems that arose during the better-funded, intergovernmental COAG Trials have been repeated through the LDM process. In some ways, the authorising environment of the COAG Trial was stronger than LDM. So, it is concerning that the lessons learnt from the COAG Trial have not transferred across to LDM. It raises the question of whether there is the structural capability in public sector agencies to adapt to the requirements of transforming government around service delivery to Aboriginal communities in a manner that meets the objectives of LDM.

Table 5 Thematic coding of interview data on systemic change around the LDM initiative

Category	Themes	Example extracts from interviews
<i>Public sector leadership & governance around LDM</i>	Governance	<i>'there is weak governance around the Executive Sponsors Group'</i> <i>'LDM successes have been highly dependent on the good will of individuals'</i>
	Leadership	<i>'the policy owner was asleep at the wheel'</i> <i>'weak leadership centrally'</i> <i>'central agency leadership and drive are just not present with LDM'</i> <i>'the way the public sector operates is autocratic'</i> <i>'the policy leadership that was a major detriment on why things like funding, why the immobilisation of the right authorising environment and the right operating framework wasn't afforded because the policy owner just was asleep at the wheel'</i>
	Stewardship	<i>'I think in the absence of something that forces you, particularly if you're a Dep Sec, to participate in the process'</i> <i>'a Dep Sec again, [is needed] to actually advocate and hold other parts of government to account to do things differently'</i>
<i>Public sector execution of public sector strategic aspiration for LDM</i>	Execution	<i>'the execution of LDM certainly let it down'</i> <i>'I think it's process in the back end where it's out of a [staff members] control'</i>
	Operational responsibility and accountability	<i>'there is a lack of operational responsibility and accountability within the public sector'</i>
	Functional silos	<i>'leaders and managers are making decisions in silos and agencies are still working in silos'</i> <i>'government still work in silos'</i>
	Funding	<i>'the funding and investment in LDM were not afforded'</i>
	Authorising environment	<i>'the right authorising environment and right operating environment were not afforded'</i>
	Change management	<i>'there is policy change reluctance around LDM within the public sector'</i> <i>'there is a reluctance to be innovative, including implement a different strategy.'</i> <i>'there is a lack of cultural changes.'</i> <i>'reluctant to change policies, are reluctant to be innovative on how they might implement that different strategy to that area'</i>

Working relationships and attitudinal change

The LDM initiative requires NSW Government agencies to shift not only their structural (institutional) frameworks but also attitudinal (individual) frameworks to support devolving decision-making to LDM regions. A shift in structural and attitudinal frameworks demands public officials practice different ways of working with LDM communities that entail sharing knowledge and power, collaborating, responding to local contexts and ultimately, transferring decision-making around service delivery to LDM communities.

Table 4 points to the prevailing attitudes that operate as a barrier for supporting the devolution of decision-making to LDM communities.

Table 6 Thematic coding of interview data identifying attitudinal change around the LDM initiative

Themes	Example extracts from interviews
<i>Good results dependent on relationships & individual attitudes</i>	<i>'Alliances/Assemblies have got some good results, ...[I]t's basically been on the relationship. So, if the Alliance doesn't have the relationship with the lead negotiator, and the lead negotiator is sort of fairly open minded, et cetera, then you're not going to get much out of LDM.'</i>
<i>Doing 'to' rather than 'with'</i>	<i>'Government still wants to do it their way... they want to do to as opposed to do with...'</i>
<i>Sharing power, knowledge, and expertise</i>	<i>'Are they're just an interest group that we consult with? Or are these representatives of community that we've signed up to support through genuine partnership and relinquishing some power and control?'</i> <i>'NSW Government still has the power, and the Regional Alliances/Assemblies basically are still begging for scraps off NSW Government.'</i> <i>'We're sitting at the same table but we're not sitting as equals and we certainly don't share decision making. I'm sure it would have been very clear from our experience that we didn't have the right people [from NSW Government Agencies] that had the authorising power even sitting at the table with us at NCARA.'</i>

Table 4 presents a sample of indicative interview quotes for each identified theme, which speak to the degree to which there has not been widespread attitudinal change among public officials around the LDM initiative.

It is our finding that, although the intent of LDM and its framework were very clear from the outset about the types of working relationships needed and the way that public official practices needed to change, the working relationships between NSW Government agencies and Aboriginal Regional Alliances/Assemblies and their communities remain predominately situated as decision-takers rather than decision-makers. NCARA and Aboriginal Regional Alliances/Assemblies are treated as 'stakeholders' and 'interest groups' by public officials in service delivery and policy negotiations. This goes to attitudinal changes. In interviews, senior public officials often used the term 'consult' to describe their engagement with Aboriginal Regional Alliances/Assemblies and often described Aboriginal Regional Alliances/Assemblies and NCARA as an 'interest group', who they consult

and ‘obtain input and feedback from’. Their discourses downgraded NCARA’s function to a ‘stakeholder’ or ‘advisory council’, rather than a genuine partner with autonomy and decision-making power.

Senior public officials are aware of the prevailing mindsets in some areas within NSW Government agencies:

Are they just an interest group that we consult with? Or are these representatives of community that we’ve signed up to support through genuine partnership and relinquishing some power and control? That’s really what it should be about, and I think it’s what it’s meant to be about, but I think we’re still treating NCARA, at the moment, as more of an interest group that’s advocating or lobbying (NCARA–State Accord Evaluation interview, Deputy Secretary and LDM Executive Sponsor, NSW Government agency).

This is not to say that public officials are not on-board with LDM. Many public officials are, and they consider that LDM ‘has the right principles’. Many of those supporters however still see Aboriginal involvement in decision-making as a beneficent decision of government – a ‘noble endeavour’ – rather than a right under relevant international standards such as the United Nations Declaration on the Rights of Indigenous Peoples. On the whole, the relationships between public officials engaging with NCARA and Aboriginal Regional Alliances/Assemblies fall short of building and maintaining the ongoing set of transformative relations and empowerment envisaged under LDM.

Primarily, this is due to an absence of structural changes. Many of the case studies below illustrate this. Indeed, aside from the NCARA Accord, all Accords use the term ‘consult’ in the wording of how NSW Government agencies will engage with Aboriginal Regional Alliances/Assemblies. As a mode of engagement, consultation is a wholly inadequate means of realising the objectives of LDM. It is inconsistent with the principles of transforming government and transforming relationships. It is widely received and perceived by Aboriginal Regional Alliances/Assemblies and their communities as paternalistic.

As case study 12 illustrates, transforming relationships necessitates a valuing of Aboriginal expertise and knowledge. It concerns the capacity to listen and value Aboriginal expertise and knowledge on the ground and recognise that Aboriginal Regional Alliances/Assemblies and their communities have knowledge and evidence about the needs of Aboriginal people in LDM regions.

Case study 12: Relational change – valuing Aboriginal expertise and knowledge

Case study 12 – Barang and Aboriginal homelessness on the Central Coast

Speaker 1: *I think for me it was the ones that built the relationship, because we could see a difference in about three of the agencies which were the leads and one of them was Transport NSW, the other one was Justice and I think Regional NSW – and the lady there I had worked with previously, so we had some history. So, I think the relationship with us. And, Training Services – so there was – even though we didn't get a lot from Training Services there was still – and part of our negotiations they had to attend an immersion program, all the agencies, so we started off with that just getting to know them and getting them to understand the community and the dynamics and the people who were in the community and that was over a two day period so they actually had to come onto our country.*

Speaker 2: *So, that's part of the transformational stuff with government is for them to make them more effective in terms of supporting our groups, our communities, this is what we would expect, that we know makes them more effective in the work that they do as a minimum.*

Speaker 1: *And, when we were in those negotiations, we were able, like they would give us their information around where they were up to, this is what we do, but for everything they put up we had an argument, or we disagreed with because we knew on the ground that that particular program wasn't working and we had the evidence.*

One morning we were talking about the housing situation when we were going into Accord negotiations. We got a phone call that we had an Aboriginal man sleeping down near this garage front near the medical service. So, you know, we were able to walk the Lead Agency Negotiators there and talk to them about that. We actually have homelessness. We have Aboriginal people that sleep rough in our community. Once they gave us their information – this is actually what's happening on the ground, so I think that was really powerful as well. Because for everything – even around their DCJ data around kids and OOHC – we had the evidence. We knew the kids because we were dealing with the families who have been separated. So, that was part of it. We wanted the Lead Agency Negotiators to see what they've got now isn't working in our community. And, yet we're only 1.5hrs to Sydney. Yet, we still have community who aren't getting services or who aren't getting the support. They're out there and yet you know I've been working in Housing for so long and I've never seen homelessness in Wyong until I did the walk around. Because no one talks about it. Even in a government agency it's not talked about... that's our evidence we see the people living on the ground and we're still seeing it

Discussion Forum, NCARA Evaluation.

Shortcomings in the way government agencies work with Accords and Accord-negotiations

Like we have an Accord signed, but we've also negotiated Schedules with government, and they have been sitting with AANSW for the last 12 months for various reasons. They haven't been signed it. It doesn't look like they're going to be anytime soon. So, we've directly gone on and started the implementation, because we are lucky to have the relationships with government at the regional level. They're happy to commit to it because they already see it as being signed off (NCARA–State Accord Workshop, CEO, Murdi Paaki Services).

What's the benefit of signing it? What is the real benefit? If they're not coming to the table and not resourcing it, then what's the point in signing it. (NCARA–State Accord Workshop, Chair, MPRA).

As illustrated in the above interview extracts, public officials recognise that, structurally, NSW Government agencies need to take LDM seriously and transform the way that they work with Aboriginal Regional Alliances/Assemblies.

The Accords and Accord-negotiations are particularly illuminating in this regard. Accord-negotiation is not the envisaged model of consensus building aimed at producing innovative win-win solutions. NSW Government agencies are failing to find ways to remove roadblocks, generate new ways to do business, and adopt innovative approaches for addressing community priorities around service delivery. NSW Government agencies are not transforming their practices or flipping the way they do business with Aboriginal communities from transactional to transformative relationships or moving beyond consultation to empowerment.

Accords can take between from one to two or more years to negotiate, requiring a significant investment of time on the part of Aboriginal Regional Alliances/Assemblies. There is also the time taken to undertake the process that AANSW requires before describing Aboriginal Regional Alliances/Assemblies as 'Accord ready'. This can take several years, because it entails significant engagement with Aboriginal Regional Alliance/Assembly communities.

- For Barang, their Accord and Schedule, which were completed in April 2020, have not been signed. Their implementation plan has been submitted to AANSW, but it has not been funded.
- For MPRA, the negotiated Schedules to their second Accord have not been signed. This is over two years since the overarching Accord was signed.
- For TRRA, after a very long and difficult Accord negotiation process, there was a slow start to Accord implementation because of structural and staff changes within NSW Government agencies, and TRRA initially had only a voluntary Chair. Not all government staff were initially clear about how the partnership should operate, and which party should lead. The partnership has matured over the past two years and is particularly good where there are senior Aboriginal staff in government.

Such a slow pace leads to frustration among participants in Aboriginal Regional Alliances/Assemblies and NSW Government agencies.

The aspirational side for community and the value adding of regional Aboriginal governance and leadership for improving service delivery outcomes and accountability gets completely lost in the Accord negotiation and implementation processes. Public officials at the Accord negotiation table direct the conversations around

specific service delivery, continuing to approach conversations with communities from a transactional perspective, in silos, and from a sectoral point of view, such as an out-of-home care point of view, a school point of view, or from a justice point of view. Public officials do not work across portfolio boundaries to achieve a shared goal and integrated government response to community needs. At best, in brokering solutions, NSW Government agencies respond to the request of Aboriginal Regional Alliances/Assemblies by cobbling together a series of disparate programs.

Public officials know they should have pushed thinking outside the square, but report that they are hamstrung by rigid program and service delivery frameworks and models, and a silo-based mentality, which is not giving way to a more flexible approach or enabling transformative relationships to support good local strategies and whole-of-government objectives. Many public officials involved with LDM recognise that their agencies' engagement with LDM has been ad hoc and sporadic. Both public officials and Aboriginal Regional Alliance/Assembly negotiators describe how the high level of government staff turnover is counterproductive, with four or five people within an agency often moving through the negotiation process of a specific Accord. They recognise that LDM should and could have progressed a lot further and a lot faster if there had been stronger government engagement, and that the Accords have not progressed far at all.

There have also been issues associated with the implementation of Accords that constrain what Aboriginal Regional Alliances/Assemblies consider a worthy and supported model as illustrated in case study 13.

Case study 13: LDM – a worthy and supported model

Case study 13 – Communication and resourcing constrain a worthy and supported model

I feel that if it would have gone the right way, it would have gotten there... unfortunately it failed to achieve those goals.

In 2015, the Illawarra Wingecarribee Alliance Aboriginal Corporation (IWAAC) became the first Local Decision Making (LDM) Government initiative developed in NSW in conjunction with Premier and Cabinet, Aboriginal Affairs. Since its establishment, one of the core missions of IWAAC has been to ensure that services and programs developed for over 9300 Aboriginal and Torres Strait Islander peoples residing within its communities and regions are adhered to and accounted for. IWAAC's role is also to ensure that these programs and services respond to the different needs, opportunities and challenges existing in both the Illawarra and the Wingecarribee regions. This represents a challenge given the different realities and priorities held by the Aboriginal communities living in these regions.

The Local Decision Making model is widely supported by IWAAC's board, organisations, and employees. The ideas underpinning the LDM are understood as being in line with principles of self-determination and, as suggested by one of its Board members, as holding the potential to lay some of the groundwork for eventual treaty negotiations (IWAAC member 3).

From IWAAC's perspective, a lot of good ideas emerged from the period leading to the signature of the Accord. Nevertheless, there have been important problems underpinning its implementation process. As highlighted by IWAAC's board members 'it is a good idea [the LDM] if it's allowed to run the way it's supposed to and let people really have a say' (IWAAC member 1), if the compromises between Accord parties are two-way (IWAAC member 3) and the process is appropriately resourced 'not relying on one worker' (IWAAC member 2) to accomplish this significant endeavour.

While there have been positive initiatives that were implemented as a result of the IWAAC Accord, they often represented a highly compromised version of what the Alliance initially proposed and believed could be implemented. Part of the Education Priority, the *Alternate Learning Centres* (ALCs) are one of such positive outcomes emerging from the negotiated Accord that, while welcomed, was not implemented as envisaged. **(continued...)**

Case study 13 continued...

IWAAC was hoping that the \$300 000 allocated for the ALCs would be split in half between the Wingecarribee and the Illawarra focusing on ensuring that the needs of the local Aboriginal communities in both regions were met. Initially, IWAAC proposed that the ALCs be hosted by Koorie Kulcha and Sakia, two community organisations that were running similar programs with positive results but very limited resources. Unfortunately, they realised that they had to work within the constraints set by the Department of Education. As one Board member emphasised, 'They [Sakia and Koorie Kulcha] were running ALCS out of a small pocket of money... the goals was to find the two existing ALCs... not create new ones... but they, the government, decided to give the money to schools' (IWAAC member 3). 'We got to do it their way not our way' (IWAAC member 4) and the delivery of services is still overseen by mainstream organisations.

The two ALCs are now hosted in Wollongong schools and none was allocated to the Wingecarribee. This decision was justified by the higher demand in the Illawarra region, the Wingecarribee being a much smaller region. *Homework Centres* were proposed as an alternative for the Wingecarribee but the program will also be hosted by organisations other than those proposed by IWAAC. It was also noted that the link between IWAAC's efforts and this initiative was not communicated to the organisations who are set to receive funding for its deployment (IWAAC member 3).

Hence, the implementation of IWAAC's Accord has been met with significant challenges largely characterised by a lack of resources, communication problems with regards to what was actually possible to achieve in the current policy context, and limited capacity for IWAAC to genuinely influence decisions on what and how services are delivered in the communities they are meant to represent.

Here's a government that has come up with this amazing process or what could have been an amazing process and that should have achieved some amazing goals and in reality, they weren't willing to really change so... they came to the table too scared to actually move the boundaries... You know, part of that being allowed to have a voice and really engage in making a choice or make changes is the other side has to be prepared to not just listen and hear what you're saying... look at how we can change that to meet what you are asking for. But government kept going, oh no, I don't think we can do that... oh no that's a policy we can't change policy (IWAAC member 3).

So, in the end, from IWAAC's standpoint, it appears that the government still framed the programs and services the way they want. Yet, IWAAC believes that the LDM model itself is worthy despite implementation challenges. More time secured human and financial resources for the Alliances/Assemblies and improved negotiation processes are needed to ensure that the model is successful. They are hoping that the model will be allowed to continue and improved rather than starting another cycle of 'government creating feel-good programs (including the LDM) and then scrap them after a few years because they "failed"' (IWAAC member 3).

Extract from Thomassin, 2022, *OCHRE* LDM Stage 2 IWAAC Evaluation Report.

Accords as agreements: moving beyond standard form contracts

Then, there is the issue of Accords as agreements. The Accords read like standard form contracts. Accords need to be better matched to the principles of Indigenous agreement making. The only Accord that commits the NSW Government and its agencies to 'respectful consultation, collaboration and negotiation to co-design solutions' is the NCARA Accord (NCARA Accord, p. 2). All other Accords contain a standard clause stating that the role of NSW Government agencies is to 'consult on Accord activities and negotiate in good faith, in a timely, open and honest manner' (Clause 5.1.1 in RMRA Accord, MPRA Accord I & II, IWAAC Accord & TRRA Accord). Accords do not embody a relational approach. They are not iterative and living documents. Accords are not priority and outcomes focused. They do not include adequate accountability mechanisms, such as annual

check-ins. There is no accountability built into Accords for working relationships that fail to meet the intended standards set under the LDM initiative.

NSW Government agencies continue to consult rather than empower during the post-Accord phase

The post-Accord phase is the same. With binding Accords in place, NSW Government agencies continue to consult rather than empower Aboriginal Regional Alliances/Assemblies around service delivery. Relationships remain transactional rather than transformative. This leaves Aboriginal Regional Alliances/Assemblies feeling highly frustrated and let down. They know upfront what should be changing and how things should be different, and while engagement is occurring more frequently, there are not the envisaged shifts in the power and control of interactions.

In a recent report synthesising the findings of an evaluation of *OCHRE* Accord making, CAEPR researchers made recommendations for reforms to the Accord development, negotiation and implementation (Howard-Wagner, O'Bryan and Harrington, 2022).

Accountability and compliance under LDM

The executive sponsor group is a good example of where it's started to kind of unravel to cause there's no accountability on the people sitting in that room to actually come back next time if they've moved on and it's never been really clear why that's happened. Because if you get a group of Dep Secs in the room to talk about any of these issues, they will all be enthusiastic and concerned and will pledge to do something. Then you know, that's what they say in the next meeting they go to as well so there's nothing that kind of forces that next step to happen (NCARA–State Accord Evaluation interview, senior position holder, NSW Government agency).

I love LDM. I think LDM has so much potential. I just feel like government agencies don't really appreciate it. I actually don't think they prioritise it. I don't think they see it as a priority for them. Sometimes through our process, they thought it was more of a hindrance, to be honest. They were not engaged in the meetings. If the conversation didn't relate to their specific agency, they tapped out. They were on the emails, walking in and out. The level of engagement wasn't there (NCARA–State Accord Evaluation interview, senior position holder, NSW Government Agency).

At the moment, no-one's job is on the line. No agencies accountability is on the line either (NCARA–State Accord Evaluation interview, senior position holder, NSW Government Agency).

This report has revisited the key obligations of NSW Government agencies and public officials under LDM and what that practically means for NSW Government agencies and public officials in terms of how they do business with LDM communities. The data presented in this report points to the need to strengthen internal accountability and performance under LDM to ensure that NSW Government agencies and public officials act on its transformative intent. That is, the data presented in the above quotes, the sections on systemic and attitudinal change, case studies 13 above, and case studies 14, 15 and 16 below.

Transforming government: moving beyond procurement and transactional government

You trust the voice of the Aboriginal people to go, we know what we're doing. Fund it and we'll show you what we can do... (CEO, Aboriginal Community Controlled Organisation and Barang Regional Alliance Member – Extract from Howard-Wagner & Harrington, 2022).

I love LDM because I just think the intent of LDM actually has potential. It legitimately has potential. If the government were able to change the way that they did business and that they were – so you've got Alliances/Assemblies set up around the state, and then the Alliances/Assemblies know what's best for their particular region. They know what Aboriginal communities and Aboriginal need and they know the organisations that can provide the services to meet those needs of community. If government then changed the way that they did business and broke it up, adopted an approach of, well, localised approach of funding to meet the needs of communities and to provide services for organisations to provide services to communities.

It would make much more sense to me that they go, okay, what are the needs of that community? This is the amount of money that we have. Where do we need to put that particular funding? Who's providing the services to meet those needs? But there's potential of that relationship building, and I just think it's crazy that government can't see the benefit in that. Because it's going to tick their box, as they say, and what they need. But, yet us, as the Aboriginal people, it's helping our people get better and it's helping them get well. Whether or not it's housing, health or whatever it is. Families. Because we know that us providing services to our people works (NCARA–State Accord Evaluation interview, senior position holder, NSW Government Agency).

For the last two decades, NSW Government agencies have used traditional government-controlled procurement processes to select and fund Aboriginal services in communities. This top-down approach commonly excludes service providers until the contract negotiation stage. It also excludes service users and the broader community. The traditional government-controlled procurement contracts are primarily outputs based and provide limited opportunity to measure outcomes or innovate in response to changing community needs.

The LDM initiative was designed with the intent of giving Aboriginal communities a genuine voice in determining what and how services are delivered to their communities. Ultimately, it was intended that LDM would bring into effect a new service delivery model that would be achieved through detailed service mapping, flexible and pooled funding arrangements, and progressively increased authority and delegation to Aboriginal Regional Alliances/Assemblies based on community capacity. The RAHLA case study above illustrates how this model can work around shared or joint decision-making.

The reason Aboriginal Regional Alliances/Assemblies and their communities sign up to LDM is because it aims to change the relationship fundamentally and positively between Aboriginal communities and government around service delivery. LDM intends to enable Aboriginal communities to participate fully in decision making concerning service design and delivery. The real aspiration of Aboriginal Regional Alliances/Assemblies and their communities is that LDM will lead to increased authority and delegation based on community capacity. It is

about shifting the relationship from a transactional relationship to a transformative relationship. LDM is about communities and government coming to the table to broker solutions in a transformative way.

The starting point for this process is for Aboriginal Regional Alliances/Assemblies to engage their communities in the development of a Statement of Claim, which identifies the key priority for their region. Those documents are not only aspirational, but are comprehensive in their explanation of key community priorities. They provide NSW Government agencies with a blueprint around visions for community-driven design and holism for service delivery in LDM regions, as well as a starting point for shared decision-making. They are complemented by the Regional Development Plans, Strategic Plans, Implementation Plans, Business Cases, Economic Development Plans and Position Papers, which Aboriginal Regional Alliances/Assemblies go on to produce.

In developing their Statements of Claim before going into the Accord-making process, as well as their Regional Plans and other various position papers, Aboriginal Regional Alliances/Assemblies and their communities identify key priorities for their regions. Those documents provide NSW Government agencies with (a) regional blueprints around community-driven design and holism for service delivery in LDM regions, and (b) a starting point for shared decision-making. Despite this, negotiations around the Accord and its Schedules get redirected to the priorities of NSW Government agencies. The practices of NSW Government agencies around LDM not only remains deeply embedded in the transactional purchasing and procurement space with relationships remaining predominately transactional, funding remaining typically for a specific purpose and falling within a siloed sector, but also decision-making around funding remains top-down, compartmentalised, and in the hands of NSW Government agencies.

It is also our finding that there has been no concerted effort within or across NSW Government agencies to achieve community aspirations around service delivery under LDM and/or advance key priorities for LDM regions. While transformation has occurred within the implementation of some of the Accords around service delivery arrangements, which has been a 'game changer' (NCARA–State Accord Evaluation interview, NSW public official), Aboriginal Regional Alliances/Assemblies and public officials provided many examples illustrating the degree to which entrenched out-dated traditional government-controlled processes stand. The following case studies explain why that approach is no longer match-fit for contemporary Aboriginal service delivery under LDM and CTG 2020.

Case studies 14 and 15 are examples of public officials continuing to consult Aboriginal Regional Alliances/Assemblies and their communities rather than empowering them and thus not only fail to facilitate their aspirations but the aspirations of the NSW Government.

Case study 14 – Barang Regional Alliance and Aboriginal knowledge circles

Beginning in 2017 and continuing to date, Barang has conducted extensive and ongoing community engagement, surveys, and workshops to identify regional priorities. Barang collected local data from surveying the local community that was critical to its understanding of local community needs concerning service delivery and informed the development of its Statement of Claim and later its negotiation of initiatives with Lead Agencies. It compiled data from local organisations and peak bodies, as well as ‘hitting the ground hard and surveying the hell out of local Aboriginal people’ (Barang Regional Alliance Accord Negotiator).

Barang identified the need for “structural reform” that puts power into the hands of the community through greater decision-making over the long term, instead of “one-off” piecemeal initiatives’ (Barang Statement of Claim, 2018, p. 8). Through its Statement of Claim, it sought structural reform outcomes that ‘embed community-led decision making into the regional governance structures for core and discretionary funding programs driving service delivery in the region’ (Barang Statement of Claim, 2018, p. 8).

Barang Regional Alliance entered the Accord negotiation phase with a well-developed 18-page Statement of Claim, developed through close engagement with stakeholders, which the NSW Minister for Aboriginal Affairs signed off on before the Accord negotiation phase started. Before the commencement of negotiations, Barang held a cultural immersion workshop for public officials, and it developed a 13-page Formal Accord Negotiation Principles and Protocols document. Barang Regional Accord Negotiators set out to negotiate its Accord and associated Schedules at the same time.

As a conduit of regional governance, Barang sees its community-directed role as one of enabling the scaling up of Aboriginal service delivery on the Central Coast through identifying the needs of local Aboriginal people, communities, and Aboriginal Community Controlled Organisations (ACCOs), and creating an enabling Aboriginal service delivery environment. It sees its role as enabling a holistic service delivery environment for Aboriginal people on the Central Coast. Its energies are not only directed at leveraging resources and brokering services but changing the service delivery landscape on the Central Coast. As per its Statement of Claim, it is driving structural reform to put power into the hands of the community through greater decision-making. It is strategically co-ordinating and steering Aboriginal service delivery on the Central Coast to empower youth, focusing on culture, mental health, employment, education, and child protection services.

It wants practical Joint Decision Making (JDM) mechanisms put in place to support government-funded organisations to align their activities to the community’s regional priorities and drive the Pathway to Empowerment (Barang Statement of Claim, 2018, p. 12).

Barang aspires to a ‘deep transformation’ of the child wellbeing and protection system. Barang wants to be driving those improvements in services and supports for Aboriginal families, data collection and reporting, casework policy and practice. It wants to see OOHC and wraparound support for children and young people in the hands of local ACCOs. It wants to influence changes to care and protection legislation and practices. It wants to turn around the high rate of removal and overrepresentation of Aboriginal children and young people in foster care on the Central Coast. It is focused on restoration.

Its agenda is in line with state policies. It has introduced new capacity building and accreditation initiatives for bringing ACCOs into this space back in the 2010s. There are now numerous examples of ACCOs transitioning successfully into the OOHC space, partnering with mainstream OOHC providers while they become accredited (Howard-Wagner, 2016, p. 98). Its agenda dovetails with the NSW Government’s policy reform agenda around Closing the Gap 2020 Priority Reform One (shared decision-making) and three (building the community-controlled sector) and the Premier’s priorities around the care and protection of Aboriginal children and young people. It dovetails with the recommendations of Professor Megan Davis in her independent review into Aboriginal children and young people in OOHC, *Family is Culture*. The NSW Government has committed to working in partnership with Aboriginal communities to address the systemic recommendations made in *Families is Culture*, including the establishment of Aboriginal Knowledge Circles to allow the voice of the community to drive and improve outcomes for Aboriginal children in OOHC. So, a step in this direction would be through the creation of an Aboriginal Knowledge Circle on the Central Coast in line with the *Families is Culture* report, which is meant to put the voice of Aboriginal people at the heart of the NSW Government’s response. Barang saw this opportunity and advocated for it to create an Aboriginal Knowledge Circle on the Central Coast. Having signed up to LDM and negotiated an Accord, it still had to lobby and advocate for this program on the Central Coast. It was not a given. **(continued...)**

Case study 14 continued...

In bringing community leaders and Elders together, Barang brought their cultural authority to the table through Aboriginal Knowledge Circles, anticipating transformation – positive, innovative, and constructive outcomes – to result from their involvement in this program. Instead, those involved were disempowered. The Aboriginal Knowledge Circle was asked for their advice about the awarding of a contract to a large mainstream not-for-profit organisation for the management of Aboriginal children in out-of-home care on the Central Coast. Community leaders and experts reported a lack of community engagement, cultural capability, and harm on the part of the mainstream provider. While capacity exists in ACCOs to move into this space, and they tendered to do so, they were unsuccessful in this bid. This is despite this same provider operating on the Central Coast in an environment where there remain significantly higher removals of Aboriginal children and young people and where there is community capacity for ACCOs to take on this role.

In providing its advice, the Aboriginal Knowledge Circle understood this process to be a joint or shared decision-making process. Their informed preference and knowledge did not influence the decision-making of the agency. Their cultural authority was ignored. They were unable to prevent an adverse procurement outcome in which an out-of-home care NFP organisation was awarded a contract to continue to operate in the Aboriginal out-of-home care space. This is, despite building the community-controlled sector being a priority reform under CtG2020 and there being an opportunity here to build the capacity of an ACCO around out-of-home care. It is an ACCO with a CEO who has extensive expertise in the OOHHC sector and this area of the public sector. Barang Regional Alliance sees their involvement in the Aboriginal Knowledge Circle as simply a 'consultative' process that served the purpose of enabling the agency and public officials to 'tick a performance indicator box'. This outcome did not even work toward building an ACCOs capability through say a partnership or Memorandum of Understanding, let alone community aspirations.

Barang perceives its involvement in this program as an adverse outcome for community leaders who are accountable to the community for the decision of this agency. It is also an adverse outcome relating to the community's perception of LDM bringing about change. Barang has decided to discontinue its involvement in the Aboriginal Knowledge Circle because the cultural authority and advice of community leaders was ignored.

Extract from Howard-Wagner & Harrington, 2022, Barang Accord Negotiation Evaluation.

Case study 15 – TRRA, procurement, and local community-controlled housing

Towards the end of the TRRA Accord implementation period, a decision taken in housing illustrated how decisions taken in Sydney in line with other policies conflicted with the goals of Local Decision Making, particularly the policy to shift ownership of Aboriginal service delivery to the Aboriginal Community-Controlled sector. This decision was the result of a tender process managed centrally, for Aboriginal housing management in Orange and Bathurst. The first issue is that the tender scope embraced two towns, whereas only Orange had a LALC which was an accredited housing provider. The Orange LALC had been encouraged by government to obtain this accreditation at some considerable cost with a view to expanding its role in housing management. However, it was not in line with Aboriginal protocols for the Orange LALC to manage housing in Bathurst as well as Orange.

Secondly, the successful tenderer was an Aboriginal community-controlled business, but was Sydney based and the local community expects that the economic benefits of managing this housing will flow back to Sydney, not to the local LALC that had prepared to increase its role in this area. The views from the TRRA footprint were provided by staff who work with TRRA but were overridden in Sydney. Such a decision also causes conflicts within the Aboriginal community between peak bodies and their constituents and shows how shared decision-making is not the same as local decision making. Yet to achieve economic development in regional communities, which is an objective of the TRRA Accord, it is local, shared decision-making that is required.

Extract from Hunt et al., 2022, *OCHRE* LDM Three Rivers Regional Assembly Evaluation Report.

Moving beyond transactional relationships

LDM's original intent was for a shift in the practices of NSW Government agencies around (a) service delivery decision making and (b) the funding of services in LDM regions – even if those shifts were incremental. At present, not only do the relationships that Aboriginal Regional Alliances/Assemblies have with NSW Government agencies remain predominately transactional, but NSW Government agency decision-making around funding remains top-down, compartmentalised, and in their hands. Funding also falls typically within a siloed sector and often remains for a specific purpose. LDM has far greater capacity to devolve decision-making to Aboriginal Regional Alliances/Assemblies around the pointy end of service delivery procurement, which is presently under-realised.

Even still, Aboriginal Regional Alliances/Assemblies are seeking structural reform agendas that would see them lead and shape a transformative process of strategic action, to deliver their reform agenda as set out in their Statements of Claim and Regional Development Plans. ACCOs cannot replace every service, so innovation around service delivery decision-making is still needed to realise the structural reform agendas of Aboriginal Regional Alliances/Assemblies. Their input would still be needed around Aboriginal Regional Alliance/Assembly involvement at this pointy end of service delivery procurement in terms of providing oversight on the ground and ensuring the activities of government funded organisations align with regional priorities and drive their pathway to empowerment. Such change aligns with current Indigenous policy. But ultimately, Aboriginal Regional Alliances/Assemblies are working toward creating an operational arm to conduct higher-order strategic business, and facilitate dialogue with governments to support the efficient, effective and equitable delivery of government services.

Shared decision-making around Aboriginal service delivery procurement

I think like having someone sit on the panel to be able to truth test you know who the people are who are applying for the funding. Like are they based in the region, do the community know them, do they already have a sort of standing with the community if not why are they funded potentially over another one. Obviously KPIs to make sure they are actually delivering the services, Aboriginal participation and Aboriginal employment should probably be one. You know making sure they are engaging and training people where they can. And then also reporting back to the Regional Alliances/Assemblies about their performance and their progress. If they're struggling with delivering their services, why, so Regional Alliances/Assemblies can sort of help figure out what the issue is and give them some advice and hold them accountable. And I like that one too about holding government officials to account as well because you know they put so much on to the Alliances/Assemblies to report on, but they're not doing the same on their end and they're not holding their end of the bargain. And the Accord negotiations are a prime example of where government have failed to keep up with those as well (NCARA–State Accord Evaluation workshop, Chair, Aboriginal Regional Alliance/Assembly).

I think it should be more than one person... under 250 can be a direct tender process, say it was DCJ, then there needs to be more – like that needs to be discussed with Regional Alliances/Assemblies cause we're not service delivery we support those organisations. So, I think we need to be part of that decision making as well. So, it's a direct tender then they need to have some advice from Alliances/Assemblies. The other thing is again those panels that are decided on through state office they usually don't have any information about the community, they're making decisions based on paper and don't actually know what the community needs are and I think we have those big faith based organisations who are applying for funding and usually get it even though there are organisations, Aboriginal organisations, that have been

operating for years that are quite capable of taking that on so that state level needs to be – and it could be NCARA sitting on those procurement processes if that was something – I just think there needs to be more accountability on the governments side cause we know from our area they don't answer you if you ask them questions. And I know there's legalities around and the feedback you get isn't worth the time you take out. If you miss – if you don't get a tender there's no real – you know you didn't show us that you actually work with kids, umm you know and these people sitting in state office that are making those decisions. So, I think there needs to be something more secure there if that happens. I know that Closing the Gap is looking at Aboriginal commissioning. I just wonder how that will work (NCARA–State Accord Evaluation workshop, Chair, Aboriginal Regional Alliance/Assembly).

We talked yesterday about transforming government they still look at us as being on their Aboriginal advisory councils... LDM is about local decision making, shared local decision making, that's what governments we have got to get them to transform their thoughts on how they're going to share that with us. They don't want to do that, they want us... There are two signatures on the Accord you know, but there's no shared authority there (NCARA–State Accord Evaluation workshop, Chair, Aboriginal Regional Alliance/Assembly).

[An NSW Government agency] awarded \$250k grant for this group to come into Leeton and run this program. No consultation of RMRA, nothing with the LALC, nothing with the Local Council, they just awarded this. I said to X this tells me that the paper this Accord is written on is useless, it's worthless, because you don't need to discuss it with us you've just gone ahead and awarded that. They're going to deliver in our community for our kids and we weren't even consulted. I say, 'What's the point of the Accord?' He didn't like that. I said, 'I'm just being honest because that's the perception we've got now.' He said, 'Oh no that's all private and confidential, it's all between government and service provider.' I said 'Yeah, but that's a service to our community and we talk about this in the Accord, so you can't have it both ways.' (Chair, Aboriginal Regional Alliance/Assembly).

Aside from limited commitments under specific Accords, such as that from DCJ in the MPRA Accord II, there has been no move toward Aboriginal Regional Alliances/Assemblies sharing decision-making around Aboriginal service delivery procurement in LDM regions. In thinking about ways forward, the relevant NSW Government agencies should think about ways that Aboriginal Regional Alliances/Assemblies could have free, prior, and informed consent around procurement; for example, through procurement panels established in LDM regions that allow Aboriginal Regional Alliances/Assemblies to be directly involved in procurement decisions and have a vetoing power around the procuring of services for their communities. Mainstream not-for-profit organisations should be required to enter a MOU with Aboriginal Regional Alliances/Assemblies around their accountability to LDM communities. You can imagine that procurement could work well if LDM communities have a say in who got the contracts to deliver services to Aboriginal people in the region.

As a starting point, Aboriginal Regional Alliances/Assemblies could operate as not only a watchdog, but also as partners in making procurement decisions. Alongside this, if a mainstream not-for-profit organisation is awarded funding agreements around dedicated Aboriginal service delivery in an LDM region, then not only should a strong community engagement mandate be included in the agreements, but also performance indicators around community engagement. This includes formal community input around the cultural safety and quality-of-service delivery from the community's perspective, which should be facilitated through Aboriginal Regional Alliances/Assemblies. Also, performance audits should be conducted around the effectiveness of that

expenditure to achieve community aspirations. If their advice is disregarded, then a transparent, public accountability mechanism should exist, such as KPIs for public officials and agencies and performance review indicators, so they can be held accountable for those decisions.

On the path to local decision-making, there is scope for innovation and for Aboriginal Regional Alliances/Assemblies to act as Commissioning Agents. This could follow the example of the Māori commissioning agencies model, in which the Regional Alliance/Assembly design the service to deliver the outcome it has identified around youth, housing, etc., and select the service provider designing the service to deliver that outcome (Humpage, 2020). There could be a further co-designing process with the service delivery organisation that the Aboriginal Regional Alliance/Assembly selects. Before embarking on this approach, consideration could be given to the lessons learnt from case studies of Māori commissioning agencies in Aotearoa/New Zealand (Humpage, 2020).

So, under LDM, and also CTG 2020 and its priority reforms, NSW Government agencies could be moving towards a collaborative commissioning approach for the future delivery of Aboriginal services in the community. A collaborative commissioning approach is the approach increasingly adopted across Australian and international jurisdictions: that commissioning represents a leading practice approach to designing and investing in social services and delivering improved client outcomes. Commissioning broadly involves collaboration with community partners, including service users, to identify the services people need and how they are provided. When commissioning is fully implemented, community partners and government jointly plan and design services so that investment delivers the greatest positive impact for Aboriginal people, community is brought into the process of procurement arrangement and evaluation, and a relationship-based service agreement management occurs. This can be successfully achieved while addressing probity issues.

Case study 16 illustrates how Barang and the Australian government are engaged in a joint decision-making process under the Empowered Communities initiative.

Case study 17 shows the aspirations of Aboriginal Regional Alliances/Assemblies and their communities around the commissioning of services is not a new or ground-breaking idea. The suggestions that the former Chair of TRRA proposes have been successfully tried before. It is not dissimilar to what is happening in the Murdi Paaki region through Murdi Paaki Service Limited.

Within the LDM footprint, the RAHLA model developed to govern and spend Commonwealth funds on Aboriginal Housing in the Murdi Paaki region provides another example. The strength of RAHLA lies in its governance, its autonomy, and its control of a significant amount of resources. Through its own assessment of housing needs, RAHLA has been able to determine community priorities for expenditure of these funds and ensure that they are directed through contractors who meet the standards expected in the region. As described in case study 6, the success of RAHLA contrasts dramatically with the failed and ultimately aborted provision of housing upgrades through the NPARIH program which was directed from Sydney, not in the region. Through RAHLA, MPRA has demonstrated a capacity to undertake service commissioning with promising results.

As the commissioning agency, a Regional Alliance/Assembly would become the procuring body that oversees funding for that service. Unincorporated Aboriginal Regional Alliances/Assemblies would need to create a separate legal entity to play this role. Murdi Paaki Services Ltd, as a corporate entity owned and controlled but legally separate from the Murdi Paaki Regional Assembly, provides one such model. We see no reason why Aboriginal Regional Alliances/Assemblies could not participate in commissioning through such a model.

Schools, hospitals, and police could have a recruitment lever and a stronger engagement mandate through a formal advisory body. If the advisory bodies' advice is disregarded, then a transparent, public accountability mechanism is in place, such as a KPI for principals, local AECGs, and NSW Department of Education and a performance review indicator. Those disregarding the advisory committee's advice could be held accountable. Education could work in the interests of communities on the ground through the option of regional/local advisory

bodies that consist of representatives from Aboriginal Regional Alliances/Assemblies and community leaders, local AECGs, School Reference Groups, and school principals.

Given the failings of government agencies to implement the current Accord-based model to date, we see structural solutions such as these – the devolution of commissioning to Aboriginal Regional Alliances/Assemblies, or at the very least their mandatory involvement in procurement decisions – as being necessary steps to devolve decision-making power.

Case study 16 – Barang/Commonwealth Procurement Joint Decision Making

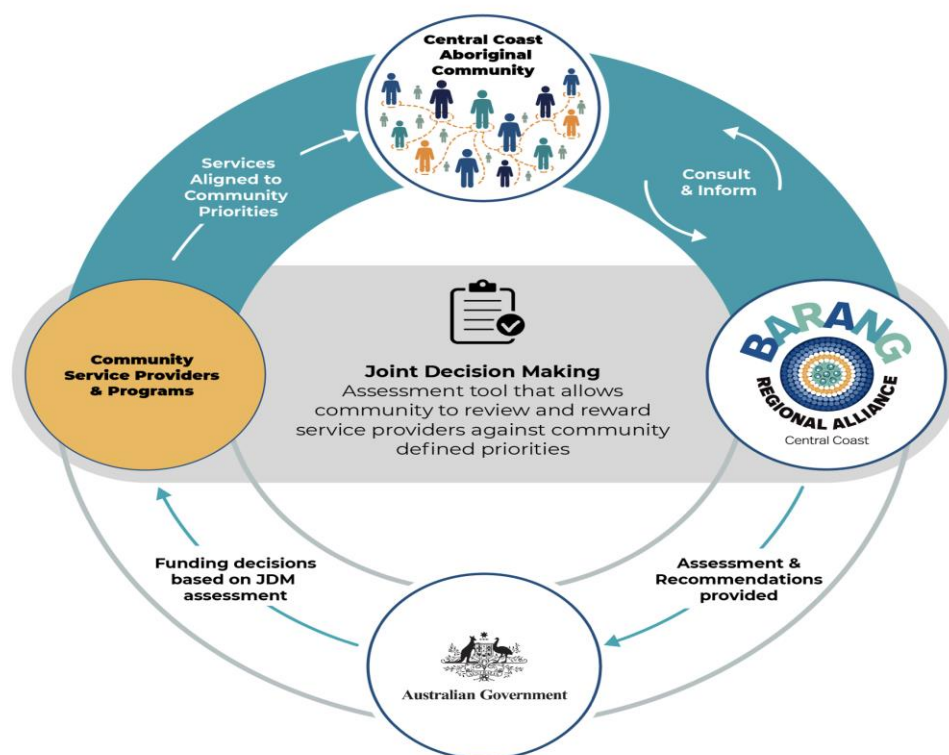
Under Empowered Communities, Barang has joint decision making with the Commonwealth, which to ensure that organisations are accountable to community for the funding that they receive. When the organisation comes up for review, we actually have community panels set up to go through their reporting that they do and ask questions. If you've got the right panellists, they'll be able to find out whether that organisation is making effects in our community. If they're doing what they're supposed to be doing – are they visible, what is their system like – and this goes for Aboriginal and non-Aboriginal organisations. So, if we believe Aboriginal organisations are not doing the right thing as well, or the panel – they're independent so they're not part of us, they're put through some training and things like that, but they're the ones that rate the organisation.

So, we have one non-Aboriginal service organisation that delivers justice programs and they're a community youth service. They've been delivering it for the last three years, so they're up for review. At their last review, because we didn't have the services or the capabilities to take it on within the Aboriginal community, we made the recommendation that they were to work alongside an Aboriginal organisation. To date, they haven't done that, so when they come up for review again, we will be asking where are the steps, what have you done, how have you connected with that organisation – and all those sorts of questions. If the committee deems or makes the recommendation that they are not to receive the funding, there will be a letter put into the head of NIAA, whoever does the assessments, which is the Minister, to either agree with us and we get a particular rating on assessment and it's 75% and then it's up to the Minister to either agree with us or not agree with us. So, it will be a good test case for us because when it happens, if we decide to leave it with them and we will be more on top of them, but in the end if we decide that they're not and the Minister agrees with it, that money will stay in the community and we will need to work out the best approach. The community then will make the approach on how we actually spend that money or who we, you know, call on the Aboriginal organisations to put in a submission and then go through that tendering process, but the money will stay in the region, not be moved around.

This model is outlined in Figure 6.

NCARA–State Accord Evaluation workshop, Chair Aboriginal Regional Alliance.

Figure 6 Barang/Commonwealth Joint Decision Making Framework



Case study 17 – Moving beyond procurement and transactional relationships

For me personally, we were trying to do TRRA in a way that we would make the Government Department accountable for the amount of money that's come through our communities. The amount of money [unclear] and how we could redirect that money and funding better to – for better outcomes and more accountability. But that never got up because we were – I feel we were led off in a different direction [unclear] with these five priorities of housing, health, education, economic development and – I can't think of it.

So, we were pulled off into those directions and never really got to the core crux of how much money and how much funding and what organisations were funded and who to outreach to in all those [unclear] communities to try and streamline that a bit better. Rather than be pulled off in the directions that the five priorities that really seem to be getting us nowhere. So, that was my frustration.

I keep pushing it every meeting. Whether it's LDM, Land Council, Closing the Gap or any other meeting I go into. Back in the 80s we had an Aboriginal organisation based in Dubbo called CATARAC. That was the acronym. C-A-T-A-R-A-C. What they did was they set up a heap of Aboriginal organisations back in the day. They had their own accounts. They had their own grant writers. They had everything.

What they said we'll do – they outreached. They went out at [unclear] and Bourke. They sent their accountants out to do their books for them. They would write their grants. They'd equip their grants. They just had that all wraparound support. It was based in the one building. They had admin. If someone needed to help with admin, they could come to Dubbo and get that help. (continued...)

Case study 17 continued...

They'd have meetings. They could do workshops at the office. I think there needs to be something like that again based in Dubbo to outreach those communities again. That gives them the wraparound support. Because our Aboriginal org; they're there and they're passionate about doing the work. They don't have the financial backing as well. They're competing against the likes of Uniting and Mission Australia and all these other NGOs that have a lot of money to back them. Our little Aboriginal org, they don't have that money to back them financially. That gets them out of the running for some of these tenders.

I also believe that some of these government departments, particularly, like DCJ, they don't have confidence in those Aboriginal orgs. They just want to do the same old, same old. Keep backing the bigger orgs. Because it just ticks the box for them. There is a bit of laziness in there, I believe.

What I keep saying to DCJ and anyone else, I said why don't you – when these tenders are coming up, why don't we do a strategic planning workshop? Whether it's over a week or two weeks. Invite everyone in and you go this is the program we've got coming up. This is the amount of money. Then you all sit around and you all share it. Then you follow that person's journey right through.

Instead, you've got one program that's duplicated probably four or five times and you're just handing the money out. You're not offering no accountability. You are not asking for stats on whether we completed it or – so you've got all these orgs vying for the same clients. Because it's got the same program.

It's just not – this is why it's not working. Whereas if you did a strategic, actual - actually committed to a strategic planning with all these orgs and all have a look at what each is doing and how we can share it around and try and spread it across the community. Who has got the capacity to do this? Try and try and involve our Aboriginal orgs and working for partnerships. We might find some better outcomes in our community.

But it's just not happening. Because they just want to keep doing the same old, same old. Just keep handing out buckets of money to these orgs.

That's what I thought the LDM would be doing. That's what I initially thought NCARA would do. Would say to the Dubbo community we've got all these programs. Bring them into the table. Bring them in. Bring Uniting in to TRRA and say well, what are you doing? You get this much funding. What are your outcomes? (Interview, former Chair TRRA and current Regional Aboriginal Land Councillor.)

Extract from Howard-Wagner, 2022, OCHRE LDM Stage 2 NCARA–State Accord Evaluation.

Community aspirations: beyond the point end of service delivery

Many of those Closing the Gap targets directly affect children. With the prison population 24% of guys have a kid in care. Almost half the women in jail have a kid in care. About 45% of young people appearing in court have had an out-of-home care experience. The out-of-home care system is full of Aboriginal children. So, if you look at closing the gap from the point of children, I've got four priorities that directly affect children, and I shouldn't be looking at them as a juvenile justice problem or an out-of-home care problem, I should be looking at it from a child's point of view of how do we make children happy and strong and functioning, and if you go to a community that's the kind of lens that they are viewing it from and how do we make our families strong and how do we make our kids strong? So, from a government point of view, we need to flip the way we see those problems and look at it from the community, but the Aboriginal representatives we are dealing with are fixed in that sectoral interests and provider framework. They look at it from a school point of view, from an out-of-home care point of view, from a legal servicing point of view. They do not necessarily look at it from a child point of view. The way they advocate is very much from that view. I worry we are going to get stuck in some of the silos by continuing down that path (NCARA–State Accord Evaluation interview, NSW Government agency deputy secretary).

Importantly, LDM is not solely about procurement outcomes for Aboriginal Regional Alliances/Assemblies. The approaches to procurement, commissioning and recruitment described above would not be a silver bullet. The reason Aboriginal Regional Alliances/Assemblies and their communities sign up to LDM is because it aims to change the relationship fundamentally and positively between Aboriginal communities and government around service delivery. The real aspiration of Aboriginal Regional Alliances/Assemblies and their communities is that LDM will lead to increased authority and delegation based on community capacity. It is about shifting the relationship from a transactional relationship to a transformative relationship. LDM is about communities and government coming to the table to broker solutions in a transformative way.

Applying this approach to children and families, for example, Aboriginal Regional Alliances/Assemblies want school suspension managed differently; fewer kids getting arrested; fewer young people going to prison; fewer kids and young people in out-of-home care; and better family violence programs. They want parents and carers to be engaged in their child's education; increased investment in early childhood education; improved suspension processes, including changes around the temporary removal of children and young people from school; increased attendance and retention at school; and learning tailored to the individual. Sometimes brokering solutions is straightforward. For example, IWAAC wants an Aboriginal Preschool. That should be an easy fix.

Most often, the situation is more complex. Aboriginal Regional Alliances/Assemblies and their communities may have some but not have all the solutions. They do not control the levers that drive the problem, such as suspension policy, child protection policy and law, bail law, parole law, sentencing decisions in courts, operational policing questions. They want to be part of a constructive conversation about solutions. NSW Government agencies should prioritise active collaboration with Aboriginal Regional Alliances/Assemblies and their communities. Their engagement practices should empower Aboriginal people through foregrounding and building the capacity of their voice as the expert and active decision-making with Aboriginal Regional Alliances/Assemblies and their communities and build mutual respect and stronger relationships based on higher levels of perceived trust and lower levels of perceived prejudice.

Communities should decide not only where the investment goes but also share in making policy decisions. Aboriginal Regional Alliances/Assemblies are focused on economic empowerment and want to be growing the Indigenous economy in their regions and regional economic outcomes. There are many ways that Aboriginal Regional Alliances/Assemblies can be involved in decisions and share authority to advance economic empowerment in their regions.

Many wish to share threshold decisions around children and young people entering the system. There are many ways that Aboriginal communities can be involved in decisions and share authority with courts, so there is no reason why communities cannot be involved in decisions around whether children are suspended or taken away from their families. Those processes should be deliberative and negotiated. Communities not only have an ear on the ground, but they know what schools or mainstream not-for-profit organisations are not working with them and how those schools or services are letting their children and families down.

The following example illustrates how shared decision-making can accommodate this method of approaching decisions in relation to children and young people.

In the formal criminal justice system, we are thinking about how the community can share decision making in all the discretionary aspects of the criminal justice system – from the point of police contact to someone coming out of prison and going back to their community. How can you share all of that decision making with local communities? How do you get communities, almost on a daily basis, as to how they get policed, the decision making around what proceeds to court, decision making in every element of the court system from bail to sentencing to breaches? Within that system there are whole bunch of statutory authority and important independent functions within it, such as the independent judicial officers, independent DPP [Director of Public Prosecutions], Police Commissioners, Corrections Commissioner. How do you balance those checks and balances that are inbuilt into the system to ensure that power is exerted properly, but at the same time share some of that authority with local communities? There is huge scope to do that. But you need to sit down and nut that out properly with the community about how much involvement they want, where they want it, and how we go about doing that. The criminal justice system is a good example, at least the judicial arm of it, because more and more we are seeing judges and magistrates take the lead in sharing decision-making with communities – Circle courts, the Walama Court, the Koori Court, the Indigenous list in the Family Circuit Court, you've got the judge in the Childrens' Court wanting to do similar things in care and protection jurisdiction... The courts are a really good example of where you share proper decision-making. That decision-making is not just decisions about where resources get allocated. It's actual individual decisions about what happens to people and families. That's really important. I think you can do it (NCARA–State Accord Evaluation interview, Deputy Secretary, NSW Government agency).

Going forward, NSW Government agencies will need to engage and have conversations with Aboriginal Regional Alliances/Assemblies on behalf of LDM communities around how they can enable and empower LDM communities in making decisions. For example, case study 18 set out the RMRA community aspirations and priority themes.

Case study 18: RMRA community aspirations and priority themes

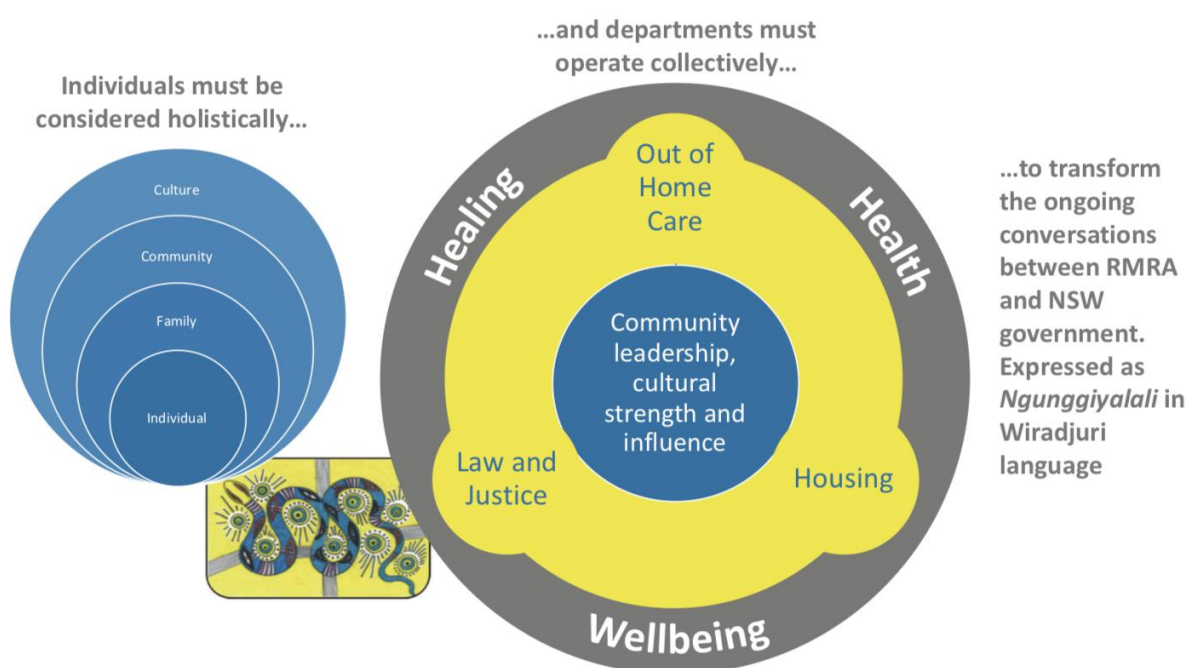
RMRA has three priorities that it identified in its Statement of Claim before going into its Accord negotiation process. These three priorities – healing, health and family wellbeing (including OOH & child protection), housing, and law and justice – are indistinguishable. RMRA has presented these three priorities visually in the three figures below, showing how individuals must be considered holistically and how departments must operate collectively and transform their ongoing conversations with RMRA in a way that recognises community leadership, cultural strength, and influence.

RMRA's regional priorities in relation to decision making are iconographically represented in Figure 7.

The transformation that needs to occur is represented in Figures 8 & 9.

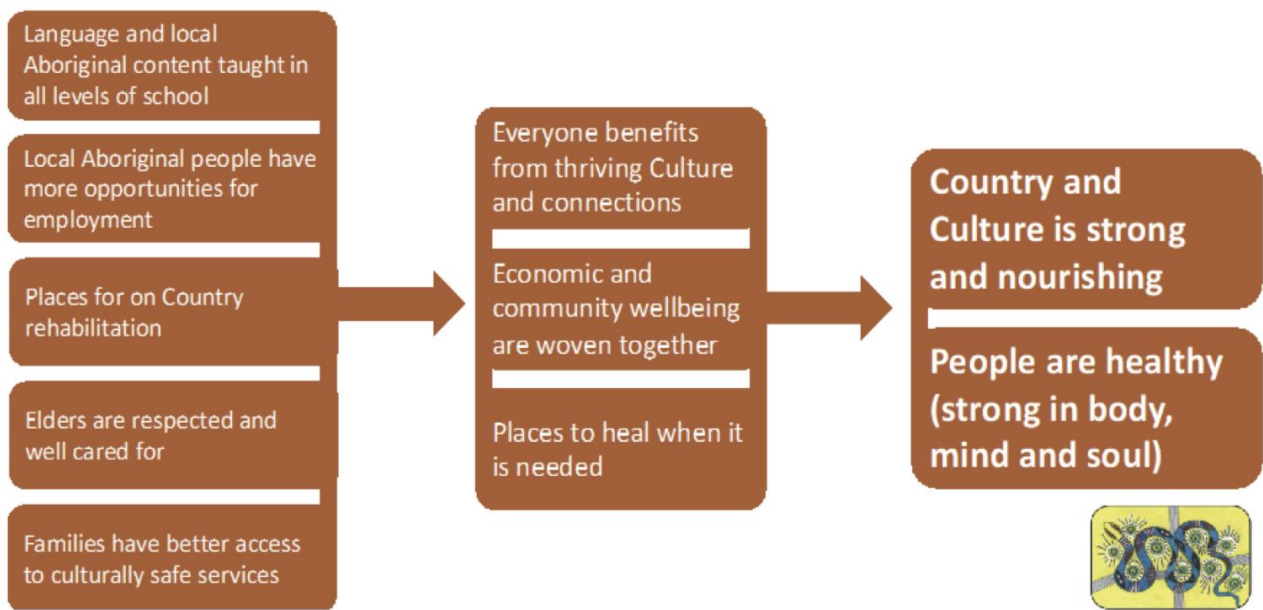
Extract from RMRA, 2020, Ngunggiyalali Position Paper.

Figure 7 RMRA regional priorities



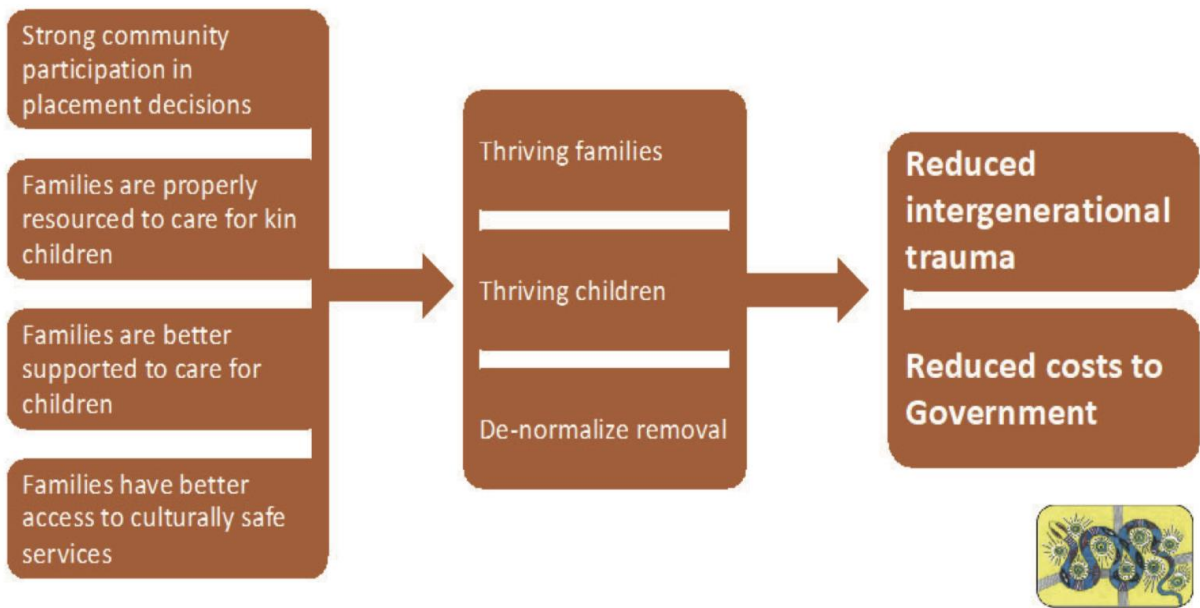
Source: RMRA, 2020, Ngunggiyalali Position Paper.

Figure 8 Transformation that needs to occur to achieve RMRA priorities



Source: RMRA, 2020, Ngunggijalali Position Paper

Figure 9 RMRA priorities in relation to outcomes for families and children



Source: RMRA, 2020, Ngunggijalali Position Paper.

Discussion

The LDM initiative moving forward

This report has illustrated the significant value of LDM as a centrepiece of Aboriginal public policy infrastructure in NSW. It illustrates how it can support other initiatives or programs. It shares examples of some significant benefits of LDM and the transformations taking place on the ground. The report includes key case studies illustrating how the LDM initiative has, at times, been a catalyst for shared decision-making and transforming government and relationships in LDM regions. It demonstrates how LDM has begun to act as a form of governance infrastructure which has additional benefits for Aboriginal communities and NSW Government beyond the objectives of the LDM initiative itself. It explains how LDM supports community voice and grassroots Aboriginal governance, drawing on existing regional governance bodies and facilitating the development of new Aboriginal Regional Alliances/Assemblies where none existed previously. It also makes clear how this has led to unintended positive consequences.

At present, it is Aboriginal Regional Alliances/Assemblies that are driving LDM in NSW. The report explains how the structures of NSW Government agencies hold LDM back from reaching its full potential. It illustrates how systemic and structural transformation is needed to allow for a whole of government approach to service delivery in LDM regions. This was the vision for LDM. To date, implementation has largely been ad hoc.

The LDM initiative provided government and public officials with clear guidelines and mechanisms to achieve this end. For example, one of the key roles of the Accords is to design that structure. Yet, too often, these mechanisms have not been utilised systematically.

Furthermore, while shared decision-making and good working relationships are key outcomes from an effective LDM initiative, this requires:

- the adequate resourcing of Aboriginal Regional Alliances/Assemblies
- genuine shared decision-making or delegated decision-making to Aboriginal Regional Alliances/Assemblies about service procurement and commissioning in the region, including the provision of service mapping data, and
- the resourcing of Aboriginal Regional Alliances/Assemblies to collect and govern their own community and regional data.

These measures combined would hand Aboriginal Regional Alliances/Assemblies a greater degree of systematic control over programs and services in the region.

Strengthening capability in LDM regions

The report notes that Aboriginal Regional Alliances/Assemblies operate on high levels of volunteerism. The resourcing of improved data governance and initiatives like the Murdi Paaki RAHLA have not been directly funded under the LDM initiative – resources have come from elsewhere. This means that the capacity of Aboriginal Regional Alliances/Assemblies to engage in activities that will strengthen LDM in their regions has been somewhat limited, including their capacity to review their operations and governance structures.

Going forward there needs to be investment in Aboriginal Regional Alliances/Assemblies as governance infrastructure for Aboriginal public policy in NSW. This will require core capacity in terms of staff time to be guaranteed for Aboriginal Regional Alliances/Assemblies over long time periods that allow for effective planning. As a minimum, we can see a need for at least three-year recurrent remuneration of a Chair, a Project Officer,

and a Community Engagement Officer in each LDM region, as well as costs associated with a dedicated office space. A fee-for-service needs to be paid to Regional Alliance Negotiators for 'working hours at the negotiating table' with NSW Government agencies. Remuneration must be aligned with market trends. However, a one-size-fits-all approach is unlikely to be successful given the very different organisational structures of Aboriginal Regional Alliances/Assemblies, and the different geographical contexts in which they operate. A funded local presence of Aboriginal Regional Alliance/Assembly officers is needed locally in communities, which we expect will create additional funding requirements in large regions spanning multiple towns over very large geographical areas – as Figure 2 indicates, the 16 communities in the MPRA span a region of around 300 000 km², while RMRA and TRRA span around 115 000 km² and 80 000 km² respectively. The maintenance of a local presence in communities will necessarily be more resource intensive in large geographical regions.

The determination of the needs of Aboriginal Regional Alliances/Assemblies should be subject of a special review, undertaken with a view to supporting the work needed to build LDM capability. This should include Aboriginal Regional Alliances/Assemblies being supported to conduct or commission a review of their operations and governance to consider their own strengths and weaknesses around achieving priorities and where additional human capital investment is needed.

Furthermore, there needs to be capacity strengthening through investment in Aboriginal Regional Alliances/Assemblies to allow them to understand their own data needs, collect their own data, create their own data governance bodies (if necessary), and engage their communities. Before this occurs, Aboriginal Regional Alliances/Assemblies with the support of AANSW should undertake a review of their capacity and identify the resources needed around establishing data governance bodies in their regions, including what capacity building is needed to collect regional and community-based data.

Aboriginal Regional Alliances/Assemblies should lead the work of service mapping and service procurement in their regions. For this to occur, Aboriginal Regional Alliances/Assemblies should identify their service mapping needs. Case study 11 illustrates how TRRA took this matter into their own hands in relation to the lack of data on services in their region, embarking on their own efforts to undertake service mapping. It explained how very little data has been shared with TRRA, either about the socioeconomic situation of the people in its region or about the services being provided there. This experience is the same for other Aboriginal Regional Alliances/Assemblies. TRRA staff also conducted community consultations in its footprint about services being delivered locally. While the Service Mapping Project has provided some of the data TRRA needs about services in its footprint, which is a big step forward, the picture is so far incomplete. Overall, there is a lack of regional and local data and TRRA does not have the ability to disaggregate information to identify key services being delivered across its footprint. Agencies and different levels of governments provide data in inconsistent forms, and generally without support. Subsequently TRRA carries the substantial burden of needing to transpose, analyse and interpret government data to understand what is occurring across the region. There needs to be a concerted effort on the part of NSW Government and its agencies in supporting the work of service mapping and service procurement in LDM regions.

There needs to be formal strategies put in place to ensure that both Aboriginal Regional Alliances/Assemblies and NSW Government are reporting and communicating with LDM communities around roadblocks, progress, developments, and achievement under LDM.

There are actions needed around strengthening LDM in regions that need to be either undertaken by Aboriginal Regional Alliances/Assemblies or the NSW Government, or Aboriginal Regional Alliances/Assemblies and NSW Government collaboratively.

Improving shared decision-making and working relationships through strengthening Accords

Structural changes need to be made to realise the NSW Government commitment to building and strengthening the agreement-making process as a formal partnership arrangement.

Going forward, several changes could be made to Accords to strengthen shared decision-making. First of all, reporting arrangements, timeframes, monitoring and review arrangements, and dispute resolution mechanisms must be specified within Accords. Currently, these elements of Accord making and implementation are too weak, leading to Accords being disregarded in some cases. Second, confidentiality mechanisms need to be removed so that Aboriginal Regional Alliances/Assemblies can truly represent their communities during Accord negotiation processes. The current confidentiality arrangements have served to undermine the democratic accountability of Aboriginal Regional Alliance/Assembly delegates to their communities at times. Third, the requirement of NSW Government agencies to consult with Aboriginal Regional Alliances/Assemblies needs to be changed and upgraded to a mode of genuine power sharing. For this to be realised structural changes may be needed to the leadership, governance and authorising environment of the LDM initiative, as we discuss elsewhere in this report. Irrespective of the governance structures within NSW Government, Accords, and what they hold in terms of outcomes for regions, need to be socialised by the policy owner AANSW and other NSW Government agencies. Fifth, Accords need to be given legal protection so that Aboriginal Regional Alliances/Assemblies have a legal recourse should governments fail to implement their commitments or to negotiate in good faith. Sixth, LDM communities should be given knowledge about the Accord-making process that knowledge should be easily accessible.

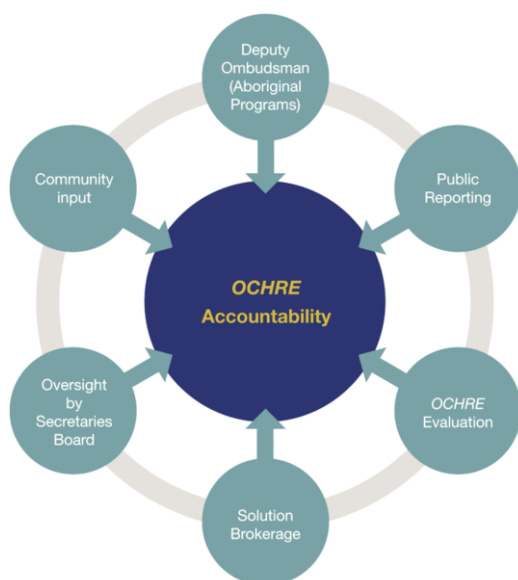
Transforming government

A key finding of the *OCHRE* Stage 2 preliminary findings report is that the work around transforming government under the LDM initiative has fallen short of that envisaged. That is, systemic and service delivery transformation has fallen short. The identified shortfall mostly occurred at the level of leadership around LDM, but it also concerned institutionalised ways of doing business and individual attitudes that needed to change.

Accountability, measuring performance and reporting

The OCHRE Strategy has in place an Accountability Framework that wraps around all its initiatives, including LDM (see Figure 10).

Figure 10 OCHRE Accountability Framework



Source: AANSW.

While LDM is evaluated, and Aboriginal Regional Alliances/Assemblies are required to report to AANSW on implementation, there is no LDM performance framework in place to enhance the transparency and accountability of the public sector to Aboriginal communities or the public more broadly.

We believe it would be beneficial to use the Yap instrument (see above p. 28) on a six-monthly or annual basis to establish whether working relationships are improving under LDM. The results could be used as a baseline indicator for identifying whether working relationships are improving. The data collected at each interval could be mapped alongside the baseline data to track whether relationships are improving or deteriorating over time. If relationships are becoming progressively worse over two time periods, then a review could be undertaken by AANSW as to why this has occurred.

Similar to the exercise undertaken to develop an instrument for measuring working relationships under LDM, we believe it would be beneficial if NCARA and NSW Government agencies work together to develop an instrument measuring the decision-making environment. We encourage them to work together to define key measures of success and performance indicators. The first step in this process could involve the workshopping of rules structuring service design and delivery and how those can be changed to facilitate shared decision-making and increased authority and delegation based on community capacity. We also encourage those engaged in this process to start at the end in terms of identifying what successful shared decision-making, transformed government and increased authority in LDM regions could and would look like and work backwards, towards the means; identifying appropriate management actions where there are positive or negative variances from projected performance measures and indicators. As part of this exercise, the Senior Executive Board/Group could identify powerful measures to determine the progress NSW Government agencies are making towards achieving the objectives of LDM (NSW Government agency indicators). Indicators could be developed for agencies and for project officers indirectly and directly tasked with implementing the LDM initiative. The Senior

Executive Board/Group could identify existing agencies and areas and new agencies and areas who have a role to play in improving outcomes under LDM. Aboriginal Regional Alliances/Assemblies could identify their own powerful measures to determine the progress they are making toward achieving the objectives of LDM ('Aboriginal Regional Alliance/Assembly indicators').

To ensure mutual accountability to those indicators, it would be useful if NSW Government agencies and Aboriginal Regional Alliances/Assemblies each reported quarterly or six-monthly against the measures of success and key performance indicators to the LDM lead within AANSW and Executive Sponsors Board/Group to measure how LDM is progressing. AANSW could prepare a comparative assessment of the two reports for the NSW Minister for Aboriginal Affairs.

Furthermore, NCARA and the NSW Government could each report annually to NSW Parliament on their assessment of how LDM is progressing in line with its intent and principles and in relation to the key measures of success and performance indicators around shared decision-making and transforming government under LDM.

Despite the suggestion of the Minister Taskforce on Aboriginal Affairs, LDM has never been legislated and continues to rely on the 2015 Premier's Memorandum to provide an authorising environment. This administrative approach has both strengths and weaknesses. Its primary strength is that it allows for rapid experimentation and change to the LDM initiatives. Arrangements can be changed without needing parliamentary approval or constraining the ambit of LDM within legislative limits.

However, there are good reasons to believe that legislating LDM will yield significant benefits to the initiative. Firstly, LDM is currently highly vulnerable to external changes to the political environment. The considerable public sector and Aboriginal community investment into LDM and the structures and relationships it entails are at heightened risk while this is the case. In practice, this has meant that Aboriginal Regional Alliances/Assemblies have limited capacity to plan ahead, and NSW government agencies have, at times, viewed participation in LDM as optional – even to the extent that Regional NSW has withdrawn from the initiative. Put simply, the uncertainty entailed by the weak authorising environment has had negative consequences for the efficacy of LDM. Secondly, there is little compulsion provided by the current authorising environment for genuine participation in LDM by NSW Government agencies. Legislation could change that. Thirdly, the suggested changes to procurement and/or commissioning of services within LDM Regions may require legislative changes to facilitate them. Consequently, we believe that LDM is likely to be much more effective if it were legislated.

Recommendations

We identify five areas for improvement: (1) strengthening leadership within government, (2) increasing Aboriginal control over service delivery in LDM regions, (3) strengthening Aboriginal leadership at the state level, (4) strengthening LDM in the regions, (5) Strengthening the role of LDM as key Aboriginal public policy initiative in NSW, and (6) incentivising accountability, measuring performance and reporting. We make 13 recommendations across those five areas.

LDM leadership within government

Recommendation 1: NSW Government leadership around LDM

- a) That overarching government leadership around LDM be centralised in AANSW and that it assumes the central function within government for driving a whole of government commitment to LDM.
- b) That the position of LDM Director be created within AANSW to take carriage of the LDM initiative across Government agencies.
- c) That the Secretaries Board take carriage of aligning government funding to LDM community need and advancing key LDM priorities under the various Accords (e.g., advancing Aboriginal prosperity and wellbeing in NSW, linking LDM communities with regional development to build Aboriginal economies in LDM regions, and advancing the wellbeing of children and young people).
- d) That the role and function of the Executive Sponsors Group be revisited, including its Terms of Reference, to ensure that:
 - (i) each individual Executive Sponsor as a representative of their respective NSW Government agency, is accountable for and has responsibility for achieving the transformational changes needed to realise the objectives of LDM on behalf of their agency
 - (ii) that each individual Executive Sponsor has the authority and responsibility to work as part of the collective that forms the Executive Sponsors Group, and
 - (iii) that, as a collective, the Executive Sponsors Group is accountable and has carriage for leading cross-agency collaboration and working with NCARA, Aboriginal Regional Alliances/Assemblies and LDM communities to achieve the transformation change and objectives of LDM.
- e) That their agency's performance in LDM be considered a top priority when reviewing and assessing the performance of individuals in Executive Sponsor roles.
- f) That relevant portfolio agencies appoint an individual Director to a dedicated role of coordinating LDM within their agency. Among their duties, they would:
 - (i) act as an LDM champion
 - (ii) serve as a key point of contact for Aboriginal Regional Alliances/Assemblies
 - (iii) represent their agency at the Accord negotiation table
 - (iv) report to the Executive Sponsor in their agency
 - (v) serve as a member of an LDM Inter-agency Working Group to be established to coordinate LDM within and across their agencies.

Recommendation 2: Reviewing the LDM Policy and Operational Framework

- a) That AANSW review the *LDM Policy and Operational Framework* (2017). The terms of reference for the review should include a focus on reforms to the framework that:
- (i) support Aboriginal Regional Alliances and Lead Agency Negotiators to take an innovative approach to service delivery under LDM
 - (ii) recognise that the negotiation, agreeing, signing, and implementation of Accord Schedules is but one mechanism for achieving the government's commitment to service delivery reform in LDM regions
 - (iii) recognise that a negotiated and agreed Accord initiates/triggers an immediate change in relationships, shared decision-making, and how all NSW Government agencies engage with LDM regions around all Aboriginal service delivery matters and community/regional priorities
 - (iv) emphasise the principles of collaboration and shared decision-making.

Recommendation 3: Reforming Accords

- a) That reforms to the Accord development, negotiation and implementation be executed in accordance with the 13 recommendations in the *OCHRE* Stage 2 Evaluation Accord Negotiation Synthesis Report (Howard-Wagner et al., 2022).
- b) That Clause 5.1 of all Accords between the NSW Government and Aboriginal Regional Alliances/Assemblies be amended to replace the term 'consult' with 'collaborate and share decision making with'.
- c) That all Accords be amended to include a clause using the exact wording in the RMRA Accord Clause 2.1.11 and the MPRA Accord II Clause 2.1.10, which commits the parties to the following: 'genuine commitment to developing transformative relationships rather than transactional relationships, with a renewed focus on developing innovative and holistic solutions and on considering different, more equal approaches to partnership'.

Recommendation 4: Authorising Environment

- a) That the LDM authorising environment be strengthened to compel NSW Government agencies to participate in LDM through the drafting and introduction of a binding instrument or mechanism that:
- (i) requires public sector agency participation in LDM
 - (ii) enables procurement or commissioning functions
 - (iii) guarantees Aboriginal Regional Alliances/Assemblies core operational funding through a special appropriation
 - (iv) includes a preamble which recognises the harms caused by public policies of the past and that this legislation intends to assist in making redress for those legacies
 - (v) mandates a role for NCARA, and
 - (vi) secures the future of LDM.

- b) That the *Local Government Act 1993* (NSW) be reviewed to consider opportunities to require that Local Government's engage with Aboriginal Regional Alliances/Assemblies within their geographical jurisdiction, including but not limited to Aboriginal Regional Alliance participation in section 355 committees.

Increasing Aboriginal control over service delivery in LDM regions

Recommendation 5: Procuring and Commissioning Aboriginal services in LDM regions:

- a) That the LDM authorising environment *mandate* that either one of the following three options be established to increase the decision-making power of Aboriginal communities in LDM regions:
 - (i) That all procurement panels designing requests for quotations, and evaluating tender responses include delegates of Aboriginal Regional Alliances/Assemblies who would have significant weight in making procurement decisions,
 - (ii) That Aboriginal Regional Alliances/Assemblies become authorised as commissioning agencies for services in their LDM region that serve the Aboriginal population. Funding for services that would have been commissioned by NSW Government agencies would be devolved to the commissioning agencies of Aboriginal Regional Alliances/Assemblies, or
 - (iii) That a shared-decision making approach, following the model of RAHLA, be adopted for services in their LDM region that serve the Aboriginal population. Funding for services that would have been commissioned by NSW Government agencies would be devolved to a body jointly/collaboratively governed by Aboriginal Regional Alliances/Assemblies and NSW Government agencies.
- b) That Aboriginal Regional Alliances/Assemblies be empowered to determine for themselves whether a procurement, commissioning agency role, or RAHLA-type model better suits their needs.

Strengthening Aboriginal leadership at the state level

Recommendation 6: New South Wales Coalition of Aboriginal Regional Alliances (NCARA)

- a) That a clause be added to the NCARA–State Accord recognising NCARA's capacity to provide strategic leadership, proactive solutions, and policy direction to government in driving the envisaged transformational change under LDM, and *OCHRE* more broadly, regarding:
 - (i) empowering self-determining communities to share decision making
 - (ii) working with government to ensure the transfer of ownership of services in LDM regions to Aboriginal controlled organisations
 - (iii) influencing change within government
 - (iv) strengthening accountability around LDM
 - (v) facilitating changes in working relationships between government and the LDM regions and their communities, and
 - (vi) facilitating equal access to data.
- b) That the capacity of NCARA be recognised and that it be appropriately resourced to enable it to take a strong leadership role in LDM and the implementation of the *OCHRE* Strategy in NSW more broadly.

Strengthening LDM in the regions

Recommendation 7: Resourcing Aboriginal Regional Alliances/Assemblies:

- a) That Aboriginal Affairs NSW encourage and support currently non-participating communities and regions to form Aboriginal Regional Alliances/Assemblies to participate in LDM, with a view to achieving full geographical coverage of the state.
- b) That new Aboriginal Regional Alliances/Assemblies be resourced to become Accord ready (i.e. to develop their governance structures and statements of claim, to undertake planning, and to engage with communities).
- c) That, once an Accord is negotiated and agreed on, there be significant investment in regional infrastructure relating to LDM on the ground.
- d) That resourcing models should differ between Aboriginal Regional Alliances/Assemblies based on their governance structure, stage of development, geographical footprint and Aboriginal population, and that work is needed to develop appropriate models for each regional body.
- e) That in all cases, core operations funding is needed (e.g., staffing minimum of 3–4 FTE positions plus funds for operational costs, to hold regular meetings, and to undertake LDM activities).
- f) That in addition, the resourcing of procurement or commissioning roles, and to realise community-based research and regional data capacities should be considered.

Recommendation 8: Review of Aboriginal Regional Alliance/Assemblies operations and governance structures

- a) That NCARA commission a review of its operation in line with its Terms of Reference at least every three to five years to consider its strengths and weaknesses around achieving its strategic functions.
- b) That Aboriginal Regional Alliances/Assemblies commission a review of their operations and governance structures at least every five years to consider their own strengths and weaknesses regarding achieving the regions priorities and community aspirations.
- c) That those Aboriginal Regional Alliances/Assemblies established at the onset of the LDM initiative – IWAAC, MPRA and TRRA – commission and commence their first review in the next 6–12 months.

Recommendation 9: Enhancing the planning capacity of Aboriginal Regional Alliances and Assemblies

That there be a whole-of-government commitment led by AANSW to supporting each Aboriginal Regional Alliance/Assembly through the provision of the information, data, and resources needed to:

- (i) develop regional plans
- (ii) develop data governance plans that establish the Aboriginal Regional Alliance/Assembly's vision for data gathering and governance in their region and identify the resources needed to establish a data governance body and build capacity to collect regional and community-based data, and how this can be linked into government policy and frameworks on data
- (iii) develop service mapping plans that identify service mapping needs, service data that is useful to their region, the resources needed to engage in service mapping, and what is needed from NSW Government agencies

- (iv) if desired, identify a panel arrangement that is best suited for the procurement of Aboriginal services in their region, which includes developing a register of independent members to sit on that procurement panel
- (v) if desired, undertake a review of current capacity and resources needed to engage in commissioning services for their regions – regionally and at the community level, which starts by ensuring Aboriginal Regional Alliances/Assemblies understand where government is on this front and how Regional Alliances/Assemblies can be empowered to participate, and
- (vi) develop a communication strategy for better communicating developments around LDM with communities.

Strengthening the role of LDM as key Aboriginal public policy initiative in NSW

Recommendation 10: Strengthening LDM as a key Aboriginal public policy initiative in NSW

- a) That NSW Government agencies be obliged to engage with Aboriginal Regional Alliances/Assemblies regarding all Aboriginal public policy initiatives that fall within the framework of LDM, beyond commitments listed in Accords and Schedules.
- b) That NSW Government agencies be obliged to share decision making around key priorities with LDM communities through Aboriginal Regional Alliances/Assemblies, rather than to merely consult with them.

Recommendation 11: Strengthening Shared Decision-Making and Working Relationships

- a) That a shared decision-making strategy be co-developed by the NSW government and NCARA.
- b) That the co-developed shared decision-making strategy promote the application of good governance principles and self-determination to facilitate meaningful collaboration and co-design, to achieve positive outcomes based on informed decision making and agreed practice.
- c) That the strategy provides clear guidelines and expectations to: (i) facilitate meaningful collaboration and co-design; (ii) achieve positive outcomes based on informed decision making and agreed practice, and (iii) achieve partnership, and shared decision-making in Accord agreement making/negotiations and in all decision making around service delivery in LDM regions.
- d) That the devolving control of service delivery to LDM regions and their communities be a fundamental objective of that framework, including benchmarks and indicators for moving to that stage.
- e) That, in the interim, NSW Government agencies immediately move to greater shared decision-making with NCARA, Aboriginal Regional Alliances/Assemblies, and their communities in their identified priority areas as outlined in the Statements of Claim, Accords, and/or Regional Plans, where negotiated.
- f) That NSW Government agencies consider placing public officials with specific skill sets in seconded positions in Aboriginal Regional Alliances/Assemblies to:
 - (i) provide additional capacity
 - (ii) provide Aboriginal Regional Alliances/Assemblies with a greater understanding of the internal functions of government when undertaking Accord negotiation, implementation and planning, and

- (iii) increase the number of public sector officials who are familiar with the principles and practices of sharing decision-making between government and Aboriginal Regional Alliances/Assemblies.

Incentivising Accountability by Measuring Performance and Reporting

Recommendation 12: Measuring Performance

- a) That each NSW Government agency identify a small number of LDM policy effectiveness indicators that can be used to improve the targeting of agency actions around LDM. Those indicators should be used to broadly assess:
 - (i) the effectiveness of the authorising environment within that agency in terms of encouraging shared decision-making and transforming relationships around Aboriginal service delivery in LDM regions, and
 - (ii) the effectiveness of the agency in reforming service delivery procurement in LDM regions.
- b) That NCARA and the Executive Sponsors Group work together to:
 - (i) define and develop key measures of success and performance indicators around shared decision-making and transformational change under LDM, and
 - (ii) identify appropriate management actions where there are positive or negative variances from projected performance measures and indicators.
- c) That NCARA develop a business case for the use of the Yap instrument (see above p. 28) as a formal measure of working relationships between Aboriginal Regional Alliances/Assemblies and the NSW Government and that business case be submitted to AANSW for adoption. That:
 - (i) this business case be actioned and that working relationships be measured annually, and the results in the first twelve months be used as a baseline indicator for establishing whether working relationships are improving under LDM
 - (ii) the use of the instrument for this purpose requires NCARA's authorisation, which has been granted in principle, and its business case.
 - (iii) the Yap instrument be administered and completed every 12 months by members of Aboriginal Regional Alliances/Assemblies and public officials within NSW Government agencies working in an Aboriginal service area that includes LDM regions and/or on LDM matters
 - (iv) data be mapped alongside the baseline indicators to track whether relationships are improving or deteriorating over time
 - (v) the data collected be presented to NCARA at its next quarterly meeting, and that they receive it one month prior to that meeting
 - (vi) if relationships are deteriorating substantially, a review be undertaken by AANSW as to why; the report of that review must be presented to NCARA, the Secretary of the NSW Department of Premier and Cabinet, and the Executive Sponsors Group to agree upon action.

Recommendation 13: Reporting

- a) That NSW Government agencies submit a short annual performance report against the LDM policy effectiveness indicators (see 13a) to the LDM Director within AANSW. That AANSW make that short report publicly available in the *OCHRE* Annual Report.
- b) That every six months NSW Government agencies and Aboriginal Regional Alliances/Assemblies report independently to the LDM Director within AANSW on their perception of how the other party is progressing against the measures of success and key performance indicators around sharing decision-making and transforming relationships.
 - (i) That the LDM Director within AANSW prepare a comparative assessment of the two reports, alongside the most recent data measuring relationships.
 - (ii) That, within one month of receiving those reports, the comparative assessment of the two reports and the two reports be provided to NCARA and the Executive Sponsors Group for consideration, and then the NSW Minister for Aboriginal Affairs be briefed on the two reports and the assessment of those two reports.
 - (iii) That the comparative assessment of the two reports be made publicly available through the *OCHRE* Annual Report.
- c) That NCARA and the Minister for Aboriginal Affairs each report annually to NSW Parliament on their assessment of how LDM is progressing in line with its intent and principles.

Conclusion

This report revisits the context in which LDM was created and the aspirations of Aboriginal communities in NSW at that time, contextualising the principles of LDM, as well as the state and national Indigenous policy context in which LDM is situated today. Revisiting these contexts and the intent of LDM and its principles assists us to explain the workings of LDM in practice.

The important message in this report, and coming out of this evaluation so far, is that greater efforts are needed around transforming government. Transformed government demands public officials practice different ways of working with LDM communities that entail sharing knowledge and power, collaborating, responding to local contexts and ultimately, transferring decision-making around service delivery to LDM communities. Transformed government necessitates structural (institutional) and attitudinal (individual) shifts to support devolving decision-making around LDM.

Reform directed at transforming the system: transforming the way government works, and thereby transforming relationships is clearly possible, but clearly greater leadership, governance, and execution around the LDM initiative is needed. Work is still needed to build respectful, constructive, collaborative relationships between NSW Government agencies and Aboriginal Regional Alliances/Assemblies and their communities under LDM.

In this preliminary report, we have shared examples of the significant benefits of LDM and some of the changes taking place under the banner of LDM. We explain where and how LDM has facilitated either the strengthening or building of Aboriginal regional governance structures and how those governance structures are empowering LDM communities. We also provide examples of improvements to service delivery on the ground.

In previous evaluation reports, CAEPR researchers examine the Accord-making process. We argue that, for that process to be an effective instrument for agreement-making under the LDM initiative in a way that enables and empowers Aboriginal people, the various LDM mechanisms need to be activated by NSW Government agencies as intended (Howard-Wagner et al., 2022). We point to limitations with the authorising environment under the LDM initiative and make a number of practical recommendations for improving it.

Further reports are to follow. Those reports will present the findings of LDM evaluations in three specific regions – the Three Rivers LDM region, the Murdi Paaki LDM region, and the Illawarra Wingecarribee LDM region. A report will present the findings of an evaluation of the NCARA–State Accord. A final synthesis report will analyse and synthesise the findings across the LDM Stage 1 and 2 evaluations in relation to agreement-making, transforming government and Indigenous policy around service delivery national and internationally.

In the next period, LDM and Accord-making will need to work in tandem with state-wide CTG policies and Voice to ensure truth-testing occurs on the ground about whether and how well services are delivered, and a focus must remain on achieving the priority outcomes that the Aboriginal communities in Aboriginal Regional Alliance footprints want to see.

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