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OCHRE LOCAL DECISION MAKING STAGE 2 EVALUATION: MURDI PAAKI REGIONAL ASSEMBLY EVALUATION REPORT

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Centre for
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OCHRE Local Decision Making Stage 2 Evaluation: Murdi Paaki Regional Assembly Evaluation Report

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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 LDM are characteristic of the contemporary emphasis on partnerships, agreements, and accountability structures in Aboriginal and Torres Strait Islander public policy in Australia.

This evaluation has undertaken a detailed examination of the operation of LDM in the Murdi Paaki region. It underscores the crucial role that LDM plays as a pillar of Aboriginal public policy infrastructure in NSW. It describes how LDM can bolster other initiatives or programs, presenting several examples of LDM's benefits and the changes it has induced on the ground. This report attests to the potential and capacity of the LDM initiative to provide a framework for shared decision-making and to alter government relationships in the Murdi Paaki region.

For all its potential, LDM in the Murdi Paaki region is not operating at an optimal level. The system is under-resourced. Community Working Parties are stretched, with unpaid volunteers bearing a heavy burden as they seek to represent their constituents in the decision-making process. This evaluation reveals an urgent need to transform government operations so that resources and decision-making power associated with service delivery are genuinely devolved to local and regional representative bodies. In the Murdi Paaki region, LDM presents a viable platform to pursue that goal. Real progress will demand both structural (institutional) and attitudinal (individual) changes to support decentralised decision-making through LDM. Systems change is achievable, but will require effective leadership, structural reforms, and attitude changes among public sector officials.

Keywords: Self determination, shared decision making, Aboriginal governance, Murdi Paaki Regional Assembly, OCHRE, Local Decision Making, government–community engagement.

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This research was commissioned and funded by Aboriginal Affairs NSW.

The report is owned by MPRA. The findings and opinions in this report reflect the views of the authors alone, not Aboriginal Affairs NSW, the NSW Government or MPRA.

Acronyms

AANSW	Aboriginal Affairs New South Wales
Accord	A Local Decision Making Accord defines the relationship between the government and participating Aboriginal communities
ACCHO	Aboriginal Community Controlled Health Organisation
ACT	Australian Capital Territory
AECG	Aboriginal Education Consultative Group
AIATSIS	Australian Institute of Aboriginal and Torres Strait Islander Studies
ANU	Australian National University
ATSIC	Aboriginal and Torres Strait Islander Commission
CAEPR	Centre for Aboriginal Economic Policy Research
CAP	Community Action Plan
CBR	Community Based Researcher
COAG	Council of Australian Governments
CTG	Closing the Gap (National Agreement)
CWP	Community Working Party
DCJ	Department of Communities and Justice (NSW)
DoE	Department of Education (NSW)
ERDDIIG	Economic Research Design Development Indigenous Investment Group
IYLP	Indigenous Youth Leadership Program
KPI	Key Performance Indicator
LALC	Local Aboriginal Land Council
LDM	Local Decision Making
MPRA	Murdi Paaki Regional Assembly
MPRHC	Murdi Paaki Regional Housing Corporation
MPS	Murdi Paaki Services
MPSL	Murdi Paaki Services Limited
NCARA	NSW Coalition of Aboriginal Regional Alliances
NGO	Non-government organisation
NPARIH	National Partnership for Remote Aboriginal Housing
NSW	New South Wales
NSWALC	NSW Aboriginal Land Council
OCHRE	Opportunity, Choice, Healing, Responsibility, Empowerment
RAHLA	Regional Aboriginal Housing Leadership Assembly

RAP	Reconciliation Action Plan
RMRA	Riverina Murray Regional Alliance
RPA	Regional Partnership Agreement
ToR	Terms of Reference
TRRA	Three Rivers Regional Assembly
TSEP	Tenant Support and Education Program

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Executive Summary

Local Decision Making (LDM) is a New South Wales (NSW) Government initiative under the *OCHRE* (Opportunity, Choice, Healing, Responsibility, Empowerment) plan for Aboriginal Affairs in NSW. LDM aims to transform the way NSW Government agencies engage with Aboriginal communities regarding service delivery, with new emphasis placed on partnerships, agreements, and accountability structures.

LDM is one of several *OCHRE* initiatives set up to support Aboriginal self-determination and priorities. For the NSW Government, it represents an ongoing commitment to transferring greater control of program design and delivery to Aboriginal communities. Regional Aboriginal representative bodies (Aboriginal Regional Alliances/Assemblies) negotiate formal and binding agreements (Accords) with NSW Government agencies which influence what government services are delivered to regional Aboriginal communities and how those services are delivered. Accords are a central mechanism by which the staged devolution of decision-making and accountability to communities under LDM is negotiated. By transferring power to make decisions about service delivery, LDM aims to transform the relationship between Aboriginal communities and the NSW Government to one of partnership. LDM and Accord-making is currently taking place at a state level with NCARA and in nine regions across NSW, represented by nine Aboriginal Regional Alliances/Assemblies (ARA). Each region is at a different stage in the Accord-making or implementation process. Aboriginal Affairs is responsible for coordinating the overall Accord negotiation and implementation of LDM.

Murdi Paaki Regional Assembly (MPRA), which comprises 16 communities in the far west of NSW is the longest-standing ARA in NSW and has been part of the LDM initiative since its inception in 2013 (Katz et al., 2018, p. 52). MPRA is a representative body, primarily consisting of delegates from the Community Working Parties (CWPs) of its 16 constitutive communities. On February 19 2015, MPRA became the first Regional Alliance/Assembly to sign an Accord (Accord I) with the NSW Government. A second Accord was signed on September 9, 2020 (Accord II). These Accords are negotiated agreements between MPRA and the NSW Government that outline a series of specific commitments that are to be implemented over a specific timeframe.

In 2020, the Australian National University (ANU) Centre for Aboriginal Economic Policy Research (CAEPR) was commissioned by Aboriginal Affairs NSW (AANSW) to conduct this independent, co-designed, participatory evaluation of LDM across three NSW regions. This was to take place over four years from 2020–2023¹. The regions are represented by three Aboriginal Regional Alliances/Assemblies, and at a state level with the NSW Coalition of Aboriginal Regional Alliances (NCARA). It is the second of a three-stage evaluation process to take place over 10 years. This report presents the findings of an evaluation of the operation of LDM in the MPRA region. In 2018, Katz et al. handed down their Stage 1 evaluation of the implementation of *OCHRE* and early outcomes achieved by LDM in the MPRA region. The authors made 27 recommendations related to the Accord process, communication, cultural competence, leadership, representation and inclusion, resourcing and service systems.

This evaluation was co-designed with MPRA and key public officials involved in negotiating and implementing Accords as part of the LDM process. It is guided by a strengths-based methodology that weaves together First Nations' knowledge with that of the public sector and academia (Dreise & Mazurski, 2018).

The research team included two academics and four Aboriginal Community Based Researchers (CBRs) whose knowledge of their communities informed interview schedules. CBRs undertook data collection with and on behalf of the research team. The evaluation methods included several workshops with MPRA delegates; observation of MPRA meetings; interviews with many individuals involved with LDM in government, MPRA,

¹ The original three-year project timeframe (July 2019 – June 2022) was extended to four years due to unavoidable delays caused by COVID-19 disruptions.

Community Working Parties (CWPs), members of other community-controlled organisations and Local Aboriginal Land Councils, Elders, and other community members. Published and unpublished documents by the NSW Government about the *OCHRE* and LDM policies were reviewed. MPRA delegates assisted in the validation and refinement of findings and recommendations. These build on, and in some cases reflect, Stage 1 evaluation recommendations and the findings of a more limited Accords Negotiation Review which took place over the course of 2021 (O'Bryan, Markham & Harrington, 2022).

The evaluation of LDM in the MPRA region seeks answers the following questions:

1. To what extent does the Local Decision Making model and the state Accord-making process empower Aboriginal communities to share decision-making authority with governments to progress their aspirations? What is enabling and impeding this?
2. Have the Local Decision Making model and the state Accord-making process transferred ownership of service delivery programs to the Aboriginal community-controlled sector in NSW, and to what degree? What factors have contributed to or blocked this?
3. In what ways do the Local Decision Making model and the state Accord operate as mechanisms to change the working relationship between Aboriginal communities and the NSW Government and officials? What is enabling and impeding this?
4. In what ways are the NSW Government organisations responding to the Local Decision Making model and the state Accord-making process by strengthening their accountability, cultural competence and responsiveness to Aboriginal needs and aspirations? What is enabling and impeding systemic and structural transformations?
5. Does the Local Decision Making model and the state Accord-making process facilitate equal access to local and regional data and information to support decision-making and Indigenous data sovereignty? How might this commitment be realised?

These core evaluation questions were provided by AANSW and are the same for each LDM region participating in the Stage 2 *OCHRE* Local Decision Making Evaluation. The research team also explored the following questions developed in collaboration with MPRA and public sector officials engaged in the MPRA II Accord. Specifically, we were asked to investigate:

6. How can NSW Government agencies be made more accountable to MPRA through LDM?

Summary of Findings

There is broad support for the principles of LDM among public sector officials and Aboriginal community members involved with LDM, especially MPRA delegates. MPRA, a longstanding entity with a rich history of self-determination, has been aided by LDM in reaching its self-determined regional objectives. But progress towards meeting the objectives of LDM has been uneven across agencies and frustratingly slow.

Shared decision-making under LDM has been effective when authority is devolved to MPRA or its CWPs, especially in the commissioning of government services. Instances where devolution of authority has taken place show the potential for LDM to foster shared decision making or self-determined decision making. But instances of this are rare in practice.

The implementation of MPRA Accord II, an agreement between Aboriginal communities and the NSW Government, has been progressing too slowly, and in a piecemeal manner. Commitment to the implementation of this agreement has been insufficient to ensure that the Accord's objectives are met in a timely manner that reflects the needs of the Aboriginal communities involved and the aims of the LDM initiative.

A notable concern is MPRA's underfunding and over-reliance on volunteers. This leads to a disproportionate responsibility on a small group of community members, who often incur personal financial costs and experience heavy workloads, contributing to uneven communication and tensions between MPRA delegates and other community organisations and community members.

The effectiveness of MPRA heavily relies on its Community Working Parties (CWPs) and their connection with regional communities. Support for CWPs varies across communities. Strengthening CWPs is a necessary step for the future success of MPRA's participation in LDM.

LDM also faces other challenges. LDM remains vulnerable to disruptions from external events and changing government priorities. Access to data has been uneven across NSW Government agencies. Nevertheless, the initiative has achieved positive outcomes in the region, contributing in a limited but significant way to meeting both community and government aspirations.

Many of the recommendations of this report reflect those of previous evaluations (see Appendix C). This largely reflects a failure to implement the recommendations of Stage 1 of the *OCHRE* Evaluation cycle. Structural and attitudinal changes to LDM are required to see the commitments made in Accord II and future LDM agreements realised, and to induce more systematic engagement by NSW Government agencies and public sector officials.

Key findings

1. MPRA provides an effective vehicle for the amplification of community voices in the region. It works to enhance Aboriginal leadership across the MPRA footprint, and builds on a long history of self-determination in the north-west and far western regions of NSW. It strengthens governance models developed over more than four decades. While MPRA existed for many years before the LDM mechanism was established and is not solely reliant on the NSW Government for funding, LDM has helped MPRA to fulfill their own regional objectives. But significant improvement is needed in terms of how government engages in LDM.
2. LDM has facilitated communication and cooperation between Aboriginal communities across regions in NSW. In particular, MPRA's participation in NCARA has enabled new initiatives to emerge that benefit multiple LDM regions.
3. LDM has contributed to the development of a range of initiatives that further self-determined community agendas.
4. MPRA is under-resourced, and its successes reflect a high level of volunteerism. CWPs are entirely volunteer and receive no salaries. CWP chairs and secretaries are remunerated for a fraction of the time they work. This has a range of important consequences including:
 - a. Heavy responsibility being borne by a relatively small group of community-members.
 - b. Heavy cost to CWP chairs, secretaries and others who contribute to LDM, who give away their time and knowledge for free to do CWP business, and often incur personal financial costs. Many take personal leave or retire early to conduct LDM business. They bear the weight of community expectations.
 - c. Communications of uneven quality and regularity leads to lack of clear understanding about the role, scope, function and powers of MPRA, CWPs and their members. This contributes to intra-community tensions.
 - d. Some people central to the proper functioning of LDM processes are required to use personal leave in order to discharge their responsibilities to MPRA or local CWPs. Some leave in order to undertake paid employment.

5. LDM has facilitated uneven changes in the relationship between government and Aboriginal communities in the MPRA region. Some non-Indigenous public sector officials report that participation in LDM has changed their attitudes towards Aboriginal communities and their representative bodies, and some government agencies have developed strong working relationships with MPRA. However other government agencies continue to take a 'business as usual' approach.
6. LDM has provided mixed degrees of access to administrative data held by government agencies, with some government agencies unwilling or unable to share the sort of information that would be useful to MPRA. Initiatives related to LDM which have resourced MPRA and its associated organisations to design, collect and analyse data which reflect MPRA's needs and draw on MPRA's expertise have been more promising.
7. The implementation of MPRA Accord II is progressing slowly and unevenly across NSW Government agencies.
8. Shared decision-making works best when authority is devolved to MPRA, and this has been especially successful when MPRA has been decisively involved in the commissioning of services by governments.
9. LDM is vulnerable to disruption by external events.
10. While LDM could be improved, its principles have widespread support and it has achieved some positive outcomes in the MPRA region. By improving the efficacy of service delivery in the region, LDM contributes towards community and government aspirations. MPRA and CWP across the region will continue their work autonomously from government policy.
11. The success of the LDM initiative rests on the effectiveness of CWPs, and the connections between MPRA and communities in the region.
12. Community cohesion is an important influence on the effectiveness of CWPs.
13. Community support for CWPs is uneven across the case study communities.
14. CWP governance structures could be strengthened.

Recommendations

Recommendations for NSW Government

1. That government should respect and recognise MPRA's autonomy and agency, and make the most of the Assembly's self-determining decision-making model to better govern service delivery in its region through LDM.
2. That MPRA produce an engagement protocol in line with MPRA's Regional Plan and Community Action Plans to ensure that all government agencies and non-government organisations engaging with Aboriginal communities in the MPRA region include CWPs and/or MPRA in an appropriate manner, including:
 - a. That the protocol be made readily available on the MPRA website
 - b. That all government agencies be required to implement the protocol when engaging with Aboriginal communities
 - c. That compliance with the protocol be mandated in funding agreements for non-government service providers to ensure genuine co-design, two-way accountability, and transparency.

3. That the resourcing of MPRA is inadequate and should be prioritised. That the NSW Government fund a business case developed by MPRA which would:
 - a. Provide MPRA with staffing and costs for core operations
 - b. Provide CWPs with resourcing that can be used flexibly to provide additional capacity.
4. That government agencies, community-controlled organisations and non-government organisations provide people with roles in LDM, MPRA and CWPs with paid leave to undertake duties associated with those roles.
5. That NSW Government undertake more systematic efforts to provide MPRA with access to timely, relevant, up-to-date and interpretable government data to inform decision-making in a suitable form for independent analysis.
 - a. This may require a cross-agency review of Aboriginal data holdings and procedures to provide access to government data, including geographical relevance
 - b. That government recognise that administrative data is not always accurate
 - c. That government commit to resourcing MPRA to collect, analyse and interpret data that either party needs.
6. That reforms to the development, negotiation and implementation of Accords be executed in accordance with the thirteen recommendations in the *OCHRE* Local Decision Making Stage 2 Accords Negotiation Evaluation Synthesis Report (Howard-Wagner, O'Bryan & Harrington, 2022). These cover the following issues:
 - a. Resourcing of pre-negotiation phase of Accords making
 - b. The strengthening of Statements of Claim
 - c. Clarity and transparency around funding allocations and budgets to support Accord development
 - d. Improved access to data
 - e. Adequate remuneration of negotiators from Aboriginal Regional Alliances/Assemblies
 - f. Increased financial/administrative delegation for Lead Agency Negotiators
 - g. Review of the 'authorising environment' at all stages of negotiations
 - h. The development of ethical guidelines and cultural competency training for government negotiators
 - i. Achieving a better balance between confidentiality and transparency of process
 - j. Legally enforceable provisions to ensure timely execution of Accords and Schedules by Minister for Aboriginal Affairs
 - k. Increased resourcing to improve and clarify governance around Accord and LDM processes
 - l. Monitoring and accountability mechanisms to be established.
7. That MPRA and its CWPs be recognised as bodies whose free, prior, and informed consent is needed for the procurement of services for Aboriginal people in the region and communities. Accordingly:
 - a. That this include a mandated role in designing services to be procured
 - b. That this include a decision-making role on procurement panels or tender evaluation committees

- c. That this include a mandated requirement that funding agreements be co-designed with CWPs/MPRA, including scope, KPIs, and complaint resolution mechanisms
- d. That funding agreements should include mandated reporting to MPRA and CWPs.
- 8. That in the absence of treaty, enforceable obligations be placed on government and its agencies, negotiated with and agreed to by MPRA, to ensure compliance with LDM agreements.
- 9. That structural changes to the governance and leadership of LDM are required within government to ensure that agreements between MPRA and agencies are acted upon in a timely manner (see further Howard-Wagner and Markham, 2022).

Recommendations for MPRA

- 1. That MPRA continue to participate in LDM, a mechanism which promises to provide increasing benefits to regional Aboriginal communities over time.
- 2. That MPRA renew their efforts to communicate publicly and transparently about their structure and activities through their website and social media.
- 3. That MPRA renew its investment in the governance of CWPs. This includes:
 - a. Reviewing the status of each of the CWPs
 - b. Ensuring that when the role of the chair is due for renewal, properly advertised, transparent, fair and equitable processes are held for the appointment or reappointment of the CWP chair.
- 4. That MPRA consider strengthening CWPs governance structures, by:
 - a. Requiring minimum standards for CWP Terms of Reference which include eligibility for election to chair CWPs, length of tenure for CWP chairs, the election of deputy chairs to undertake chairing responsibilities when the chair is unavailable, quorums for CWP meetings, procedures for advertising CWP meetings, the recording and publication of minutes etc.
 - b. Taking on a degree of oversight of the proper operation of CWPs to ensure compliance with agreed minimum standards. These might include an agreed procedure for MPRA to intervene if CWP Terms of Reference are not being followed.
 - c. Consider developing a mechanism for communities to opt in or opt out of participation in LDM, perhaps following the precedent of regional land councils which may opt into participation in MPRA.
- 5. That MPRA develop a formal and transparent mechanism for hearing and resolving complaints about CWPs from community members, potentially involving the creation of ethics committees at the MPRA and/or NCARA level.

Introduction

The Centre for Aboriginal Economic Policy Research (CAEPR) at The Australian National University (ANU) has been commissioned by Aboriginal Affairs NSW, Premiers Department (AANSW) to conduct an evaluation of Local Decision Making (LDM), which is an initiative under the *OCHRE* Plan for Aboriginal Affairs in NSW. This co-designed evaluation has taken place over four years from 2020–2023 across three NSW regions, represented by three Aboriginal Regional Alliances/Assemblies, and at a state level with the NSW Coalition of Aboriginal Regional Alliances (NCARA). The evaluation is guided by a strengths-based methodology that brings together First Nations knowledge with that of the public sector and academia. CAEPR has also conducted a review of the Accord-making process across three regions, Barang Regional Alliance, Riverina Murray Regional Alliance (RMRA), and Murdi Paaki Regional Assembly (MPRA) and has published a report synthesising these reviews and previous literature.

This document presents findings from the evaluation of LDM in the MPRA region. Part 1 introduces the current evaluation, including the research team, research aims and scope, methodology, and co-design processes. Part 2 provides background context, including an overview of *OCHRE* and Local Decision Making, and the surrounding policy environment, and an introduction to MPRA and Accords I and II negotiated as part of the LDM process. Part 3 presents the findings of the MPRA LDM Stage II evaluation for government and for MPRA, accompanied by recommendations.

Part 1: ‘Weaving Knowledges’ Research Design

The MPRA LDM evaluation was undertaken by a team of researchers at CAEPR, primarily Dr Marnie O’Bryan and Dr Francis Markham. The evaluation was conducted in two phases. The first phase was a co-design phase where the evaluation team, MPRA members and public sector officials co-designed the evaluation and ensured that questions from all parties were included in the evaluation alongside the questions provided by AANSW. The second phase was the implementation of the evaluation itself in the MPRA footprint. In this phase, the research team was assisted by four Community Based Researchers (CBRs).

The evaluation co-design process

The LDM evaluation adopted the ‘Weaving Knowledges’ approach outlined by Dreise and Mazurski (2018) and by NCARA (2018) to weave together Aboriginal knowledges and ways of doing business together with those of the public sector and academia. This evaluation approach also draws on academic research on participatory evaluation methods. Participatory evaluation takes a partnership approach, in which groups (such as program beneficiaries, funders, government and key decision makers) play active roles in the evaluation process. Participation takes place throughout the evaluation process, going beyond an advisory role to include participation in identifying research questions, planning evaluation design, selecting appropriate measures and data collection methods, gathering and analysing data, interpreting findings, and developing conclusions and recommendations (see CAEPR, 2019 for more detail). To enable this participation in the evaluation design, we undertook a co-design process. Concurrent with this, a more limited review of *OCHRE* Local Decision Making Accords negotiations was undertaken (O’Bryan, Markham & Harrington, 2022).

The commitment to co-design was not taken lightly. Throughout, participants were critically aware that co-design in the context of Aboriginal policy requires a shift away from practice as usual for both parties, and requires trust. All parties accepted Schwab’s observation that:

For co-design to work, both groups need to recognise that co-design is a long, often difficult and sometimes uncomfortable process. It requires, in the terms used at the launch of OCHRE, a setting of a new relationship between Aboriginal people and the government. It requires a deeper listening to one another, a commitment to building trust, and the relinquishment of some degree of power. It requires both parties to commit to doing things differently (Schwab 2021, p. 13).

Meetings between the ANU research team and MPRA to co-design the evaluation in the MPRA footprint commenced in December 2019 and February 2020. However, due to the onset of COVID-19, the project was paused until late 2020, with the co-design process resuming in December 2020. After further delays initiated by MPRA, the CAEPR research team was invited to attend an on-line MPRA meeting in July 2021 for MPRA delegates to contribute to the co-design. Fourteen people attended the workshop either digitally or in person. Following the workshop, the research team drew out the key questions that participants had identified through their discussions, and their suggestions about the approach. The research team then conducted meetings with staff from AANSW and other government agencies involved in delivering the MPRA Accord.

Ethics

The research protocol was approved by the Human Research Ethics Committee of the Australian National University (Protocol 2020/643). Australian Institute for Aboriginal and Torres Strait Islander Studies (AIATSIS) Research Ethics Committee approval was subsequently granted (REC EO309-20220110).

All participants in focus groups or semi-structured interviews were provided with a participant information sheet prior to in-person, Zoom or telephone meetings, and all gave permission via an informed consent agreement.

When consent was given to interviews being recorded, audio recordings were later transcribed and analysed by members of the research team to identify recurring themes and significant insights. On request, participants were given access to interview transcripts and notes from interviews. They were provided an opportunity to correct factual mistakes, or amend records where they felt it was necessary to do so. The researchers also met with MPRA members to validate the findings.

MPRA and NSW Government officials were provided with a chance to review a draft of this report. In line with principles of Indigenous Data Sovereignty (Maiaam Nayri Wingara, 2018), this report has been provided to MPRA and is owned by MPRA. While the public distribution of this report is undertaken with the permission of MPRA, AANSW as research funder required a copy of the report for their own use.

Evaluation questions

The evaluation of LDM in the MPRA region seeks answers the following questions:

1. To what extent does the Local Decision Making model and the state Accord-making process empower Aboriginal communities to share decision-making authority with governments to progress their aspirations? What is enabling and impeding this?
2. Have the Local Decision Making model and the state Accord-making process transferred ownership of service delivery programs to the Aboriginal community-controlled sector in NSW, and to what degree? What factors have contributed to or blocked this?
3. In what ways do the Local Decision Making model and the state Accord operate as mechanisms to change the working relationship between Aboriginal communities and the NSW Government and officials? What is enabling and impeding this?

4. In what ways are the NSW Government agencies responding to the Local Decision Making model and the state Accord-making process by strengthening their accountability, cultural competence and responsiveness to Aboriginal needs and aspirations? What is enabling and impeding systemic and structural transformations?
5. Does the Local Decision Making model and the state Accord-making process facilitate equal access to local and regional data and information to support decision-making and Indigenous data sovereignty? How might this commitment be realised?

These core evaluation questions were provided by AANSW and are the same for each LDM region participating in the Stage 2 *OCHRE* Local Decision Making Evaluation. The research team also explored a series of questions that were developed in partnership with MPRA and public sector officials engaged in the MPRA Accord II. Specifically, we were asked to investigate:

6. How can NSW Government agencies be made more accountable to MPRA through LDM?

Methodology

This study builds the Stage 1 MPRA evaluation conducted by the University of NSW (Katz et al., 2018) and on the Accords Negotiation Review which took place over the course of 2021 (O'Bryan, Markham & Harrington, 2022). The Stage 1 evaluation focused on the implementation of LDM and early outcomes achieved in the MPRA region. The Accords Negotiation Review was more limited in scale and scope than the current study, considering only the process of negotiating Accords (or Agreements) between Aboriginal Regional Alliances/Assemblies and the NSW Government. The major differences between the Negotiations Review and the LDM Evaluation is that the Negotiations Review:

- Was smaller in scale (in terms of the research team, the research sites, the number of participants, and research outputs)
- Had a narrower research focus, evaluating only the Accord-making process
- Operated within a much shorter timeframe.

In that research project, the research team was commissioned to focus the evaluation on three phases of Accord negotiation: the pre-negotiation phase, the negotiation phase (including pre-Accord workshops and formal Accord negotiation), and the post-negotiation phase (including Accord implementation). To reduce respondent burden, data collected in the Accords Negotiation Review has also been used in the current study.

Co-designing the evaluation questions

This evaluation was conducted in two phases. The initial co-design phase involved the team, MPRA board members and relevant public sector officials. This phase focussed on co-designing the evaluation and ensuring that questions from MPRA and public sector officials working with them were included in the evaluation alongside the questions provided by AANSW. The second phase was the implementation of the evaluation itself in the MPRA footprint. Fieldwork was conducted with NSW Government officials, MPRA delegates, and community members in four communities identified by MPRA: Wentworth/Dareton, Brewarrina, Lightning Ridge and Broken Hill.

Community Based Researchers

A key point of difference between the current evaluation and the earlier LDM Accords Negotiation Evaluation is the level of engagement with Aboriginal community members. In conducting fieldwork, the research team was

complemented by the addition of four CBRs, Grace Gordon (Brewarrina), Jakki Frail (Lightning Ridge), Rarnie Spencer (Wentworth/Dareton) and Shani Spencer (Broken Hill), although Shani Spencer withdrew from project prior to conducting any interviews. At the time of the research, Grace Gordon was the chair of the Brewarrina CWP and MPRA delegate. In order to manage real and perceived conflicts of interest, all interviews in Brewarrina were conducted by the CAEPR team, with Grace Gordon facilitating introductions and assisting with fieldwork schedules. It is to her credit that she encouraged the team to independently engage with parties known to be critical of the CWP.

A key point of difference between the current evaluation and the earlier Accords Negotiation Review is the level of engagement with Aboriginal community members. The local knowledge and access to organisations and individuals in the MPRA footprint which CBRs brought to this evaluation was invaluable. CAEPR-based researchers conducted interviews with public sector officials, while CBRs led the evaluation with the Aboriginal community members, organising interview schedules and focus group discussions while the CAEPR team were in community, and conducting interviews themselves at other times.

Training of Community Based Researchers

A key aspect of this current evaluation was the transfer of knowledge and skills to local community members. Training and briefing for CBRs took place during an induction workshop in Cobar in April 2022 attended by Dr Marnie O'Bryan, Associate Professor Deirdre Howard-Wagner, Isabel Palm from CAEPR; Karen Howarth from AANSW; Des Jones and Haylee Rogers (MPSL employee) from MPRA; and CBRs Grace Gordon, Jakki Frail, Rarnie Spencer and Shani Spencer. Training covered ANU processes and protocols, research ethics and consent requirements, project administration, the history of LDM and MPRA, MPRA community cultural protocols, the co-design of the evaluation, facilitating workshops and conducting interviews as well as note taking. The CBRs pilot tested research questions by interviewing each other and the then MPRA Chair, Des Jones. This exercise enabled the research team to refine the questions to better suit particular interviewees and therefore elicit deeper and more extensive discussions. The CBRs were actively involved in designing the induction process and subsequent workshops/ yarning circles in their respective communities. They identified key persons with whom to conduct interviews in each town and planned interview schedules for community members. In some communities, they undertook semi-structured interviews independently, providing recordings or notes to Drs O'Bryan and Markham.

Scope of the fieldwork

Semi-structured interviews were conducted with MPRA delegates and some former delegates, board members, chairs and/or CEOs of Local Aboriginal Land Councils (LALCs) in four communities within MPRA the footprint, Wentworth/Dareton, Broken Hill, Lightning Ridge and Brewarrina, as well as other active community members, Elders, Aboriginal Community Controlled Health Organisation (ACCHO) staff and Aboriginal people associated with a range of other organisations in the footprint. Community participants who were not already remunerated by their employers to participate in workshops or interviews were remunerated for their time (\$50 per hour up to 4 hours/\$200).

CBRs conducted fieldwork from May to early October. CAEPR researchers conducted fieldtrips to Wentworth/Dareton (28 June and 1 July, four interviews and three focus group discussions); Brewarrina and Lightning Ridge (11-15 July, 13 interviews and two focus group discussions); Broken Hill (5–8 September 2022, six interviews and one focus group discussion); and Cobar (14–15 September 2022, two focus group discussions). CBRs conducted independent interviews in some locations. In total, we collected data from 60 community members through this process who were not members of MPRA. We also attended seven MPRA meetings in various capacities: to co-design the research, to present early findings, to discuss future plans and

to validate research findings. Our findings are also informed by the observation of MPRA meeting proceedings and informal discussions with delegates and government attendees. At many of these meetings we collected data from the 17 delegates and other attendees. Semi-structured interviews were conducted with 14 public officials involved in the negotiations of Accord II, and two independent consultants who had worked across different Regional Alliances/Assemblies.

In all, over the course of the LDM Accords Negotiation Review and the current evaluation, 14 semi-structured interviews were also carried out with officials from the NSW Government engaged in MPRA Accords over the period from late July 2021 to mid-October 2022. In addition, one participant from Wentworth Shire Council, the CEO of a large not-for-profit service provider in the region, four independent consultants and one independent facilitator were also interviewed. Observations of an Accord implementation meeting and of several MPRA meetings were also undertaken.

Strengths-based approach

We adopted a strengths-based approach for this evaluation. The CAEPR team worked closely with MPRA delegates, acknowledging and elevating the voices and experiences of Aboriginal people, respecting their expertise in their own lives and communities. Our aim was to keep Aboriginal peoples and their knowledge at the heart of the evaluation. Our evaluation of the LDM initiative was not only critical but also appreciative, deliberately highlighting the successful elements of the program. By focusing on what has worked well, we aimed to uncover and celebrate the strengths and achievements within Aboriginal communities and the public sector, understanding that these successes can provide valuable insights for future initiatives. Simultaneously, acknowledging and learning from the challenges and failures encountered in the LDM process is crucial.

Methodological limitations

The COVID-19 pandemic and related restrictions and lockdowns across NSW and the ACT placed limitations on face-to-face data collection, and most interviews with public officials were undertaken by videoconference (Zoom). As far as possible, interviews with Aboriginal community members, MPRA delegates and individuals from community-controlled organisations were conducted face-to-face, with careful protocols regarding COVID-19 safety.

It became clear that knowledge of LDM was not widespread among community members who were not closely involved in some representative organisation (a CWP, LALC, local council or Aboriginal housing body). This meant that many community members were not particularly interested to participate in the evaluation. MPRA members interpret their lack of engagement largely as reflecting a lack of trust in government among Aboriginal community members. For this reason, research participants were largely, though not exclusively, those who had some knowledge of LDM, the operation of CWPs, and MPRA in the region.

This research was co-designed with MPRA and public sector officials from NSW Government agencies. This co-design involved setting research questions, designing the approach to data collection, identifying potential CBRs and case study communities, and validating research findings. Overall, the research direction was shaped by the involvement of MPRA in order to centre Aboriginal perspectives on LDM.

Ultimately, however, the analysis presented here is that of the authors, Drs O'Bryan and Markham, two non-Indigenous academics. Given the involvement of one CBR as an MPRA delegate and CWP chair, we decided to not co-author this report with the CBRs to manage the risk that the authors of this report may have a conflict of interest which would inappropriately influence the findings and recommendations. Accordingly, the recommendations were drafted independently by the research team and then validated with MPRA. Given the

history of evaluation of LDM with MPRA, these recommendations do not exist in isolation. To aid the reader, a mapping of the relationship between the recommendations in this report and those of previous evaluations of LDM in the MPRA footprint is found in Appendix C. A further synthesis of recommendations across all LDM Stage 2 Evaluation reports is planned for publication in early 2024. Consequently, the recommendations in this report were not co-designed.

Finally, the research team had limited access to documentation of meeting records or other materials related to the Accord negotiation and implementation. However, these were insufficient to fully assess the content and dynamics of these engagements. Accordingly, the findings are largely reliant on interviews we conducted and the several meetings we were invited to observe, unless otherwise noted. We thank those public sector officials who were able to provide relevant documents or data.

Part 2: Background to OCHRE, LDM and MPRA

OGHRE and Local Decision Making in NSW

In 2013, the NSW Government introduced the OCHRE (Opportunity, Choice, Healing, Responsibility, Empowerment) Plan for Aboriginal affairs in NSW. The OCHRE Plan aims to 'support strong Aboriginal communities in which Aboriginal people actively influence and fully participate in social, economic, and cultural life' (AANSW, 2013, p. 5). For the NSW Government, the announcement of OCHRE signalled the beginning of a new way of working with Aboriginal communities, based on a new emphasis on partnerships, agreements, and accountability structures.

LDM is one of several OCHRE initiatives set up to support Aboriginal self-determination and priorities. For the NSW Government, LDM represents an ongoing commitment to transferring greater control of program design and delivery to Aboriginal communities. Regional Aboriginal representative bodies (Aboriginal Regional Alliances or Aboriginal Regional Assemblies) negotiate formal and binding agreements (Accords) with NSW Government agencies that influence what government services are delivered to regional Aboriginal communities and how those services are delivered. In this context, Accords are a central mechanism by which the staged devolution of decision-making and accountability to the local level under LDM is negotiated.

Through transferring power to make decisions about service delivery, LDM aims to transform the relationship between Aboriginal communities and the NSW Government to one of partnership. LDM and Accord-making is currently taking place at a state level with NCARA and in nine regions across NSW, represented by nine Aboriginal Regional Alliances/Assemblies. Each region is at a different stage in the Accord-making or implementation process. Aboriginal Affairs NSW is responsible for coordinating the overall Accord negotiation and implementation of LDM.

Self-determination and improving the relationship between government and community, are central to the NSW Government's adoption of LDM, as shown in the following excerpts from policy documents:

Local Decision Making aims to change the relationship between Aboriginal communities and government and give Aboriginal communities greater decision-making powers in relation to how government programs and services, which impact on them, are conceived, developed and implemented. The Accord is the vehicle for re-setting this relationship and ensuring that decision-making between government and communities occurs collaboratively and in partnership (AANSW, 2017a, p. 6).

Local Decision Making aligns with good practice at the national and international level which shows that sovereignty and self-determination are a fundamental factor in generating sustained socio-economic

development and wellbeing in Aboriginal communities. Those communities that build governing institutions capable of exercising sovereignty are more likely to achieve long term, self-determined economic prosperity (AANSW,2017b, p. 4).

Accords are intended to:

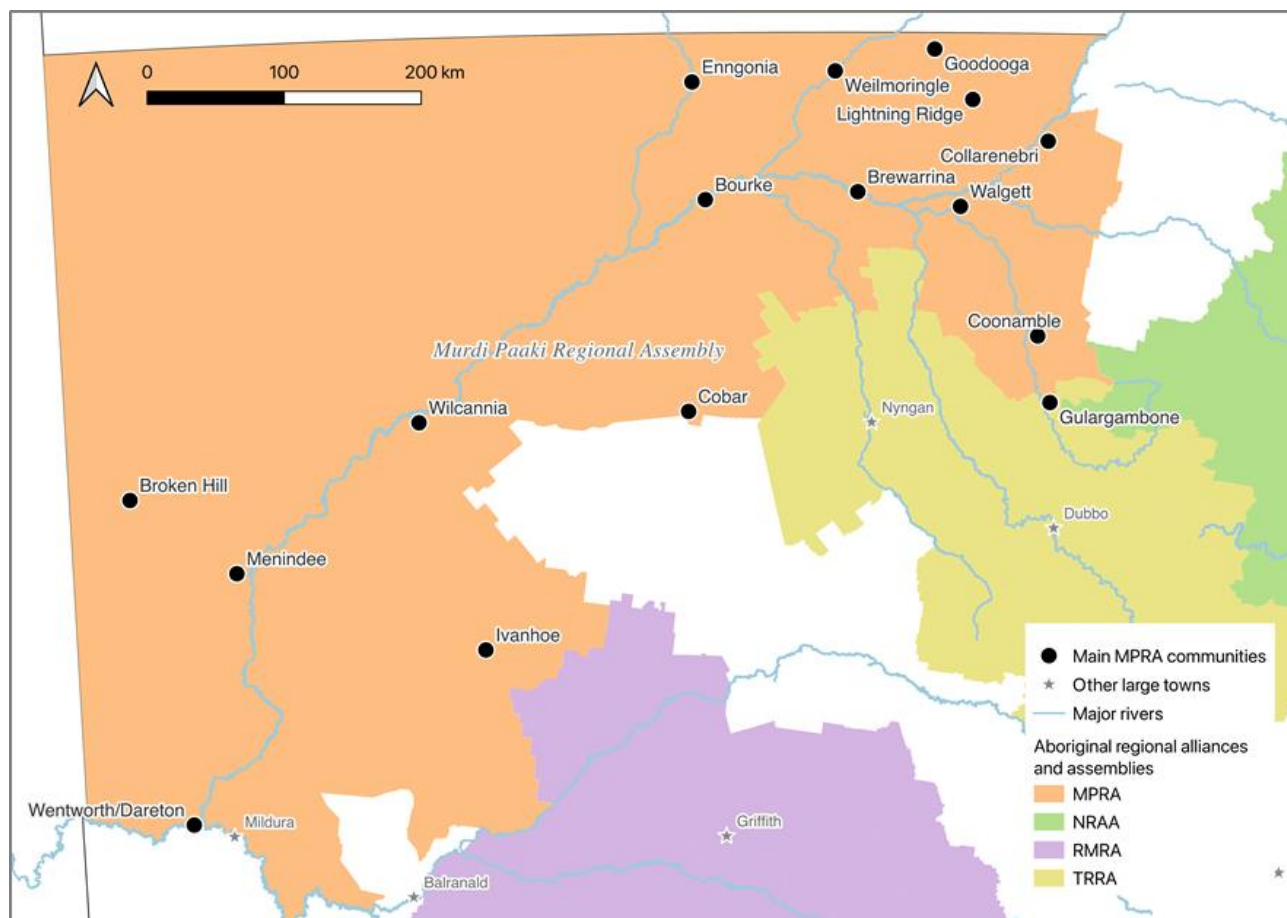
- Re-define the relationship between government and LDM communities, where information and decision-making is shared.
- Direct service delivery redesign and reinvestment according to the needs and priorities defined and negotiated between government and Regional Alliances/Assemblies.
- Demonstrate to communities the commitment by government agencies to the aims and objectives of LDM (AANSW, 2017a, p. 6; see also AANSW, n.d., p. 2–3).

The Murdi Paaki Regional Assembly

The Murdi Paaki Regional Assembly is the autonomous peak body representing the communities of the Murdi Paaki region in negotiations with governments. It is owned and controlled by the communities it represents. 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 ATSIC. Later, in 2004, MPRA was constituted to represent the 16 communities of northern and western NSW: Bourke, Brewarrina, Broken Hill, Cobar, Collarenebri, Coonamble, Enngonia, Goodooga, Gulargambone, Ivanhoe, Lightning Ridge, Menindee, Walgett, Weilmoringle, Wentworth/Dareton, and Wilcannia (Burns Aldis, 2019.). Figure 1 shows the region represented by MPRA, in the context of other LDM regions.

MPRA has been part of the LDM initiative since its inception in 2013 (Katz et al., 2018, p. 52) and, in 2015, became the first Regional Alliance/Assembly to sign an Accord (Accord I) with the NSW Government. But LDM is not MPRA's first engagement in whole-of-government partnerships with state or federal governments. MPRA have been a pioneer nationally and in NSW in engaging in partnerships with governments, emerging as a standalone body from the former Regional Council of the Aboriginal and Torres Strait Islander Commission (ATSIC) to engage in the landmark COAG Trials in the early 2000s. MPRA delegates stress the importance of this history to understanding the objectives, function and ethos of the Assembly. Accordingly, a brief history of the Assembly's involvement in whole-of-government initiatives relating to Aboriginal and Torres Strait Islander service delivery is attached as Appendix A, with a longer account provided by Burns Aldis (2019).

Figure 1 Murdi Paaki Regional Assembly footprint



Note: Boundaries of Aboriginal Regional Alliances and Assemblies are approximate and unofficial, based on the authors' interpretation of AANSW documents.

Source: The authors.

MPRA's internal organisational and governance structure

Since its inception, MPRA has been committed to developing its own self-determined representative structures and institutions. Rather than incorporating in a European corporate or statutory form, the structure of MPRA and its CWP's prioritises what former MPRA chair, Sam Jeffries, called 'community governance... driven by a charter created by ourselves based on values, partnerships and opportunities' (Jeffries, 2009, p. 6). MPRA's Charter of Governance reflects a commitment to best practice and to supporting 'principles of responsibility, strong leadership, commitment and partnership' (MPRA 2015, p.7). The Charter provides a facilitating and representative framework which ensures that community members are able to participate in government decision-making over matters that are fundamental to their lives and wellbeing (MPRA 2015, p.4). MPRA states that their structure is designed to boost community involvement and empowerment in the Murdi Paaki region (see Figure 2). As is evident from the graphic below, Community Working Parties (CWPs) are acknowledged as the foundation stones of MPRA and are a critically important component of LDM.

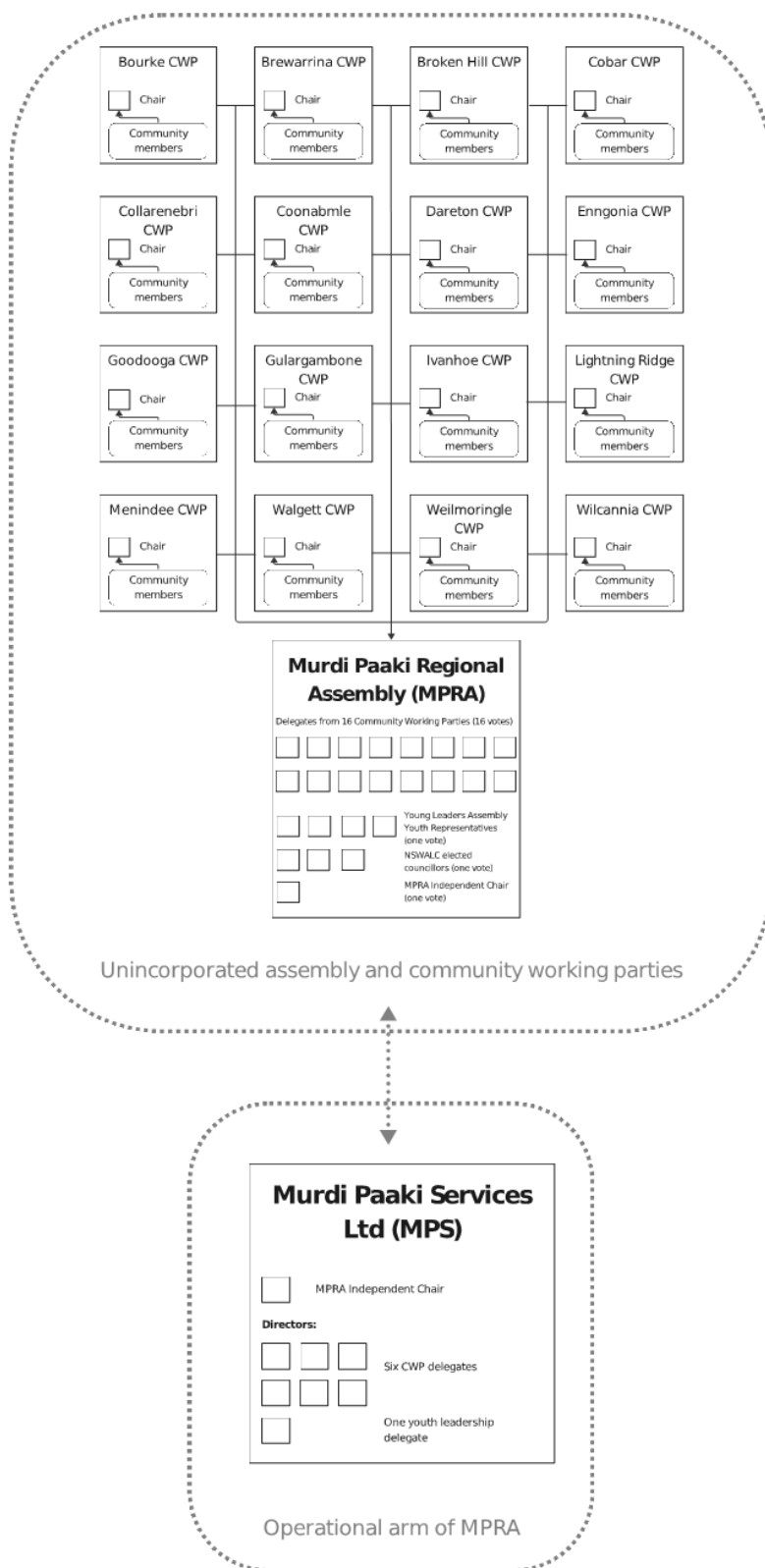


Figure 2 Murdi Paaki Regional Assembly's governance structure, and its relationship with Murdi Paaki Services Limited

Source: Figure produced by the authors.

MPRA believes that community governance and empowerment can change service delivery in communities. This belief is reflected in their governance model, with voting rights at the Assembly heavily weighted towards CWP delegates. The main communities in the region are equally represented in the Assembly, with each CWP having a single vote regardless of each community's Aboriginal population.

The chair of MPRA is an independent representative who lives in one of the Assembly's communities, but whose role and accountabilities are region-wide. This is a paid position, and the chair is expected to exercise their responsibilities for the benefit of all. The three NSW Aboriginal Land Council (NSWALC) councillors whose regions' overlap with the Murdi Paaki region have reserved seats at MPRA and have a collective entitlement to one vote at the Assembly. Similarly, four MPRA 'Young Leader' delegates also have reserved seats at MPRA, and collectively exercise the right to a single vote. All told, there are 24 seats at the assembly and 18 voting entitlements.

Community Working Parties

The CWPs provide the local bodies for representation and decision-making in MPRA. The communities themselves decide the structure and composition of the CWPs. They also determine how the CWPs operate. This is intended to maximise the local autonomy of CWPs, ensure that they reflect local structures of cultural authority and political legitimacy, and ensure that they are primarily responsive to their communities. Sixteen CWPs sit under the Assembly, each bound by locally determined Terms of Reference (ToR) and a Code of Conduct under which it operates. Each CWP's role include 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).

All 16 CWPs elect a representative onto the MPRA. Elections are open to all Aboriginal community members residing in that community's postcode or shire area (and the Wentworth Shire), as defined in the MPRA Charter of Governance (2015). CWP chairs and members are volunteers, but each CWP chair is paid an accommodation and travel allowance to cover costs when they are involved in negotiations as MPRA delegates — but all their work is unpaid.

Any Aboriginal person in the community is entitled to be a member of their local CWP and, in some communities, Aboriginal community-controlled service providers are also able to be represented (although some CWPs may require that service provider personnel attend as community members: Burns Aldis 2019, p. 14). Each major community in the MPRA region has a CWP and autonomy over the composition and governance of its own CWP (MPRA Charter of Governance 2015, p.12).

As LDM operates through engagement with MPRA and CWPs, the legitimacy of LDM in any given community depends on local engagement with and respect for its CWP. As the foundation organisations of MPRA, the strength and integrity of CWPs also flows through to perceptions of the Assembly as a whole and impacts communities' trust in the larger LDM process. Similarly, the relationship between government and MPRA will only be transformed by LDM to the extent that government negotiators recognise CWPs as legitimately representing community priorities. For this reason, it is of primary importance to understand how CWPs are constituted and governed; how they ensure transparency and accountability, particularly through community meetings and the governance frameworks under which they operate; how they relate to other representative bodies in community, for example Land Councils and Aboriginal Educational Consultative Groups (AECGs); how closely their systems and operational protocols align with the Good Governance Guidelines developed to underpin the LDM process (AANSW, 2017c).

In addition to questions around governance and accountability, the extent to which CWP's are set up to succeed also reflects other issues. These include practical and historic factors: CWP chairs have differing levels of time and energy to devote to their roles. Like Aboriginal Regional Alliances/Assemblies themselves, CWP chairs are supported to a greater or lesser extent by means of the different positions they hold within community, their networks, and their capacity to access state and federal funding through those roles. Further, and beyond personal capacity, all communities in the MPRA region come to LDM with its own history. In some places, the majority of community members have traditional rights and responsibilities to the land. In others, people have come to live in the region by means of contact history and inherit a complex legacy from previous generations. In various communities, cross-border considerations between NSW and Victoria or Queensland or the ACT further muddy the waters of the LDM process. That is because the boundaries of Aboriginal polities were in existence long before the comparatively new concept of state borders.

Functions of Community Working Parties

CWP's strive to collaborate with government and non-government organisations to represent and promote community's interests, including individual and family needs. Their goal is to determine priorities for enhancing socio-economic outcomes. They also aim to resolve social problems within their community. Among the responsibilities of CWP's outlined by MPRA are to:

- Engage with Commonwealth, state, local government and Aboriginal organisations in the provision of services
- Determine community priorities
- Implement the community vision
- Sustain the practice of community governance
- Prepare a community plan
- Negotiate service delivery agreements with government agencies
- Engage with service providers to articulate community goals, aspirations and priorities (MPRA, 2015, p. 12).

Ultimately, the function of CWP's is to maximise the community's capacity to determine for itself how resources are distributed and deployed across the MPRA region.

All CWP's developed Community Action Plans in 2019 with the assistance of Murdi Paaki Services Limited. Only the Bourke Community Action Plan remained to be endorsed prior to COVID-19. These Community Action Plans provide a profile of the community, stipulate agreed eligibility for membership, describe the internal governance structure of the given CWP and provide an overview of the regional community environment within which individual CWP's exist. Community Action Plans also describe the relationship between MPRA (of which each community is a part) and NSW Government departments. Since May 2022, MPRA has been working closely with each community to update their Communication Action Plans in line with the new MPRA Regional Plan. These activities are consistent with the Good Governance Guidelines developed by Aboriginal Affairs NSW (AANSW 2017). These plans are regularly updated.

Self-determination and MPRA Operations

MPRA determines its agenda approximately every five years through a regional planning process, with the most recent plan published in 2016 (MPRA, 2016) and a new plan expected in the coming year. In many instances, it is anticipated that the objectives described in the regional plan will be realised through partnerships with other entities. As MPRA's Charter of Governance states:

The Regional Assembly commits to work in partnership with government and non-government agencies to plan, coordinate and deliver appropriate, culturally diverse, high-quality programs, equitable and services [sic] to the people of the Murdi Paaki region (MPRA, 2015, p. 6).

Beyond partnerships, MPRA has also worked to build internal capacity to 'give life' to the Assembly's aspirations to 'improve the cultural, social, physical and economic wellbeing of Aboriginal people living in Western NSW' (MPSL, 2019).

Murdi Paaki's 'operational arm', Murdi Paaki Services Limited

MPRA describes self-determination as 'the capacity and authority to make decisions on all matters affecting our well-being, including the way government agencies meet their responsibilities for providing services' (MPRA 2015, p. 6). The Regional Assembly itself, an elected body, is not incorporated under any legislation or regulated by any government official. It cannot hold or receive funds. MPRA delegates describe themselves as being members of the 'elected arm' of an organisation which also has an 'operational arm', Murdi Paaki Services Limited (MPSL). In alignment with the objectives of LDM and MPRA's commitment to self-determination, after Accord I was signed in February 2015, MPRA established MPSL to conduct business on its behalf. MPSL is a public company incorporated under the *Corporations Act 2001* (Cth) and regulated by the Australian Securities & Investments Commission. The board of MPSL is drawn from the membership of MPRA (see Figure 2). MPSL's purpose is to offer corporate support to the Assembly and to carry out strategic actions linked to the Murdi Paaki Regional Plan.

According to the MPRA 2016 Regional Plan, MPSL has several functions (MPRA 2016, p. 3-4). The primary objectives encompass carrying out strategic initiatives that support and advance the political, cultural, economic, and social wellbeing of Aboriginal communities in the Region. These include: heritage and culture; regional resources and capabilities; democracy; leadership; citizenship; economic development; law; justice; early childhood and school education; housing; infrastructure; and wellbeing. It was anticipated that MPSL would be involved in aiding the development and ongoing implementation of the regional strategic agenda, as detailed in the Regional Plan and other strategic tools. This includes fostering relationships with the Australian Government, NSW, and Local Governments to provide knowledge and direction in the planning, delivery, monitoring, and evaluation of services, with an emphasis on sustainable, innovative, and evidence-based integrated service models.

A significant role of MPSL is to drive change at a regional level and to seek, negotiate, and secure funding for vital regional projects, while also managing flexible funding sources. MPSL also acts as a crucial liaison and coordinator with CWP's to try to ensure that local needs are met by service providers' policies and programs. MPSL also gathers, compiles, and analyses information about resource allocation to the Region to identify any gaps, inefficiencies, or inequalities. In addition, MPSL periodically undertakes research and evaluation on socio-demographic and economic issues relevant to the Murdi Paaki Region and prepares regional policy and planning documents to build a substantial evidence base. MPSL also has a significant focus on coordinating and managing separate external projects that align with the Regional Plan, which adds value to these projects and improves the prospects of achieving the goals of the Region and communities. Lastly, researching, assessing, and reporting on achievements form a critical part of the agenda for MPSL.

Murdi Paaki and LDM Accord Negotiations

MPRA has been actively involved in the LDM since it was established in 2013. This commitment to regional governance was further solidified when on 19 February 2015 MPRA became the first Regional Alliance/Assembly to sign an Accord with the NSW Government.

In 2018, as part of the LDM initiative, the Murdi Paaki Social Housing Agreement was signed. This significant agreement led to the establishment of the Regional Aboriginal Housing Leadership Assembly (RAHLA), a body dedicated to addressing social housing issues in the region. The RAHLA was granted funding of \$15 million to carry out its mission (see Case Study Four on page 45 for more information).

Two years later, on September 9, 2020, a second Accord was signed between the NSW Government and MPRA. This new agreement, known as MPRA Accord II, acknowledged the historical context of dispossession and controlling practices by previous governments. The document highlights the need for healing, and rebuilding of confidence and capacity within Aboriginal communities. Accord II was crafted with an understanding of the limitations of the initial Accord. Its drafting signifies a renewed commitment to a full partnership and mutual accountability between the NSW Government and MPRA. This commitment is seen as a critical step in further empowering Aboriginal communities and enhancing their socio-economic conditions. It is in the context of negotiations over the content of the schedules of Accord II, and their implementation, that the current evaluation takes place.

Part 3: Findings and Recommendations

Introductory comments

The findings of this evaluation, and the recommendations which flow from them, build on previous evaluative work conducted with MPRA. This includes the Stage 1 evaluation of the implementation and early outcomes of LDM (Katz et al., 2018), an evaluation of the MPRA Accord I negotiation (Cultural and Indigenous Research Centre Australia [CIRCA], 2015) and the MPRA Accord II Negotiation Evaluation (O'Bryan et al., 2022). The formulation of recommendations also takes into account best practice as identified by Schwab (2021).

In all, the Stage 1 evaluation produced 27 recommendations. As the longest-standing and most established of any Aboriginal Regional Alliance/Assembly in NSW, the Accord Negotiation Evaluation found MPRA was better positioned than other Regional Alliances to benefit from the Accord-making process established under *OCHRE* LDM. Negotiating Accord II afforded decision-makers the opportunity to improve on previous agreements, to learn from past mistakes or shortcomings, and, to an extent, to remedy them. At the same time, the Accords Negotiation Evaluation uncovered a range of structural issues which affected the negotiation process and limited the efficacy of Accord-making and, ultimately, the broader LDM agenda.

To a significant extent, the findings presented here reflect and further develop those of the Stage 1 evaluation, CIRCA evaluation, and the Accord II Negotiation Review (see Appendix C for a reconciliation of recommendations from various reports). In the spirit of co-design, the findings and recommendations for government have been validated with MPRA.

Where this evaluation differs from previous work is in the extensive engagement of the research team with community members across four case study sites of Wentworth/Dareton, Broken Hill, Lightning Ridge and Brewarrina. It is to the Assembly's credit that they worked to facilitate connections with a broad range of stakeholders in these sites, even in contexts where they anticipated negative feedback. This has enabled the research team to make a number of findings and recommendations for MPRA. Once again, findings identify strengths and as well as areas for improvement. In the discussion which follows, several long-form case studies are included to illustrate the strengths of LDM, and to better understand challenges to its proper operation.

Findings

Finding One

MPRA provides an effective vehicle for the amplification of community voices in the region. It works to enhance Aboriginal leadership across the MPRA footprint, and builds on a long history of self-determination in the north-west and far western regions of NSW. It strengthens governance models developed over more than four decades. While MPRA existed for many years before the LDM mechanism was established and is not solely reliant on the NSW Government for funding, LDM has helped MPRA to fulfil their own regional objectives. But significant improvement is needed in terms of how government engages in LDM.

Through LDM, Aboriginal communities have been afforded the opportunity to encourage government officials to rethink the way they make policy and decide resource allocation across the MPRA region. This amplification of community voices has presented challenges for government officials, and many participants in this research, including government officials and community members, expressed frustration that too often, business as usual mindsets prevail. By contrast, where departments have committed to the objectives and processes of LDM, it has had a positive impact on service delivery, and even on internal government processes, inspiring intra-departmental collaboration. In the words of one public official:

From my perspective, I think the really positive things about the LDM, it forces us out of the - off the easy path because [our department] is extremely committed to equity of Aboriginal involvement... [LDM] really makes you think about what you're doing ... Sometimes, it isn't easy, we know it's not and really, the saving grace for me [as] a white fella is that I've got good Aboriginal colleagues which are fantastic (Public sector official).

MPRA representatives are expected to reside in the communities they serve, acting as chairs to the CWPAs, although we note that this was not always the case in practice. The independent chair of MPRA also resides within the MPRA region. This close geographical relationship and firsthand experience living in the communities they serve positions these representatives as experts in Aboriginal community life. Furthermore, their residency creates a personal level of accountability as they are directly responsible to their neighbours and other community members they represent.

This local presence should be highly valued by public sector officials, as it provides a unique source of intelligence. Being part of and immersed in the community means that delegates can draw upon their local networks, Aboriginal knowledge and cultural understanding, something which is valued by some public sector officials seeking to deliver services in communities. The ability of delegates to draw upon first-hand insights is critical to making informed decisions and policies that are sensitive and appropriate to the cultural context and the specific needs of Aboriginal communities. Some public sector officials have clearly been drawing upon MPRA as a resource to improve decision-making around service delivery and to manage crises.

Engagement around the Accords has provided one of the most important forums for proactive engagement under LDM. Where LDM has facilitated the breaking down of silos within government, public officials report that this has led to better outcomes:

I don't think government is bad at collaboration really ... there's moments and places where we can be a bit siloed, but on the whole, I think there is – it's not that we're not doing that already, but I think it gives a new place and a new way in which to facilitate those conversations perhaps at an earlier point rather than one person going down a pathway developing a policy and then consulting on it. You know, they're really

driving the co-development [by different government agencies] of an intervention or an action (Public sector official).

Throughout our fieldwork, we noted instances where engagement between public sector officials and MPRA occurred in a reactive fashion. MPRA delegates often used their role as Assembly members — whether through meetings related to Accords, or otherwise — as an opportunity to hold public sector officials accountable for the actions and inactions of their agencies in particular communities. That LDM provides a forum through which these engagements can take place is itself a benefit — it offers a mechanism for two way communication between relatively senior public sector officials and representatives of Aboriginal communities dealing with the realities of service provision.

More troubling for delegates from MPRA is that some government agencies appear to view engagement with CWP and MPRA as primarily limited to matters related to Accord negotiation or implementation. Consequently, key decisions regarding other service delivery issues outside of this framework are frequently made either before consulting with the CWP or the Assembly, or even without any consultation at all. This practice gives some delegates the impression that they, the Assembly, and LDM model itself are being marginalised and overlooked. From the perspective of MPRA delegates, the standard of government engagement with their communities has generally fallen well short of the standard agreed to in the Accord, wherein government committed in article 2.1.4 to '[r]espectful consultation and negotiation..., with the free, prior and informed consent of those communities as communicated through the Community Working Party Chairpersons' (NSW Government & MPRA 2020, p. 3).

For example, several CWP chairs reported examples where funding announcements have been made in their communities without discussing the programs with CWPs, or even notifying CWPs of their visit. This contravenes the terms of Accord II. It damages the relationship between CWPs and federal and state governments, and frustrates CWPs in their attempts to govern service delivery in their communities.

Some public sector officials have suggested that this situation might be due, in part, to a pattern where government departments view CWPs as merely one of many Aboriginal stakeholders. These could include other Aboriginal community-controlled organisations and their corresponding peak bodies. In certain communities, there is a tendency for public sector officials to hold separate meetings with various Aboriginal stakeholders. This practice has resulted in confusion and tension within communities as it leads to a perception that different promises are being made to different groups. A number of MPRA delegates view this as a perpetuation of 'divide and conquer' strategies historically used during colonial times, rather than the collaborative approach that the LDM initiative aims to promote. Community meetings need to be open, inclusive and transparent. In one community, the CWP chair reported that the Department of Regional NSW had convened a separate regular decision-making forum at the community level that had further complicated engagement with the CWP. A failure to include all community groups — including CWPs — in joint meetings where there were multiple local stakeholders was felt by MPRA delegates to undermine the spirit and efficacy of LDM.

CWP delegates report that government activities in their communities rarely involves progressing the priorities of the CWP, as outlined in Community Action Plans or the Regional Plan. Instead, government agencies mostly work to their own agendas. These may coincide with those of CWPs and MPRA, but more often there is only weak alignment between government priorities and community priorities.

At the regional level, MPRA delegates can exercise considerable control of their engagement with government and other external actors as an assembly:

We don't invite anybody... [to MPRA meetings] that's not interested in our plans. You won't get a seat at the table, end of story. If it's all about your plans, well you won't be talking to us. Unless it's got added value both ways, to both plans, you won't get an audience until then (MPRA delegate).

But at the community level, from the perspective of CWPs and MPRA, some government agencies generally continue to operate with relatively little regard to CWPs and MPRA. While Accord II commits government agencies to compliance with the Murdi Paaki Engagement Protocol in article 2.1.12, at the time that the fieldwork for this study took place, few public sector officials or Murdi Paaki delegates were aware of the existence of such a protocol. No such protocol was easily locatable on the MPRA website, or by Google search.

In practice, LDM has only partially delivered on its core promise of sharing decision-making power around items negotiated in the Accords: decision-making is only shared to a limited and relatively circumscribed extent. While MPRA and CWPs have the capacity to better govern service delivery in the region, this is yet to be fully recognised by government partners in LDM.

The insufficient delegation of decision-making power from the government to MPRA has resulted in a perception among some community members that the LDM process is not yielding substantial tangible benefits. Entrenched 'business as usual' approaches by the government have limited the extent of shared decision-making. Nevertheless, the majority of government officials interviewed in this study expressed strong support for LDM. They believe that LDM significantly enhances their understanding of Aboriginal priorities and perspectives.

Recommendations for NSW Government:

1. That the NSW government should respect and recognise MPRA's and the 16 CWPs' autonomy and agency, and make the most of their self-determining decision-making models to better govern service delivery in the region through LDM.
2. That MPRA produce an engagement protocol in line with MPRA's Regional Plan and Community Action Plans to ensure that all government agencies and non-government organisations engaging with Aboriginal communities in the MPRA region include CWPs and/or MPRA in an appropriate manner, including.
 - a. That the protocol should be made readily available and prominent on the MPRA website.
 - b. That all government agencies be required to implement the protocol when engaging with Aboriginal communities.
 - c. That compliance with the protocol should be mandated in funding agreements for non-government service providers to ensure genuine co-design, two-way accountability, and transparency.

Recommendation for MPRA:

1. That MPRA continue to participate in LDM, a mechanism which promises to provide increasing benefits to regional Aboriginal communities over time.

Finding Two

LDM has facilitated communication and cooperation between Aboriginal communities across regions in NSW. In particular, MPRA's participation in NCARA has enabled new initiatives to emerge that benefit multiple LDM footprints.

While the goal of LDM has been to foster relationships between Aboriginal communities represented at the regional level and government departments, one ancillary benefit has been the development of stronger ties between Aboriginal Regional Alliances/Assemblies themselves. This has partly taken place through the establishment of the NSW Coalition of Aboriginal Regional Alliances, but has also exceeded that through the development of the Economic Research Design Development Indigenous Investment Group (ERDDIIG).

NCARA was established in 2014. It serves as an 'independent forum' comprising of nominated representatives from a network of Aboriginal Regional Alliances/Assemblies across New South Wales. As an unincorporated entity, NCARA initially came together as the 'Local Decision Making Regional Chairpersons' Group'. This was a space for Regional Alliance/Assembly chairs to discuss emerging issues related to the implementation of the LDM initiative. The MPRA independent chair, as well as some delegates, emphasised the value of the way in which the group also facilitates discussions about common issues across different LDM regions.

NCARA works to identify potential risks and opportunities and conducts strategic planning for the future needs of Aboriginal communities. NCARA encourages inter-regional coordination and collaboration. This body also provides mutual support for existing and emerging Aboriginal Regional Alliances and Assemblies and serves as a platform for lateral communication. It connects Aboriginal people across the state and promotes sharing of experiences to understand what strategies work, what could be adopted in other regions, and what doesn't work. This communication helps in enhancing the effectiveness of Aboriginal Regional Alliances and Assemblies in their respective regions, and ultimately furthers the agenda of LDM.

MPRA delegates report that connections made through LDM and NCARA have led to other joint efforts between multiple Aboriginal Regional Alliances/Assemblies. For example, ERDDIIG emerged in 2022 through discussions among the Chairs of three Aboriginal Regional Alliances/Assemblies — MPRA, Three Rivers Regional Assembly (TRRA), and the Riverina-Murray Regional Alliance (RMRA). These Chairs were dissatisfied with the lack of local Aboriginal people employed on large-scale infrastructure projects, and the lack of engagement with locally owned and run Aboriginal businesses.

Consequently, the Chairs established ERDDIIG to drive economic reform and prosperity within their regions. Together these three regions span 75% of NSW's landmass. Following similar logic to LDM, ERDDIIG recognises that working in conjunction with local Aboriginal knowledge, networks and cultural capabilities is critical to fostering Aboriginal employment, business opportunities, and procurement in partnership with the private sector within these regions. Accordingly, ERDDIIG aims to assist private sector actors undertaking largescale projects in these regions to fulfill their contractual commitments involving Aboriginal employment or procurement targets. In doing so, ERDDIIG aims to drive Aboriginal economic development outcomes in MPRA and other regions. ERDDIIG aims to function as something of a broker, working with local communities to bring together the need of corporations for Aboriginal workers and businesses with the need of regional communities for employment, training and business opportunities, thereby promoting prosperity within the region.

The design of ERDDIIG, whose work was still at an early stage during the time fieldwork concluded, relies on the governance structures and legitimacy of the three participating Aboriginal Regional Alliances/Assemblies in order to function at the local level. It has been developed in a bottom-up manner from the regions in order to bypass frustrations with government procurement processes by working directly with private sector project proponents. In the view of the research team, it is unlikely that this innovative and promising initiative would

have been developed in the absence of LDM. Leveraging the relationships developed through LDM, MPRA is autonomously seeking to fulfill its own priorities with regards to economic development independently of the Accord process by engaging directly with the private sector.

Finding Three

LDM has contributed to the development of a range of initiatives that further self-determined community agendas.

In reflecting on their achievements, MPRA members identify Community Action Plans as some of the most compelling evidence of how LDM has acted as a vehicle for self-determination across the region. Community Action Plans are synthesised into a Regional Plan which in turn guides the negotiation of Accords. Self-determination, MPRA members agreed, must be locally determined, and these Community Action Plans 'drive the agenda' at the Assembly table. Although it is through LDM that the Community Action Plans are reviewed and updated, the realisation of the plans has often relied on work beyond the LDM initiative.

There is a strong consensus both among MPRA delegates and other CWP members that local autonomy is an important goal that should be supported through LDM. As one community member put it:

Local decisions are important. We need that local decision [making] because each community is different. And we should be you know, as a local group, able to have our say in different things that are happening within our community and developing relationships with other organisations. So that we're all on the same page and trying to achieve the same things, outcomes for our community and that. I think it's really important... I want everyone to have a voice in it... [Through the CWP] community were able to voice their opinion in a safe environment, even though, at times, they had to be pulled in about a code of conduct, which was developed....

CWPs, and the relationships they can facilitate with other organisations at the community level, are generally strongly valued across the case study communities. As one participant put it:

I think lots of things were positive which came out of the working party... It was really good in that it developed relationships with different organisations, and particularly around the police — where they would come in for discussions — you know, sometimes they got a bit heated, but they did open up things. And, you know, even with the [Shire] Council and that, you know, there's been steps forward in with working with them around different things... [for example] they've developed a reconciliation RAP committee (Community member, Broken Hill).

From the perspective of MPRA delegates, LDM has provided the opportunity to build on these local initiatives and further locally-driven agendas at the regional level:

I've seen the early discussions around LDM. OCHRE and I suppose the opportunity that was there for government to have a look at our regional plan. It gave us... our priorities, from a regional [level]. Our regional plans gave us a foundation document, I suppose, that we knew that there was a lot of data and information in there to give us a snapshot of where our communities were, and what were some of the priorities we needed to focus on to delivery better services on the ground around communities.

[Through LDM we could] ...make sure that our community voices were heard through a structure that was not owned by the government or owned by anybody else but the community...Under local decision making, the agenda must be set by the community level, regional level and state level in conjunction with the OCHRE, I suppose, on the priorities negotiating in the OCHRE [framework]. So those agendas were designed around that (MPRA chair).

It is the community driven nature of LDM that many MPRA delegates value the most, in comparison to other forms of engagement with government:

[What] attracts people to LDM tables is that they're community people. Concerns about the community, things like health, education, housing, racism. They come and they have the opportunity to construct the agenda... I think under the Accord the strength of that is to drag or invite relevant providers or government to the table, or we need some answers back from the government. I think... LDM was designed for community people (MPRA delegate).

Members agree that implementing their own priorities for economic development across the MPRA footprint is of primary importance, and fundamental to the notion of self-determination. The establishment of MPSL reflects a commitment by the Assembly to positioning itself to compete for contracts and thereby create local employment opportunities.

The self-determining leadership provided by CWP is perhaps most clearly illustrated in times of crisis. One example was given of the 2022 flood crisis in a riverside town, where State Emergency Services (SES) were prevented from going out to rescue people because they had not yet been cleared by central command. The local CWP chair understood the local situation and led the early stages of the crisis response himself. This was cited as an example of the trust people have in community leaders. Similarly, during COVID-19, most of the CWPs were involved in local emergency response committees to COVID-19 in their communities, and helped to make sure that the emergency response was responsive to local needs.

During our interviews we heard many concrete examples of community-level initiatives that have arisen through LDM. For example, Allan Cobb, the CWP chair in Lightning Ridge credits LDM and the Accords process with assisting in the establishment of Walanbaa Dhurruli Child and Family Centre. This CWP chair credits his involvement in Accord negotiations in helping to establish a locally run and controlled organisation to provide family services, on land leased from the LALC. Cobb attested that the success of this initiative was so great that at the time of the interview in 2022, there were no Aboriginal children from Lightning Ridge in out-of-home care.

In another example, relationships with government created through the Accord process were used to create jobs for local Aboriginal people in Wilcannia during the Department of Planning and Environment's Wilcannia Weir Replacement Project. MPRA delegates spoke proudly about the connections that were formed with public officials in the Department of Planning and Environment, and their role in aligning the weir replacement project with training and certification through TAFE to provide local jobs and businesses for Aboriginal people in Wilcannia. This outcome, which aligned with the priorities of the CWP and MPRA but was not explicitly negotiated through the Accord itself, would not have happened without the relationships formed through LDM.

Finding Four

MPRA is under-resourced, and its successes reflect a high level of volunteerism. CWP chairs are entirely volunteer and receive no salaries. CWP secretaries are remunerated for a fraction of the time they work, but chairs are not paid for the time they spend working for their communities. This has a range of important consequences including:

- a. Heavy responsibility being borne by a relatively small group of community-members.**
- b. Heavy cost to CWP chairs, secretaries and others who contribute to LDM, who give away their time and knowledge for free to do CWP business, and often incur personal financial costs. Many take personal leave or retire early to conduct LDM business. They bear the weight of community expectations.**
- c. Communications of uneven quality and regularity leads to lack of clear understanding about the role, scope, function and powers of MPRA, CWPs and their members. This contributes to intra-community tensions.**
- d. Some people central to the proper functioning of LDM processes are required to use personal leave in order to undertake their responsibilities to MPRA or local CWPs. Some leave in order to undertake paid employment.**

The lack of remuneration of CWPs for work beyond the attendance of MPRA meetings is consistently raised as an issue by research participants (this finding is discussed in O'Bryan, Markham & Harrington, 2022, Katz et al., 2018 and in all other LDM evaluation reports). Notwithstanding this has been a recurring issue, the under-resourcing of the Assembly has not been addressed by government. CWP chairs and secretaries consistently report using long service leave, annual leave and unpaid personal time to undertake MPRA business. As many CWP chairs have emphasised, the work often involves long hours and high community expectations. It involves a '24/7 job expectation — it's not a 9-to-5 job. They expect us to be the miracle workers.' Other MPRA delegates have foregone paid employment entirely to focus on their work for their community:

I retired out of my job because I had to justify everything I was doing for community. In the end, I said, Nup. I want to work for community (MPRA delegate).

Interviewees were anxious to acknowledge the work that CWP chairs do is often on an ad hoc basis and not strictly related to the goals of the Accord. Some MPRA delegates reported that while they are criticised when LDM is not seen as delivering material benefits for community, community members will often call on these people in a time of need. CWP chairs report that they are often called on to use their networks to trouble-shoot difficult situations. One delegate reflected on how often she is approached by women in crisis and asked to find a place in a refuge. In this delegate's view, these actions speak louder than words. In other situations, most notably in Human Services (e.g. NDIS, homelessness services), CWP chairs are frequently called upon oversee case management without being paid. As one delegate reflected:

They might not like us, but when there's a problem, the phone will ring at any time of the day. And when a CWP chair rings, people tend to jump because they know about the links we have through LDM. That makes us effective in changing outcomes for community members (MPRA chair).

While the Assembly has made a concerted effort to mentor young people into leadership positions within MPRA, the inability to support career progression through LDM structures due to a lack of pay means their contributions

are frequently curtailed. Indeed, all delegates agree that participation in LDM diminishes their chances of holding down a job.

For those who are not supported by their employers to participate, CWP chairs and secretaries are effectively paying for LDM themselves by providing their time, work and knowledge for free. Many incur substantial financial costs in order to participate in LDM. They do the work anyway because they believe it is important. It is clear that funding for this voluntary work is inadequate.

MPRA delegates expressed a concern that any funding be provided on flexible terms that allows CWP chairs to direct resources in the way that will be most useful locally. A one-size-fits-all approach to funding CWPs is likely to cause as many problems as it solves. But, in general, CWP chairs felt that additional funding would increase their capacity to effectively engage with government agencies and other community members. For example, one CWP chair expressed frustration that his work for the CWP was in a voluntary capacity, leaving him with insufficient time to 'deal with all those issues that are coming up at a working party level from the community'. A funded position would increase the CWPs ability to follow-up community concerns:

If I was a working person, I'd be more involved in it, I would do a lot more following up, to make things work... There's different departments that you tap into, to try and be out in in those different areas. That'd be a number one job for that person (CWP chair).

Underfunding is reducing the effectiveness of LDM, including by not facilitating sufficient communication between MPRA delegates and their communities. For example, community members in several communities expressed a frustration that communications by CWP chairs of matters discussed at MPRA meetings have been uneven. As one CWP member put it:

There's no newsletter, there's no... communication coming out to the community... [saying] this is what we've done, this is what we're planning on doing... There's lots of stuff that's going on, that we don't know about or are [made] aware of, in the community. It's only if you're part of another, you know, organisation that, you know, you find out bits and pieces of what's happening... whereas if [MPRA] had a newsletter, that they send that out to the communities, you know, to say, what's going on what's happening... I can't understand why they minutes can't be put up on the web, or, you know, or people to access to see what's going on (CWP member).

Several CWP chairs also expressed disquiet that they had insufficient time and funds to put resources like these newsletters together, beyond giving a verbal account of MPRA meeting proceedings at CWP meetings, and providing CWP meeting attendees with a copy of MPRA meeting papers. Additional resourcing would allow CWPs and MPRA to communicate more effectively with community members. For CWPs to function effectively, they need staff on the ground to provide administrative support.

The under-remuneration of MPRA delegates was particularly strongly felt during Accord negotiations with senior public sector officials, something of which both public sector officials and MPRA negotiators were aware. Several potential power imbalances were perceived to arise in this situation. One public sector official was concerned that government negotiators were able to leverage their financial advantage to extend the negotiation timeline. MPRA delegates, on the other hand, may face significant pressure to conclude negotiations and return to work, potentially leading to hasty decisions or acceptance of unsuitable terms. One MPRA negotiator expressed a feeling of being disrespected by the failure to value the time of Aboriginal community representatives in the same way as highly-salaried public sector officials.

Under payment for work also takes place at the institutional level. The MPRA chair noted that the Assembly's participation in LDM was partly underwritten by Australian Government funds which support much of the basic

operations of MPRA and MPSL. Without this cross-subsidy, MPRA would be unable to function as effectively as it did during the study period.

Recommendations for Government

2. That the resourcing of MPRA is inadequate and should be prioritised. That the NSW Government fund a business case developed by MPRA which would:
 - a. Provide MPRA with staffing and costs for core operations
 - b. Provide CWP with resourcing that can be used flexibly to provide additional capacity.
3. That government agencies, community-controlled organisations and non-government organisations provide those with roles in LDM, MPRA and CWPs with paid leave to undertake duties required for LDM.

Finding Five

LDM has facilitated uneven changes in the relationship between governments and Aboriginal communities in the MPRA region. Some non-Indigenous public sector officials report that participation in LDM has changed their attitudes towards Aboriginal communities and their representative bodies, and some government agencies have developed strong working relationships with MPRA. However other government agencies continue to take a ‘business as usual’ approach.

LDM has a critical objective aimed at transforming and improving the relationship between Aboriginal communities and the NSW Government. This was intended to take place through enabling Aboriginal communities to fully participate in decisions related to the design and delivery of services. Some evidence indicates that some relationships have indeed changed, although the change has been inconsistent and varied in its extent.

The transformation is particularly visible at two levels. On one hand, research informants have observed changes in the nature and quality of *personal* relationships between public sector officials and representatives of MPRA. It is noteworthy that an increased level of trust and attitudinal change within government circles has been reported. Those public sector officials directly engaged with the LDM process have reported a greater appreciation of Aboriginal expertise and knowledge due to close involvement in the process. While such shifts in attitudes of public sector officials are essential, they alone cannot drive changes in the broader institutional relationships, such as those between the MPRA and government agencies.

On the other hand, there's been a marked limitation in the achievement of LDM. The transformation of MPRA's *institutional* relationships with NSW Government agencies has been less successful. Some agencies and interviewees acknowledged the development of productive and understanding relationships based on improved processes and methods of engagement. However, others reported that NSW Government agencies continue to operate with a ‘business as usual’ approach. This not only disempowers the community and diminishes trust in LDM and those involved in it, but it also carries negative implications for social cohesion within the community.

LDM brings government to the table with grass roots community leaders and this should have very real implications for the communities they represent. All the evidence suggests that when all parties work together in a respectful way; where Aboriginal voices are genuinely heard, and heeded; when the intent of LDM is honoured in theory and practice, it is a powerful vehicle to build local capacity and deliver inter-generational

impact. By contrast, when government treats LDM as a box-ticking exercise and adopts a business as usual mindset, little changes.

Institutional relationships

As discussed above, one of the objectives of the MPRA Accord II is to build economic prosperity through local participation in major projects taking place in the region. Negotiations for MPRA Accord II provided the opportunity for Assembly members to reflect on outcomes achieved through Accord I, in light of their capacity to manage large projects through MPSL, and to call government to account for not honouring or supporting this initiative when large-scale government contracts are tendered, despite the presence of the NSW Aboriginal Procurement Policy of 2021 (NSW Government, 2021). At Accords negotiation meetings in 2021, MPRA delegates were unanimous in expressing frustration that multi-million dollar contracts are frequently awarded to contractors from outside the region, with minimal consultation with the Assembly, and no discussion prior to tenders being opened. They stressed the need for new arrangements, including a review of procurement processes and stringent advertising requirements to build awareness and generate interest in local employment and economic development opportunities. Meeting such requests would require substantial changes in procurement processes in the region — and for this reason, government officials were unable or perhaps merely unwilling to commit to such processes. The kinds of reforms to government processes and structures that would be required to meet MPRA's requests were not countenanced at the time of our fieldwork. Although some lead agency negotiators responded with a degree of defensiveness about this situation, others acknowledged problems in procurement processes and recognised that ameliorating this issue would require 'structural reform to ensure that the intent of LDM is being honoured, and that we are not engaged in just ticking off actions' (Lead Agency Negotiator). Few were able to offer solutions to this problem, however, with MPRA ultimately seeking to bypass this government inertia by engaging with the private sector directly through ERDDIIG as described above.

Notwithstanding shortcomings in the implementation of LDM, the structures which support the policy at community level have provided the opportunity and impetus to develop a range of programs to build local capacity and enact self-determined community agendas. This is apparent in outcomes described by the community members interviewed in this evaluation. In settings where LDM is working effectively, LDM is reported as providing a forum for community members to hold government to account for how monies are spent and services delivered. One interviewee described how monthly CWP meetings in her community bring together people from 'early education, community services, ourselves [a housing organisation], health, Indigenous people from health, education department, the Shire Council'. She described the practical benefit of these meetings as raising awareness of funding and other opportunities available to community members and organisations. Asked whether she felt that the process assisted communities to share decision-making with government, she declared:

Yeah, definitely. Yeah, it does – obviously because you're hearing it from the community, you know, and the issues that are happening on the ground (Community member).

She spoke strongly about LDM as providing all community members with a forum in which to voice concerns or complaints. These were not always effectively dealt with by government, and did not always lead to effective change, but she felt that community coming together to discuss issues and problems was a healthy and productive process in itself.

Her own experience of working for a large non-government organisation compared to the approach she adopts as a leader in a community-controlled organisation, where she is committed to understanding and responding creatively to the needs of her employees, is sobering. It highlights how government procurement processes

which result in large contracts being awarded to non-Indigenous organisations can impede progress and have the result that community members are effectively locked out of opportunity because their situation is not considered from a culturally informed and holistic standpoint. Her testimony illustrates some of the practical implications of government's failure to seriously engage with the intent of LDM (Case Study 1, below). There is a high cost paid when bureaucrats adopt a business as usual attitude, and this is being paid by community members on the ground.

Case Study One: LDM and why community voices matter

I moved to [this community] when I was 17. I've been in the community since then. I'm chairperson of [the local] Community Housing... We provide social housing for Indigenous people. I've been on the board for about eight or nine years. I worked in the early childhood sector prior to coming here about 10 months ago. [The local] Community Working Party hold monthly meetings here ... They invite every Indigenous person from community to service providers. [It's] pretty open to whoever wants to attend ... I try to get there monthly.

I'm just trying to think who would be around the table. So, there would probably be about a dozen...which is a pretty good number, and they range from — the service providers that turn up are, yeah, early education, community services, ourselves, housing, health, Indigenous people from health, education department, [the local] Shire ... We do get Elders as well, community Elders ... [We] all try and achieve the same outcome for our community, basically, and the Working Party is a platform to build those relationships with each other and support one another...

[In terms of service provision,] the education here is lacking at the moment with NGOs finding it hard to recruit Indigenous staff, but our Aboriginal early childhood centre is going good... [That's] because of the cultural settings that are there, and the other early childhood centre has got similar stuff but, yeah, it's just the service providers from the non-government organisation sector. I feel that's lacking at the moment. They're just like your Mission Australia, MacKillop. They're just finding it hard to recruit Indigenous staff for whatever reason, I don't know. I worked for MacKillop for 13 years so I'm quite dumbfounded how they can't. They were good to me. I can't fault them but, there are some barriers there culturally that probably impact why. [It's] probably just a lack of understanding, not understanding the way Aboriginal people think, their behaviours, probably like the remoteness that we live in, you know, like they think that just because they can get it down there in Melbourne it's easy for us to access it out here, whereas it's not always that easy...

I think it's just — well, like I said, it's just the taking the time to listen, like listen to what they're actually telling you and not always thinking that their way is the right way all the time. Just because they might do it differently, and when I say differently, I mean ... from what I've seen from the outside, they were made to feel that they weren't fulfilling that role because they couldn't do the reporting side of things, which is something that I think needs to be looked at...

I've always tried to advocate... within the mainstream settings. I was on the Aboriginal group that [MacKillop] developed ... even around their policies and their policy writings and stuff like that was not culturally appropriate. Our people wouldn't even understand that let alone asking them to abide by that ... So, I said you really need to re-look at stuff... Oh, in the end I just felt like I wasn't being heard so I just thought, no. I just got tired, basically.

[Community member, MPRA region]

Interpersonal relationships

A high-level objective of LDM is to transform the way NSW Government agencies engage with and do business with Regional Alliances/Assemblies and their communities around service delivery. For that reason, from the outset, LDM was directed at relational change. It sought to recast relationships between government agencies and Aboriginal communities from purely transactional to relational; where interpersonal relationships would transform negotiations and drive a shift from consultation with Regional Alliances/Assemblies to empowerment of those bodies.

Our research shows, and Case Study 2 below provides an example of how, for some public sector officials, building personal relationships through the LDM process has had a transformative impact on them as individuals. Ironically, those same relationships have in some instances, led government negotiators to become frustrated that more has not been achieved through LDM and reflect on why. Many of the most strident critics of how the LDM framework has been implemented come from public sector officials themselves. Testament to the long-term benefits of LDM, these interviewees reported that their experience of LDM would carry through to any new role or department they might move to over the course of their career.

The following reflection was provided by a Lead Agency Negotiator who described himself as ‘right at the heart’ of implementing MPRA Accord I and negotiating Accord II from a government perspective. He observed at the outset that the efficacy of the LDM model and the state Accord-making process in empowering Aboriginal communities to share decision-making authority with governments and to progress their own aspirations ‘really comes down to who is prepared to cede some of that power and control’. He reflected that the model was undermined by the lack of any new funding to implement initiatives. The real impact of LDM, he claimed, is visible in the relationships which were established through the negotiation process:

...it gave mob and government a better understanding of each other, and it really built some great relationships that we’ve been able to use in future, when we’ve had issues.

He acknowledged that LDM is ‘bloody hard’, but that at a personal level he has ‘got incredible things out of LDM’.

Case Study Two: The transformative impact of LDM

I remember my first meeting with Murdi Paaki Assembly people. I walked into this room, and they were talking about the Accord process, and I’m listening to them talk about culture and heritage. I’m sitting there and I’m just going — I don’t understand this. What are they after? Why do they want to look at the registers where we hold information...?

I walked up to one of the guys afterwards, and I said, ‘Look, mate’ — and I probably shouldn’t have used this terminology — ‘I’m just a dumb white fella. Can you explain to me what the hell this means?’ What he was talking about was that, for a community to be strong, culture had to be strong. If the culture of the particular community had broken down, that’s where you get your social problems. Essentially, that’s what he was trying to talk about. When you listen to it, it made sense in my brain.

I walked out of that room thinking, I’m a — 40-something-year-old Australian, and I don’t understand this stuff, and I don’t understand what I’m working with here. I’ve made very big attempts since that moment to find mentors in the Aboriginal community, and to work strongly with them, trying to understand. I’ll never understand their issues, because I’m not a black fella, but I will feel as if I’ve got an understanding and try and work with what I do know.

If I don't know, I'll ask. I think that's something we miss as government people, and I think that the LDM experience has probably given a lot of public servants that particular perspective.

I grew up in the era where we still had God Save the Queen playing. I played footy with Aboriginal people and all that, and I don't think I've been racist towards them, but I don't think I've equally understood what it's about. I think this process is — that LDM process and just working in those communities has given me a greater appreciation.

It's fascinating to me that we just can't seem to understand that there's this different culture, there's a different way of doing things, but we're very poor at responding to that, as a government and as a society. That's probably why we're in trouble...

LDM has managed to change my perspective on a lot of it. [Before my involvement in LDM] I can't remember having a conversation [with an Aboriginal person] - other than being at the pub and saying, mate, you played a great game of footy today. [Laughs] It's - yeah, it's profoundly changed me, in terms of how I perceive things.

[Senior public sector official]

This participant reflected that the 'LDM framework's important ... I guess it's kind of taught me how to do business differently, in a way. Do you know what I mean?'

One shortcoming of the aim to transform interpersonal relationships observed by MPRA delegates is the frequent churn in public sector officials. While changing the attitudes and practices of individual public sector officials is a benefit from the program, it takes time and considerable emotional investment by MPRA delegates. If such officials then move into other roles away from LDM, the benefits from this time are lost to MPRA. Some MPRA delegates expressed frustration that the task of training public sector officials to work in more respectful and productive ways fell to them — although they saw little alternative to this arrangement.

Personal benefits for community members

A recurring theme in interviews across the MPRA region is that LDM produces the ancillary benefit of building the capacity of young leaders in community. In several communities, interviewees included young adults who had been selected as part of the Australian 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 public sector officials helped them to better understand the needs of communities across the MPRA region, the machinery of government, and the contribution they could make to the betterment of opportunity within their own community and across the region. In the words of one young woman:

But being involved with the LDMS, that was good, because our opinions mattered. It felt like we mattered. We felt, because they said to us, they specifically said, it's your meeting, you own the show, you run the show, we're giving you the power, the opportunity to have a voice for your community (Youth Leader).

The same interviewee reflected on the serious negative impact that COVID-19 had on youth leadership programs. Notwithstanding the interruption of the pandemic, the volition of youth to make a difference in their communities was still very apparent:

I'd rather work in my community than anywhere else. I can't see – I have branched out and worked other places, but this area always just draws me back. Because it's just a lot of stuff that needs to be done and nothing's being done. With all this stuff, if the community knew about it, they would have a voice and everything would be addressed... (Youth leader, MPRA).

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 approved by him.

Case Study Three: LDM to build youth leadership capacity

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. 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. Does that make sense?

[Participant in MPRA's Young Leaders Program]

Finding Six

LDM has provided mixed degrees of access to administrative data held by government agencies, with some government agencies unwilling or unable to share the sort of information that would be useful to MPRA. Initiatives related to LDM which have resourced MPRA and its associated organisations to design, collect and analyse data which reflects MPRA's needs and draws on MPRA's expertise have been more promising.

LDM has increased local understanding of the importance of data to government decision-making, and the utility of quantitative data in persuading public sector officials. Many informants noted the importance of data in making business cases and funding submissions, commenting that 'data is the new gold'.

Participation in LDM has provided improved access to data about Aboriginal people in the region that NSW Government agencies hold. The MPRA chair told us that:

I think the earlier model or the OCHRE making process has empowered our community members by exposure and engagement with government agencies and services at a regional and local level, but also at a state level as well. We were privileged with information that normally you wouldn't get at a local level. That was the important part as well. The data and the information that was provided to community members so that their decisions, any decisions that were made were based on up-to-date and relevant information. Provided by government agencies that were invited, under the OCHRE terms (MPRA chair, Des Jones).

During our observation of several meetings, we noticed that a significant task for public sector agencies was to present administrative data pertinent to Accord II. However, the quality of these data presentations varied among agencies. Although officials typically aimed to present data in a helpful and comprehensible manner, there were often requests from the delegates that couldn't be fulfilled.

For instance, MPRA delegates had particular interest in data sets corresponding to specific geographical units or communities. Unfortunately, these specific units of data were sometimes unavailable for reporting, leading to a sense of frustration among the delegates. This gap between the data presented and the data required underscored the need for more granular, community-specific information.

Furthermore, there were instances where delegates' data requests took an excessively long time to be fulfilled. In such cases, by the time the requested data was made available, the urgency of the situation that initially prompted the request had already passed. This delay in data delivery indicated a lag in responsiveness, which can hinder the timely decision-making processes required to address pressing community issues.

In certain instances, the community members raised concerns about the quality of the data presented. This was particularly evident when the data pertained to housing and population statistics. These figures were often contested based on the delegates' intimate local knowledge and understanding of their communities. Delegates expressed their frustration over being compelled to negotiate the Accord using data they deemed unreliable or inaccurate. The dissonance between the official data and the delegates' on-the-ground knowledge underscored the importance of data accuracy in effectively negotiating agreements like the Accord. This also highlighted the necessity for closer collaboration between data providers and community representatives to ensure a more accurate reflection of the community's realities.

Community members have found that highlighting the disconnects between government data and community stories has been an effective way to prompt changes in the practices of government agencies.

We started questioning them and making them accountable [unclear] government. I think that worked, it spooked them a little bit as well that we were actually asking some relevant questions around their policy setting and some of the services or some of the strategies they had out there. Where we were saying, they're not working. They may look good here, but they weren't actually being delivered in our regions (MPRA chair, Des Jones).

Data pertaining to service mapping has been a consistent point of contention for MPRA delegates. These delegates have routinely requested comprehensive lists of services functioning within each community, as well as information about their respective funding sources and the services they are contracted to provide. This data is fundamental for governing local service provision effectively. However, the existing structure of government data systems has created significant challenges in making this kind of data accessible to MPRA. Despite the participation of the Treasury, the requested service mapping data has not been provided in an acceptable

format. This issue has persisted throughout the three-year period of the evaluation, underscoring the need for improved data management systems that are responsive to the needs of the stakeholders.

Although LDM has provided mixed degrees of access to data, it has provided the impetus for MPRA to generate data themselves to inform service delivery and infrastructure development priorities. MPRA has not been supported under LDM frameworks to develop their own data, but has instead relied on federal government funding to generate data to inform the LDM process through the Murdi Paaki Regional Aboriginal Housing Leadership Assembly (RAHLA). During the study period, RAHLA carried out a comprehensive survey, visiting 1401 households living in community housing. This allowed them to ascertain the housing needs and priorities of these households. The data obtained from this survey proved to be invaluable, providing an unparalleled insight into the housing circumstances of Aboriginal communities in the Murdi Paaki region. This information plays a vital role in directing housing funds effectively and understanding the specific infrastructure needs in these communities. Furthermore, the collected data aligns well with the main principles of Indigenous Data Sovereignty as outlined by Maïam nayri Wingara, an Aboriginal and Torres Strait Islander Data Sovereignty collective, in their June 2018 communique.

Recommendations for NSW Government

4. That NSW Government undertake more systematic efforts to provide MPRA with access to timely, relevant, up-to-date and interpretable government data to inform decision-making in a suitable form for independent analysis.
 - a. This may require a cross-agency review of Aboriginal data holdings and procedures to provide access to government data, including geographical relevance
 - b. That government recognise that administrative data is not always accurate
 - c. That government commit to resourcing MPRA to collect, analyse and interpret data that either party needs.

Finding Seven

The implementation of Accord II is progressing slowly and unevenly across NSW Government agencies.

The failure to implement previous Accords in a timely manner has been a frustration to MPRA delegates. Despite this, the longevity of LDM, which as of November 2022 has survived two election cycles, and the negotiation of two Accords has introduced a de facto accountability mechanism, even if this has limited efficacy in terms of enforceability. One Lead Agency Negotiator observed that, while Accords are technically binding on government, there have been no consequences for not honouring the commitments made under Accord I. They identified this lack of accountability as a structural issue, which they attributed to the failure to develop an implementation methodology.

As reported in the Accord II Negotiation Evaluation Report, there was a consensus amongst interviewees that outcomes of Accord I were disappointing and fell short of what either MPRA Accord Negotiators or Lead Agency Negotiators had expected, primarily in terms of implementation (O'Bryan, Markham & Harrington 2022, p.16). In the words of one MPRA Accord Negotiator, 'the Accord is not being honoured in practice'. In frustration, one MPRA member asked:

How many Accord meetings have we had? We keep having the same conversation. We were going to be informed of future projects that come to our region. And we're sick of training for training's sake. But we're not told [about major infrastructure projects] until the last minute. There's never any consultation [with Traditional Owners or CWPs]. And then you see non-Aboriginal contractors building on a sacred place. So you need a role to honour what is being discussed in this Accord [in advance]. Not on the day it's being done. We've got lots of people with civil construction certificates who could easily be engaged in construction projects in our town. Someone needs to push harder to make sure we're not still having this conversation in five years' time (MPRA delegate).

Several Lead Agency Negotiators acknowledged that it is MPRA members who are left to deal with the shortcomings of Accord I, because they are accountable to community for an Accord agenda that has seen only modest advances in real terms:

I'm very conscious that [MPRA delegates] needed to go back to their communities and say that this LDM is actually working and this is what we've got to show for it because at the moment, I get this feeling on both sides of the table, everyone's feeling that we haven't really got anything to show for this process (Lead Agency Negotiator).

While a number of Lead Agency Negotiators stated that they had learned a lot through the LDM process, and reported feeling passionately invested in the concept of LDM, there is no systemised process to ensure that commitments under the Accord have been honoured (O'Bryan, Markham & Harrington 2022, p. 17–18). This is apparent in the lack of progress in finalising schedules and implementing Accords. Although Accord II was signed on 9 September 2020, schedules were not finalised until 2023. Further, MPRA tasked MPSL and AANSW to work together to develop implementation plans for each of the Accord schedules. Accordingly, on 16 March 2023, the Accord committee met and revised the Accord schedules to align with the Regional Plan and to better reflect the aspirations of the MPRA. Finalised schedules were then to be submitted to government for consideration. The following day, on 17 March, MPSL met with AANSW and senior government officials to brief them on progress. AANSW assumed responsibility for briefing government negotiators and scheduling meetings in May, however as of late August 2023, only two meetings had been scheduled, one with NSW Police and one with the Department of Education (DoE). The meeting with NSW Police was later cancelled due to a scheduling conflict. MPSL reports that there has been a huge delay in the finalisation of the Accord schedules. Whereas MPSL has relied on government support to arrange meetings and draft papers, in reality these tasks have fallen to MPSL which is inadequately resourced to assume such responsibilities. The glacial progress of realising negotiated outcomes is not true to the intent of LDM.

Recommendations for Government

5. That structural changes to the governance and leadership of LDM are required within government to ensure that agreements between MPRA and agencies are acted upon in a timely manner (see further Howard-Wagner and Markham, 2022).
6. That reforms to the Accord development, negotiation and implementation be executed in accordance with the thirteen recommendations in the *OCHRE* Local Decision Making Stage 2 Accords Negotiation Evaluation Synthesis Report (Howard-Wagner, O'Bryan & Harrington, 2022). These cover the following issues:
 - a. Resourcing of pre-negotiation phase of Accords making
 - b. The strengthening of Statements of Claim
 - c. Clarity and transparency around funding allocations and budgets to support Accord development
 - d. Improved access to data
 - e. Adequate remuneration of negotiators from Aboriginal Regional Alliances/Assemblies
 - f. Increased financial/administrative delegation for Lead Agency Negotiators
 - g. Review of the 'authorising environment' at all stages of negotiations
 - h. The development of ethical guidelines and cultural competency training for government negotiators
 - i. Achieving a better balance between confidentiality and transparency of process
 - j. Legally enforceable provisions to ensure timely execution of Accords and Schedules by Minister for Aboriginal Affairs
 - k. Increased resourcing to improve and clarify governance around Accord and LDM processes
 - l. Monitoring and accountability mechanisms to be established.

Finding Eight

Shared decision-making works best when authority is devolved to MPRA, and this has been especially successful when MPRA has been decisively involved in the commissioning of services by government.

Shared decision-making has worked best in the MPRA region when MPRA has an influential role in determining government outsourcing of services. This represents a genuine sharing of control. Case Study Four (below) provides an example of where shared decision-making in relation to social housing resulted in a community led assessment of how best to spend monies available for housing across the region, while Case Study Five describes a more modest but nevertheless significant involvement in procurement decision-making.

The Murdi Paaki Regional Aboriginal Housing Leadership Assembly is the subject of a separate Social Housing Agreement or Accord between the NSW Government and MPRA. In clause 21 of the Murdi Paaki Regional Aboriginal Housing Leadership Assembly 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 (MPRAHLA ToR, Clause 21).

Case Study Four explains how these terms of reference have been implemented. It provides evidence of the capacity of MPRA to enact best practice in ways that are often not in evidence where centralised government departments make decisions for service delivery in the regions. In this instance, there was a pre-identified budget of \$15 million. The sum clearly fell far short of what would be required to address housing shortages across the region, but MPRA collected data on the needs and aspirations of community members to ensure that the decision-making process would be both evidence informed and responsive to local priorities. How monies would be spent in the most effective and broadly beneficial way became what might best be described as a joint problem-solving exercise. This process not only led to the development of a well-developed strategic plan for housing across the region, but it was also described by government staff as having a transformative impact on their level of cultural awareness, their understanding of and respect for communities across the region.

Case Study Four: RAHLA priority Aboriginal social housing

In the MPRA region, negotiations between the NSW Government and MPRA's Regional Aboriginal Housing Leadership Assembly 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 Australian 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 Department of Communities and Justice (DCJ). An interviewee from the Department of Regional 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 from June-October 2018 and, on 10th December 2018, the Minister for Aboriginal Affairs on behalf of the NSW Government 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.

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 Australian 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 Program] 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 the Murdi Paaki Regional Council of ATSIC 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, 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...

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.

Case Study Five describes a direct outcome of the MPRA Accord II schedule negotiated with the Department of Communities and Justice. In 2021, the chair for the Walgett CWP was invited to join a DCJ procurement panel for early childhood services in Walgett. His local perspective helped sway the decision in favour of a provider promising to use local resources and staff, as opposed to another initially favoured one that intended to use non-local people. This experience was lauded as beneficial by both DCJ and the Walgett CWP chair, who desired to see more such collaborations. The procurement process had several advantages: it helped services meet community expectations, made service providers more responsive to community needs, and validated the expertise of local representatives.

Case study Five – Community involvement in procurement decisions in Walgett

In 2021, the CWP chair for Walgett community 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 the CWP chair for Walgett describes it, their 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, the Walgett CWP chair described the opportunity to sit on the procurement panel as 'one of the best things I've ever done in LDM' and that they 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' (Allan Cobb, Lightning Ridge CWP).

This exemplary case study, which arose directly from an Accord commitment, has provided significant improvements, 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.

Both RAHLA and the Walgett procurement arrangements provide different examples of mechanisms that put MPRA and CWPs in a shared decision-making role with real influence. Recognition of MPRA and its CWPs as bodies whose free, prior, and informed consent is crucial for procuring services for Aboriginal people in their regions and communities would bring significant advantages. For instance, the experience of the Walgett CWP chair in the procurement panel for early childhood services clearly demonstrated that local voices and perspectives can effectively influence decisions, ensuring services are more tailored to local needs and expectations. By including MPRA and CWPs in the design of services to be procured, their local knowledge and experience can help create services that are more responsive to the unique needs of their communities. The first-hand experience and intimate understanding of their communities that MPRA and CWPs bring to the table should not be undervalued.

Furthermore, granting decision-making power to these bodies in procurement processes can prevent situations where providers with less local commitment but higher superficial appeal win bids, as was seen in both case studies. Moreover, incorporating a mandated requirement for co-designing funding agreements, including scope, KPIs, and complaint resolution mechanisms, with CWPs and/or MPRA can lead to more effective and relevant service delivery. By doing so, these agreements would be more attuned to local realities and would also ensure community satisfaction and trust. Additionally, mandated reporting to MPRA and CWPs could enhance accountability, transparency, and community involvement in monitoring service delivery, leading to more empowered and engaged communities. As then MPRA chair, 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.

Recommendations for NSW Government

7. That MPRA and its CWP be recognised as bodies whose free, prior, and informed consent is needed for the procurement of services for Aboriginal people in the region and communities. Accordingly:
 - a. That this include a mandated role in designing services to be procured
 - b. That this include a decision-making role on procurement panels or tender evaluation committees
 - c. That this include a mandated requirement that funding agreements be co-designed with CWPs/MPRA, including scope, KPIs, complaint resolution mechanisms
 - d. That funding agreements should include mandated reporting to MPRA and CWPs.

Finding Nine

LDM is vulnerable to interruption by external events

The LDM approach in the Murdi Paaki region has proven susceptible to interruptions from external events. Three major instances have led to considerable hold-ups: the emergence of COVID-19, changes to government decision-making personnel, and the launch of the 2020 National Agreement on Closing the Gap (CTG).

The COVID-19 outbreak put a nearly year-long pause on the progression of MPRA Accord II negotiations. During this time, the focus of both the MPRA and government agencies shifted to protecting communities. However, this crisis highlighted the importance and capabilities of MPRA and the CWP system. MPRA and CWPs served as critical interfaces for managing the response to the pandemic. Relationships established and networks developed through LDM were credited with facilitating a rapid and effective response to the COVID-19 pandemic, and this highlighted the benefits of having local voices shape local service delivery priorities:

Where we've got Community Action Plans that have got strong investment from Community Working Party Chairs, that has meant that they've got all their resources straight out, almost 100% vaccinated already, double dosed, and really super-effective relationships [with government] (Lead Agency Negotiator in 2021).

However, considerable momentum was lost during the pandemic when it came to LDM.

The implementation of LDM in the Murdi Paaki region has had to grapple with the instability brought about by continuous shifts in government public policy agendas. These changes can have a profound impact on the operations of LDM regionally. From July 2018 to June 2023, a span of just five years, there were five different Ministers assigned to oversee Aboriginal Affairs. These included Sarah Mitchell (2017–2019), Don Harwin (2019–2020 & 2020–2021), Gladys Berejiklian (Acting Minister, 2020), Ben Franklin (2021–2023), and David Harris (2023 to present). In addition, there have also been three separate Heads of the Aboriginal Affairs agency during this time.

Every Minister brought their own unique perspective and approach to the Aboriginal Affairs portfolio and the LDM initiative. While this kind of change is exogenous to LDM, the relatively brief terms of these Ministerial positions during this particular period resulted in a high level of instability in how LDM was administered. The frequent turnover in government decision-making personnel at the very top was acutely felt at the regional level, causing potential interruptions and changes in direction for the LDM initiative.

The delegates of MPRA noted that, in contrast to the government agencies, their organisation had maintained a relatively high level of stability during this time. Leadership remained consistent, the composition of delegates and the independent chair was fairly steady, the structural organisation of the Assembly was secure, and policy goals remained firm, with a clear focus on implementing the 2016 Regional Plan. This continuity within the

MPRA stands in stark contrast to the frequent personnel changes within government agencies, from the very top down to regional government personnel involved in the implementation of Accords.

The constant churn in decision-making personnel in government has been a considerable challenge for the LDM. Dealing with the changes in policies, vision, and communication styles of the different ministers can be challenging. As the MPRA tried to maintain stability and consistency in their operations and policies, they had to continuously adapt to the changing landscapes of government administration. This discrepancy in stability between the MPRA and government agencies underscores the difficulty of maintaining consistent and effective local decision-making amidst an ever-changing political landscape.

The implementation of alternate policy frameworks has been another source of disruption for the LDM initiative in the Murdi Paaki region. One prime example is the introduction of the National Agreement on Closing the Gap in 2020. The adoption of this agreement resulted in a significant restructuring of Aboriginal policy in NSW, specifically in matters related to service delivery. For a period of over two years following the signing of the CTG agreement, there was uncertainty about the future of the LDM initiative, casting doubt over its continuation.

This period of ambiguity had substantial consequences. Many government agencies, unsure of the direction and the fate of LDM, reduced their investment of time and effort in the LDM initiative and its key partner, MPRA. This translated to a significant reduction in Accord implementation with some agencies, effectively stalling the progress that had been made. Several agency staff members distanced themselves from MPRA, while the Department of Regional NSW opted to withdraw their role in coordinating LDM activities entirely.

In addition to this, the NSW Government's funding agreements with MPRA were issued only for very brief durations during this period of uncertainty. These short-term agreements were reflective of the wavering commitment to the LDM initiative, as decision-makers deliberated on its future. The precarious state of the initiative led MPRA to also reduce their engagement in LDM activities for approximately one year.

As of this writing, the government has decided to continue the LDM initiative, positioning it as a complementary measure that reinforces the implementation of the Closing the Gap agenda. Instead of seeing it as an initiative with a potentially competing set of structures and demands, it is now viewed as one that enhances the CTG strategy. Despite this, the volatile approach that the NSW Government has displayed in its strategic decision-making concerning Aboriginal Affairs in recent years leaves little room for security or stability. The history of inconsistent support and changing priorities highlights the long-term vulnerability of the progress that has been made through LDM in addressing the challenges faced by the Aboriginal communities in the Murdi Paaki region.

The potential for repeated disruption to the LDM initiative is a significant concern to MPRA delegates. Upcoming events, such as the proposed Referendum to establish an Aboriginal and Torres Strait Islander Voice to the Commonwealth parliament and government, present a potential challenge. This referendum, aiming to establish a more direct line of communication and representation for Aboriginal and Torres Strait Islander communities, could substantially shift policy agendas and structures of Aboriginal representation in the MPRA region, regardless of the outcome of the referendum. This may cause further waves of disruption that ripple across the LDM initiative, bringing risks that changes in procedures, or even full-scale reconfigurations which may cause further interruptions to the implementation of the MPRA Accord II.

Alongside this, certain commitments by the NSW Government could also bring about significant changes to Aboriginal policy and practice. One such commitment is the promise to negotiate treaties in NSW. The process of preparing for and negotiating these treaties will likely command a great deal of attention and resources. This focus on treaty negotiations may overshadow or divert resources from other initiatives, such as LDM.

Many people involved in the negotiation of the MPRA Accord II expressed concern about policy churn. At the time interviews were conducted, LDM funding agreements for many Aboriginal Regional Alliances/Assemblies were expected to expire in June 2022 and it was unclear if they would be renewed. Interviewees from the public sector and MPRA expressed concern that the real progress which has been made to ensure that local voices

inform spending and service delivery priorities in the region, would be lost. One public sector interviewee remarked:

I feel like every time we just feel like we're starting to get runs on the board, there's something else that happens and takes it away, moves our focus somewhere else...

A legislated framework for LDM may protect the initiative from further disruption. Incorporating LDM into law would give a more stable and secure environment for the public sector and Aboriginal communities to operate. Currently, LDM is highly susceptible to external political changes, which puts the significant investment from these entities at risk. This instability results in a limited capacity for Aboriginal Regional Alliances/Assemblies to plan ahead effectively. In addition, this legislative step could encourage more genuine and compulsory participation in LDM by NSW Government agencies. The current administrative approach, which lacks strong authorisation, has led to occasional withdrawals from the initiative, even from major entities such as Regional NSW. Legislation could make participation less optional and more integral to the agencies' operations, enhancing the initiative's overall effectiveness. Finally, legislating LDM could facilitate necessary changes to the procurement or commissioning of services within LDM Regions. These changes might be challenging to implement under the current administrative framework.

While the option of legislating LDM promises to increase stability and security, it also poses risks, particularly for MPRA. MPRA values its autonomy and independence. Historically, they have resisted any push towards incorporation by the government. The main concern here is that becoming incorporated might shift MPRA's accountability. Currently, their primary responsibility is to Aboriginal communities. There is a concern that the entanglement of MPRA within legislative frameworks might tilt this focus towards the needs and priorities of bureaucrats and regulators instead of Aboriginal communities.

Delegates from MPRA worry about the potential impact of legislating LDM. If legislation were to enforce stringent controls on the activities and composition of Aboriginal Regional Alliances and Assemblies, it might undermine their autonomy. In such a case, MPRA might be unwilling to support the move towards legislation. The Assembly's independence and autonomy are crucial to its effective functioning.

An alternative solution to mitigate the impact of external events on LDM could be to enhance the legal standing of the Accords. This approach could involve creating enforceable obligations on government and its agencies, which would be negotiated and agreed upon by the MPRA. This strategy would ensure adherence to LDM agreements, thus offering a secure environment for the implementation of Accords. In this way, providing for the enforceability of negotiated commitments may provide an effective way to reap some of the benefits of legislation without compromising the independence of the Assembly. This method would prevent the NSW Government from co-opting the Assembly, thus ensuring the autonomy and freedom of MPRA while promoting compliance with LDM agreements.

Recommendations for NSW Government

8. That in the absence of treaty, enforceable obligations be placed on government and its agencies, negotiated with and agreed to by MPRA, to ensure compliance with LDM agreements.

Finding Ten

While the workings of LDM could be improved, its principles have widespread support and it has achieved some positive outcomes in the MPRA region. By improving the efficacy of service delivery in the region, LDM contributes towards community and government aspirations. MPRA and CWP across the region will continue their work autonomously from government policy.

LDM in the Murdi Paaki region has achieved some positive outcomes, but it is not yet functioning optimally. The LDM approach has had some limited and partial successes in empowering NSW Aboriginal communities. At its best, it gives Aboriginal communities some influence in deciding how public funds are distributed across the region, and some measure of control over services operating in communities. However, LDM to date has generally under-delivered on its potential in this regard. The initiative requires more focused and targeted efforts from government to increase its effectiveness. There are many areas where improvement is needed.

While LDM has the potential to eliminate barriers and streamline actions between the government and Aboriginal communities in the region, it has not fully realised this capability. The framework's intended capacity to produce a structure to assist MPRA to navigate government bureaucracy and improve decision-making has been underdeveloped. The intention has been for LDM to foster effective collaboration and coordination between governmental agencies and the local communities. Yet, its current operations still fall short of this ideal.

Moreover, LDM is not currently equipped to address underlying issues relating to service delivery. It does not yet involve devolving the necessary decision-making authority or resources to tackle systemic problems at their roots. The scope of LDM is limited to some decision-making relating to service delivery; and to date, the influence of MPRA has been circumscribed by agencies which are often unresponsive and by an authorising environment which gives MPRA little to no legal power. Through LDM as currently devised, MPRA does not possess the ability to overhaul entrenched systemic flaws in funding and service delivery.

The LDM initiative is intended to empower communities by establishing formal partnerships, transforming relationships with NSW Government agencies, increasing government accountability, and improving Aboriginal peoples' access to information and data for better service delivery in their regions. In our fieldwork with public sector officials and MPRA delegates, we found a near universal level of spoken support for these principles. A broad range of individuals associated with the initiative, including Aboriginal and non-Aboriginal senior public servants, frequently express their endorsement for LDM's goals. Our evaluation has unveiled considerable, though not universal, approval for the principles of LDM and its intended purpose. Notably, this support is most robust among those closely involved with the initiative. It's unclear, however, whether this fervent endorsement is because they are more familiar with the initiative's function, or because those who harbor skepticism within communities and the public sector have opted not to engage with LDM or with the evaluation.

Despite the challenges with LDM described in this evaluation, the aspirations that originally inspired LDM's creation continue to be upheld by representatives of local and regional Aboriginal communities. The initiative has been buoyed by high levels of goodwill, volunteerism, and the political investment of local and regional Aboriginal community leaders. These leaders have advocated for community trust in the initiative, demonstrating a profound commitment to the LDM model and the Accord-making process and staking their own local credibility on the initiative.

While LDM has the potential to make a significant positive impact, it is not currently equipped to operate in a manner which realises its promise. Without increased levels of long-term commitment from government, its ability to transform relationships with NSW Government agencies, increase government accountability, and improve service delivery will continue to be limited. In its current form, it cannot resolve deeply entrenched social issues or counteract years of inadequate funding and top-down decision-making about service delivery. A

holistic approach that includes more significant investment, power devolution, and structural reforms alongside LDM will be necessary for creating lasting positive change in the Murdi Paaki region.

Concurrently, MPRA will continue to operate autonomously, engaged with LDM but on a trajectory that is independent from any single program or government initiative. MPRA operates based on principles of Aboriginal sovereignty, asserting the inherent rights and status of Aboriginal people, and working to improve their social, economic, and cultural conditions. This mission drives MPRA and CWPs to continue their work, regardless of government support. A significant lesson from the evaluation is MPRA and CWPs' resilience and determination to operate autonomously. Even in the face of changing governmental policies and funding uncertainties, these bodies have remained committed to furthering the objectives of their Regional Plan. Their work is based on a dedication to this goal and to the people and communities they represent, and consequently is not solely reliant on any single funding source or policy direction.

MPRA and CWPs have demonstrated a remarkable ability to adapt and respond to changing circumstances, always keeping their communities' needs at the forefront. They do not shy away from asserting their sovereignty and the inherent rights of Aboriginal people, even when they face challenges. Engagement with LDM is just the latest chapter in MPRA's history of standing firm and making strategic decisions based on their long-term vision, despite the government's shifting approach towards the LDM initiative. It is clear that MPRA and CWPs will continue their vital work, with or without government support. They see their mission as bigger than any single governmental policy or program. They embody the spirit of Aboriginal sovereignty, persistently striving to empower their communities, uphold their rights, and improve their lives. Their work is a continuous exercise in self-determination, and they will continue to do so, with or without engagement in LDM.

Findings for Aboriginal communities

Findings for MPRA

A key point of difference between this evaluation and the Murdi Paaki Regional Assembly Accord II Negotiation Evaluation Report (O'Bryan, Markham & Harrington, 2022), is the fieldwork conducted with community members in person and over a longer period of time. This has resulted in five findings for communities.

Finding Eleven

The success of the LDM initiative rests on the efficacy of CWPs, and the connections between MPRA and communities in the region.

The effectiveness of the LDM initiative in the Murdi Paaki region is deeply tied to the success of the CWP model. MPRA plays a pivotal role in this context. The Assembly, which operates as a regional representative structure, has two primary functions. First, it represents the Aboriginal people within its footprint. Second, it works tirelessly to advance their development interests. In performing these functions, MPRA maintains a significant degree of autonomy from the government. This independence enables the Assembly to conduct negotiations and advocate for regional interests effectively. It has developed mechanisms to facilitate these activities and has been notably strategic and effective in engaging with government agencies at the regional level. The Assembly is not just an intermediary between the Aboriginal communities and the government. It is a powerful advocate that represents and advances the interests of Aboriginal people autonomously. This capability is the cornerstone of the LDM framework's success. It is because of bodies like MPRA that the CWP model can function effectively within the broader policy structure. In essence, the future of LDM relies on the strength and efficacy of regional representative structures like MPRA.

MPRA's ability to undertake its work relies on the strength of the CWP system that it is formed from. As an assembly made up of delegates from CWPs, MPRA must manage two primary risks. There is a risk that MPRA

at the regional level may become — or be perceived to become — too autonomous from CWP. There is also a risk that community confidence in MPRA may be undermined at the community level if there are difficulties with individual CWPs. We elaborate on these risks in more detail below.

A risk that MPRA is seen to become distant from local interests

Clear communication between MPRA, CWPs, and their respective communities is crucial. When this communication breaks down, issues may arise. Aboriginal communities may feel their interests aren't adequately represented if they believe their local CWPs aren't communicating effectively. This perception can worsen if communities do not see tangible changes that they can attribute to LDM, MPRA or the CWP.

The community might blame the CWPs or the MPRA for a lack of progress, regardless of whether inaction is a result of government inaction or errors, or the actions of the community's representatives. When government does not act or makes mistakes, it can lead to unfair blame placed on CWPs or MPRA. These entities can be wrongly held responsible for issues originating from the government's end. Furthermore, poor communication can lead community members to disengage from their CWPs, feeling that participation is futile. Therefore, maintaining open and transparent communication channels between MPRA, CWPs, and the communities is essential to avoid such misunderstandings and to ensure that efforts towards progress are acknowledged correctly.

A frustration at poor communications between MPRA, CWPs, and communities was evident in conversations with Aboriginal community members across all four case study sites. The following quote is indicative of a sentiment expressed by many community members:

We don't get no feedback from Regional Assembly, whatever they're doing good or out there negotiating with government or whatever. They just come back and say, oh yeah, I went to the meeting and it was all good, nice tucker. That's it. You ask them what happened and they push a big folder over in front of you to read. We don't want to read that. We want you to give us a page report, just dot points, what happened there? What's in it for us? If there's nothing in it for us maybe you shouldn't be going over there. You just can't go over every three months and have a bit of a holiday. You've got to do something...

I just want to know what are we doing wasting our time going to meetings here in our community and we don't know what's going on? We hear it on the news. We see it on the news what's happening and they're talking about us. They're talking about our heritage, our life... No, I tell you what, our town really is a good little town... [The local CWP chair] is good but they don't share. They don't share nothing [and] it's not theirs, it's ours. It belongs to all of us (Aboriginal community member).

A powerful safeguard against such disappointments lies in the personal relationships CWP chairs cultivate with the communities they represent. It's a key factor that determines the community's trust in the CWPs. For instance, in one case, a community member was interviewed by the research team. She was an active supporter of the local CWP for many years. Yet, she reported disappointment that she did not receive reports or update from the local CWP chair. This lack of communication may lead to feelings of disconnect or neglect within community members, affecting their trust in the CWPs and their faith in the entire LDM framework. However, the situation can be significantly different when CWP chairs make it a point to engage actively with community members. Regular communication, updates, and engagement strengthen the bond between CWPs and their communities. They allow for transparency and create a sense of mutual accountability. Openness and transparent communication are a strong foundation for effectively implementing the LDM framework:

The Community Working Party [Chair], always lets ... the Indigenous people know that that's their voice if they want to be heard... you've got your local issues like where some people don't talk to some people, and you're never going to get everyone around the table, and that's just reality. But, like I said, in [this community], it's a pretty active little group and... if a certain person didn't feel like they could go to the

Working Party they could probably go to somebody else who goes to there... to voice their concerns for them ...which is what takes place. Like when they're there they can just –they say, oh, I've been at a Working Party meeting and they're like - like a community person went up to them and said they'd bring this up for them, so they bring it up and then, you know. Yeah, so no, I think everybody within the community knows that if they've got any issues or any concerns, they're to take them there and then, yeah, it goes further. I think here in [this community] they [rise above tensions between people]. They rise above it... I really do because, like I said, they go, and they invite everybody to participate and be active within the Working Party... not everyone around the table gets on, but at the end of the day they're all there for the one outcome which is [this] community, and I think that it's a pretty special community that they could actually do that, you know, come in and come together (Aboriginal Community member).

MPRA primarily communicates its activities through CWP delegates, beyond the CWP's community-based activities. However, it's becoming evident that a more thorough communication strategy is needed across all 16 communities in the region. This strategy could foster a deeper understanding of, and trust in, MPRA and the LDM model. Several community members have raised concerns about the current communication practices. They described a lack of publicity around MPRA or CWP activities. Some feel left in the dark due to a lack of prior notice for CWP meetings. They've also noted that AGMs are not being held regularly, and there's limited access to minutes from local or regional meetings.

These concerns are prevalent across all four case study sites. Interestingly, this is true even in locations where the CWP is functioning well. Community members who are heavily involved in local affairs express a desire for a more direct communication channel with MPRA. They wish to be informed and included, seeking transparency and openness in all processes related to the LDM model.

Some CWP chairs agreed that inadequate communication between MPRA, CWPs and grass-roots community members is a problem, and expressed frustration that they are not resourced better to enable this barrier to be overcome:

I personally believe that if the Community Working Parties are going to continue, the chairperson and a secretary's role or a community engagement officer's role really should be funded, so that they can go out in a role... where they're being paid to dedicate their full-time to it, so that the community can get that information locally and have a place where they can ring up or come into and talk about the things that they think that have an opportunity to come and say, well, I think this is wrong. Now, last month, we never got no notice of something for the meeting and things, you know, and I really would like to be a part of this (CWP chair).

We also found evidence across the case study communities that community members may lose trust in MPRA and LDM if they feel that their local CWP is not functioning effectively. The LDM model and MPRA run the risk of losing community trust if CWPs are not operating effectively. The core concept of LDM is hinged on the effective functioning of CWPs, as one interviewee from a case study site mentioned: local decision-making is only possible when CWPs are operational and actively engaging with their respective communities. Loss of faith in local CWPs may relate in part to factors external to the CWP itself, including pre-existing levels of community cohesion. The LDM and MPRA are also vulnerable to a loss of trust due to a lack of transparency and accountability, with some community members feeling that there are insufficient procedures to ensure the correct operation of CWPs or the Regional Assembly. The absence of a formal appeals or complaints process exacerbates these issues. We describe these issues in greater depth below.

The linkage between local CWP efficacy and LDMs effectiveness was articulated succinctly by a community member from a case study community:

You can only call it local decision-making if the CWPs are working... As we dialogue with community — you can't expect if something isn't working that that dialogue is happening at a local level. If people are to

be [truly informed] it needs to be supported in a way where local decision-making is that, and the person representing that CWP is passing on and bringing back. That needs to be done effectively, and with assistance possibly from the Regional Assembly on how we actually do that. It cannot run through one person, and that is what's happening here in [my community] right now (Aboriginal community member).

It is clear that where CWPs are operating well, LDM will deliver better outcomes.

Recommendations for MPRA

2. That MPRA renew their efforts to communicate publicly and transparently about their structure and activities through their website and social media.

Finding Twelve

Community cohesion is an important influence on the efficacy of CWPs

A recurring issue across three of the four case study sites was the extent to which the CWP was truly representative of the community at large. The challenges in ensuring comprehensive community representation within CWPs partly reflect existing levels of community cohesion. In some places, pre-existing divisions in community have been heightened by LDM.

In one of the four case study communities, the research team found that personal animosity and divisions between the CWP, the local LALC, the local municipal council and other community organisations were particularly pronounced. To some extent these divisions could be traced back to the history of the region. Reflecting on membership and nomenclature of the local CWP, one community member observed:

Well because of the mission, a lot of people were moved from great distances, lots of different tribal groups, lots of language groups, kinship groups, and they set ties in [this community] ... [W]e've got such a great diversity of Aboriginal clans here, that we're supposed to be inclusive of all of that. But they called themselves the [Traditional Owner group] Community Working Party... So, a lot of people have gone well they just represent [Traditional Owner group] people then, they're supposed to represent the collective (Aboriginal community member).

Other interviewees also raised this issue, and reflected that government, and the Regional Assembly, need to be alive to any warning signs that a CWP ceases to be inclusive of the wider community. One reflected on the relatively subtle ways in which power can become concentrated in the hands of a relatively small number of people:

[CWP members] tied Native Title into the Local Working Party Group. So, how they did that was [by being able to] change the name. So, it was no longer the [Community name] Community Working Party, [we're going to] call it the [Traditional Owner] Community Working Party, which straightaway, for government, should've sent red flags. The chair of the Regional Assembly should've stepped in and said, listen, this is not going in the right direction because you've got a town full of Aboriginal people from probably 20 different nations. You go up the road, you're not in the [Traditional Owner] country anymore, and there's 200 people living there. They're a part of that Working Party Group as well. So, straightaway you just went, what's going on here? (Aboriginal Community Member).

By contrast, an interviewee from the Traditional Owner nation was unapologetic about the ongoing commitment of Traditional Owners to the CWP, and explained the renaming of it by reference to cultural obligations to care for sacred sites and a desire for recognition of the cultural authority of Traditional Owners:

That's why people are dying, because they're down here interfering in our [cultural assets] and things like that there when it's not their place to do it. So we're sort of trying to prevent those things from happening to people, especially the ones that do it in innocence, you know, and educate people around that. But it's not going to change. It won't change. I mean, the [Traditional Owner] people will always stand up, that this is [Traditional Owner] country and that's just too bad for everybody else. We don't want the whole total say, but we want at least the respect to be known that we are the Traditional Owners and why should we not call something after ourselves? ... It's just — it's the name. A name. It doesn't stop them from coming. They — they're quite welcome to come if they want to come. They don't want to come (Aboriginal Community member).

All interviewees from this case study site acknowledge high levels of lateral violence. When asked what it would take to create or restore cohesion, one interviewee reflected at length on the contact history of the region, inclusivity and value of respectful disagreement:

That's a big one ... But I guess in essence really, the division seems to be quite contemporary. Whilst there's many different demographics in our community and different clan groups et cetera, we've been a place of belonging. My dad's a Traditional Owner, he's a [Traditional Owner group] man, and he remembers our old people talking about when they were moved to the mission. My grandfather was two, I think, when he was put on the mission. He's a [neighbouring Nation group] man, so they came from [nearby region] and were brought up on cattle trucks.

But he remembers his old people talking about the fact that the [Traditional Owners] took it upon themselves to welcome and to make everyone feel comfortable on their country. ... [T]he working party here that call themselves [Traditional Owner] Community Working Party do exactly the opposite of what our old people used to do.

Our old [Traditional Owner] people ... welcomed and included and they knew of the trauma, they knew of the displacement and said you're on our country, you're with us now. We're not going to stand here and make decisions on behalf of you because you're your own people, but we're going to support you. So, then in our present context, we've got the [Traditional Owner] Community Working Party they're saying we know this is what we do, jump on or jump off. There's no room for negotiation. Look it's really unfortunate because some of the people that sit on the LDM, if they worked for good and for the greater of the community, we'd be a hell of a lot better off.

... I'm not sure if there's a way that a government initiative such as LDM can address — can fix the problems that they made. Unless they're going to be real about it and say hey, you know, we fucked up here. Government don't often do that, history's a good indicator of the future and I just don't see a way where we can actually go all right, LDMs in [this community is a] massive fuck up, what can we do to fix it? Because they haven't been on board with it anyway. When we've approached Murdi Paaki and said get them to have an AGM, it's been 12 years, emu stance, head in the ground, don't want to talk about it, it's not there.

... It's a really convoluted situation and it's been really upsetting that when we've made requests to government to say come in back and help us fix this, this is what you created. They go it's community politics — no it's actually something that you created. You created this LDM and this platform so you ... fix it. It's not just black fellas bickering or community politics, it's bigger than that, it's the framework that they've been able to stand on, a platform over top of community and they're not standing on the ground where they're supposed to be (Aboriginal Community member).

It is a weakness of the model that community members feel that they lack any formal appeals or complaints process within MPRA. A clear process within MPRA for dealing with disputes would ensure that all voices are heard and dealt with transparently.

More generally, many interviewees insisted that community divisions are exacerbated by the lack of any stringent processes to ensure transparency and accountability in the operation of CWP, the Regional Assembly, or the wider LDM infrastructure. This is discussed further in Finding 14, but it is important to note here that across the four case study communities it was evident that when representative bodies in community (CWP, LALC, local council) work well together, better outcomes are achieved. Equally, where organisations' roles overlap or intersect, community members become confused about who is responsible for what and in some places this serves to undermine social cohesion.

Finding Thirteen

Community support for CWPs appears to be uneven across the case study communities

In all our interactions with MPRA representatives, and our observation of MPRA meetings, the research team observed MPRA leaders to be competent people, passionately concerned for their communities. This view was not unanimously shared across the region. Where CWP roles, functions and remunerative arrangements were not well understood, this contributed to a perception that CWP chairs and Regional Assembly delegates use the system for their own gain. Further, when LDM has not delivered appreciable benefits to community, this has resulted in a loss of faith in both local representatives and LDM at large. Some interviewees expressed frustration that they had no information to suggest that there is a mechanism for communities to opt out of LDM.

CWP roles and functions, and the financial structures which support them, are not well understood by some community members. This can lead to disharmony and attract lateral violence within and between communities. Many community members interviewed in this research presumed that CWP membership attracts financial rewards and that the chair's position is paid. In some places, CWPs were described as nepotistic and allegations were made of self-interest or even systemic financial corruption, with CWP members and chairs perceived to be in positions of power which they were able to leverage for personal gain or for preferential access commercial opportunity. This was far from universal. And while it was beyond the terms of reference of this evaluation to investigate such allegations, the research team saw no compelling evidence to support these claims. These disputes have largely gone unresolved, to everybody's disadvantage.

Adding to confusion, a number of interviewees have observed that Local Decision Making is a misnomer and that the LDM system would more correctly be named Regional Decision Making. In the words of one MPRA delegate:

Right from day one I think the concept of local decision-making was a bit of a drawback, because when you go back to our communities, when you talk about local decision making, that's what they think it is, you know, community decision making. Whereas they don't know that it's a regional thing and I think — I don't know how many times this has been brought up in the past, but nothing's been done about it. I think we need to actually have another review on it and see if we could change the name of it, make it more clear to our local communities (MPRA delegate).

Aboriginal community members who contributed to this study frequently reported their perception that one centre in the region attracts the majority of financial investment and new initiatives. An interviewee who attended MPRA meetings as part of the Youth Leadership Program explained:

[T]wo people from the 16 communities get selected to go and sit at the forum as an actual member of the Regional Assembly ... It was good, because they'd sit there and argue about their communities, but everything is all about one community to me. It was about all about [one community]. Nothing more about

the remoter communities. I know [that place is] remote, but in Murdi Paaki's eyes, they're more focusing on [that one place] ... There's so much stuff that needs to be done in [our community] for our youth. There's f...ing 10-year-olds that smoking Yandi, dropping out of school, and it's very sad to see. It shouldn't be like that. But being involved with the LDMs, that was good, because our opinions mattered. It felt like we mattered. We felt, because they said to us, they specifically said, it's your meeting, you own the show, you run the show, we're giving you the power, the opportunity to have a voice for your community. Then it all stopped. So felt like we had no power for our community.

All of us, we enjoyed going to them things, because there's a lot of issues, not only just [here] but everywhere. You hear when everyone sits at the table, from the 16 communities, they've all got the same issues. Similar towns. None of it, pretty much, got addressed. In my eyes, back then, everything was all about [that one place] (Aboriginal Community Member).

The frustration that nothing real is ever achieved through LDM to improve outcomes on the ground was a powerful and recurring theme in interviews with community members.

For some individuals and organisations in the case study communities, their disillusion with LDM was such that they expressed a strong desire for a mechanism to opt out of LDM altogether:

... for the Regional Alliances that are working and are productive and that communities have a good idea of how their local Community Working Parties are operating, it should all be strength based — good luck to them. That's fine, if it's working and they're bringing together information and there's a respectful transfer of information between the state government and the Regional Alliances through their local Community Working Parties, that's fine if it's working. I just believe for our region, for a whole range of different reasons ... it has not been working, and that's simply because of the structural, the government structures of MPRA and their willingness to be autocrats over our communities (Aboriginal Community Member).

Currently, there is no mechanism to support an opt-out of LDM by Community Working Parties, although MPRA has indicated that they would support this notion as it truly demonstrates self-determination for the community and honours the fundamental principles of Local Decision Making. Were such a situation to arise, MPRA report that a process would need to be developed and potential triggers workshoped by MPRA and MPSL.

Finding Fourteen

CWP governance structures need to be strengthened in some communities. Work to this effect may be necessary to build trust in MPRA and related entities.

While community determined governance structures and terms of reference for individual CWPs reflect a commitment to local autonomy, the lack of transparent accountability mechanisms can undermine respect for the model. This has implications for the proper operation of CWPs at the local level and for the Assembly as a whole. It also diminishes community trust in the system. At the time of writing, the lack of a process for dealing with complaints transparently meant that contentious issues were going unresolved, and this had led to lingering resentment in some quarters. In the words of one interviewee:

Local Decision Making provides no pathway, no gateway for a local community person like myself or an organisation to hold the state government and MPRA to account for any misconduct (Aboriginal Community Member).

Across all four case study sites, interviewees expressed concern about the regularity of CWP meetings, the role of the Regional Assembly in ensuring due process in the operations of CWPs across the MPRA footprint, and how real or perceived conflicts of interest for CWP and Assembly members should be addressed.

[T]here's been a push to actually just start having meetings here to get people back, to get that momentum — getting the movement going again... [But the thing is,] you have to do [that] with support of the Regional Assembly. The Regional Assembly has to see that CWPs are not hinging on one person. But if they see different to other community people, other community members, then I would really question their motives. So who's the gatekeeper here? To me, it seems like the Regional Assembly and the chair are the gatekeepers to this community having a voice in decision-making (Aboriginal Community Member).

In relation to the regularity of meetings, it was generally accepted that COVID-19 was a major interruption to every aspect of LDM. While MPRA personnel and public officials from the health sector reported that networks established through LDM played a major role in facilitating highly effective emergency response measures, community members felt that the pandemic also unnecessarily disrupted the proper operation of CWPs. Several interviewees were forceful in expressing their concern that where the pandemic, or any other external event, undermines due process, the whole LDM system is compromised:

[T]he chairperson of the Working Party [is] making executive decisions because he had COVID and someone had rung him and he made an executive decision. I said we're only f...ing phone calls away. In this day and age why didn't you ring? I said you're a chairperson. You only chair the meetings. You can't make these decisions by yourself. Signing off on things on behalf of the Working Party without even going through the meeting... (Aboriginal Community member).

Similarly, where a CWP chair was indisposed for any length of time, or meetings were not being advertised or held at regular intervals, the lack of process to ensure that system remains operational was identified as a weakness. In the words of one interviewee:

One person does not represent a community. So certainly, people have been going to the Murdi Paaki Regional Assembly, but they have not been representing the community because they can't represent their community, because they haven't been holding local meetings (Aboriginal Community member).

Simple measures, like the routine election of a deputy chair to CWPs who can undertake chairing roles in the absence of the chair might ameliorate such difficulties.

This pattern was identified as particularly concerning where people in positions of power and influence had real or perceived conflicts of interest:

We've got the same people — the chair of [our local health service] is the chair of the CWP, so ... the different eyes or the different perspectives of a community is difficult to get if you've got the same people involved. People have to be — feel comfortable going to a meeting. They have to be able to [have a] say — because it's about community. It's not about culture, or — and one particular people having the say on things that really are not a cultural say, because CWPs represent the whole — supposed to represent the whole of the Aboriginal community (Aboriginal Community member).

The research team observed that these roles are elected, not appointed, and that many people who volunteer to chair CWPs are taking this work on in addition to their other duties. Furthermore, where community-based bodies (LALC, local council, local Aboriginal service organisations) worked well together, community were most appreciative of LDM, but this was not without some complexity. Perhaps more than any other issue, conflicts of interest were raised as the serious shortcoming of LDM.

MPRA may wish to consider targeted actions to improve the efficacy and integrity of CWPs without undermining local or regional Aboriginal autonomy. MPRA has a critical role in shaping this process, but it is a process that will require some resourcing. There's a need to enhance the operational and governance capacity of the CWPs. This can be accomplished by establishing robust governance structures and refining operational protocols. Measures such as standardising tenure length, refining recruitment strategies, and streamlining delegations of authority can significantly improve transparency and accountability. A program to undertake 'refreshes' of CWP positions which are overdue in several case study communities — often for good reason — should be prioritised. These refreshes should be undertaken with an emphasis on inclusivity, clear communication, and transparency. However, implementing such measures requires appropriate resources. CWPs must be adequately funded to strengthen their capabilities and perform their duties effectively. This doesn't mean just financial resources, but also skills development, training, and access to necessary infrastructures. Sufficient resourcing would enable CWPs to operate at their full potential, strengthening their role in representing their communities and fostering trust.

Recommendations for MPRA:

3. That MPRA renew its investment in the governance of CWPs. This includes:
 - a. Reviewing the status of each of the CWPs
 - b. Ensuring that when the role of the chair is due for renewal, properly advertised, transparent, fair and equal processes are held for the appointment or reappointment of the CWP chair.
4. That MPRA consider strengthening CWPs governance structures, by:
 - a. Requiring minimum standards for CWP Terms of Reference that include eligibility for election to chair CWPs, length of tenure for CWP chairs, the election of deputy chairs to undertake chairing responsibilities when the chair is unavailable, quorums for CWP meetings, procedures for advertising CWP meetings, and so on.
 - b. Taking on a degree of oversight of the proper operation of CWPs to ensure compliance with agreed minimum standards. These might include an agreed procedure for MPRA to intervene if CWP Terms of Reference are not being followed.
 - c. Considering developing a mechanism for communities to opt in or opt out of participation in LDM, perhaps following the precedent of NSW Aboriginal Land Council regional councillors which may opt in to participation in MPRA.
5. That MPRA develop a formal and transparent mechanism for hearing and resolving complaints about CWPs from community members, potentially involving the creation of ethics committees at the MPRA level.

Part 4: Discussion and concluding comments

This evaluation has undertaken a detailed examination of the operation of LDM in the Murdi Paaki region. In this context, MPRA has leveraged its long and rich history of interaction with the government to effectively represent the interests of the 16 communities under its purview. Among all the Aboriginal Regional Alliances and Assemblies in NSW, MPRA holds a distinct position as the body with the longest history and wide networks of support. Its delegates have successfully negotiated with both state and federal governments in the past, and we expect that they will continue to do so into the future.

This evaluation underscores the crucial role that LDM plays as a pillar of Aboriginal public policy infrastructure in NSW. It describes how LDM can bolster other initiatives or programs, presenting several examples of LDM's benefits and the changes it has induced on the ground. This report attests to the potential and capacity of the LDM initiative to provide a framework for shared decision-making and to alter government relationships in the Murdi Paaki region.

LDM in the Murdi Paaki region is an evolving initiative. It not only fulfills the objectives of the LDM initiative, but also brings additional benefits for Aboriginal communities and the NSW Government. The report describes how LDM amplifies the voice of MPRA into government agencies. This has led to positive outcomes.

While MPRA is spearheading the implementation of LDM in NSW, this report offers insights into how the existing structures of NSW Government agencies inadvertently limit LDM from realising its full potential. It underscores the necessity for a systemic and structural transformation that paves the way for a holistic government approach towards service delivery in the Murdi Paaki region. This comprehensive approach was the original vision for LDM. However, the implementation thus far has been somewhat sporadic and disjointed.

The LDM initiative was designed to equip government and public officials with unambiguous guidelines and mechanisms to achieve these ends. For instance, one of the critical roles of the Accords is to devise this structure. Regrettably, these mechanisms have often been underutilised or used inconsistently. MPRA has successfully negotiated two Accords with AANSW and developed schedules pursuant to them. Notwithstanding the best efforts of MPRA and Lead Agency Negotiators, in real terms, tangible outcomes achieved under LDM are still limited. It frustrates Assembly members that they are too often locked out of procurement processes when large government contracts are under negotiation, and that initiatives agreed to under Accords, or Schedules to Accords, have not been implemented in a timely manner.

While MPRA delegates have many criticisms of the Accord implementation, they continue to come to the table, as they clearly believe that Local Decision Making has the ability to enable them to get the changes they want to see in their communities. Despite their criticisms, most have not walked away as they see this as a valuable policy initiative with real potential to deliver what they need. They have stayed the course.

At the time of writing, there is a fraught debate taking place in advance of the referendum to enshrine an Aboriginal and Torres Strait Islander 'Voice' to Parliament and Government in the Constitution of Australia. The stakes are high. In many respects, the concerns being raised in the public domain have also been canvassed in this report: issues around representation; culturally informed policy directions; the efficient use of taxpayer funds; equity; governance. These are all issues which appear daily in the media. But for all the hype, the question which goes to the heart of whether constitutional change is necessary and/or desirable is a simple one: Do governments make better decisions, and spend public monies earmarked for the provision goods and services to First Nations communities, more wisely and more effectively with or without affected communities represented at the table? This evaluation provides compelling evidence in answer to that proposition.

Yet LDM in the Murdi Paaki region is not operating at an optimal level. The system is under resourced. Community Working Parties are stretched, with unpaid volunteers bearing a heavy burden as they seek to represent their constituents in the decision-making process. There is a clear need for MPRA to reinvest time

and effort in local matters — an endeavour that requires resourcing to be done well. Because of limitations of the LDM initiative, a business as usual logic has continued within many agencies, meaning that change on the ground is hard to see. This leads to frustration among MPRA delegates and community members alike, and, in some settings, exacerbates community tensions. It is to MPRA's credit that in co-designing this evaluation, they did not seek to mask any of these issues.

At the same time, there are clear wins to be counted. For the 16 MPRA communities, LDM has provided the impetus to build on representative structures established more than 30 years ago. Inter-generational experience in dealing with government has resulted in a critical mass of leaders who recognise the importance of good governance, accountability, evidence-based decision-making, and the need for long-term investment in the region. Youth development programs and prioritising sometimes dissonant community voices are acknowledged as integral to the sustainability of the enterprise. Equally, a shared conviction that to win government contracts is fundamental to economic self-determination, means that LDM frameworks have inspired the incorporation of Murdi Paaki Services Limited (MPSL), an entity with legal standing to enter into commercial contracts. Economic development and local employment opportunities should flow from large infrastructure contracts as much as from the award of smaller-scale service-based contracts. While MPSL aspires to manage projects of any size, chronic under-resourcing limits the company's capacity to operate at scale .

During MPRA Accord II negotiations, the research team observed many hours of robust discussion between MPRA delegates and senior public officials. The ongoing nature of the LDM process, where Accords are renegotiated at given intervals, allows for genuine relationships to develop between members of the Regional Assembly and government negotiators. All parties reported that this was a positive outcome of LDM, with government negotiators frequently reflecting on their personal and professional growth from having worked collaboratively with Aboriginal negotiators over many years, and increasingly working towards shared objectives. More than anything, as we observed meeting after meeting, we were struck by the passion and tenacity of people who are utterly determined to make this work. There is too much at stake for any other outcome.

The key lesson from this evaluation is the urgent need to transform government operations so that resources and decision-making power associated with service delivery are genuinely devolved to local and regional representative bodies. In the Murdi Paaki region, LDM presents a viable platform to pursue that goal. It is evident, however, that negotiations without the backing of resources or legal authority have largely been inadequate to realise the aspirations of Aboriginal people in the Murdi Paaki region. Real progress will demand both structural (institutional) and attitudinal (individual) changes to support decentralised decision-making through LDM. Systems change is achievable, but will require both effective leadership and structural reforms. With reinvestment at the local level, we are confident that MPRA is well-prepared to act as a capable and dedicated partner in this ambitious endeavour.

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Appendix A. MPRA's experience with whole-of-government partnerships

LDM is the most recent in a series of whole-of-government initiatives relating to Aboriginal and Torres Strait Islander service delivery in which MPRA have participated. MPRA emerged initially as a representative body from the Aboriginal and Torres Strait Islander Commission (ATSIC)'s Murdi Paaki Regional Council. It survived the demise of ATSIC in 2004 with a renewed governance structure designed to give equal voice to each of its sixteen constituent communities. Burns Aldis (2019) provide a detailed narrative account of this history.

Burns Aldis (2019) note that the earliest CWP were formed well before the establishment of MPRA, in response to government allocation of housing funds and a commitment by the Regional Council to ensure genuine community representation. CWPs were convened initially in Dareton and Wilcannia and adopted a cultural approach to governance arrangements, retaining fully autonomy by remaining unincorporated and ensuring equity across all 16 member communities. This initiative was an act of community and contributed to the development of a core group of leaders who sought to organise themselves through the creation of a broadly representative body to govern the planning and delivery of services, programmes and projects (Burns Aldis 2019, p. 31).

In 2003, the Murdi Paaki Regional Council took part in the Council of Australian Governments (COAG) Trials, also known as 'Shared Responsibility Trials'. These trials came about as COAG's response to the final report of the Council for Aboriginal Reconciliation (Government of the Commonwealth of Australia, 2002). The Council's report had several recommendations. It asked for an apology to the Stolen Generations and a treaty process. It also proposed a 'closing the gap' framework, which would involve setting targets related to socio-economic disadvantage and monitoring progress.

Instead of adopting these recommendations, COAG opted to 'trial a whole-of-governments approach in up to 10 communities or regions'. These trials were to 'improve the way governments interact with each other and with communities to deliver more effective responses to the needs of Indigenous Australians' (COAG, 2002, p. 4). Whole-of-government or 'joined-up government' approaches had become a preferred strategy of reorganising government efforts for dealing with so-called 'complex problems' in the United Kingdom during the early years of the Labor Blair Government (Mulgan, 2002), and were quickly gaining prominence in the Australian public sector (Commonwealth of Australia, 2004; more recently, see Thodey et al., 2019).

Murdi Paaki Regional Council agreed to be a partner in the COAG Trial and were the only trial site in NSW (Morgan Disney & Associates, 2006). The initial agreement between the Commonwealth, the NSW Government and Murdi Paaki saw the Murdi Paaki Regional Council acknowledged as 'the peak regional body and primary point of Indigenous community contact', with Community Working Parties recognised as the 'peak community bodies and primary points of Indigenous community contact in each community across the region' (Murdi Paaki Regional Council et al., 2003). The trial, which was to last from 2003–2007, committed parties to work together towards a set of agreed regional priorities, and share responsibility for progressing joint goals. In practice, the 16 Community Working Parties (CWPs) that comprise the constituent bodies of Murdi Paaki Regional Assembly were strengthened in terms of their governance and resourcing, and resourced to produce Community Action Plans (Urbis Keys Young, 2006; Burns Aldis, 2019). Eight community facilitators were employed for the first time to assist the 16 MPRA CWPs, providing CWPs with the administrative and advocacy support they needed to carry out liaison, planning and decision-making functions (Burns Aldis, 2019). While the evaluators argued that this was seen as a positive for communities in the Trial, the model still fell short of delivering the level of autonomy that had been sought by the Murdi Paaki Regional Council (Burns Aldis, 2019). Implementation

problems, particular with respect to inter-agency coordination and failures of leadership within government agencies were found by the evaluators to be holding back progress (Urbis Keys Young, 2006).

The approach to whole-of-government partnerships with MPRA begun during the COAG Trial was resumed in 2009, when a three-year Regional Partnership Agreement (RPA) was entered into by MPRA, the Commonwealth Government and the NSW Government (MPRA et al., 2009). The RPA committed parties to 'work together to coordinate services and effectively deliver initiatives across communities in the region in response to locally identified need', in order to work towards the newly agreed COAG Closing the Gap agenda (MPRA et al., 2009, p. 4). An evaluation conducted in 2010 reportedly found that the RPA's engagement group was 'experiencing difficulty engaging line agencies, ensuring that portfolio sub-groups delivered, and even obtaining access to evidence to support decision-making and accountability processes' (Burns Aldis, 2009, p. 52). The trial expired in 2012, and although negotiations to replace it commenced, a change of Commonwealth Government in 2013 saw the RPA approach to whole-of-government partnership agreements abandoned. After this, MPRA was for a time without government funding, financially supported by communities (Burns Aldis, 2019). As one MPRA member explained, "our own internal structures supported the Assembly so we could have our own autonomy".

Appendix B. Findings in relation to the evaluation questions

Local Decision Making (LDM) evaluation question	Assessment	Enabling factors and examples of success	Impediments
1. To what extent does the LDM model and the state Accord-making process empower Aboriginal communities to share decision-making authority with governments to progress their aspirations? What is enabling and impeding this?	Finding 1: MPRA provides an effective vehicle for the amplification of community voices in the region. It works to enhance Aboriginal leadership across the MPRA footprint, and builds on a long history of self-determination in the north-west and far western regions of NSW. It strengthens governance models developed over more than four decades. While MPRA existed for many years before the LDM mechanism was established and is not solely reliant on the NSW Government for funding, LDM has helped MPRA to fulfill their own regional objectives. But significant improvement is needed in terms of how government engages in LDM. Finding 2: LDM has facilitated communication and cooperation between Aboriginal communities across regions in NSW. In particular, MPRA's participation in NCARA has enabled new initiatives to emerge that benefit multiple LDM regions. Finding 11: The success of the LDM initiative rests on the effectiveness of CWP, and the connections between MPRA and communities in the region.	Where departments have committed to the objectives and processes of LDM, it has had a positive impact on policy development, and even on internal government processes, inspiring intra-departmental collaboration. Representatives of the Murdi Paaki Regional Assembly are expected to reside in the communities they serve. This means that delegates can draw upon their local networks, Aboriginal knowledge and cultural understanding, something which is valued by some public sector officials seeking to deliver services in communities. The ability of delegates to draw upon first-hand insights has the potential to aid in making informed decisions and policies that are sensitive and appropriate to the cultural context and the specific needs of Aboriginal communities. Examples of success: The successful response to COVID-19 involved MPRA in shared decision making, with MPRA at the senior emergency decision making table and government working in genuine partnership with them, guided by them. The establishment of RHALA, where government and MPRA have worked very closely to determine the best and most pragmatic investment that can be made in housing across the region. Finding 12: Community cohesion is an important influence on the effectiveness of CWP. Finding 14: CWP governance structures could be strengthened.	The amplification of community voices has presented challenges for government officials, and many participants in this research expressed frustration that too often business as usual mindsets prevail. Aboriginal voices are not equal to, or hold as much weight as senior position holders in relation to decisions; there is inequality of resourcing, inequality of power and control, and inequality in access to data and service information. Key decisions continue to be made either before consulting with the CWP or the Assembly, or even without any consultation at all. This practice gives some delegates the impression that they, the Assembly, and the LDM framework itself are being marginalised and overlooked. Finding 13: Community support for CWP is uneven across the case study communities.

Local Decision Making (LDM) evaluation question	Assessment	Enabling factors and examples of success	Impediments
2. Have the LDM model and the State Accord-making process transferred ownership of service delivery programs to the Aboriginal community-controlled sector in NSW, and if yes, to what degree? What factors have contributed to or blocked this?	Finding 3: LDM has contributed to the development of a range of initiatives that further self-determined community agendas. Finding 4: MPRA is under-resourced, and its successes reflect a high level of volunteerism. CWPs are entirely volunteer and receive no salaries. CWP chairs and secretaries are remunerated for a fraction of the time they work. This has a range of important consequences.	From the perspective of MPRA delegates, LDM has provided the opportunity to build on these local initiatives and further locally-driven agendas at the regional level. MPRA members identify Community Action Plans (CAPs) and their synthesis into a Regional Plan which then guides the negotiation of Accords as some of the most compelling evidence of how LDM has acted as a vehicle for self-determination across the region. The establishment of Murdi Paaki Services Limited reflects a commitment by the Assembly to positioning itself to compete for contracts and thereby create local employment opportunities. During our interviews we heard many concrete examples of community-level initiatives that have arisen through LDM. These include crisis response (flooding; COVID-19), the establishment of childcare centre (Lightening Ridge), jobs creation (Wilcannia Weir).	MPRA delegates are volunteers often with many other demands and responsibilities; greater support to them to communicate about LDM, MPRA and the Accord with the wider community would have been valuable. Heavy responsibility is borne by a relatively small group of community-members. Heavy cost to CWP chairs, secretaries and others who contribute to LDM, who give away their time and knowledge for free to do CWP business, and often incur personal financial costs. Many take personal

Local Decision Making (LDM) evaluation question	Assessment	Enabling factors and examples of success	Impediments
			leave or retire early to conduct LDM business. They bear the weight of community expectations. Communications of uneven quality and regularity leads to lack of clear understanding about the role, scope, function and powers of MPRA, CWP's and their members. This contributes to intra-community tensions. Some people central to the proper functioning of LDM processes are required to use personal leave in order to discharge their responsibilities to MPRA or local CWP's. Some leave in order to undertake paid employment.
3. In what ways do the LDM model and the state Accord operate as mechanisms to change the working relationship between Aboriginal communities and the NSW Government and officials? What is enabling and impeding this?	Finding 5: LDM has facilitated uneven changes in the relationship between government and Aboriginal communities in the MPRA region. Some non-Indigenous public sector officials report that participation in LDM has changed their attitudes towards Aboriginal communities and their representative bodies, and some government agencies have developed strong working relationships with MPRA. However other government agencies continue to take a 'business as usual' approach.	Relationships are particularly good with senior Aboriginal staff in government. When government staff meet face-to-face with people in communities it breaks down barriers in communication. Some government staff are very approachable.	MPRA delegates still express some frustrations that they are not listened to enough by government and their issues not responded to adequately. Policy made at central level which does not respond to local concerns can impede good relationships. Finding 9: LDM is vulnerable to disruption by external events. These included the COVID-19 pandemic; constant changes to government personnel; competing policy platforms (for example Closing the Gap 2020).
4. In what ways are the NSW Government organisations responding to the LDM model and the state Accord-making process by strengthening their accountability, cultural competence and responsiveness to Aboriginal needs and aspirations? What is enabling and	Finding 7: The implementation of MPRA Accord II is progressing slowly and unevenly across NSW Government agencies. Finding 8: Shared decision-making works best when authority is devolved to MPRA,	MPRA believes that the ongoing nature of the Accord process enables the Assembly to hold government to account for delivery of what has been agreed.	Responsiveness to concerns such as school suspensions is impeded directly by departmental policy. MPRA and community do not understand why commitments signed by a Minister are not implemented.

Local Decision Making (LDM) evaluation question	Assessment	Enabling factors and examples of success	Impediments
impeding systemic and structural transformations?	and this has been especially successful when MPRA has been decisively involved in the commissioning of services by government.	LDM enables community to 'truth test' the nature/quality of services government has contracted other organisations to deliver in communities.	Good relationships at local level can overcome some of the difficulties caused by multiple policy frameworks (e.g. in Health and Education) where there is willingness, flexibility and good, trusting relationships. But these structural problems cannot always be overcome where government staff do not trust Aboriginal people or cannot move outside business as usual approaches. The Education Department was working in a Closing the Gap framework and in partnership with the Aboriginal Education Consultative Group (AECG) and did not share the LDM Accord commitments with school principals. For economic development, reliance on contractors and the Aboriginal Procurement Policy is not sufficient. Service Mapping is not yet available.
5. Does the LDM model and the state Accord-making process facilitate equal access to local and regional data, and information to support decision making and Indigenous data sovereignty? How might this commitment be realised?	Finding 6: LDM has provided mixed degrees of access to administrative data held by government agencies, with some government agencies unwilling or unable to share the sort of information that would be useful to MPRA. Initiatives related to LDM which have resourced MPRA and its associated organisations to design, collect and analyse data which reflect MPRA's needs and draw on MPRA's expertise have been more promising.		Inaccuracy of government-held data compared to the lived reality. Privacy requirements may have been used to avoid providing non-identifiable data. It has been difficult for MPRA to obtain information on resource allocation by mainstream organisations in relation to dedicated Aboriginal and Torres Strait Islander service delivery. Data may have been provided, but its interpretation may require explanation for non-specialists.
6. How can NSW Government agencies be made more accountable to MPRA through LDM?	Finding 10: While LDM could be improved, its principles have widespread support and it has achieved some positive outcomes in	During the COVID-19 pandemic, the partnership between government and	

Local Decision Making (LDM) evaluation question	Assessment	Enabling factors and examples of success	Impediments
	the MPRA region. By improving the efficacy of service delivery in the region, LDM contributes towards community and government aspirations. MPRA and CWPs across the region will continue their work autonomously from government policy.	MPRA and its communities worked exceptionally well. Working in partnership depends very much on the quality of the relationships and communication between the partners.	

Appendix C. Recommendations of this report shared with previous reports

This section briefly links the recommendations in this report to related recommendations in previous LDM evaluation reports. This is a 'one way' mapping as it includes all recommendations found in this report, but does not include recommendations in other reports which are not reflected in the recommendations of this report.

Recommendation in this report	Associated recommendation in Katz et al. (2018)	Associated recommendation in Howard-Wagner et al. (2022)	Associated recommendation in Howard-Wagner & Markham (2023)
Recommendations for the NSW Government			
1. That government should respect and recognise MPRA's autonomy and agency, and make the most of the Assembly's self-determining decision-making model to better govern service delivery in its region through LDM.			
2. That MPRA produce an engagement protocol in line with MPRA's Regional Plan and Community Action Plans to ensure that all government agencies and non-government organisations engaging with Aboriginal communities in the MPRA region include CWP's and/or MPRA in an appropriate manner, including: a. That the protocol be made readily available on the MPRA website b. That all government agencies be required to implement the protocol when engaging with Aboriginal communities c. That compliance with the protocol be mandated in funding agreements for non-government service providers to ensure genuine co-design, two-way accountability, and transparency.	Put in place Local Accords or other forms of agreement to ensure that all agencies and service providers attend CWP meetings and to commit services to meeting the needs of local Aboriginal communities. Make attendance at CWPs a contractual requirement for all local service providers. All relevant agencies and service providers to attend and participate in CWP meetings as part of their working towards building a connected service system that is responsive to the self-determined needs of local Aboriginal peoples.		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.

3. That the resourcing of MPRA is inadequate and should be prioritised. That the NSW Government fund a business case developed by MPRA which would: a. Provide MPRA with staffing and costs for core operations b. Provide CWPs with resourcing that can be used flexibly to provide additional capacity.	Increase resources and support for all 16 member communities to ensure local participation at the regional level through the MPRA and to enable members to feed back to CWPs. Provide more time, processes and resources for members to discuss issues with the CWPs and local communities prior to making decisions at the Regional Assembly. Provide better support (financial and administrative) to ensure MPRA LDM and Accords are discussed with all 16 member communities. Resource the LDM to match the size and diversity of the Murdi Paaki region and the Accord priorities.		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.
4. That government agencies, community-controlled organisations and non-government organisations provide people with roles in LDM, MPRA and CWP with paid leave to undertake duties associated with those roles.			
5. That NSW Government undertake more systematic efforts to provide MPRA with access to timely, relevant, up-to-date and interpretable government data to inform decision-making in a suitable form for independent analysis. a. This may require a cross-agency review of Aboriginal data holdings and procedures to provide access to government data, including geographical relevance b. That government recognise that administrative data is not always accurate c. That government commit to resourcing MPRA to collect, analyse and interpret data that either party needs.	Ensure thorough monitoring and evaluation of services, including service needs and gaps, using local Aboriginal determined indicators.		
6. That reforms to the development, negotiation and implementation of Accords be executed in accordance with the thirteen recommendations in the <i>OCHRE</i> Local Decision Making Stage 2 Accords Negotiation Evaluation Synthesis Report (Howard-Wagner, O'Bryan & Harrington, 2022). These cover the following issues:		Recommendations 1–13	Recommendation 3: Reforming Accords a. That reforms to the Accord development, negotiation and implementation be executed in accordance with the 13 recommendations in the <i>OCHRE</i> 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

a. Resourcing of pre-negotiation phase of Accords making b. The strengthening of Statements of Claim c. Clarity and transparency around funding allocations and budgets to support Accord development d. Improved access to data e. Adequate remuneration of negotiators from Aboriginal Regional Alliances/Assemblies f. Increased financial/administrative delegation for Lead Agency Negotiators g. Review of the 'authorising environment' at all stages of negotiations h. The development of ethical guidelines and cultural competency training for government negotiators i. Achieving a better balance between confidentiality and transparency of process j. Legally enforceable provisions to ensure timely execution of Accords and Schedules by Minister for Aboriginal Affairs k. Increased resourcing to improve and clarify governance around Accord and LDM processes l. Monitoring and accountability mechanisms to be established.			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'.
7. That MPRA and its CWP's be recognised as bodies whose free, prior, and informed consent is needed for the procurement of services for Aboriginal	Ensure all service providers work with the Accord process and Murdi Paaki Regional Assembly (MPRA), including engaging with		Recommendation 5: Procuring and Commissioning Aboriginal services in LDM regions:

people in the region and communities. Accordingly: a. That this include a mandated role in designing services to be procured b. That this include a decision-making role on procurement panels or tender evaluation committees c. That this include a mandated requirement that funding agreements be co-designed with CWP/MPRA, including scope, KPIs, and complaint resolution mechanisms d. That funding agreements should include mandated reporting to MPRA and CWPs.	Community Working Parties (CWPs) at the local level. Ensure a commitment by all NSW Government services to work with the Assembly to ensure Aboriginal community priorities are addressed. All levels of government and other service providers to plan and operate a more connected and responsive service system.		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.
8. That in the absence of treaty, enforceable obligations be placed on government and its agencies, negotiated with and agreed to by MPRA, to ensure compliance with LDM agreements.			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. Recommendation 10: 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.
9. That structural changes to the governance and leadership of LDM are required within government to ensure that agreements between MPRA and agencies are acted upon in a timely manner (see further Howard-Wagner and Markham, 2022).			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.
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			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.
Recommendations for MPRA			
1. That MPRA continue to participate in LDM, a mechanism which promises to provide increasing benefits to regional Aboriginal communities over time.			
2. That MPRA renew their efforts to communicate publicly and transparently about their structure and activities through their website and social media.	Share Local Decision Making (LDM) process and outcomes more widely with local communities. Clarify the role of MPRA and CWP's in that process. Communicate and promote LDM priorities and responsibilities under the Accord more widely to local communities.		

	Provide additional resources – for communication and secretariat support of volunteer members of the Murdi Paaki Regional Assembly. Increase communications between the MPRA and local communities and organisations to provide information and feedback. Provide greater transparency in processes for representation at MPRA.		
3. That MPRA renew its investment in the governance of CWP. This includes: a. Reviewing the status of each of the CWPs b. Ensuring that when the role of the chair is due for renewal, properly advertised, transparent, fair and equitable processes are held for the appointment or reappointment of the CWP chair.			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.
4. That MPRA consider strengthening CWPs governance structures, by: a. Requiring minimum standards for CWP Terms of Reference which include eligibility for election to chair CWPs, length of tenure for CWP chairs, the election of deputy chairs to undertake chairing responsibilities when the chair is unavailable, quorums for CWP meetings, procedures for advertising CWP			

meetings, the recording and publication of minutes etc. b. Taking on a degree of oversight of the proper operation of CWPs to ensure compliance with agreed minimum standards. These might include an agreed procedure for MPRA to intervene if CWP Terms of Reference are not being followed. c. Consider developing a mechanism for communities to opt in or opt out of participation in LDM, perhaps following the precedent of regional land councils which may opt into participation in MPRA.			
5. That MPRA develop a formal and transparent mechanism for hearing and resolving complaints about CWPs from community members, potentially involving the creation of ethics committees at the MPRA and/or NCARA level.			

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