



LOCAL DECISION MAKING

Policy and Operational Framework

May 2017



Education
Aboriginal Affairs



OC~~H~~RE

Acronyms and Abbreviations

CAEPR – Centre for Aboriginal Economic Policy Research

CWP – Community Working Parties

CIRCA – Cultural and Indigenous Research Centre Australia

EoI – Expression of Interest

LALC – Local Aboriginal Land Council

LDM – Local Decision Making

MERI – Monitoring, Evaluation, Reporting and Improvement

NCARA – NSW Coalition of Aboriginal Regional Alliances

NGO – Non-Government Organisation

NSW – New South Wales

NSWALC – New South Wales Aboriginal Land Council

OCHRE – Opportunity, Choice, Healing, Responsibility, Empowerment: the NSW Government's plan for Aboriginal affairs

RLG – Regional Leadership Group



Glossary

Capacity Strengthening Policy: The Policy has been developed to guide the identification and negotiation of capacity strengthening strategies.

OCHRE Good Governance Guidelines: The Guidelines provide an overview of the Good Governance Principles and a description of good governance in the context of Local Decision Making.

Local Decision Making Accord Process: The document sets out the process for commencing and negotiating an Accord.

Murdi Paaki Accord Process Review Evaluation Report: The Report documents the Murdi Paaki Accord negotiation process, including strengths and challenges, and ways it might be improved.

NSW Government Phase 1 Accord Readiness Self-Assessment: The Self-Assessment sets out the minimum level of good governance that NSW Government agencies and their representatives will need to participate in Phase 1 Local Decision Making Accord negotiations.

Premiers Memorandum: Local Decision Making M2015-01: The Memorandum directs NSW Government agencies to work respectfully, constructively and cooperatively with Aboriginal regional alliances, to develop Accords.

Regional Alliance Phase 1 Accord Readiness Self-Assessment: The Self-Assessment sets out the key governance principles regional alliances must meet, or have achieved substantial progress towards, before commencing Phase 1 Local Decision Making Accord negotiations.

United Nations Declaration on Indigenous Peoples: The Declaration is an international instrument based on the principles of self-determination and participation, that recognises and protects the rights and roles of Indigenous peoples within society.

Date first approved:

July 2013

Date of effect:

July 2013

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May 2017

Date of Next Review:

October 2017



Introduction

In responding to Aboriginal community calls for greater recognition and support for Aboriginal leadership and decision making, Local Decision Making (LDM) aims to fundamentally and positively change the relationship between Aboriginal communities and government, and enable Aboriginal communities to participate fully in decision making concerning service design and delivery.

LDM 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.

Research from the [Harvard Project on American Indian Economic Development](#) (1987-present) and the [Centre for Aboriginal Economic Policy Research Project on Indigenous Community Governance](#) (2004-2008) shows that the following factors are key to achieving socio-economic outcomes:

- **Sovereignty (or self-determination):** when Aboriginal people and communities are able to make their own decisions about what development approaches to take, they consistently out-perform external decision-makers such as government agencies on issues as diverse as natural resource management, economic development, health care, and social service provision.
- **Governance:** For development to take hold, assertions of self-determination must be backed by capable institutions of governance. This includes communities adopting stable decision rules, establishing fair and independent mechanisms for dispute resolution, and separating politics from day-to-day business and program management.
- **Culture:** Successful economies stand on the shoulders of legitimate, culturally grounded institutions of self-governance. Aboriginal communities are diverse and Aboriginal people must equip themselves with governing structures and procedures that fit their own culture.
- **Leadership:** Nation-building requires leaders who introduce new knowledge and experiences, challenge assumptions, and propose change. Such leaders convince people that things can be different and inspire them to take action.

To provide the scope for Aboriginal communities' to legitimately exercise their self-determination and to significantly improve the quality of services delivered to Aboriginal communities, governments must reform their own internal institutional arrangements and develop the capacity to formulate and implement enabling policy and frameworks, funding mechanisms, and downwards accountability.

Premier's Memorandum [M2015-01-Local Decision Making](#) provides the enabling framework for LDM. It requires NSW Government agencies to work respectfully, constructively and cooperatively with Aboriginal community-based regional decision-making groups (regional alliances), to develop Accords (agreements). Agencies are obligated to adhere to the principles of LDM, to negotiate openly and in good faith, and to share service provision and indicator data with Aboriginal regional alliances.

The NSW Government continues to strengthen the policies and frameworks that underpin LDM in an effort to build institutional arrangements and the practices necessary to achieve the objectives of LDM, and to ensure that NSW Government representatives have the skills and cultural competency to work in partnership with Aboriginal communities.



Purpose

Local Decision Making (LDM) seeks to give Aboriginal community-based regional decision-making groups (regional alliances) an increased say in government service delivery.

It seeks to place Aboriginal people at the centre of service design, planning and delivery, enabling the staged devolution of decision-making and accountability to the local level. NSW Government and regional alliances enter into agreements (called Accords) that define the relationship between government and participating Aboriginal communities. Accords include negotiated and agreed priorities, key actions to achieve desired outcomes, timeframes, resources, responsibilities and define what success will look like.

Over time regional alliances will have more decision-making powers. Eventually these powers may include control of the budgets for some NSW Government services and programs.

LDM aims to build on the strengths of existing Aboriginal community governance bodies. To enable Aboriginal communities to better influence the design and delivery of services to their communities. To achieve this LDM will not duplicate, supersede, undermine or compete with other initiatives or partnerships. Instead LDM assumes an inclusive and collaborative approach that builds on and strengthens existing relationships, partnerships and initiatives.

Regional alliances will need to actively work with existing Aboriginal peak bodies and community organisations in their regions. This may include negotiation with other bodies and organisations to decide who takes the lead on certain issues and to scope their decision-making powers and influence. Regional alliances may collaborate and work with other bodies to jointly examine the intersection between existing roles and relationships, and decide how they will work together on issues or delineate responsibilities.

NSW Government agencies will also need to consider the linkages and intersections between various policies, programs, initiatives, reforms and agreements. Once regional alliances identify their priorities, NSW Government agencies will need to determine how existing initiatives and programs relate, and negotiate with regional alliances, other agencies and stakeholders to determine what is in scope, understand how service delivery may need to change and to coordinate their response.

Some aspects of service delivery will be out of scope for LDM Accord negotiations. These are statutory regulatory functions undertaken by agencies, which are non-discretionary and are not policy or program based. It is important to distinguish the broad statutory powers or roles given to agencies through legislation, where the services delivered are determined by past practices, policy, budget imperatives and discretionary decision-making, as opposed to regulatory statutory roles where there is little or no discretionary decision-making. The majority of services Government deliver fall into the former category not the later.

Statutory regulation functions undertaken by agencies which are out of scope for Accord negotiations include:



- Policing, but not discretionary programs such as community policing activities and liaison or policy issues;
- Justice including operations of the courts, but not discretionary programs such as preventative juvenile justice;
- Child protection, but not discretionary programs related to family support and child wellbeing; and
- Environmental regulatory powers, such as statutory powers associated with prosecution for environmental offences or damage to Aboriginal cultural heritage, but not discretionary programs focussing on land management.

Self-Determination

Local Decision Making (LDM) recognises the right to self-determination and the right to participate in decision-making and exercise full authority and self-management consistent with the [United Nations Declaration on the Rights of Indigenous Peoples](#), specifically:

- **Article 4:** Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.
- **Article 18:** Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures.
- **Article 19:** States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

Whilst government needs to be satisfied that regional alliances have good governance arrangements in place before entering into formal relationships with regional alliances, principally through the negotiation of Accords, the relationship must be managed in a way that upholds the principle of self-determination. How Aboriginal communities are represented and how they come together to make decisions, are matters for communities to determine. Government has no role in directing how communities govern themselves.

Accordingly, the principles of self-determination are embedded in LDM, by the following:

- Aboriginal people have the right to determine their own governance and decision-making structures in accordance with their customs, traditions and in the best interests of their community;
- Aboriginal people have the right to develop and maintain their own traditions, procedures and practices; and
- Aboriginal people have the right to recognition and enforcement of any agreements they enter into with the government.



What does this mean for Government?

The NSW Government must be prepared to listen and respond to Aboriginal communities. Lessons learned from national and international research demonstrates that government has a role in promoting respectful dealings and transparency in working with regional alliances and where invited or agreed, government has a role in providing support and advice to assist regional alliances to develop good governance. Where there are substantiated concerns about working with regional alliances, government must openly raise concerns with regional alliances so that alliances can attempt to address the issues. However, it is not government's role to step in and 'fix' intra-community disputes about community governance as this is contrary to self-determination.

What does this mean for community?

For Aboriginal communities it means:

- The ability to call on government to explain where government money is being spent and on what;
- More control of services at the local and regional level;
- Better local management;
- Government investment linked to community goals;
- Responsibility shared between communities and government; and
- Observing what is happening and making changes along the way.

Self-determination requires Aboriginal communities to exercise full decision-making control in relation to their governing institutions and to operate in the best interest of their constituent communities. Accordingly, issues and complaints about the operations and governance of a regional alliance must be addressed by that alliance.

It is recognised that the adoption of self-determination into practice through LDM will present challenges. The evidence indicates facing challenges openly and honestly is essential to the development of more robust governance overtime.



Principles, Objectives and Outcomes

Principles

- Aboriginal people and communities have a spiritual, social, cultural and economic relationship with Country and/or place.
- Aboriginal leaders and communities understand their own needs. They drive the ability to develop and manage their own solutions.
- Respectful relationships and recognition of the need to heal the hurt and injury caused by past government policies.
- Respectful consultation and negotiation between government and Aboriginal communities, with free, prior and informed consent of those communities.
- Regional and local solutions for regional and local problems, with ideas and help from outside when and where required.
- Responsible, accountable and transparent decision-making.
- Continuous improvement and adjustment when needed.
- Promote the participation of Aboriginal people residing in LDM locations.

Objectives

- Recognise and support Aboriginal community leadership and management.
- Better service delivery including coordination between government and communities.
- Delivering the services and supports that communities say they need and want better coordination between government agencies.
- Stronger partnerships between community, leadership and government.
- More local responsibility and accountability.

Outcomes

- Decrease the duplication of services.
- Increase the effectiveness of service delivery to better meet local needs.
- Increase the skill and capacity of Aboriginal governance bodies.

How

- **Strengthening relationships between Aboriginal communities and government.** For Aboriginal communities and government to work together effectively and meaningfully, there needs to be respectful negotiation and dealings. LDM sets up a framework for regional alliances to meet and work with government based on their free, prior and informed consent. Through LDM, Accords between regional alliances and the government will set priorities, governance arrangements and levels of investment for that community.
- **Supporting Aboriginal governance at the regional and local level.** LDM will start in communities that are ready for it. Regional level governance is the best level to drive service coordination. However, regional governance works best when linked to strong local governance. Communities will decide what regional boundaries and governance structures best suit them.
- **Building community capacity to work in partnership with government/stakeholders and increase decision-making powers.** To help regional alliances to develop, LDM will encourage and support skills development. Regional alliances can step through levels of responsibility and accountability



as they meet agreed good governance principles. Training and development support will cover governance, leadership, financial management, strategic planning and more.

- **Building the capacity of government to work in partnership with communities.** LDM means NSW Government agencies will change the way they work with Aboriginal communities. NSW Government agencies will work in partnership with participating regional alliances to build community strengths and address key priorities. With LDM, sharing decision-making between government agencies and regional alliances means changing the way agencies design, fund and implement their services and programs. Agencies and staff have to respond to community needs and priorities, changing the way they work, and developing new ways of doing business. This will mean training and developing new skills for government staff as well as Aboriginal communities.
- **Negotiating and addressing priorities.** Regional alliances and government will have to share information and talk openly and honestly about community needs and government service delivery, so they can set the right priorities for future investment and improvement in services. Priorities will be determined through negotiated agreements and formalised via LDM Accords.

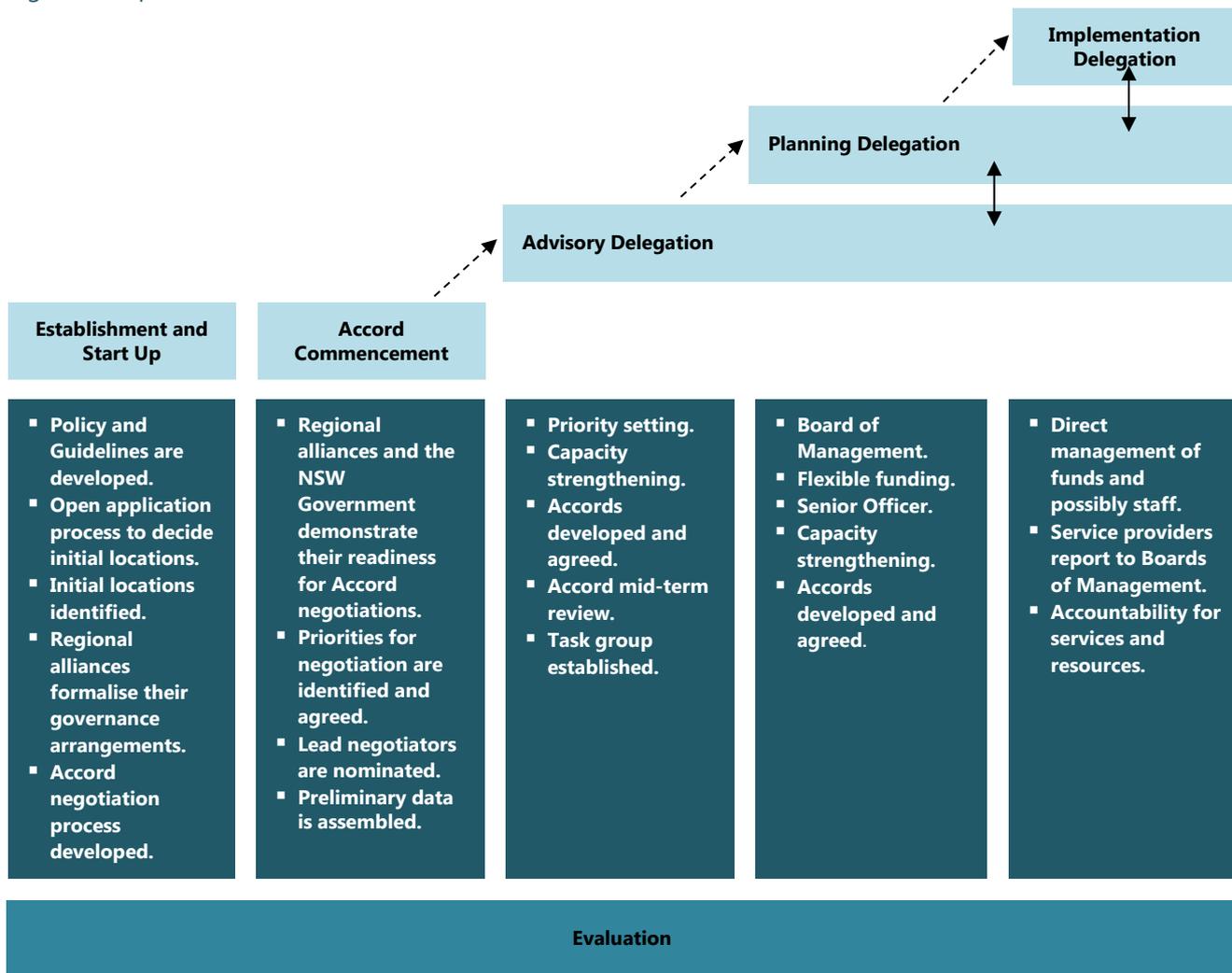


Implementation

Process

Local Decision Making (LDM) places Aboriginal people at the centre of service design, planning and delivery, enabling the staged devolution of decision-making and accountability to the local level. Figure 1 shows the steps on the path to LDM.

Figure 1: Implementation Framework



Establishment and Start Up

In this phase:

- Arrangements are made for the implementation of LDM;
- NSW Government LDM accountability arrangements are established;
- Existing or newly formed regional alliances have the opportunity to apply for LDM and provide their informed consent to participate;
- Regional alliances formalise their governance arrangements, including how their member communities will be represented and engaged in decision-making; and
- LDM evaluation framework developed with stakeholders.



Accord Commencement

In this phase:

- Regional alliances and the NSW Government demonstrate their readiness for Accord negotiations.
- Priorities for negotiation are identified, lead negotiators are nominated and preliminary data is assembled.

Phase 1 (Advisory Delegation)

In this phase:

- Regional alliances and the NSW Government (and other relevant stakeholders) agree via an Accord on the initial priorities for action, how decision-making will be shared and investment in capacity strengthening; and
- Accord delivery, including governance (task group) and monitoring and reporting.

Phase 2 (Planning Delegation)

In this phase:

- Regional alliances become Boards of Management;
- Priorities and actions (strategic directions) are negotiated, agreed and formalised via an Accord;
- Boards of Management work with a single Senior Officer from government who can direct government activity depending on what the Boards of Management decide; and the
- Flexible fund arrangements are established.

Phase 3 (Implementation Delegation)

In this phase:

- Boards of Management manage some government resources and/or services;
- Boards of Management will be accountable and responsible for those resources and services; and
- Boards of Management may also be in charge of some government staff.

Regional alliances will step up when they are ready. Some regional alliances may be ready to step up before others – there is no requirement for communities to be at a certain phase for a set length of time. Not all regional alliances will seek to progress to Phase 2 or Phase 3. In addition, if regional alliances capacity diminishes they may go back to an earlier phase and lower delegation.



Establishment and Start Up

Regional alliances who agree to be part of Local Decision Making (LDM) will need to decide on the most suitable long-term structure and membership to work with government. An existing regional alliance may undertake this work in consultation with communities and organisations from the region. Or a new regional alliance may need to form an interim committee.

Regional alliances will step through levels of responsibility and accountability as they demonstrate good governance capabilities. Regional alliances will develop their own rules on how they will run, however government needs to be satisfied that good governance practices are in place before it delegates greater decision-making authority to communities. Similarly, regional alliances must be satisfied that government has the necessary institutional arrangements in place before it takes on greater decision making responsibility and accountability.

To ensure a transparent pathway for progressing through the phases of LDM, Aboriginal Affairs has developed [OCHRE Good Governance Guidelines](#) based on research undertaken by the Centre for Aboriginal Economic Policy Research. The Guidelines set out prerequisite good governance principles that must be met in each phase of LDM before regional alliances and the NSW Government can move to the next phase.

Goals	Activities	Responsibility
Establish program goals and major steps	<ul style="list-style-type: none"> • Policy and Operational Framework • Capacity Strengthening Policy • Good Governance Guidelines • Communications Plan • Evaluation Framework • Year 1 Implementation Plan • Government LDM accountability arrangements established 	Aboriginal Affairs in consultation with NSWALC and other NSW Government agencies
Obtain informed consent from participating LDM communities	<ul style="list-style-type: none"> • Open application process • Locations identified 	Aboriginal Affairs
Establish Evaluation Framework	<ul style="list-style-type: none"> • Framework & measures for success agreed by stakeholders & participating communities • Collect baseline data (to measure impact on participants and community) 	Aboriginal Affairs
Establish agreed regional alliance structure	<ul style="list-style-type: none"> • Identify interim committee • Community consultation to establish regional alliance • Regional alliance established with formal constitution and/or Terms of Reference. 	Aboriginal Communities



Accord Commencement

Consistent with the principles of self-determination underlying Local Decision Making (LDM), Accord negotiations will only commence once a regional alliance has indicated that it is ready to enter into an Accord. In other words, it is the regional alliance not government who will decide when Accord negotiations will commence.

Once a regional alliance indicates that it is ready to enter into an Accord, both the regional alliance and NSW Government must demonstrate their readiness for Accord negotiations.

The process for government agencies and regional alliances to demonstrate their Accord readiness is outlined in the [Local Decision Making Accord Process](#). Regional alliances demonstrate their Accord readiness by undertaking a self-assessment against agreed good governance principles. This ensures they have requisite governance processes in place for each phase of LDM. While the NSW Government must undertake a self-assessment against Premiers Memorandum: Local Decision Making M2015-01 to demonstrate that they have made substantial progress toward meeting the requirements set out in the Memorandum and have requisite accountability arrangements in place to support LDM.

Once both parties are deemed to be ready and prepared to commence Accord negotiations, Phase 1 Accord negotiations can commence.

Goals	Activities	Responsibility
Regional alliances prepare for Accord negotiations	<ul style="list-style-type: none"> Develop key governance processes and identify priority issues Nominate a lead negotiator and negotiation panels Identify information and data needed for Accord negotiations 	Regional alliances
The NSW Government prepares for Accord negotiations	<ul style="list-style-type: none"> Nominate lead negotiator and agency negotiators with delegated authority and cultural competency Assemble data for negotiations as per regional alliances priority issues 	Department of Premier and Cabinet (lead) and other relevant departments and/or agencies
Assessment of regional alliances and NSW Government readiness for Phase 1 Accord negotiations	<ul style="list-style-type: none"> Assess whether sufficient information has been provided to demonstrate the regional alliance and the NSW Government are ready to negotiate an Accord 	Aboriginal Affairs
Both parties declared ready to commence Phase 1 Accord negotiations	<ul style="list-style-type: none"> If sufficient information provided, notify the regional alliance and NSW Government that Accord negotiations can commence. 	The Head of Aboriginal Affairs
Phase 1 Accord negotiations commence	<ul style="list-style-type: none"> Schedule Accord kick-off meeting between the lead negotiators and Aboriginal Affairs 	Aboriginal Affairs



Phase 1: Advisory Delegation

Phase 1 Accords will set out agreed priorities and projects, and the rules on how decision-making will be shared between the regional alliance and government. The regional alliance and government will have to work together under those rules for the time of the Accord. This means the government must promise to deliver the resources needed for the priority projects.

The Phase 1 Accord will:

- establish long-term goals;
- link activities and resources to expected results;
- set indicators, measures, and targets;
- allocate responsibilities;
- identify governance and capacity needs; and
- specify the length of the Accord, terms for review and, if desired, outline the process and requirements for progressing to Phase 2 consistent with the OCHRE Good Governance Guidelines.

Each Accord will be signed by the regional alliance and the NSW Government. The regional alliance may decide that other relevant stakeholders including Non-Government Organisations (NGOs) and other tiers of government should be parties to their Accord. It will be at the discretion of other stakeholders whether they negotiate and commit to Accords under LDM.

Goals	Activities	Responsibility
Confirm negotiation process and protocols	<ul style="list-style-type: none"> • Independent facilitator appointed to facilitate Accord process. • Negotiation process and protocols agreed between parties. 	Aboriginal Affairs, NSW Department of Premier and Cabinet, Independent Facilitator and Lead Negotiators
Identify outcomes and expected results	<ul style="list-style-type: none"> • Pre-Accord negotiation workshops scheduled to discuss outcomes and expected results, review the statement of claim, and to share information and data on priority areas. 	NSW Government agencies and regional alliances
Accord negotiated	<ul style="list-style-type: none"> • Negotiate specific strategies, activities and resources, and allocate responsibilities 	NSW Government agencies and regional alliances
Accords drafted	<ul style="list-style-type: none"> • Strategies and activities linked to expected results, and indicators, measures, and targets agreed. • Negotiate and agree on criteria for Phase 2 	NSW Government agencies and regional alliances
Accords signed	<ul style="list-style-type: none"> • Parties sign off accords 	Lead Negotiators
Accord implementation	<ul style="list-style-type: none"> • Governance (task group) and monitoring and reporting arrangements established 	NSW Government agencies and regional alliances



Accord review	<ul style="list-style-type: none">• Stock take of Accord commitments and deliverables• Check-in on the governance capacity of government and regional alliances, and the strength of the partnership	NSW Government agencies and regional alliances
NSW Government and regional alliance demonstrate readiness for Phase 2 Accord negotiations	<ul style="list-style-type: none">• Regional alliance indicates that it is ready to enter into a Phase 2 Accord and demonstrates readiness.• NSW Government demonstrates readiness• Once both parties are ready and prepared to commence Accord negotiations, Phase 2 Accord negotiations can commence	Aboriginal Affairs



Phase 2: Planning Delegation

A Phase 2 Accord can be negotiated once a regional alliance steps up to a Board of Management and develops a Business Plan, and the NSW Government has established necessary institutional arrangements, including the flexible funding mechanism. Once both parties have demonstrated their readiness to enter into Phase 2 Accord negotiations, the government will appoint a dedicated Senior Government Officer to work with the regional alliance full time.

The Phase 2 Accord will:

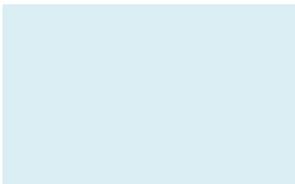
- set some new goals consistent with strategic direction set by the Board of Management;
- enable the Board of Management to direct government money from the flexible fund to services and projects that they want delivered.
- continue to strengthen the governance capacity of Boards of Management and government.
- specify the length of the Accord, terms for review and, if desired, the process and requirements for progressing to Phase 3 consistent with the OCHRE Good Governance Guidelines.

Goals	Activities	Responsibility
Board of Management is operational	<ul style="list-style-type: none"> • Operating arrangements • Roles and Responsibilities • Terms of Reference 	Board of Management
Flexible funding available	<ul style="list-style-type: none"> • Funding arrangements established • Communities able to direct funds 	Treasury and Senior Officer
Senior Officer is directed by the Board and implements their strategic direction	<ul style="list-style-type: none"> • Senior Officer appointed • Senior Officer coordinates the implementation of the business plan 	Board of Management and Senior Officer
Board develops and implements strategic direction	<ul style="list-style-type: none"> • Build on service mapping and priorities from Phase 1 • Consultation with communities 	Board of Management
Strengthen existing leadership and governance	<ul style="list-style-type: none"> • Board demonstrates capability consistent with good governance principles 	Board of Management and Aboriginal Affairs
Accords negotiated between NSW Government and Aboriginal communities (and other stakeholders) on priorities	<ul style="list-style-type: none"> • Accord negotiated and agreed • Secretaries of agencies sign off accords • Set criteria for Phase 3 	Aboriginal Affairs
Accord implementation	<ul style="list-style-type: none"> • Governance (task group) and monitoring and reporting arrangements established 	NSW Government agencies and regional alliances
Accord review	<ul style="list-style-type: none"> • Stock take of Accord commitments and deliverables • Check-in on the governance capacity of government and regional alliances, and the strength of the partnership 	NSW Government agencies and regional alliances
NSW Government and regional alliance	<ul style="list-style-type: none"> • Regional alliance indicates that it is ready to enter into a Phase 3 Accord 	Aboriginal Affairs



demonstrate readiness for Phase 3 Accord negotiations

- NSW Government and regional demonstrate their readiness
- Once both parties are ready and prepared to commence Accord negotiations, Phase 3 Accord negotiations can commence





Phase 3: Implementation Delegation

Local Decision Making (LDM) is only just starting out, so further work is needed to determine when a Board of Management will be ready to step up to the final phase, called Implementation Delegation. At a minimum, Boards of Management would need to demonstrate certain governance principles consistent with the OCHRE Good Governance Guidelines.

In this phase the government will hand over complete responsibility for some services and programs to the Board of Management. Those services and programs are likely to be ones that the Board of Management and the government have been working on together through their Accords.

The government may do this by making a new law that turns the Board of Management into an independent regional authority, governed by a Board of Management made up of Aboriginal people representing local communities. The authority would then also be able to decide what services and programs are needed in that region, and then work with government and non-government service providers to make those services and programs available.

Goals	Responsibility
All specified NSW Government resources in the region are managed by the regional Aboriginal authority through the Board of Management	Board of Management
Specified NSW Government staff report to the Board of Management	Relevant NSW Government agencies
NSW Government agencies need Board of Management approval to work in locations	Board of Management
Board of Management is accountable for resources and services	Board of Management



Operational Arrangements and Accountability

The Secretaries Board, made up of Secretaries of all NSW Government Departments, has agreed that the way government works through Local Decision Making (LDM) must be simple and efficient, and not overly bureaucratic. Agencies need to work together as “whole of government,” not as individual agencies.

As regional alliances and the NSW Government commence LDM, what is learned needs to be shared between agencies, and between agencies and regional alliances. Change and flexibility need to be encouraged. Networks, collaboration and relationships will be developed and supported at every level. Strong and effective regional leaders within government will be identified and utilised.

The whole-of-government accountability framework adopted for LDM also:

- gives agencies clear program goals and obligations;
- uses existing whole-of-government coordination arrangements rather than create new ones;
- is light-handed, using informal communication channels to share information and ideas;
- establishes accountability arrangements outside existing agency line management structures; and
- is decentralised, with cross agency collaboration, information sharing and coordination occurring primarily at the regional level.

The NSW Government

Premier’s Memorandum M2015-01-Local Decision Making states the intent of LDM and outlines the roles and responsibilities of NSW Government agencies in supporting LDM.

It directs NSW Government agencies to work respectfully, constructively and cooperatively with Aboriginal regional alliances, to develop Accords. Agencies are obligated to adhere to the principles of LDM, to negotiate openly and in good faith, and to share service provision and indicator data with Aboriginal regional alliances.

The OCHRE Good Governance Guidelines also incorporate the governance of government and acknowledge the role of government in establishing enabling policies and frameworks, funding mechanisms and downwards accountability arrangements, which are fundamental to the success of LDM.

The following operational and accountability framework has been established for LDM:

- The Premier’s Memorandum set an expectation that agencies will negotiate with regional alliances in good faith, in a timely, open and honest manner, and deliver the agreed actions, programs and investment negotiated and agreed through Accords.
- A Lead Officer will be appointed for each Accord negotiation (nominated by the Regional Leadership Groups (RLGs)). The nominated senior government officer will have a track record in collaboration, problem solving and delivery. They will be responsible for bringing agencies to the table for Accord negotiations, brokering collaborative responses across agencies to the issues identified by regional alliances and co-ordinating ongoing Accord commitments.
- A Task Group made up of NSW Government agencies and regional alliances will be convened once an Accord is negotiation to oversight the delivery of Accord commitments and deliverables.



- The NSW Department of Premier and Cabinet (DPC) will lead service delivery reform and change management across the NSW Government. The DPC will also oversee line agency participation in LDM.
- NSW Treasury will establish flexible funding arrangements for each LDM location, to enable a re-direction of government spending (if required) consistent with Accord priorities. The mechanism will be ready for implementation in the initial communities from year two.
- Government agencies have a positive obligation to find solutions and share information with regional alliances.
- The Secretaries Board will oversee the operation of LDM for the NSW Government. This includes receiving regular reports on how LDM is progressing, and making adjustments as necessary. The Secretaries, through the Secretaries Board, will also approve and commit to the Accords that each regional alliance or Board of Management develops with agencies.
- Aboriginal Affairs is the lead agency for LDM and is responsible for overall co-ordination. Through its Head of Agency, Aboriginal Affairs will liaise and troubleshoot; escalating issues with agency heads and cluster Secretaries if issues cannot be resolved regionally. Aboriginal Affairs will also co-ordinate information sharing, and encourage collaboration and change management across agencies. This will include regular updates, phone conferencing and informal liaison, and as well as a regular workshops for agency staff directly working with regional alliances.
- Regional Leadership Groups (RLGs) are existing regionally based cross government co-ordination groups, made up of senior agency staff. RLGs will be directly responsible for the regional delivery of LDM Accord commitments. Senior agency staff will be expected to work with the Lead Officer and Aboriginal communities by participating and engaging with, and responding to, community priorities. In negotiating the Accords with communities, they will also need to take into account agency resourcing and existing government commitments.
- Agency staff involved in Accord negotiations must have sufficient delegation and decision-making power so they have the authority to respond flexibly and innovatively to the needs and aspirations of the LDM communities.

Regional alliances

Regional alliances operational arrangements are a matter for regional alliances to decide. However the Aboriginal communities represented by the regional alliance and the NSW Government will need to be confident that the regional alliance practices good governance.

To strengthen governance arrangements, LDM will invest in regional alliances capacity. Aboriginal Affairs and other agencies may fund capacity strengthening activities including mentoring and training, leadership, financial management and strategic planning and more.

Regional alliances will step through levels of responsibility and accountability as they demonstrate good governance capabilities.



NSW Coalition of Aboriginal Regional Alliances

The NSW Coalition of Aboriginal Regional Alliances (NCARA) is comprised of Chairpersons from each of the NSW Aboriginal Regional Alliances established to have an increased say in government service delivery, exchange ideas and consider common issues, as well as providing leadership and advocacy where and when necessary. As a core constituent of Local Decision Making under *OCHRE* NCARA operates as an independent forum that broadly represents Aboriginal communities and their priorities in an open, honest and informed environment.

The primary function of the NCARA is to:

- Advocate on issues that relate to delivery of services to Aboriginal people;
- Promote discussion and consider common issues;
- Identify risks and opportunities;
- Strategically plan for the future needs of Aboriginal communities;
- Coordinate and collaborate on priorities across regions; and
- Support the aspirations and achievements of regions, including providing mutual support for participating and emerging regional alliances.

The primary focus of the NCARA is strategic, providing leadership, proactive solutions and policy advice to government. It promotes the application of good governance principles and self-determination to facilitate positive outcomes based on informed decision making and good practice.

The NCARA will address and advocate on issues arising from or identified by constituent regional alliances and does not make decisions that impinge on the autonomy of individual regional alliances.

NCARA will address issues at a state-wide/policy level, regional and community service delivery issues and consultation will be directed to relevant alliances. Discussion with the NCARA should not be seen as eliminating the need for direct consultation with alliances at a regional or community level.

The NCARA does not address issues that are clearly the responsibility of other peak organisations. This includes issues related to culture & heritage, native title, health, housing and traditional ownership.



Roles and Responsibilities

Who	Roles	Responsibility
Minister for Aboriginal Affairs	<ul style="list-style-type: none"> • Support • Oversight 	<ul style="list-style-type: none"> • Champion LDM within government • Oversee the implementation of OCHRE including LDM
Secretaries Board	<ul style="list-style-type: none"> • Approval • Oversight 	<ul style="list-style-type: none"> • Approve the cross-government accountability arrangements including the Premier's Memorandum and the Accords • Oversee the implementation of LDM through OCHRE
NSW Coalition of Aboriginal Regional Alliances	<ul style="list-style-type: none"> • Advocacy • Oversight 	<ul style="list-style-type: none"> • Advocate on issues that relate to delivery of services to Aboriginal people • Promote discussion and consider common issues • Identify risks and opportunities • Strategically plan for the future needs of Aboriginal communities • Coordinate and collaborate on priorities across regions • Support the aspirations and achievements of regions, including providing mutual support for participating and emerging regional alliances
Department of Premier and Cabinet	<ul style="list-style-type: none"> • Cross-government change management and service redesign 	<ul style="list-style-type: none"> • Manage the participation of NSW Government agencies and departments. • Coordinate service re-design where appropriate.
NSW Treasury	<ul style="list-style-type: none"> • Cross-government change management and service redesign 	<ul style="list-style-type: none"> • Develop flexible funding arrangements which can be implemented in LDM areas and allow a re-direction of NSW Government resources if required.
Aboriginal Affairs	<ul style="list-style-type: none"> • Establishment and set up • Brokerage • Support • Coordination 	<ul style="list-style-type: none"> • Lead the establishment and coordination of LDM • Encourage partnerships between agencies and Aboriginal communities in LDM locations • Support selected Aboriginal communities to strengthen their governance capacity



	<ul style="list-style-type: none"> • Monitoring and reporting 	<ul style="list-style-type: none"> • Work with and assist Government agencies and regional alliances/Boards of Management to determine priorities and develop Accords •
Regional alliance	<ul style="list-style-type: none"> • Priority setting and decision making 	<ul style="list-style-type: none"> • Form regional alliances and decide how it will work • Undertake capacity strengthening • Set short and medium community priorities • Demonstrate set governance criteria
Board of Management	<ul style="list-style-type: none"> • Priority setting and decision making 	<ul style="list-style-type: none"> • Form Board of Management • Develop long term Community Business Plan • Allocate and administer funds from pooled funding
Relevant NSW Government agencies	<ul style="list-style-type: none"> • Service mapping • Community engagement • Service re-design 	<ul style="list-style-type: none"> • Providing information to build a common understanding of the service system with Aboriginal communities / Board of Management • Negotiate and deliver Accord commitments • Undertake change management and skills development • Participate in service-redesign



Monitoring and Evaluation

In 2011, the NSW Government started a conversation with local Aboriginal communities' that resulted in the OCHRE initiatives. This important conversation is continuing and will form the basis on an evaluation of the OCHRE initiatives, including Local Decision Making (LDM). The design and implementation of this evaluation is being undertaken in consultation with regional alliances and will assess the overall performance of LDM.

A rigorous monitoring and reporting system will be developed, to ensure that the data collected can inform both the evaluation but also ongoing adjustments and improvements to LDM. The NSW Government produces annual reports on the implementation of *POCHRE*, including achievements and priorities for each of the initiatives. These reports can be accessed on the Aboriginal Affairs website.

LDM Accords will also stipulate monitoring and reporting requirements. NSW Government agencies and regional alliances will need to monitor and report on their progress and performance against each Accord, including:

- Accord priorities, activities and milestones, including meeting attendance;
- Regional alliances governance capacity in respect to specific governance principles;
- NSW Government agencies compliance with government accountability mechanisms and cultural competency;
- Strength of the partnership between NSW Government agencies and regional alliances.

NSW Government agencies are expected to report existing program or project data through the Accord monitoring and reporting processes.

LDM monitoring and reporting mechanisms will be:

- User friendly and accessible to all stakeholders including regional alliances and government who may be operating from home, the office or the field;
- Able to track progress, highlight achievements and tell a story about overall progress and performance; and
- Improve processes and inform decision making by capturing interaction, input and advice from the engagement process (such as meetings).



Legislative Framework

Regional alliances and NSW Government have identified the need for a long-term commitment to Local Decision Making, legislation has been proposed to embed this commitment.

The legislation could include things like:

- The role for the Minister of Aboriginal Affairs;
- Ensuring effective partnership between regional alliances or Boards of Management and the NSW Government;
- The establishment of pooled government funding and how Boards of Management can access and manage those funds; and
- Outlining financial and legal liability limitations for Board members.

Goals	Activities	Responsibility
Legislation passed	<ul style="list-style-type: none">• Discussion paper released• Community consultation• Legislation drafted and passed	Aboriginal Affairs and Parliamentary Counsel



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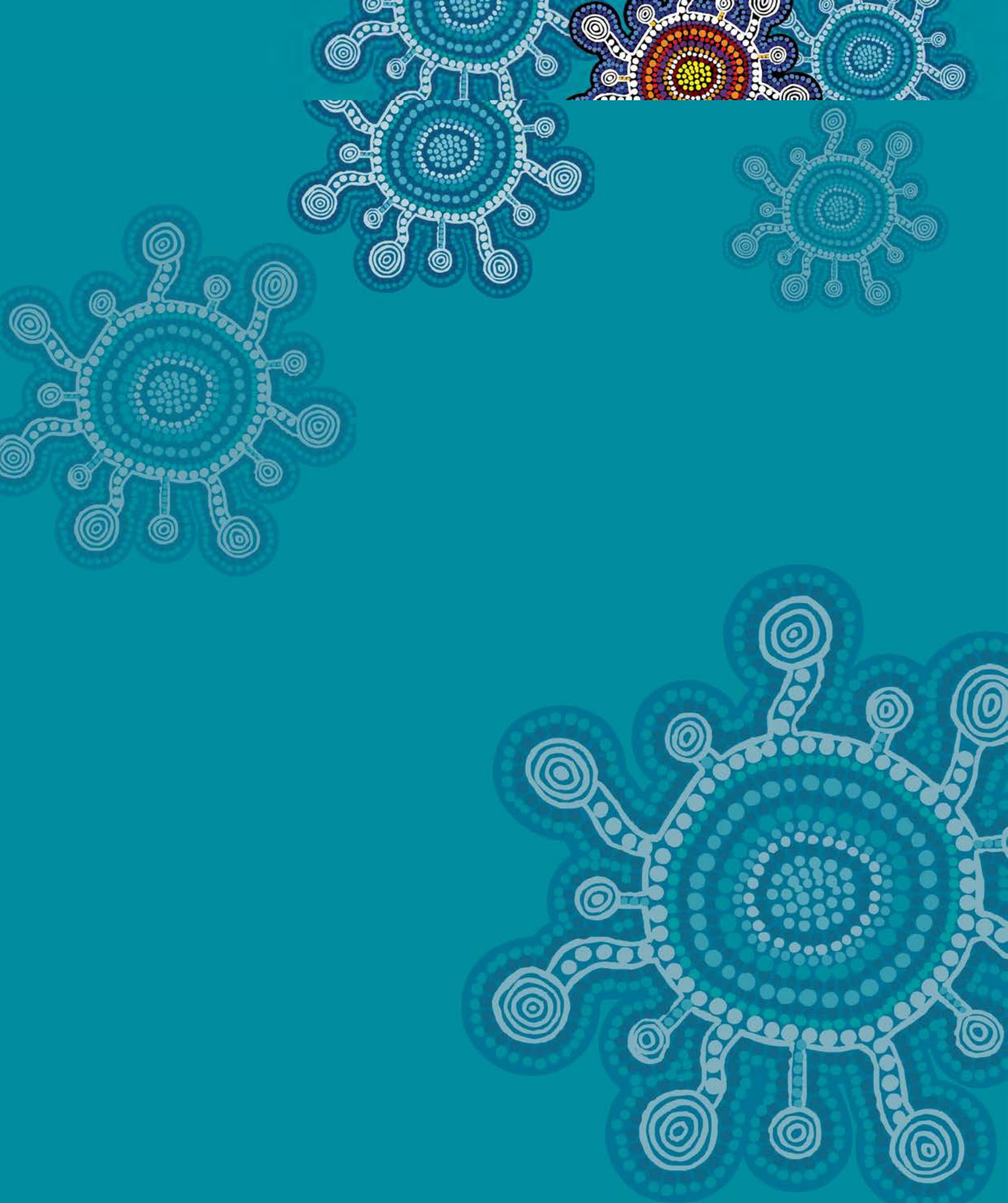
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*LOCAL DECISION
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