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OCHRE LOCAL DECISION MAKING STAGE 2 EVALUATION: NCARA–STATE ACCORD EVALUATION REPORT

D. HOWARD-WAGNER

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OCHRE Local Decision Making Stage 2 Evaluation: NCARA-State Accord Evaluation Report

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Abstract

The NCARA–State Accord is the first multi-regional Accord in New South Wales (NSW), making it an important milestone under the Local Decision Making (LDM) initiative, a key initiative under the *OCHRE* plan for Aboriginal affairs in NSW. It commits the NSW Government and the New South Wales Coalition of Aboriginal Regional Alliances (NCARA) to work together to support, renew and return Aboriginal peoples to prosperity. The NCARA–State Accord is a principle-based agreement centred around self-determination which provides a framework for collaboration between the two parties.

The NCARA–State Accord Evaluation Report is an **outcome evaluation**. It investigates if and how the NCARA–State Accord is achieving ‘what it set out to do’ in relation to transforming government and transforming relationships under the LDM initiative.

The first part of the report examines the outcomes of establishing a separate Aboriginal governance body, known as NCARA, at the state level under the LDM initiative and its role within the broader LDM governance network. It also evaluates the outcome of signing the NCARA–State Accord.

The second part of the report focuses on findings relating to transformational change around reclaiming, renewing, and returning Aboriginal people in NSW to prosperity, and transforming Aboriginal service delivery in NSW. It examines the outcomes of the NCARA–State Accord in terms of transforming government,

including improving working relationships, sharing decision making, improving service delivery ownership, and sharing data.

It finds that the NCARA–State Accord has fallen short in practice, particularly with respect to public sector engagement with NCARA. The report recommends improvements that would strengthen the way that NSW Government agencies engage with NCARA to achieve the intent of the NCARA–State Accord.

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

Acronyms

AANSW	Aboriginal Affairs New South Wales
ACCO	Aboriginal Community Controlled Organisations
ANU	Australian National University
ATSIC	Aboriginal and Torres Strait Islander Commission
CAEPR	Centre for Aboriginal Economic Policy Research
COAG	Council of Australian Governments
CTG	Closing the Gap
CTG 2020	(New) National Agreement on Closing the Gap
DCJ	Department of Communities and Justice (NSW)
DoE	Department of Education
GNL	Gudjagang Ngara li-dhi Aboriginal Corporation (Central Coast)
IWAAC	Illawarra Wingecaribee Alliance Aboriginal Corporation
IYLP	Indigenous Youth Leadership Program
KPI	Key Performance Indicator
LDM	Local Decision Making
MOU	Memorandum of Understanding
MPRA	Murdi Paaki Regional Assembly
NACCHO	National Aboriginal Community Controlled Health Organisation
NCADA	North Coast Aboriginal Development Alliance
NCARA	New South Wales Coalition of Aboriginal Regional Alliances
NRAA	Northern Region Aboriginal Alliance
NSW	New South Wales
NSW CAPO	Coalition of Aboriginal Peaks Organisations
<i>OCHRE</i>	Opportunity, Choice, Healing, Responsibility, Empowerment

RADA	Regional Aboriginal Development Authority
RMRA	Riverina Murray Regional Alliance
TRRA	Three Rivers Regional Assembly
TWA	Tribal Wave Assembly

Contents

Acronyms	6
Tables	8
Figures	9
Executive Summary	10
Recommendations	18
Background	20
Findings	31
Part 1. NCARA and the NCARA–State Accord	31
Part 2. Transforming government and empowering communities	49
Discussion	68
Recommendations	88
Conclusion	90
References	93
Appendix 1 The NCARA–State Accord evaluation approach: Methodology and method	99
Appendix 2 Signed NCARA–State Accord	Error! Bookmark not defined.
Appendix 3 NCARA–State Accord Schedule One	Error! Bookmark not defined.
Appendix 4 NCARA–State Accord Schedule 2	Error! Bookmark not defined.
Appendix 5 NCARA–State Accord Schedule 3	Error! Bookmark not defined.

Tables

Table 1	The membership and location of Aboriginal Regional Alliances/Assemblies participating in the LDM initiative, updated May 2023	30
Table 2	Deliverables outlined in NCARA's Strategic Plan	48
Table 3	Interview extracts around the theme of shared decision making	55
Table 4	Interview extracts around government data sharing	62
Table 5	Interview extracts around the theme of transforming government	64
Table 6	Interview extracts around the theme of systemic change	65
Table 7	OCHRE LDM Evaluation Plan results logic	71

Table 8	NCARA–State Accord Evaluation results logic	72
Table 9	Shared decision making indicators of change compared with findings	78
Table 10	Consultation, shared decision making and Local Decision Making models of engagement	81
Table 11	Remodelling the IAPP’s Public Participation Spectrum (Andrew et.al, 2017, p. 11): Increasing the impact of decision making under the NCARA–State Accord	81
Table 12	Transformational change going forward: Indicators, enablers, and potential future outcomes	83
Table 13	Example of how the NCARA–State Accord Evaluation interview data was turned into codes	106

Figures

Figure 1	OCHRE LDM Stage 2 Methodology, approach, data collection methods, participants, and data analysis methods	12
Figure 2	LDM Overview	28
Figure 3	NCARA, who is involved, roles and responsibilities	33
Figure 4	Local Decision Making governance network	41
Figure 5	The governance of government and transformational change	42
Figure 6	Summary of LDM governance principles identified in key LDM policy documents	42
Figure 7	NCARA’s Strategic Plan	Error! Bookmark not defined.
Figure 8	A framework for creating change	69
Figure 9	Key barriers for transformational change	74
Figure 10	Four key areas of transformational change around leadership	74
Figure 11	Nous Group continuum of collaboration	80
Figure 12	OCHRE Accountability Framework	84
Figure 13	Accountability framework under the LDM initiative	86
Figure 14	OCHRE LDM Stage 2 Methodology, approach, data collection methods, participants, and data analysis methods	100
Figure 15	Transformational change characteristics evaluated	104
Figure 16	The five questions for evaluation of transformational change under the NCARA–State Accord	106
Figure 17	Example of thematic coding of data around shared decision making, transforming government, and transforming relationships	107

Executive Summary

Scope of the Stage Two *OCHRE* Evaluation

The Australian National University (ANU) Centre for Aboriginal Economic Policy Research (CAEPR) was commissioned by Aboriginal Affairs New South Wales (AANSW) to conduct the second phase of the co-designed evaluation of Local Decision Making (LDM), an initiative under the *OCHRE* (Opportunity, Choice, Healing, Responsibility, Empowerment) plan for Aboriginal affairs in New South Wales (NSW). The Stage Two Evaluation is an **outcome evaluation**, investigating if and how each *OCHRE* LDM initiative is achieving 'what it set out to do'. This co-designed, participatory evaluation has taken place over four years from 2020 to 2023¹, across five NSW regions, represented by five 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.

This is the report of the findings of the *OCHRE* LDM Stage Two Evaluation of the NCARA–State Accord (state Accord). As an outcome evaluation, this evaluation focuses on the broader picture of whether the state Accord is achieving 'what it set out to do' in relation to transforming government and transforming relationships under the LDM initiative (Howard-Wagner & Markham, 2023).

What is meant to change?

While remaining independent of government, NCARA sought to be an equal partner and share decision making with the NSW Government around reclaiming, renewing, and returning Aboriginal peoples in NSW to prosperity. The negotiated Accord between NCARA and the NSW Government – signed by the Chair of NCARA and then Minister for Aboriginal Affairs, The Hon. Sarah Mitchell MLC for the NSW Government on February 27, 2019 – commits both parties, as equal partners, to doing just that.

The state Accord is about the big picture – it recognises that the wellbeing and prosperity of Aboriginal communities across the state is a shared issue. The Accord outlines several objectives, including supporting the wellbeing and prosperity of Aboriginal peoples and communities by ensuring Aboriginal communities participate in the co-design, delivery, and implementation of services and projects; ensuring equity and opportunity for Aboriginal peoples across NSW by expanding the LDM footprint; sharing information and data on outcomes to inform decisions about service design and delivery; and strengthening relationships between Aboriginal communities and government through knowledge sharing, joint decision making, co-design, and informed consent (NCARA & NSW Government, 2019, p. 2–3).

The state Accord sets out how the NSW Government and NCARA will work together to achieve this end. The state Accord 'is underpinned by a commitment to respectful relationships and recognition of the need to heal the hurt and injury caused by past government policies' (NCARA & NSW Government, 2019, p. 1). It recognises that NCARA has entered the Accord on behalf of its Regional Alliances/Assemblies and agrees to work in partnership with the NSW Government to meet the terms of the Accord (NCARA & NSW Government, 2019, p.

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.

2). It also 'recognises the need to foster collaboration and deliver outcomes through co-design... [and that NCARA] and the NSW Government seek to uphold the principles of local decision making by ensuring Aboriginal communities fully participate in the design, delivery and implementation of services and projects' (NCARA & NSW Government, 2019, p. 1). The Accord is 'based on the principle of self-determination' (NCARA & NSW Government, 2019, p. 1).

NCARA has laid the foundations for collaborating with government at the state level around reclaiming, renewing, and returning Aboriginal peoples in NSW to prosperity and transforming Aboriginal service delivery in NSW. Government transformation around service delivery, including sharing decision making, improving working relationships, transferring ownership of service delivery, strengthening their accountability, cultural competence and responsiveness to Aboriginal needs and aspirations, and sharing information and data, are central to achieving this end. The evaluation assesses the effectiveness of the state Accord in achieving these outcomes and producing such change.

To do so, this evaluation undertook a detailed stakeholder analysis and review of systemic and structural issues shaping the implementation of the state Accord as a process of transformational change in relation to changing relationships, sharing decision making, transferring service delivery ownership, and sharing data. From this, the evaluation finds that, while the state Accord as an agreement between NSW Government and NCARA provides the basis for an equal partnership and shared decision making, NCARA's engagement with senior public officials has not led to systemic improvement in the way that those public officials engage with it as a state-wide Aboriginal governance body. On the whole, senior public officials predominately still operate in an outdated engagement framework with NCARA. The working relationships between NSW Government agencies and NCARA remains predominately consultative.

The evaluation also finds that the state Accord has only catalysed ad hoc change. Overall systemic and cultural transformation is stymied at present due to the lack of operational responsibility and accountability around the state Accord and the LDM initiative within government. Structural constraints and systemic biases exist with and in the 'authorising environment' of the NSW public sector. Those structural impediments and systemic biases hinder and weaken the state Accord as a mechanism for reclaiming, renewing, and returning Aboriginal peoples in NSW to prosperity and transforming service delivery in NSW. Of note is the lack of leadership around the LDM initiative, as well as the lack of change in the way that public officials engage with NCARA. While working relationships have improved, occasions where shared decision making has occurred is limited to three examples.

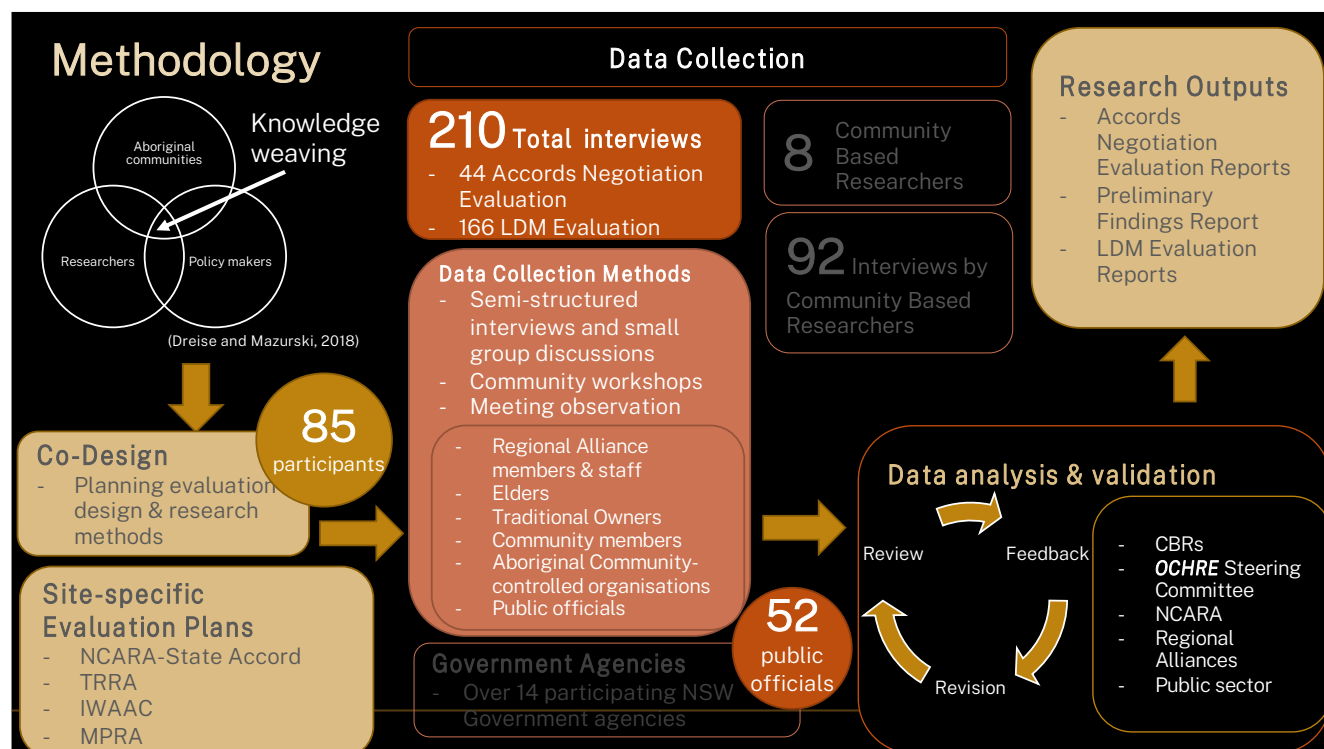
Three separate state Accord Schedules with NSW Department of Education, NSW Department of Communities and Justice, and the NSW Police Force have been signed, but remain to be satisfactorily actioned (see Appendices 4, 5 & 6). The NSW Department of Communities and Justice is in the process of negotiating a new Schedule with NCARA in relation to care and protection. AANSW and NCARA have also commenced negotiating a fifth Schedule.

Co-designed research approach

The *OCHRE* LDM Stage Two Evaluation has been co-designed with participating Aboriginal Regional Alliances/Assemblies, their communities, and representatives from NSW Government agencies (see Figure 1). The co-design approach was comprehensive, covering all stages of the evaluation process from evaluation design to data analysis and reporting. The initial co-design process for each site-specific evaluation took over 24 months (2019–2021), a period which also involved some data collection. All co-designed evaluations produced site-specific evaluation and fieldwork plans and data management plans which were approved by

AANSW prior to commencing the evaluation proper. During 2022, working in close collaboration with participating Aboriginal Regional Alliances/Assemblies and NCARA, CAEPR researchers evaluated *OCHRE* LDM as a whole in three LDM sites and with NCARA, as well as across a range of NSW Government agencies. Those two phases were iterative and overlapping. Figure 1 presents an overview of the methodology, approach, data collection methods, participants, and data analysis method. Appendix 1 is a detailed explanation of the methodology, the co-design process, the methods adopted for collecting data, and the technique adopted for analysing it.

Figure 1 *OCHRE* LDM Stage 2 Methodology, approach, data collection methods, participants, and data analysis methods



Evaluation questions

The evaluation of the state Accord 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 region participating in the Stage Two *OCHRE* LDM Evaluation.

Summary of Key Findings

The state Accord is the first multi-regional Accord in NSW, making it an important milestone under the LDM initiative. It commits the NSW Government and NCARA to work together to support, renew and return Aboriginal peoples in NSW to prosperity. The state Accord is a principle-based agreement which provides an overall value framework for collaboration between the two parties centred around self-determination. It 'recognises that Aboriginal leaders and communities understand their own needs and have the ability to develop and manage their own solutions' (NCARA & NSW Government, 2019, p. 1). The Accord is 'underpinned by a commitment to respectful relationships and recognition of the need to heal the hurt and injury caused by past government policies. Both parties, through this Accord, commit to respectful consultation, collaboration, and negotiation to co-design solutions' (NCARA & NSW Government, 2019, p. 1).

The findings of the state Accord evaluation are set out in two parts.

Part 1. NCARA and the NCARA–State Accord

The first part of the report examines the outcome of establishing a separate Aboriginal governance body, known as NCARA, at the state level under the *OCHRE* LDM initiative, and the importance of this Aboriginal governance body to the LDM governance network. It also evaluates the outcome of the NSW Government and NCARA negotiating and signing the state Accord. There are three findings presented in this section of the report:

Finding 1. As an Aboriginal governance body, NCARA is a network of Aboriginal Regional Alliances/Assemblies. It is a voluntary, self-organised, autonomous, self-determining, unincorporated Aboriginal body independent of government. It was established by Chairs of Aboriginal Regional Alliances/Assemblies to advocate on behalf of LDM regions and communities.

Finding 2. The LDM governance network is a notable example of how multilevel governance can function around Aboriginal policy from the ground up to the state.

Finding 3. The state Accord establishes a collaborative partnership between the NSW Government and NCARA on behalf of LDM communities. It formalises this Aboriginal–state relationship through agreement-making, providing government with the opportunity to formally collaborate with a high-level representative Aboriginal governance body to work with, to achieve the state Accord objective of reclaiming, renewing, and returning Aboriginal peoples in NSW to prosperity and transforming Aboriginal service delivery in NSW.

The findings are based on the observation that NCARA commenced as a stand-alone network of Aboriginal Regional Alliances/Assemblies, who came together to share knowledge and expertise between the LDM

regions. NCARA is a partner with the NSW Government in developing of the state Accord and furthering the objectives of the LDM policy initiative in LDM communities across NSW. It was the NSW Government and its agencies that reached out to NCARA seeking to bring it into the LDM governance network and work with it around progressing the LDM initiative.

The report finds that the incorporation of NCARA into the LDM governance network is in line with the principles and objectives of LDM. NCARA explains its role in the LDM governance network as that of an advocacy body that elevates the voice of Aboriginal peoples in the regions to the level of the state around service delivery, Closing the Gap (CTG), and Aboriginal affairs policy in NSW. NCARA further describes its role as collaborator and partner with the NSW Government in reclaiming, renewing, and returning Aboriginal peoples to prosperity in NSW as per the signed NCARA–State Accord.

NCARA's creation in and of itself provided an opportunity for transformational change around LDM in that its formation offered government with a high-level representative Aboriginal governance body to work with to achieve LDM's intent. The formation of NCARA created a wider, interconnected governance network between two collaborative elements:

- an Aboriginal governance arrangement centralised at the regional level, which works from the community up to the regional level and then representatives from those regions work together at the state level
- a strong horizontal and vertical cross-government arrangement among NSW Government agencies.

NCARA shows vertical integration through its connections from local to state levels with NSW Coalition of Aboriginal Peaks Organisations, local-regional organisations and local community members who are not part of an organisation, as well as government decision makers at all levels. NCARA shows horizontal integration through its focus on a broad range of issues covering multiple portfolios. For example, NCARA provides an important opportunity for NSW Government agencies to adopt what government would call a cross-‘cluster’ approach and boosting innovation in Aboriginal service delivery in NSW.

NCARA's formation thus provided structural and organisational benefits in that it has improved the LDM governance, providing government with a representative body to work with at the state level. It has created a new relational dynamic, which has been attained through NCARA working with NSW Government in a new social, political, and institutional space under the LDM initiative where the common experiences of LDM regions and communities are shared and innovative solutions are potentially co-developed at the level of the state.

In negotiating, agreeing to, and signing an Accord with NSW Government, NCARA has laid the foundations for collaborating with government at the state level. The state Accord is a joint commitment by the NSW Government and NCARA to work together and with Aboriginal peoples to reclaim, renew and return Aboriginal peoples to prosperity by:

- ensuring Aboriginal communities participate in the co-design, delivery and implementation of services and projects, and
- sharing information and data to inform decisions about service design and delivery.

The signing of the state Accord signalled the beginning of a formal three-year process of negotiation between NCARA and the NSW Government.

NCARA is in a strong position to work with the NSW Government to achieve the state Accord objectives. It is a high-level representative Aboriginal governance body consisting of Aboriginal leaders with community standing

and authority. NCARA members are community leaders who are committed and empowered to reclaim, renew, and return Aboriginal peoples in NSW to prosperity by shifting decision making about government service delivery in LDM regions from central and top-down approaches to the grassroots where people live.

NCARA is achieving its objective of elevating the voice of Aboriginal peoples in the regions to the level of the state around service delivery, CTG, and Aboriginal policy in NSW.

Going forward, NCARA is seeking to also be formally recognised as an advocacy body, which is engaged by and informs:

- (a) the NSW Government, NSW Government agency senior executives, and the Coalition of Aboriginal Peaks leadership on the design and function of the CTG initiatives in LDM regions, and
- (b) the NSW Government and its agencies on state-wide Aboriginal policy matters, such as Voice and Treaty.

Part 2. Transforming government: improving working relationships, sharing decision making, transferring ownership of service delivery, and sharing data

Finding 4. The Local Decision Making model and the state Accord have operated as a mechanism to change working relationships between NCARA and the NSW Government and public officials. However, those working relationships are not yet as agreed under the signed state Accord.

It is a finding of the evaluation that having NCARA and the LDM Executive Sponsors Group working together at the state level has **improved working relationships** under LDM. It has enhanced the social capital and leadership capacity of Chairs of Aboriginal Regional Alliances/Assemblies. NCARA plays an important advocacy role in the Aboriginal policy landscape.

However, those working relationships are not yet as agreed under the signed state Accord. The state Accord sets out the nature of the relationship between NCARA and the NSW Government, committing the NSW Government and its agencies to 'respectful consultation, collaboration, and negotiation to co-design solutions' (NCARA & NSW Government, 2019, p. 2). It defines the relationship as one in which 'NCARA and the NSW Government will meet and work together based on principles of: knowledge sharing, joint decision making, co-design and informed consent' (NCARA & NSW Government, 2019, p. 3).

The working relationship is not yet one in which NSW Government agencies are engaging in collaboration and negotiation to co-design solutions or one in which the principles of shared decision making, co-design, or informed consent drive engagement between NCARA and those agencies.

Finding 5. Despite the existence of the signed state Accord, the Local Decision Making model and the state Accord-making process has not empowered Aboriginal communities to share decision-making authority with the NSW Government and its agencies to progress their aspirations. The signed state Accord has not catalysed change within the NSW public sector. It is the capacity of government to transform the way it works that is impeding change.

It is a finding of this evaluation that **shared decision making** is rarely practiced between NCARA and the LDM Executive Sponsors Group and representatives of that group on behalf of individual NSW Government agencies at the state level. Examples of **shared decision making** between NCARA and NSW Government agencies are limited to three instances: the states coordinated response to COVID-19 in LDM communities, which was

Indigenous-led; the establishment of an Aboriginal unit in NSW Treasury, which was a shared decision; and changes to discretionary fines in relation to the wearing of bicycle helmets, which NCARA influenced.

Despite the state Accord, the form that government engagement generally takes with NCARA is that of two-way discussion, learning and dialogue. NCARA is treated as an advisory council or interest group that is predominately consulted by the LDM Executive Sponsors and NSW Government agencies. Consultation versus collaboration and shared decision making are different points on the continuum of engagement, with public officials erring toward consultation rather than shared decision making. While this level of engagement provides some opportunity for NCARA, Regional Alliances/Assemblies and LDM communities to contribute to Aboriginal public policy conversations at the state level around service delivery, their input is limited. This style of engagement does not privilege or facilitate shared decision making. This leaves NCARA feeling highly frustrated and let down. They know upfront what should be changing and how things should be different, and while engagement is occurring more frequently, there are not the envisaged shifts in the power and control of interactions.

Finding 6. There was no evidence found during this evaluation that the Local Decision Making model and the state Accord-making process have resulted in a transfer of ownership of service delivery programs to the Aboriginal community-controlled sector on the ground in LDM regions in NSW. Again, the capacity of NSW Government agencies to transform the way they work is impeding this. The state Accord commits the NSW Government to reclaiming, renewing, and returning Aboriginal peoples in NSW to prosperity, which was intended to be achieved through transforming Aboriginal service delivery in NSW.

Transferring service delivery ownership

The commitment to transferring ownership of service delivery programs to the Aboriginal community-controlled sector in NSW exists under LDM and the state Accord-making process, and it is reinforced through the NSW Government becoming a party to the new National Agreement on Closing the Gap (2020). Despite this there has been no overarching move on the part of NSW Government agencies to engage NCARA or Aboriginal Regional Alliances/Assemblies in service design or delivery, let alone conversations about the transfer of ownership of service delivery programs to the Aboriginal community-controlled sector in NSW.

Relationship between service delivery ownership and prosperity

While NCARA sees the fundamental objective of the signed state Accord is to work with NSW Government to return Aboriginal peoples in NSW to prosperity, it sees this as being achieved through service delivery (see pp. 58–59). The Accord recognises that service delivery is a means to prosperity. That is, service delivery has to be thought about in terms of community aspirations and as a path to prosperity. However, it believes that one of the greatest barriers around moving forward is the distinction between how public officials interpret the meaning and function of service delivery and how Aboriginal people interpret its meaning and function.

Finding 7. The ways in which NSW Government agencies are responding to the Local Decision Making model and the state Accord-making process is not strengthening their accountability, cultural competence and responsiveness to Aboriginal needs and aspirations.

LDM is meant to represent a shared third space in which solutions are co-created. It should operate as a site of cross-cultural engagement with public officials and NCARA working effectively across and between cultures. However, there is little evidence within the evaluation interview data that public officials are able to collaborate in cross cultural contexts. This is evident through the following:

- (a) public sector knowledge and practices are privileged over and above that of Aboriginal knowledge and practices
- (b) while NCARA's knowledge is valued, its knowledge is treated as input and the Regional Alliance/Assembly Chairs who sit on NCARA, like Walden & Dennis observe in another context, 'are rarely recognised as the rightful local decision makers' (Walden & Dennis, 2014, p. 11, cited in Brown, 2019, p. 402)
- (c) power relationships remain entrenched in the relational dynamics between NCARA and public officials, and
- (d) public officials and agencies are not responding appropriately to NCARA in terms of changing the way they work.

It is a finding of this evaluation that the NSW Government, and senior public officials on its behalf, have not given attention to broader questions of how the LDM model and the state Accord making process can (a) strengthen cultural competence and responsiveness to Aboriginal needs and aspirations, or (b) improve and put in place reporting arrangements, lines of authority, and administrative structures to facilitate accountability under the LDM initiative, particularly in relation to the progressing of signed Accords and Schedules.

Importantly too, neither the *OCHRE* plan nor the LDM initiative has a monitoring framework in place. There is no mechanism for monitoring the responsiveness of NSW Government and its agencies to Aboriginal needs and aspirations. There is no formal accountability mechanism for assessing whether cultural competence has improved. There is no formal mechanism for measuring how responsive NSW Government and its agencies are to the state Accord or its Schedules.

This is a significant oversight on the part of the NSW Government and its agencies given the move under Priority Reform Three of the National Agreement on Closing the Gap (2020) to 'identify, develop, or strengthen an independent mechanism, or mechanisms, that will support, monitor, and report on the transformation of mainstream agencies and institutions' (NIAA, 2023, p. 1). The intent of a monitoring framework under CTG 2020 is for 'the mechanism, or mechanisms, [to] support mainstream agencies and institutions to embed transformation elements, and monitoring their progress' (NIAA, 2023, p. 1). Such an approach should not be limited to one aspect of Aboriginal policy in NSW (i.e., to CTG 2020), but should apply across all Aboriginal policy and initiatives in the state, including the *OCHRE* plan and the LDM initiative. The existence of such arrangements, including a monitoring framework, could be the key to strengthening the responsiveness of NSW Government agencies to Aboriginal needs and aspirations under the LDM initiative.

Finding 8. The Local Decision Making model and the state Accord-making process have facilitated access to regional and state-wide data and information to support context specific decision making on an ad hoc basis, but that form of access has been limited to specific initiatives and it has not extended to the provision of local and regional data and information to support decision making and Indigenous data sovereignty.

Systematic efforts to provide NCARA with access to timely, up-to-date data are wanting. While there are accounts of NSW Government agencies providing presentations to NCARA sharing information and data, no individual agency, cross-agency, or even systematic efforts have been made to provide NCARA with access to timely, up-to-date, interpretable data to inform its decision making. Public officials provide many reasons as to their lack of capacity around data sharing.

The commitment to providing NCARA and Aboriginal Regional Alliances/Assemblies with equal access to local and regional data and information to support decision making and Indigenous data sovereignty could be realised through the NSW Government and NCARA entering a formal plan around sharing data. The

development of this formal plan should be an Indigenous-led process focused on identifying the needs of NCARA and Aboriginal Regional Alliances/Assemblies and include a commitment to Indigenous data sovereignty.

Finding 9. The state Accord has not catalysed change within the NSW Government and its agencies. There is a consensus among high-level public officials charged with working with NCARA that government transformation has been difficult to achieve around the implementation of the state Accord. All parties identify the challenges as occurring within the public sector. A shortfall in public sector leadership, governance, and transformative execution around the LDM initiative most likely accounts for the absence of widespread government transformation around the LDM initiative.

Systemic transformation around engagement with NCARA under the state Accord in terms of reclaiming, renewing, and returning Aboriginal peoples to prosperity is stymied at present due to a lack of centralised leadership and operational responsibility. Government engagement is limited to the Accord Schedules and even engagement around those is poor. A shortfall in public sector leadership, governance and transformation around the state Accord is most likely due to the absence of widespread internal transformation needed around the LDM initiative.

Recommendations

Recommendation 1 – Clarifying and strengthening the role of NCARA

That clauses be added to the NCARA–State Accord recognising the following:

- a. NCARA is a collaborative partner who shares decision making and provides strategic leadership, proactive solutions, and policy direction to government in driving the envisaged transformational change under LDM and the NCARA–State Accord.
- b. NCARA is a key Aboriginal stakeholder body in NSW who has the right to advocate and who has the right to engage in decision making with NSW Government and the NSW Coalition of Aboriginal Peak Organisations around the delivery of the *2022–2024 NSW Implementation Plan for Closing the Gap* (NSW Government, 2022 – see, e.g., the National Agreement on Closing the Gap clauses on inclusion such as 32 c) iv, vi, 34 and 44).
- c. NCARA is a key Aboriginal stakeholder body in NSW who has the right to advocate and that has the right to engage with the NSW Government and the NSW Coalition of Aboriginal Peak Organisations around the development and implementation of policy related to Aboriginal service delivery in NSW. Also, that similar clauses be added to NCARA's terms of reference.
- d. That the capacity of NCARA be strengthened through government investment that enables it to take a strong leadership role in LDM and the *OCHRE* Strategy in NSW more broadly.
- e. That AANSW continue to fund the secretariat supporting NCARA, its travel, accommodation, and other expenses, but that NCARA's secretariat become an autonomous body.
- f. That one of the incorporated Aboriginal Regional Alliances/Assemblies auspice the NCARA secretariat.
- g. That NCARA's capacity be strengthened through relevant law, policy, budgetary and data workshops as necessary to ensure that it has the relevant knowledge it needs to engage with and inform the NSW Government and its agencies on a given matter, as well as advise and guide its regional and community governance bodies on decisions in relation to a given matter.

- h. That NCARA commission a review of its operation in line with its Terms of Reference at least every 3–5 years to consider its strengths and weaknesses around achieving its strategic function to provide leadership, proactive solutions, and policy direction to government.

Recommendation 2 – Leadership

- a. That there be a whole of government commitment to formal cross-agency collaboration among LDM Executive Sponsors around transformational change under LDM in line with its principles and objectives, and
- b. 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 and has carriage for driving, leading, and ensuring the transformational change needed to achieve the objectives of LDM on behalf of their agency
 - (ii) that each member 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 have carriage for driving and leading cross-agency collaboration and working with NCARA, Aboriginal Regional Alliances/Assemblies and LDM communities to achieve transformational change and the objectives of LDM.

Recommendation 3 – Shared decision-making strategy

- a. That a co-designed shared decision-making strategy be developed between the Executive Sponsors Group and NCARA.
- b. That the co-designed shared decision-making strategy promote the application of good governance principles and self-determination to facilitate meaningful collaboration and co-design, to achieve positive outcomes based on informed decision making and good practice.
- c. That the strategy provides clear guidelines and expectations to:
 - (i) facilitate meaningful collaboration and co-design
 - (ii) achieve positive outcomes based on informed decision making and good practice, and
 - (iii) achieve partnership, and shared decision making in Accord agreement making/negotiations and in all decision making around service delivery in LDM regions.
- d. That the devolution of service delivery control to LDM regions and their communities, and local decision making be a fundamental objective of that framework, including benchmarks and indicators for moving to that stage.
- e. That, in the interim, NSW Government agencies immediately move to greater shared decision making with NCARA, Aboriginal Regional Alliances/Assemblies, and their communities in their identified priority areas as outlined in the Statements of Claim and Accords.

Recommendation 4 – Measuring performance

- a. That NCARA and the Senior Executive Board/Group work together to define and develop key measures of success and performance indicators around shared decision making and transforming government

which include sharing power, improving working relationships, strengthening cultural competence (or even moving to cultural safety as the benchmark in line with Priority Reform Three under the National Framework for Closing the Gap), and responsiveness within the NSW public sector to Aboriginal needs and aspirations under LDM; and identify appropriate management actions where there are positive or negative variances from projected performance measures and indicators.

- b. That NCARA and the NSW Government consider authorising implementation of the Instrument to Measure Change (see Yap, *in press*) to measure working relationships every six months, and those results be used as a baseline indicator for establishing whether working relationships are improving under LDM. That that data be mapped alongside the baseline indicators to track whether relationships are improving or deteriorating over time. If relationships are becoming progressively worse over two time periods, then a review be undertaken by AANSW as to why.
- c. That NCARA and the Senior Executive Board/Group work together to develop a formalised plan for sharing data, including a clear set of rules and guidelines, under a Data Governance Framework, to manage and use data effectively. The Data Governance Framework should match the state Accord and include steps, roles, and ways to ensure accountability for handling local data in a culturally safe and respectful and community-focused way.

Recommendation 5 – Reporting

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

Background

OCHRE and Local Decision Making

Local Decision Making (LDM) is one of eight initiatives supported by the NSW Government as part of its OCHRE (Opportunity, Choice, Healing, Responsibility, Empowerment) plan. The stated purpose of LDM is to 'give Aboriginal community-based regional decision-making groups (Regional Alliances) an increased say in government service delivery' (AANSW, 2017a, p. 5).

According to the Local Decision Making Information Package published by Aboriginal Affairs NSW (AANSW), its 'ultimate aim is to ensure Aboriginal communities have a genuine voice in determining what and how services are delivered to their communities' (AANSW, 2017a, p. 1). The same document states that 'Accords are the mechanism for re-defining the relationship between the NSW Government and Aboriginal Regional Alliances' (AANSW, 2017a, p. 2). The intent is for NSW Government agencies to change the way they work with Aboriginal communities, working in partnership with participating Aboriginal Regional Alliances/Assemblies to build community strengths and address key priorities, as well as change the way NSW Government agencies design, fund, and implement their services and programs (AANSW, 2017b, p. 9). It requires NSW Government agencies and staff 'to respond to community needs and priorities, changing the way they work, and developing new ways of doing business' (AANSW, 2017b, p. 9).

How *OCHRE* and Local Decision Making began

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

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

Purpose of Local Decision Making

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

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

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

Local Decision Making leads the way nationally

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

The Northern Territory has adapted LDM to its own context in its ‘Local Decision Making’ policy (NT Government, n.d; Northern Territory Government & Anindilyakwa Land Council, 2018).

Queensland’s ‘Local Thriving Communities’ initiative also owes an intellectual debt to LDM in NSW (QLD Government, 2022).

Similarly, the Australian Government-commissioned Final Report of the ‘Indigenous Voice Co-design Process’ explicitly draws on LDM in NSW in its design of Local and Regional Voices (JSCCRATSIP, 2018). These Local and Regional Voices are intended ‘to enable Aboriginal and Torres Strait Islander people in every community to have a greater say in public policy, programs and service delivery affecting their lives through shared decision making in partnership with governments’ (Langton & Calma, 2021, p. 35).

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

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

The *OCHRE* LDM initiative is designed to ensure that NSW Government agencies and communities work together differently. NSW Government agencies have committed to working in new ways. NCARA and individual Aboriginal Regional Alliances/Assemblies, as representatives of communities, work alongside governments to design and implement outcomes that are identified by and with communities in LDM regions. This new approach is about embracing Indigenous ways of knowing, being and doing. Transformation is about governments and Indigenous communities finding ways to work together to share decision making. For NSW Government agencies, this means relinquishing old methods and paradigms, and coming to the table willing to not only listen, learn, but also to start new conversations, share ideas and expertise and commit to developing solutions together.

The Local Decision Making vision

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

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

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

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

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

The transformative elements of Local Decision Making

LDM fits neatly into a new national policy approach given its focus on transforming Aboriginal service delivery arrangements, transforming how government works, and transforming relationships. The core elements of transformational change are empowering communities to share decision making around service delivery, transferring the ownership of services to communities, changing working relationships, strengthening government accountability, and sharing data.

Transformational change under the LDM initiative is about altering the fundamental attributes of the system. It is about cultural (individual/institutional), systemic (institutional) and attitudinal change (individual). Taking a systemic view, the LDM initiative plans for transformations at many levels from the community up to the state level around Aboriginal service delivery. It endeavours to empower local communities. Transformational change

at the community level is inseparably interconnected with the way government does business at the level of the state. It compels deep, fundamental changes that disrupt the status quo around Aboriginal service delivery at that level. The LDM transformative process is a multi-layered approach. It involves multiple actors at multiple levels. Under the Accord-making process, the process of transforming working relationships and innovating solutions around service delivery requires cultural, systemic, and structural organisational change or what is more commonly referred to as a structural and system change. At the heart of the three layers of transformation is community voice and grassroots regional governance. Changes to decision making processes are staged. At first, this transformative process is about making room at the table for shared decision making around Aboriginal service delivery in LDM regions, but ultimately the objective is for government agencies to move over and delegate local decision making around service delivery to Aboriginal community decision making bodies (Ardler, 2018, p. 114).

According to the former Deputy Secretary of AANSW, the initiative sets up 'an entirely new relationship between Aboriginal communities and the New South Wales Government' (Ardler, 2018, p. 113). It requires a real shift in the way that NSW Government agencies have traditionally worked (Ardler, 2018, p. 113). This relationship is managed through the Premier's Memorandum M2015-01-Local Decision Making and is about shifting the power relationship (Ardler, 2018, p. 113; NSW Premier & Cabinet, 2015). The Premier's Memorandum M2015-01-Local Decision Making sets out that:

NSW Government agencies are required to work respectfully, constructively, and cooperatively with Aboriginal Regional Alliances, to develop Accords [negotiated agreements]. Agencies are obligated to adhere to the principles of LDM, to negotiate openly and in good faith, and to share service provision and indicator data with Aboriginal Regional Alliances (NSW Department of Premier and Cabinet, 2015, (p. 23).

As Ardler explains,

not only does this support power sharing between government and Aboriginal communities but it also requires government agencies to respond directly to Aboriginal perspectives. The empowerment of Aboriginal communities, the sharing of decision-making, and transparency, all mean that government is now accountable to those communities (2018, p. 114).

Ultimately though, as Ardler comments, it requires a responsive public service that is willing to and structurally capable of transforming the way that it works for LDM to succeed (2018, p. 114). LDM envisages that the benefits of transforming government and the process of transforming working relationships and innovating solutions around service delivery will be achieved through the Accord-making process. The LDM initiative was intended to create a decision-making environment which changed the rules structuring service design and delivery, giving greater decision-making power to Aboriginal communities, and thereby transforming government.

Transforming government: Why structural and attitudinal frameworks matter

When systemic injustices remain, unspoken or accepted, an unethical white privilege is fostered. When individuals and groups point out systemic injustices and inequities, the dominant culture is made accountable (O'Dowd, 2020 cited in Parter et al., 2021, p. 3)

In 2017, AANSW sponsored a report examining the research question, *How can the NSW public service shift its structural and attitudinal frameworks to support devolving decision-making to Aboriginal communities?* The report produced from that research (Andrew et al., 2017) was framed around the NSW OCHRE plan, examining

what working with communities would need to look like and how public service structural and attitudinal frameworks would need to shift to support devolving decision making to Aboriginal communities under that plan. They examined those relationships on a continuum with consultation sitting at one end and empowerment sitting at the other.

Reflecting on those working relationships, the report's authors explain why those relationships need to give way to better practices, explaining the profound adverse effect that poor structural and attitudinal frameworks – the structures of an organisation and the beliefs and attitudes of individual employees – can have on an organisation's ability to collaborate successfully with Aboriginal communities (Andrew et al., 2017, p. 12). The authors also suggest that the reason why those structural frameworks do not give way may be due to institutional racism. Drawing on the work of legal scholar Richard Delgado, they define institutional racism as 'the manner in which a society's institutions operate systematically, both directly and indirectly, to favo[u]r some groups over others regarding access to opportunities and valued resources' (Delgado, 2015, para 1 cited in Andrew et al., 2017, p. 13). They point out that 'institutional racism can persist even if the individuals working within the organisation do not have racist beliefs, attitudes, or actions' (Andrew et al., 2017, p. 13). The authors identify a series of examples of institutional racism including white language, insensitivity to Aboriginal protocols, and tokenistic inclusion of Aboriginal representatives in governance structures which offer no opportunity for real influence (Andrew et al., 2017, p. 18). They also note that 'the structures and frameworks used to establish and develop working relationships have also been subject to criticism' (Andrew et al., 2017, p. 14). For example, they identify the way that public officials engage with Aboriginal peoples – doing to or doing for, rather than doing with – as a form of institutional racism (Andrew et al., 2017).

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

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

change the way they work with Aboriginal communities. NSW Government agencies work in partnership with participating regional alliances 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, change the way they work, and develop new ways of doing business. This will mean training and developing new skills for government staff as well as Aboriginal communities (AANSW, 2017b, p. 9).

LDM is intended to encourage NSW Government agencies to change the way they design, fund, and implement their services and programs, respond to community needs and priorities, and build their cultural capacity to work safely in partnership with communities.

While the objective of the LDM initiative is Aboriginal service delivery transformation, LDM is anchored in principles of shared decision making, transforming government practices, prioritising First Nations voices, and partnerships predicated on doing with rather than doing for. LDM is intended to place Aboriginal peoples at the centre of service design, planning and delivery, and enable the staged devolution of decision making and accountability to the local level. Tracking the way government is transforming the way that it works at this interface and the degree to which shared decision making has been achieved reveals many of the issues that have emerged as the LDM initiative has developed.

LDM is intended to be a means to:

- empower communities to enter formal partnerships and share decision making
- transfer ownership of services
- transform the working relationship with NSW Government agencies
- strengthen government accountability, and
- improve Aboriginal peoples' access to information and data to attain better service delivery in their regions.

Ultimately, the objective of the LDM initiative is for LDM communities to be decision makers in relation to Aboriginal service design and delivery.

Authorising framework for Local Decision Making

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

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

Local Decision Making Accords: mechanism for shared decision making

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

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

The Minister for Aboriginal Affairs and the Chair of the Aboriginal Regional Alliance/Assembly then sign the Accord. In the post-negotiation phase, agreed strategies, activities, resources, and responsibilities are recorded; indicators, measures and targets are confirmed; and accountability arrangements are negotiated in the form of

Accord Schedules. Once the Schedules are signed by the Minister, the process enters the implementation phase in which the Accord and its Schedules are implemented.

Negotiating Accords requires innovation

Accord-making creates an environment that places new and greater demands on NSW Government agencies and their delegates. It is envisaged that in Accord negotiations, Aboriginal Regional Alliances/Assemblies are able to work with delegates from a range of NSW Government agencies to develop whole-of-government responses to issues that Aboriginal Regional Alliances/Assemblies have identified as being community priorities.

Accord-making requires innovation in how community and government work together to address community priorities, including actions, timeframes, resources, responsibilities, and ways to measure success. It also requires innovation in how government agencies work together across existing institutional structures. Such innovation may require reforms to laws, policies, practices, responsibilities, systems, and processes.

Staged devolution of decision making via Local Decision Making

Devolved decision making as envisaged under LDM is illustrated in Figure 2.

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

Something of a shift to this new way of thinking about relationships is evident when newer Accords are compared to older Accords. Both the Murdi Paaki Regional Assembly (MPRA) Accord II and the Riverina Murray Regional Alliance (RMRA) Accord state that the parties make a 'genuine commitment to developing transformative relationships rather than transactional relationships, with a renewed focus on developing innovative and holistic solutions and on considering different, more equal approaches to partnership' (MPRA Accord II, Clause 2.1.10; RMRA Accord, Clause 2.1.11).

Aboriginal Regional Alliances/Assemblies

In 2013, three Aboriginal Regional Alliances/Assemblies elected to participate in LDM. This included MPRA, which represents 16 communities from Far Western NSW; Illawarra Wingecarribee Alliance Aboriginal Corporation (IWAAC), which represents Aboriginal persons or organisations in the Wingecarribee, Kiama, Shellharbour, and Wollongong local council areas; and, the Regional Aboriginal Development Alliance, which represented communities from the Tweed Coast to the Clarence Valley (subsequently renamed North Coast Aboriginal Development Alliance (NCADA)).

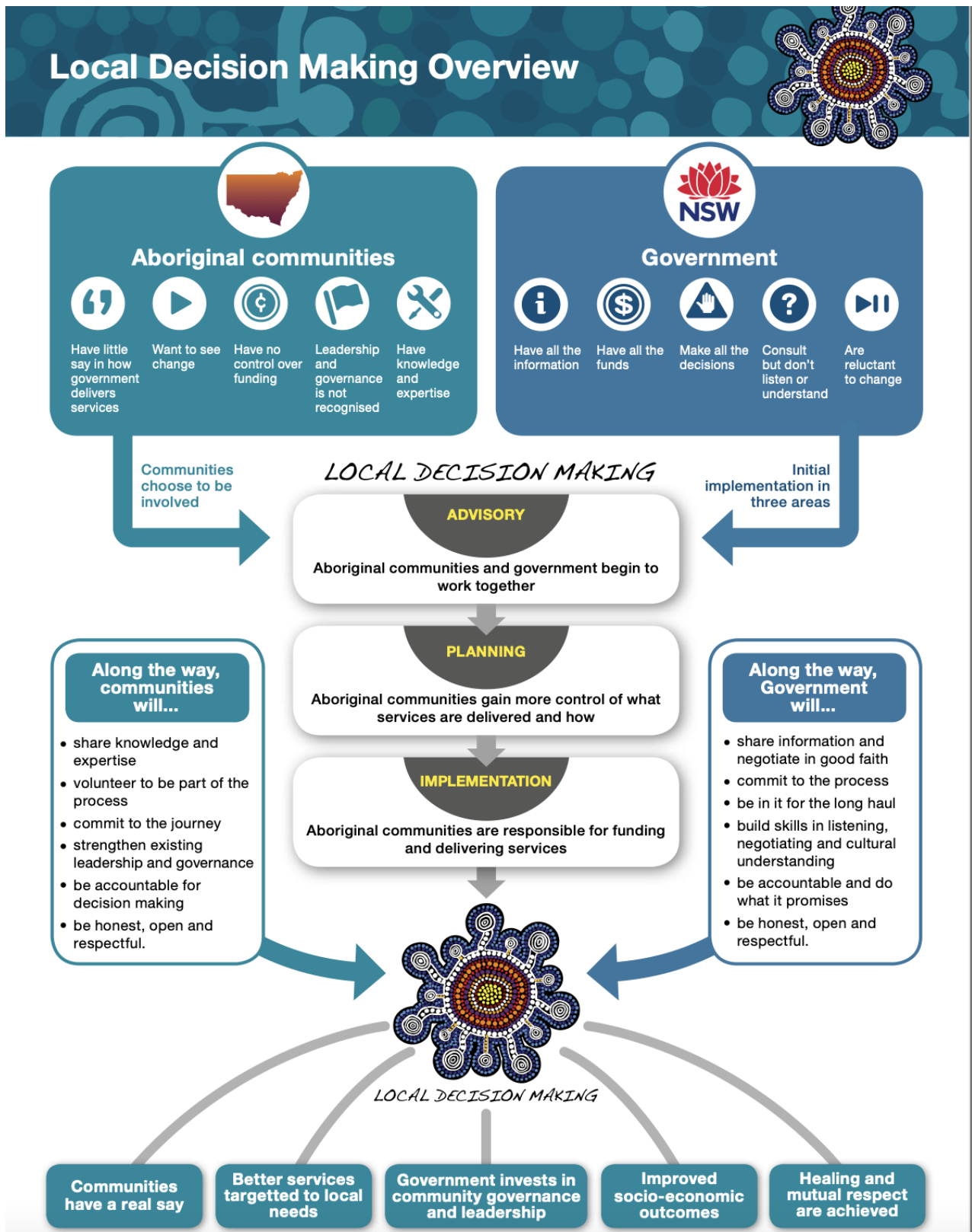
Aboriginal communities from across NSW have shown a high level of interest in LDM, and within seven years, six new Aboriginal Regional Alliances/Assemblies were formed. These included:

- Barang Regional Alliance (Central Coast) (2014)

- Three Rivers Regional Assembly (TRRA) (Central West) (2014)
- Northern Region Aboriginal Alliance (NRAA) (New England North West) (2015)
- Riverina Murray Regional Alliance (RMRA) (2018)
- Western Sydney Aboriginal Regional Alliance (2019)
- La Perouse Aboriginal Community Alliance (2020).

Over time, there have been changes to the regions that have signed up to LDM. Currently, there are nine Aboriginal Regional Alliances/Assemblies in NSW set up under LDM to negotiate with the NSW Government about the design and delivery of services in the regions they represent.

Figure 2 LDM Overview



Source: AANSW

The Aboriginal governance network under Local Decision Making

On the ground, Aboriginal governance and decision making is centralised at the regional level. While LDM centralises governance at this level, Aboriginal governance in the regions operates as a bottom-up, community dynamic. The Aboriginal governance network under LDM operates from communities up to the region level and across the LDM regions at the level of the state.

The way the Aboriginal governance dynamic operates under LDM is explained in the following interview extract.

If we're talking about a community, so the community has to have their own structure, so the community can come together and work out what their issues are, and put that to the next level, which is your Regional Alliance. So, there's strength in then the region taking on board those individual community issues, which could be very similar, but not exactly the same, every community is different. But it could be a similar issue that, for argument's sake, that in all of the TRRA 12 communities they have a problem with education (Chair, TRRA).

As one interviewee describes, '[Aboriginal governance] is a community groundswell... This is grass roots community members coming together...'. All Chairs of Aboriginal Regional Alliances/Assemblies live in communities in their regions, and almost all delegates to Aboriginal Regional Alliances/Assemblies live in the communities that they represent. As these representatives are keen to explain, this geographical proximity and lived experience makes them not just experts in Aboriginal community life, but also personally accountable to their fellow community members on whose behalf they work.

Two prominent regional models have emerged under LDM. Barang Regional Alliance (Barang) and IWAAC have adopted a model that brings together an alliance of Aboriginal Community Controlled Organisations (ACCOs) in the region into a new corporate structure. In contrast, MPRA, TRRA and RMRA have formed unincorporated Assemblies comprised of delegates from Community Working Parties and/or Local Aboriginal Land Councils. Table 1 describes the location and membership structure of 10 Aboriginal Regional Alliances/Assemblies with different levels of participation in LDM as of June 2021.

As noted above, while LDM has created centralised Aboriginal governance structures in the form of Aboriginal Regional Alliances/Assemblies, currently Chairs from five Aboriginal Regional Alliances/Assemblies across the state work together to advance the interests of LDM communities at the state level through NCARA. One of the NCARA Co-chairs has suggested that NCARA represents geographically the voice of nearly 70% of Aboriginal people across NSW.

Negotiated Accords

While the specific content of Accords varies from site to site, Accords generally include identified priorities, actions, outcomes, timeframes, resources, responsibilities, and measures of success. The Premier's Memorandum M2015-01-Local Decision Making provides the enabling framework for LDM and requires that Accords be negotiated between Aboriginal Regional Alliances/Assemblies and 'senior officers with sufficient delegation and authority' (NSW Department of Premier and Cabinet, 2015, p. 1). It also states that: 'agencies will work respectfully, constructively, and cooperatively with LDM regional alliances'; that negotiations must take place in good faith; and it obliges government agencies to share information with Regional Alliances/Assemblies (NSW Department of Premier and Cabinet, 2015, p. 1; see also AANSW, 2017, p. 20).

Table 1 The membership and location of Aboriginal Regional Alliances/Assemblies participating in the LDM initiative, updated May 2023

Aboriginal Regional Alliance	Composition	Region
Barang Regional Alliance	One representative from six lead Aboriginal Community Controlled Organisations and the Local Aboriginal Land Council (Bara Barang Corporation, Darkinjung Local Aboriginal Land Council, Gudjagang Ngara li-dhi Aboriginal Corporation, Mingaletta Aboriginal Corporation, NAISDA Dance College, The Glen Centre, Yerin Aboriginal Health Services Inc.) (Barang Regional Alliance, 2021).	The Central Coast.
Illawarra Wingecarribee Alliance Aboriginal Corporation (IWAAC)	Currently five Indigenous Sector organisations (Shellharbour Aboriginal Community Youth Association Inc., Illawarra Aboriginal Corporation, Kullila Housing and Cultural Heritage AC, Koori Services Australia AC and Koori Kulcha AC).	The Illawarra and Wingecarribee areas.
La Perouse Aboriginal Community Alliance	Seven organisations which undertake community development and deliver services to the La Perouse area: La Perouse Local Aboriginal Land Council; Guriwal Aboriginal Corporation; Eastern Zone Gujaga Aboriginal Corporation; La Perouse Youth Haven; La Perouse Board Riders Aboriginal Corporation; La Perouse Panthers Sporting Aboriginal Corporation; and Gamanygal Aboriginal Corporation.	Local government areas of the City of Sydney, Bayside Council, Sutherland Shire Council, Randwick City Council, Waverly Council and Woollahra Municipal Council.
Murdi Paaki Regional Assembly (MPRA)	One representative from each Community Working Party for the 16 constitutive communities (MPRA, 2016).	Bourke, Brewarrina, Broken Hill, Cobar, Collarenebri, Coonamble, Engonia, Goodooga, Gulargambone, Ivanhoe, Lightening Ridge, Menindee, Walgett, Weilmoringle, Wentworth/Dareton, and Wilcannia.
North Coast Aboriginal Development Alliance (NCADA)	'...[R]epresentatives from across the Northern Rivers; inclusive of Health, Social Justice, Local Government, Youth, the Aboriginal Land Council Network, Housing, Education, Family and Wellbeing' (NCADA, n.d.).	Ballina, Byron, Clarence Valley, Kyogle, Lismore, Richmond Valley and Tweed local government areas.
Riverina Murray Regional Alliance (RMRA)	Representatives of each of the Community Working Parties from 10 member communities (RMRA, n.d.).	Albury, Cootamundra, Cumeragunja (non-active member), Deniliquin, Griffith, Hay, Leeton, Narrandera (non-active member), Wagga Wagga, Tumut.
Three Rivers Regional Assembly (TRRA)	Two representatives from each of 12 communities, drawing from their Local Aboriginal Land Councils (currently 19 members) or Aboriginal Community Working Parties (currently 3 members), with two delegates currently inactive (TRRA, 2021).	Bathurst, Dubbo, Gilgandra, Mudgee, Narromine, Nyngan, Orange, Parkes, Peak Hill, Trangie, Warren and Wellington.
Western Sydney Aboriginal Regional Alliance	No publicly available information.	Western Sydney.

Source: Dreise et al. (2021).

Note: Dreise et al. (2021) list Northern Region Aboriginal Alliances (NRAA) and Tribal Wave Assembly (TWA) as Aboriginal Regional Alliances/Assembly. NRAA and TWA are no longer listed on the AANSW website and do not appear to be active participants in the LDM initiative.

LDM and Accord-making negotiations have taken place in several regions across NSW. The first Accord to be negotiated and confirmed under the LDM initiative was with Murdi Paaki Regional Assembly (MPRA signed on 19 February 2015. To date, five Accords have been formally signed (AANSW, n.d.c). These include:

- Illawarra Wingecarribee Local Decision Making Accord, signed May 14, 2018
- Three Rivers Local Decision Making Accord, signed December 10, 2018
- NSW Coalition of Aboriginal Regional Alliances Accord, signed February 27, 2019

- Riverina Murray Regional Alliance Local Decision Making *Ngunggiyalali* (Accord), signed August 19, 2020, and
- MPRA with two Accords signed: the first signed February 19, 2015, and the second signed September 9, 2020.

The Barang Regional Alliance Local Decision Making Accord was finalised in April 2020. The Barang Accord and Schedules have been signed by the Regional Alliance but are yet to be signed on behalf of the NSW Government.

Accord Schedules

NCARA/Aboriginal Regional Alliances/Assemblies and NSW Government agencies have also negotiated several Schedules to their Accords. Schedules can be either negotiated at the time of negotiating the formal Accord or after. They set out the administrative arrangements around non-statutory funding in regions related to service delivery, including the strategies, deliverables, performance indicators and measures of progress for the Accord. Schedules focus on specific areas such as Health and Wellbeing, Law and Justice, Housing, Governance and Community Engagement, Employment and Business Development, Education and Training, Aged Care, and Transport.

Schedules have the capacity to be a critical mechanism in identifying how NSW Government agencies and Regional Alliances/Assemblies work together to implement initiatives to close the gap in regions and their communities. For example, the Schedules to Barang's Accord set out how Accord initiatives aligned with investment from various NSW Government agencies also align with CTG targets and how those initiatives will meet CTG target outcomes (Howard-Wagner & Harrington, 2022, p. 22).

Findings

Part 1. NCARA and the NCARA–State Accord

Finding 1. As an Aboriginal governance body, NCARA is a network of Aboriginal Regional Alliances/Assemblies. It is a voluntary, self-organised, autonomous, self-determining, unincorporated Aboriginal body independent of government. It was established to advocate on behalf of Local Decision Making regions and communities.

NCARA was formed through the regional chairs all wanting to get together to discuss issues and commonalities and share information. So, the whole existence behind NCARA was the alliances getting together (Chair, Aboriginal Regional Alliance/Assembly).

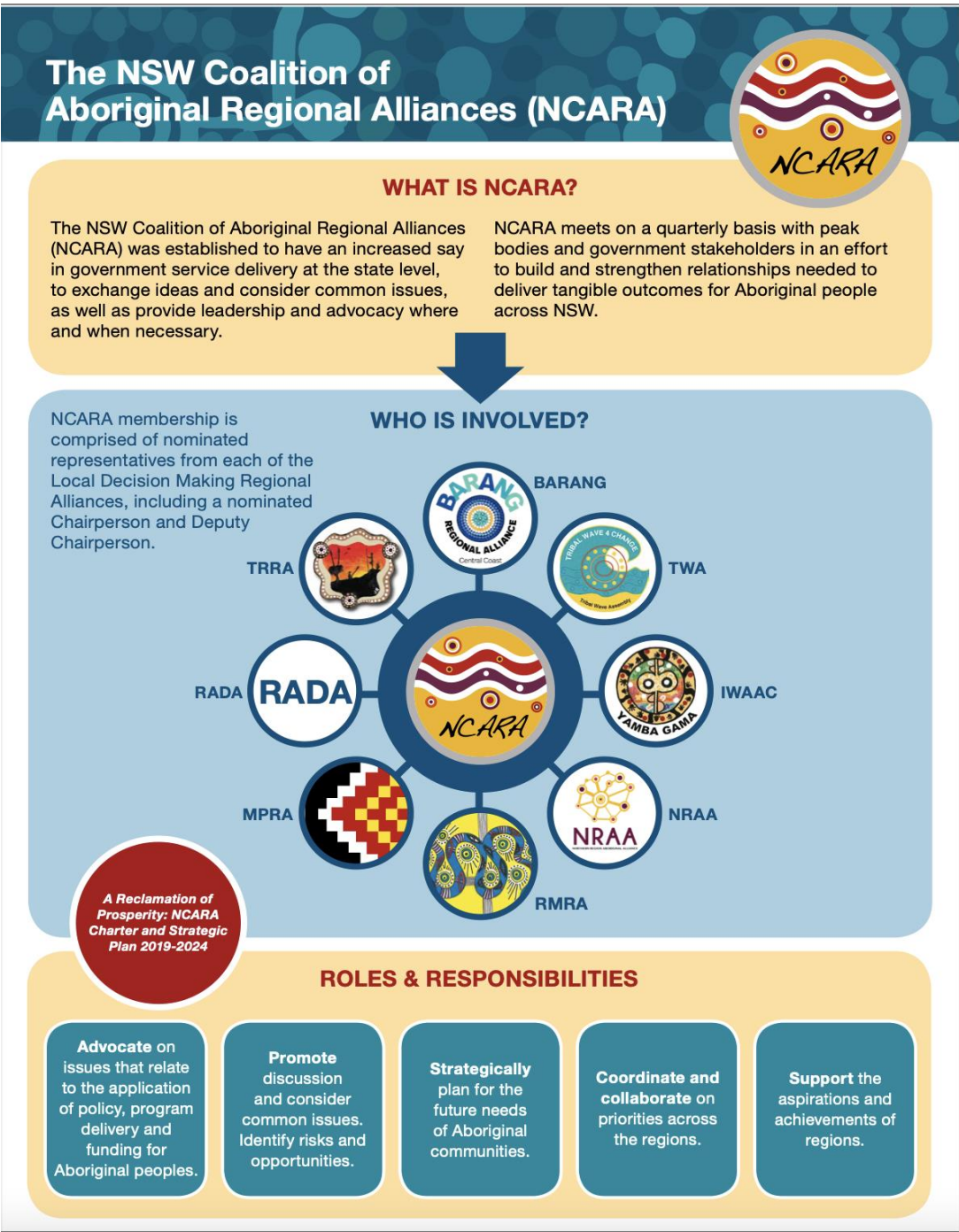
NCARA is entirely made up of Aboriginal people. We are chairs and delegates from a network of Local Decision Making (LDM) bodies under the NSW OCHRE initiative. Our job is to negotiate and develop LDM Accords and agreements between our people and the government, and to ensure that those Accords keep improving and becoming stronger. Our first loyalty is to our peoples (Chair, Aboriginal Regional Alliance/Assembly).

In 2014, NCARA began operating independent of government as a self-organised coalition of Aboriginal Regional Alliances/Assemblies, known then as the LDM Regional Chairpersons Group. It was established as an advocacy body. It formed to allow Aboriginal Regional Alliance/Assembly Chairs from LDM regions to work together and share knowledge around common state-wide issues with the plan of escalating those issues at the level of the state through advocacy.

Today, NCARA continues to define itself as an autonomous and self-determining unincorporated Aboriginal body. It identifies its function as that of an advocacy body and voice of regions and communities. It identifies its strength as that of a network of Aboriginal Regional Alliances/Assemblies and diverse community bodies and organisations that make up their membership and inform its leadership and advocacy at the state level. In 2019, AANSW developed an iconographic representation of NCARA, who is involved, its roles and responsibilities, which is below at Figure 3.

It is a finding of this evaluation that NCARA is a self-organised, autonomous, self-determining unincorporated Aboriginal body independent of government. It operates as an advocacy body that is a conduit for Aboriginal governance from below, in which it escalates the voice of LDM regions and communities to the level of the state.

Figure 3 NCARA, who is involved, roles and responsibilities



NCARA as an organic community structure

We're community. If someone mentions they spoke to community, the first thing I say is what do you mean community, and they don't know how to answer you... So, that word community to them has a different meaning because they're using the word community in a consultative way, to check their side of the relationship, but we are part of community and the issues that affect us, we understand communities...what do you call it... we are part of the community decision-making process. For me, it's about how do we...the word that we use now is organic. Our structure is organic. We actually represent community voice you know. So, if you reside in one of our post codes you have the right to say something and that right gives us the responsibility of responding (Chair, Aboriginal Regional Alliance/Assembly).

NCARA does not describe itself as separate from community or engaging community. In going about its business, it is not consulting community. It is part of the community and brings the voice of community up to the level of the state. It describes itself as an organic structure that forms part of a larger organic structure of regional and local decision making.

NCARA and Aboriginal governance from below

So, there's a similar issue then that then the regional body can have that conversation with government. If the regional body isn't getting any take with education, then they can escalate that to NCARA, which is the state-wide body. The advantage of NCARA being the state-wide body is, they're regularly in contact with the Secretaries of the agencies. So, they have that direct line into the ultimate decision makers for each of the government structures, government silos, departments. So, I think that's a good structure (Interview, Regional Manager NSW Government Agency).

I learnt about what people were doing in the different regions as well. I originally thought when I first started with NCARA that it would be whatever happens at the state Accord, then we would look at that on the local level and see if we could sort of marry it all – but that didn't – that wasn't the case. It was all different regions having different ideas around what their community's needs were so that's – so that was an interesting – that was part of my learning around how they were operating and what they were doing (NCARA representative, Aboriginal Regional Alliance/Assembly).

[Also] we're not representing the entire state and making decisions on the basis of the state. We have a footprint in our region and our Chair represents, as leadership for our region, our community within our region and we wouldn't presume to understand anything other than our region (NCARA representative, Aboriginal Regional Alliance/Assembly).

NCARA remains a bottom-up or regionally-driven structure of community empowerment, representing the interests of those regions. For example, the first quote above identifies NCARA as a 'state-wide body', but also illustrates how it functions as a representative body acting on behalf of LDM regions and communities, representing their interests at the state level. The second quote explains that it is not NCARA driving the agenda in LDM from the top down, but LDM regions and communities driving NCARA's agenda. The third quote identifies members of NCARA as representatives of their LDM regions and as community leaders.

In coming together, representatives from Aboriginal Regional Alliances/Assemblies from across the regions work together collaboratively to further the interests of their respective LDM communities and regions at the state level. This function is recognised in the signed NCARA–State Accord between NCARA and the NSW Government, which sets out that:

The NSW Coalition of Aboriginal Regional Alliances provides a point of coordination and collaboration across regions. It aims to support and drive initiatives that reclaim, renew, and return Aboriginal people to prosperity, by shifting decision-making about government services from the centre to the grassroots (NCARA & NSW Government, 2019, p. 3).

NCARA's relationship to LDM regions and communities is explained by one interviewee in the following interview extract:

NCARA is made up of Regional Alliances and the Regional Alliances understand what's happening on the ground in a really different way than service delivery organisations. We're not a service delivery organisation, we're a regional governance structure. We really focus on the ground the voices, views, and opinions of our community and to test and retest that. So, we've done something like in excess of two and a half thousand one-on-one face-to-face surveys with individual community members in relation to the priorities and the changing priorities within our region. So, when our Chair says we know what's happening on the ground, that's like genuine firsthand engagement with individual community members (Chair, Aboriginal Regional Alliance/Assembly).

Through the formation of NCARA, power comes from below from the regions and communities up to the level of the state. NCARA operates as an agent of LDM regions and communities catalysing and facilitating regional and community bottom-up empowerment. As community leaders from LDM regions, members of NCARA have a strong sense of obligation, responsibility, and commitment to furthering the interests of their respective LDM regions and communities. In taking the initiative to form NCARA, Aboriginal Regional Alliance/Assembly Chairs have worked together to identify shared concerns, develop a strategy to deal with those concerns, and have taken action to change government services in their regions and communities.

NCARA and Aboriginal voice

...the biggest point for NCARA that it is a coalition of Regional Alliances and Assemblies. It's not a peak because the focus of local decision making is to have place-based regional led decision making, so the governance structures, the priorities, the way that priorities are enacted are really different in each of the regions because it's regional led and the demographics are different and it's the leadership that's aware of what happens in communities. With NCARA and with the LDM, it's very much community leading the structure and Regional Alliances leading the structure as opposed to policy leading the structure.

I think we can look back, in the absence of NCARA, when it didn't exist, in the absence of LDM. We were reliant and dependent on other people making decisions for us. And it was a corporate voice coming through, but it didn't actually give the community a voice. Take NCARA out of the equation and LDM, and in some of our communities there is no voice – apart from land councils, but they're membership based, and part of other acts that are supposed to address a lot of stuff we're facing, but we know that they are under resourced and just don't have the capacity. If people in community didn't trust me, I wouldn't be sitting here. Community self-regulates. They know who they want to put at the table to have a yarn. These are the sort of things that government needs to understand. We do self-regulate. You're not going to get people at the table here who generally don't represent their community or interests or fight for them. You're going to get people who are well connected, have a bit of a track record, and aren't frightened to speak. Because NCARA listens to community, and to me, community is unincorporated. You've got to understand they are coming from an unincorporated voice. They are not going to put people at the table who aren't for their best interests out there... We come here as volunteers (interview, NCARA Chair).

We're the unheard voices, a lot of the smaller communities like they say a lot of the time they don't get the chance to get heard. We represent those people, and those people are part of our governance structures (NCARA member, NCARA evaluation workshop).

NCARA was a means for Chairs, as community leaders, to come together and escalate the voice of their communities up to the level of the state. So, NCARA's strength is that it is accountable to LDM regions, and communities not government, and that it is a conduit of community voice. It amplifies the voice of LDM regions and communities at the state level under LDM. Through NCARA, Aboriginal Regional Alliance/Assembly Chairs, as community leaders, identify themselves as undertaking a crucial role in regional and community empowerment by giving voice, direction, and structure for regional and community participation at the state level. This empowerment of LDM regions and communities is in line with the intent of LDM which is to increase the decision making of LDM regions and communities around Aboriginal service delivery.

As the following quote illustrates, the formation of NCARA has been critical to heightening the voice of LDM regions and communities and escalating key priorities for communities up to the level of the state.

I think there's strong governance that really binds the [Aboriginal Regional Alliance] network together and then is able – or the networks within [Aboriginal Regional Alliances/Assemblies] together into one network [through NCARA] and is a voice that can advocate. Probably, at the moment, NCARA is doing more advocating on behalf of the regions because Aboriginal Regional Alliances haven't been fully allowed to participate in CTG. But, according to the governance arrangements, it's meant to go beyond simply advocating. There's meant to be shared decision making and for government to be coming to the table to invest in ideas for the community and community to retain some control and at the least, a partnership and I just don't know whether that – well, I know that part isn't happening (Interview, Deputy Secretary and Executive Sponsor).

Aboriginal Regional Alliance/Assembly Chairs, who represent their regions on NCARA, have invested significant time in the LDM model and the NCARA–State Accord-making process as a vehicle for voices of communities and regions to reach the NSW Government and NSW Government agencies at the highest level. There are high levels of goodwill, volunteerism, and political capital staked by members of NCARA, who represent LDM communities.

NCARA as an advocacy body

NCARA sees its role as that of advocacy body that elevates the voice of Aboriginal peoples in the regions to the level of the state around service delivery, Closing the Gap, and Aboriginal policy in NSW, but also as collaborator and partner in reclaiming, renewing, and returning Aboriginal peoples to prosperity in NSW as per the signed NCARA–State Accord.

NCARA consists of strong community leaders who are committed and empowered to support and drive initiatives that reclaim, renew, and return Aboriginal peoples to prosperity. They seek to do this by shifting decision making about government services from central and top-down approaches to the grassroots where people live (NCARA & NSW Government, 2019, p.3). It provides a point of coordination and collaboration across regions. It aspires for a greater say about policy formulation across government services for Aboriginal people, more involvement in program design across government, and pushes for communities to have additional resources for desperately needed locally delivered services.

Its primary focus is to:

- advocate on issues that relate to the application of policy, program delivery and funding for Aboriginal peoples about basic and essential services
- 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 the regions, and
- support the aspirations and achievements of regions, including providing mutual support for participating and emerging Regional Alliances/Assemblies.

NCARA in the current Aboriginal policy climate in NSW

... I think we've got too many groups swimming in too many lanes. LDM is about having that broader discussion about policy and strategic direction.... We're not trying to tell people how to do their job, we want you to do your job better because we've got people who we represent from community that don't have anywhere else to go to raise their issues and concerns about service delivery and that's the real gap. When ATSIC [Aboriginal and Torres Strait Islander Commission] existed, we had ATSIC Chairpersons. They were full time offices...sitting in an office...if a community member had a problem with a funding body at a state level or a federal level, they could go into the ATSIC Chairman, or into the ATSIC office, sit there and talk to someone who would then take their case up you know. And that's the difference we've got now, we don't have that space and I see where LDM is going to provide that little bit of a space. We're not here talking about service delivery, we're not telling the ALS or AbSec how to run their business, we just want them to run it better you know and do it better... What we're talking about is the bigger strategic piece about we want to take our relationship with Aboriginal people in to state. That is the difference to me.

We've got some very effective stuff that can be put on the table for NSW around regional, local and state structures that could be considered which has been great... Yet, we are locked out of a lot of conversations around service delivery...which we're not a major service delivery arm, but our Alliances and Assemblies have service delivery arrangements in their regions where the leadership, governance and relations on the ground can give Aboriginal people a voice and input into how things are developed regionally... (Chair, Aboriginal Regional Alliance/Assembly, NCARA–State Accord evaluation workshop).

Like we had a really great conversation with some of the senior exec's here on Monday around opportunities for influencing policy going forward and bringing some community elements in, I thought that was really, really positive. So, I think it is starting to happen, I think we're starting to get the senior arm of these agencies who are now accepting what LDM's are in a way. For many years as you know, these agencies didn't even know what OCHRE was... I would talk to some of the Regional Directors, and they wouldn't even know what...they didn't even know what it was. I went to a local member, and he didn't even know what OCHRE was you know, and I said mate, well it's your government's policy you know. So, I think it's been a long journey to get to this point and the government that created it has moved out and the new government is in, and they could have thrown us out with the bath water you know if they wanted to. But I think people are now starting to accept what this concept of this Local Decision Making and Alliances are and how they can influence and benefit some of the discussions around policy going forward and programs going forward to make it more suited...more fit for purpose for Aboriginal people.

So, I think it's starting to happen, and I think there's now some acceptance among senior executives of agencies that there is a need to do this. It also helps that the Labor Party has been elected on a treaty platform and a whole range of things, so things are happening, so I think it's starting to move that way (Chair, Aboriginal Regional Alliance/Assembly, NCARA–State Accord evaluation workshop).

In the current Aboriginal policy environment, NCARA is already seeing greater scope for LDM communities to have elevated opportunities to engage with government around long-term, self-determined economic prosperity. Many of the Aboriginal Regional Alliances/Assemblies are already moving in this direction on their own initiative.

The challenge for the NSW Government is not with the LDM initiative itself, but with how the NSW Government and its agencies progress LDM while also engaging with LDM communities around other Aboriginal policy initiatives in NSW, such as Voice, Treaty, and CTG 2020.

LDM is the only bottom-up Aboriginal policy initiative in NSW. NCARA sees the multilevel Aboriginal governance structure, which has been created from the ground up around the LDM initiative, as important to facilitating other Aboriginal policies in NSW, even the CTG 2020 as an on the ground conduit at the local and regional level.

NCARA sees considerable scope for Voice and Treaty to be driven from the ground up. Through the NCARA–State Accord evaluation workshops, the Chairs of Aboriginal Regional Alliances/Assemblies provided some thoughts on the role that the Aboriginal governance structure established around LDM can play regarding Voice.

I think the structure of LDM will support [Voice], because you've got that on the ground element up to the state element, I think it gives us that good coverage. It really comes down to what's the model they put in place and how do we conduct the elections. I mean I'm an ATSIC, I'm experienced at ATSIC, and I don't think we'll ever get a better model than ATSIC you know. Exactly what they're talking about we had it under ATSIC, we already had elected Regional Councils and an elected person up at the state level and a person at the national level. So, I think our structure provides that opportunity through the LDM process. I'm really waiting to see whether LDM morphs into this Voice model. I don't know. Is that the intention? We were certainly advised in the Calma and Langton report that government should look at the LDM model in NSW as a possible model to go forward on. The only thing that is different in our space, it's different in other LDMs in other areas, but in our space, we don't have that elected process you know, which can sometimes be a bit challenging in our communities, especially when you've got protagonists who accuse you of just appointing people etc. But I think what we've got in the LDM structure with a bit of tweaking and a bit of support and a bit of resourcing coming into us could provide that voice model (Chair, Aboriginal Regional Alliance/Assembly, NCARA-State Accord evaluation workshop).

Regarding Treaty, Chairs of Aboriginal Regional Alliances/Assemblies also provided some thoughts on the role that the Aboriginal governance structure established around LDM can potentially play around this initiative.

I think we could help in the truth telling part, I think there's got to be some truth telling in this space as well and that could be somewhere LDM could play a big role in helping to facilitate that process going forward so I think there is an opportunity there. We only had this discussion with X yesterday about the sorts of things that we want to see in our agreements going forward. Talks about the principles of OCHRE and making sure that's captured in any of our documents going forward. But we also talked about the need to maybe start looking at how we incorporate the Treaty discussions in this process. I think that LDMs will have a role to play in that space, but we will be just one group that will have job you know. It will be really interesting to see and visit the Victorian model about how they have established the process there and how that is working for them. It seems to be going ok, but I'm not in Victoria. So yeah, it's a hard one (Chair, Aboriginal Regional Alliance/Assembly, NCARA-State Accord evaluation workshop).

It's a bit of a hard one because it is an unknown at the moment. I know that the NSW Minister for Aboriginal Affairs is committed to Treaty, and he has been on that for a long time now. But we don't actually know what that means for us in community or for the LDMs. I'm assuming that we will be able to support the process, work through what that actually means with our communities on the ground, so they understand it. Maybe at the exec level as well, us informing what Treaty will actually mean for our communities on the ground. Voice, Treaty, truth, and truth should underpin the whole lot (Chair, Aboriginal Regional Alliance/Assembly, NCARA–State Accord evaluation workshop).

At the time of writing, there is a level of uncertainty for NCARA around the current Aboriginal policy space, which reflects a lack of understanding, uncertainty, and knowledge on the ground around the new NSW Government's vision for Treaty.

Note: Barang=Barang Regional Alliance; IWACC=Illawarra Wingecarribee Alliance Aboriginal Corporation; MPRA=Murdi Paaki Regional Assembly; NRAA=Northern Region Aboriginal Alliance; RADA=Regional Aboriginal Development Alliance; RMRA=Riverina Murray Regional Alliance; TRAA=Three Rivers Regional Assembly; TWA=Tribal Wave Assembly.
Source: AANSW.

Finding 2. The Local Decision Making governance network is a notable example of how multilevel governance can function around Aboriginal policy from the ground up to the state.

NCARA wasn't part of the LDM plan. It came from the communities themselves to form this body. I see the strength in it and the power and empowerment talking at this level. That wasn't easy getting into the door at this level. The conversation was totally different back then (interview, NCARA Chair).

They wanted to come to our table, didn't they, they wanted to come and talk to us because we have the connections through the regions (evaluation workshop, NCARA member).

They [government] wanted to sign an Accord with NCARA (evaluation workshop, NCARA member).

Shortly after NCARA's self-formation, the NSW Government Executive Sponsors Group began engaging with it. In 2016, NCARA was formally established to provide that higher-level Aboriginal governance dynamic and accountability around LDM on behalf of LDM regions and communities at the state level, including leadership and advocacy where and when necessary. Its establishment created an important governance relationship between Aboriginal Regional Alliances/Assemblies and NSW Government agencies at the state level, which is depicted below on page 43 in Figure 4.

NCARA's creation in and of itself provided an opportunity for transformational change around LDM in that its formation offered government with a high-level representative Aboriginal governance body to work with to achieve LDM's intent. The formation of NCARA created a wider, interconnected governance network between two collaborative elements:

- an Aboriginal governance arrangement centralised at the regional level, which works from the community up to the regional level and then representatives from those regions work together at the state level
- a strong horizontal and vertical cross-government arrangement among NSW Government agencies.

NCARA shows vertical integration through its connections from local to state levels with NSW CAPO organisations, local-regional organisations and local community members who are not part of an organisation, as well as government decision makers at all levels. NCARA shows horizontal integration through its focus on a

broad range of issues covering multiple portfolios. For example, NCARA provides an important opportunity for NSW Government agencies to adopt what government whole-of-government approach and boosting innovation in Aboriginal service delivery in NSW.

NCARA's formation thus provided structural and organisational benefits in that it has improved the LDM governance, providing government with a representative body to work with at the state level. It has created a new relational dynamic, which has been attained through NCARA working with NSW Government in a new social, political, and institutional space under the LDM initiative, where the common experiences of LDM regions and communities are shared and innovative solutions are potentially co-developed at the level of the state. Through working with NCARA, NSW Government agencies can empower LDM regions and communities from the bottom up, by providing opportunities for those regions and communities to participate in the decision-making process at the level of the state. This is about 'transforming' old relationships, institutions, and structures into new ones, creating a new space for transforming working relationships and sharing decision making.

The governance network under LDM, which enables Aboriginal governance bodies to work with public officials from the ground up to the state, is an effective model for the functioning of the LDM initiative. The effective functioning of that wider governance network is critical to transformational change: sharing decision making, changing working relationships, transferring ownership of service delivery, strengthening accountability within government, and sharing data. The envisaged benefits of that network structure operating effectively is that it will facilitate systemic change, relationship building, innovative operating procedures, and community inclusion and empowerment around Aboriginal service delivery.

The successful operation of this governance network is central to self-determination under the LDM initiative. Self-determination necessitates that Aboriginal bodies identified in Figure 3, be recognised and vested with power. Self-determination, and improved relationships with the state, will only truly be achieved if that overarching LDM governance network and structure enables Aboriginal bodies within that structure to have not only equity and power, but also the capacity to make meaningful choices and decisions about service delivery in LDM communities, and those choices and decisions are acted on by NSW Government agencies.

Figure 3 represents the governance relationship between Aboriginal Regional Alliances/Assemblies and NSW Government agencies. It also represents the bottom-up governance dynamic between Aboriginal bodies from the local level up to the state.

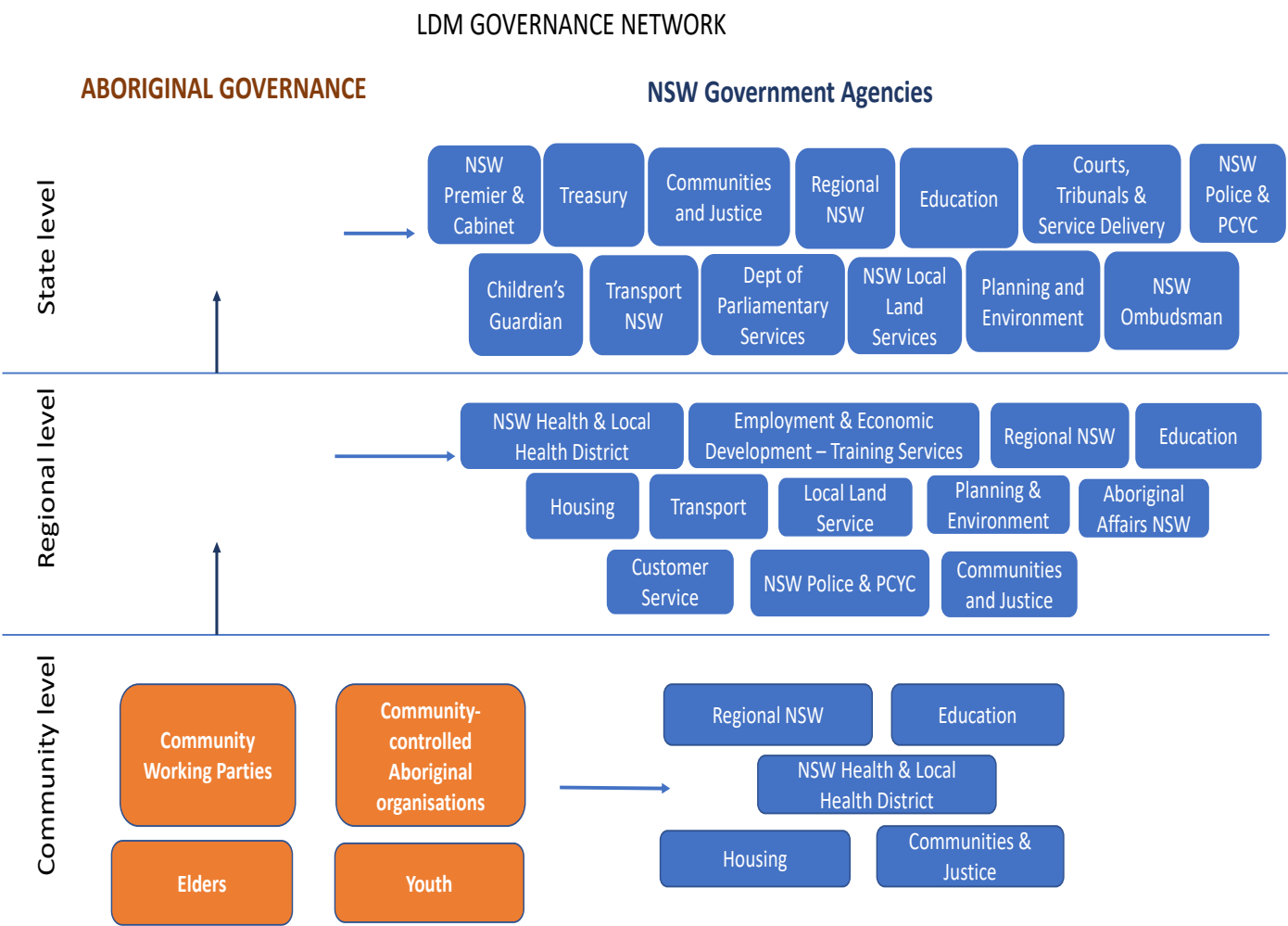
With this model, Aboriginal governance bodies can interact with NSW Government agencies across the entire LDM governance network from the ground up. This model enables high levels of opportunity for co-design, shared decision making, and improved working relationships. For example, it offers a well-designed overarching governance network for collaborative leadership, enhanced power sharing, and community directed results across boundaries under LDM. This framework creates space for community voices around Aboriginal service delivery.

NSW Government and whole-of-government working relationships

Under the LDM governance framework, the NSW Government is required to establish strong cross-government working arrangements so that negotiations can occur between government agencies and Regional Alliances/Assemblies based on the priorities of LDM regions and communities. Regional Alliances/Assemblies are to have a direct line of communication to government decision makers, including agency Senior Regional Coordinators and if necessary, issues can be escalated directly to Secretaries of NSW Government departments. While Aboriginal governance needs to remain bottom-up, the governance of government needs to

be strategically directed from above to facilitate transformational systemic, cultural, and organisational change across NSW Government agencies. At the same time, it needs to create an authorising environment in which those at the regional level have autonomy and power to engage in shared decision making around service delivery at that level and to develop Accords with Aboriginal Regional Alliances/Assemblies under LDM (see Figure 4).

Figure 4 Local Decision Making governance network



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The governance of government

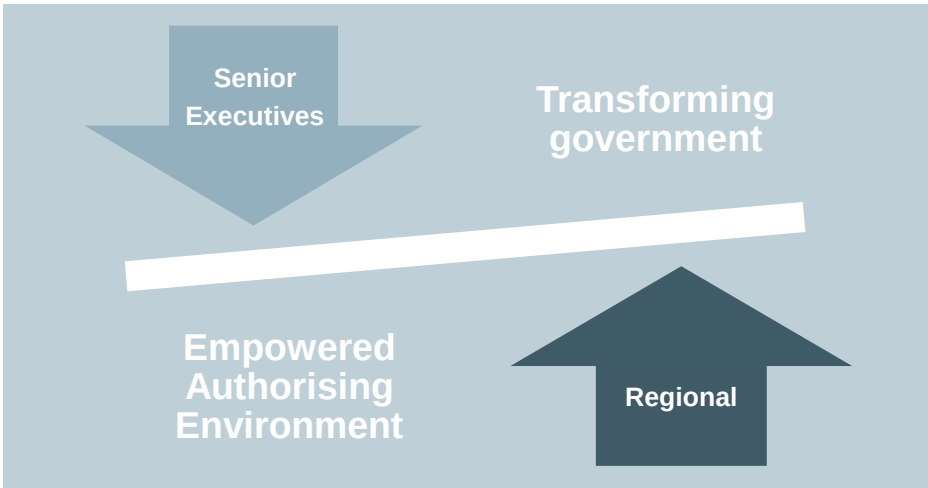
The effective governance of government is one of the strategic goals of the LDM initiative. It is central to achieving LDM's goals of transformational change around Aboriginal service delivery in the regions. It necessitates leadership around LDM to build the capacity of NSW Government agencies to be accountable, responsive, and transparent. It needs to be effective to allow the participation of LDM communities in the processes of service delivery. The effective governance of government under LDM also contributes to achieving

wider Aboriginal policy goals in the state, such as improving Aboriginal prosperity and wellbeing, as it supports transformational change. If that strategic direction, leadership, or authorising environment is not functioning effectively, then it becomes far more difficult to achieve widespread transformational change under LDM.

Good governance principles

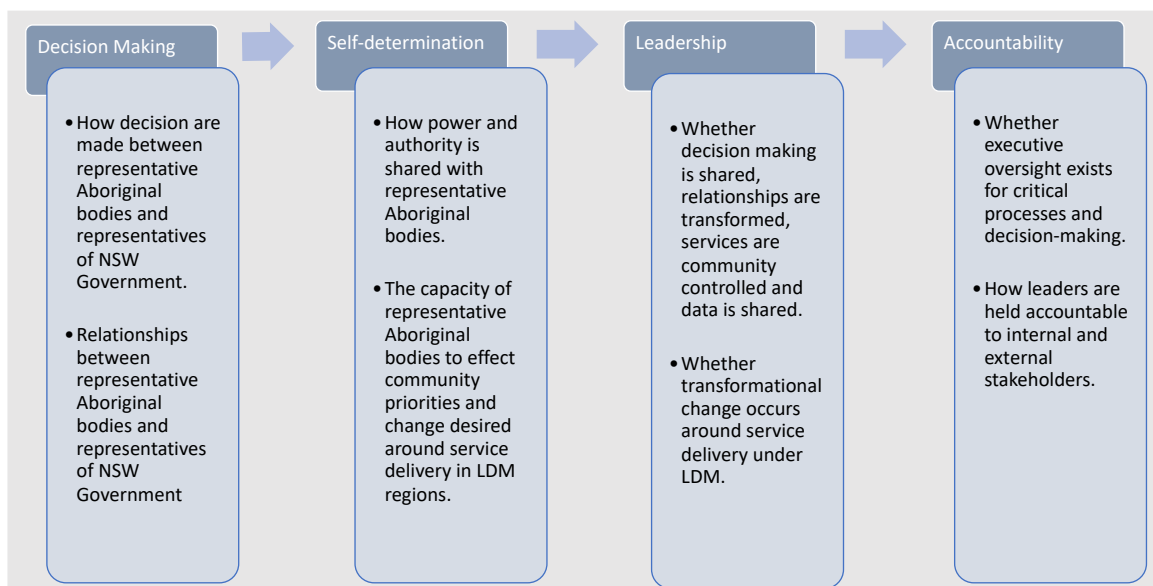
The LDM governance framework and this new relationship between Aboriginal governance bodies (i.e. NCARA, Aboriginal Regional Alliances/Assemblies, and Community Working Parties) and NSW Government agencies is guided implicitly by a set of good governance principles set out in the various LDM policy documents, such as the Premier’s Memorandum M2015-01-Local Decision Making (NSW Premier & Cabinet, 2015) and the LDM Policy and Operational Framework (AANSW, 2017), which are critical to the successful operation of LDM. Those principles are summarised in Figure 5. Figure 6 summarises the principles identified in key LDM policy documents (NSW Premier & Cabinet, 2015; AANSW, 2017).

Figure 5 The governance of government and transformational change



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Figure 6 Summary of LDM governance principles identified in key LDM policy documents



Finding 3. The state Accord establishes a collaborative partnership between the NSW Government and NCARA on behalf of Local Decision Making communities. It formalises this Aboriginal–state relationship through agreement-making, providing government with the opportunity to formally collaborate with a high-level representative Aboriginal governance body to work with to achieve the state Accord objective of reclaiming, renewing, and returning Aboriginal peoples in NSW to prosperity and transforming Aboriginal service delivery in NSW.

It's about differentiating how do you do a state Accord versus how do you do a local Accord. How do you separate the big picture. Yeah, for me, there's been real learning in that space, like recognising these are global issues in Aboriginal communities across the state (Chair, Aboriginal Regional Alliance).

We signed an agreement with government and government just sees it as another part of their ongoing role is to engage, but they don't deliver you know (NCARA evaluation workshop).

Sitting above Regional Alliance/Assembly Accords is the state Accord, which was signed by NCARA Chairperson Mr Des Jones on behalf of participating Alliances/Assemblies and the then Minister for Aboriginal Affairs, The Hon. Sarah Mitchell MLC for the NSW Government on February 27, 2019. That agreement jointly commits both parties to work together to support, renew and return Aboriginal peoples to prosperity. The primary focus of the NCARA Accord 'is the wellbeing and prosperity of Aboriginal peoples and communities. Parties commit to the principles of Local Decision Making by ensuring Aboriginal communities participate in the co-design, delivery and implementation of services and projects' (NCARA & NSW Government, 2019, p. 2). In signing the NCARA–State Accord, the state of NSW acknowledges that the matters dealt with in all Accords are

binding on the NSW Government and its agencies in that the NSW Government has entered into a formal signed agreement to do so.

As the quote at the beginning of this section indicates, the state Accord is about the big picture – it recognises that the wellbeing and prosperity of Aboriginal communities across the state is a shared issue. The state Accord outlines several objectives, including supporting the wellbeing and prosperity of Aboriginal peoples and communities by:

- ensuring Aboriginal communities participate in the co-design, delivery, and implementation of services and projects
- ensuring equity and opportunity for Aboriginal peoples across NSW by expanding the LDM footprint
- sharing information and data on outcomes to inform decisions about service design and delivery, and
- strengthening relationships between Aboriginal communities and government through knowledge sharing, joint decision making, co-design, and informed consent (NCARA & NSW Government, 2019, p. 2–3).

The state Accord sets out how the NSW Government and NCARA will work together. The state Accord 'is underpinned by a commitment to respectful relationships and recognition of the need to heal the hurt and injury caused by past government policies' (NCARA & NSW Government, 2019, p. 1). It recognises that NCARA has entered the Accord on behalf of its Regional Alliances/Assemblies and agrees to work in partnership with the NSW Government to meet the terms of the Accord (NCARA & NSW Government, 2019, p. 2). It also,

recognises the need to foster collaboration and deliver outcomes through co-design... [and that NCARA] and the NSW Government seek to uphold the principles of local decision making by ensuring Aboriginal communities fully participate in the design, delivery and implementation of services and projects (NCARA & NSW Government, 2019, p. 1).

The Accord is 'based on the principle of self-determination' (NCARA & NSW Government, 2019, p. 1), recognising that Aboriginal leaders and communities understand their own needs and can develop and manage their own solutions. In negotiating, agreeing to, and signing an Accord with NSW Government, NCARA has laid the foundations for collaborating with government at the state level.

The signing of the state Accord signalled the beginning of a formal three-year process of negotiation between NCARA and the NSW Government around reclaiming, renewing, and returning Aboriginal peoples in NSW to prosperity and transforming Aboriginal service delivery in NSW. The Accord sets out that commitments on specific priority areas, including targets and timeframes, will be negotiated progressively between NCARA and NSW Government agencies, and will be presented in Schedules appended to the Accord (NCARA & NSW Government, 2019, p. 3).

The state Accord articulates mutual service delivery priorities and goals negotiated between NCARA and the NSW Government. In the Accord, the State of NSW acknowledges that matters dealt with in the Accord are binding on the NSW Government and its agencies and authorises NSW Government agencies to participate to meet the terms of the Accord.

The signed state Accord was conditional on the further negotiation of Schedules with three NSW Government agencies. The first Schedule between NCARA and the NSW Department of Communities and Justice details actions that aim to 'reduce the number of Aboriginal young people coming into contact with the justice system, through a reduction in breaches of bail conditions and court orders' (draft NCARA–State Accord Justice Schedule). Eight strategies are presented to achieve this target.

The second Schedule is between NCARA and the NSW Department of Education. The target of this Schedule is for NCARA and the Department to 'agree to develop a genuine partnership work together to reduce suspensions and expulsions of Aboriginal students across NSW schools' (draft NCARA–State Accord Education Schedule). Six strategies are presented to achieve this target. Progress on this schedule ceased in November 2020, with plans to recommence negotiations in mid-January 2021. To date, the Schedule between NCARA and the NSW Department of Education has not been finalised or signed.

The third Schedule between NCARA and the NSW Police Force details actions to achieve 'a reduction in the number of fines being issued to Aboriginal young people under the age of 18 during the term of this Accord' (draft NCARA–State Accord Policing Schedule). Seven strategies are presented to achieve this target.

Additional areas for action under this Agreement include: (a) strengthening the relationship between the NCARA and the NSW Government, and (b) recurring hard-to-address issues arising from Regional Accords.

The state Accord was a negotiated decision-making process. The rationale behind negotiated decision making was that neither NSW Government agencies nor NCARA could dictate or veto outcomes. Reaching a negotiated agreement through an Accord relied heavily on problem solving, questioning, communication, and compromise.

To successfully develop the Accord, NCARA and NSW Government agencies were required to be willing to negotiate, which involved a willingness to consider new ideas and solutions, and to accept compromises and solutions which may not be the original goal of either party or be less than what either party hoped to achieve.

The state Accord also recognises and builds on the positive work undertaken by Aboriginal Regional Alliances/Assemblies and the NSW Government at a local, regional, and state level to change the relationship fundamentally and positively between Aboriginal communities and government and enable Aboriginal communities to participate fully in decision making concerning service design and delivery.

Sitting alongside the state Accord is NCARA's one-page Strategic Plan (see Figure 7 and Table 2 below). The NCARA Strategic Plan for 2019–2024 is a 'Reclamation of Prosperity'. As outlined in its Strategic Plan, 'NCARA seeks to support and drive initiatives that reclaim, renew and return Aboriginal peoples to prosperity, by shifting decision-making about government services from central and top-down approaches to grassroots where people live' (NCARA Strategic Plan, 2019–2024).

NCARA is in a strong position to work with the NSW Government to achieve the state Accord objectives. It is a high-level representative Aboriginal governance body consisting of Aboriginal leaders with community standing and authority.

While the state Accord sets out that the objective of working together through the state Accord is not simply to share information, but to 'meet and work together based on principles of; knowledge sharing, joint decision-making, co-design and informed consent' (NCARA & NSW Government, 2019, p. 3), those principles are yet to be adhered to. NCARA meets with representatives from NSW Government agencies on a bi-monthly basis, particularly those that are party to the Schedules to the state Accord. Those bi-monthly meetings have not been a forum for NCARA and the NSW Government to progress the state Accord in terms of reclaiming, renewing, and returning Aboriginal peoples to prosperity in NSW. Those meetings have not seen any substantial progress on the state Accord Schedules. Also, while government agencies share information with NCARA, the meetings are not yet a forum in which agencies, on behalf of the NSW Government, and NCARA are operating according to the framework and relationship agreed under the signed state Accord. Those meetings have primarily provided NSW Government agencies with a forum for consulting NCARA on specific Aboriginal policy matters.

While NCARA members come to the Accord table as community leaders with grounded knowledge of the lived policy and service delivery experiences of Aboriginal peoples in LDM regions, their knowledge in relation to the nuances of government laws and policies, budgetary arrangements, and data could be strengthened through law, policy, budgetary and data workshops. At this point in time, NCARA only receives secretariat support to assist it with scheduling meetings with various NSW Government agencies and other parties to operate within the LDM governance network and fulfil its relational obligations under the NCARA–State Accord. Having a secretariat is good and well, but it needs law, policy, budgetary and data support. Also, the current arrangement whereby the NCARA Secretariat is housed within AANSW, and that the person undertaking the secretariat function is a public sector official, impacts on public perceptions about NCARA as a body autonomous from NSW Government.

Reclamation of prosperity

Prosperity is not about corporations. It's not just access to resources. ...it's about a bit of justice as well, our children and our communities should be able to walk around our communities without the fear of any persecution... It's about our people being able to go chuck a line in and catch a fish without having a license you know. That's what prosperity means to me. So, they're the things that used to happen, but in this new modern setting there's some restrictions there that we can overturn sometimes...and that's prosperity, when you have a group of young kids walking up the street with other little kids on their hips...I remember growing up seeing the big families walking like that you know. Today it seems like there are laws against that you know so, so there's a lot of stuff we can talk about with prosperity you know. Returning to that sort of...where there's no sort of mental pressure on communities to perform in a different...or behave in a different way. To conform to the lifestyles of Europe you know. Which is all good in a modern setting, but there is this big imbalance.... (evaluation workshop, NCARA member)

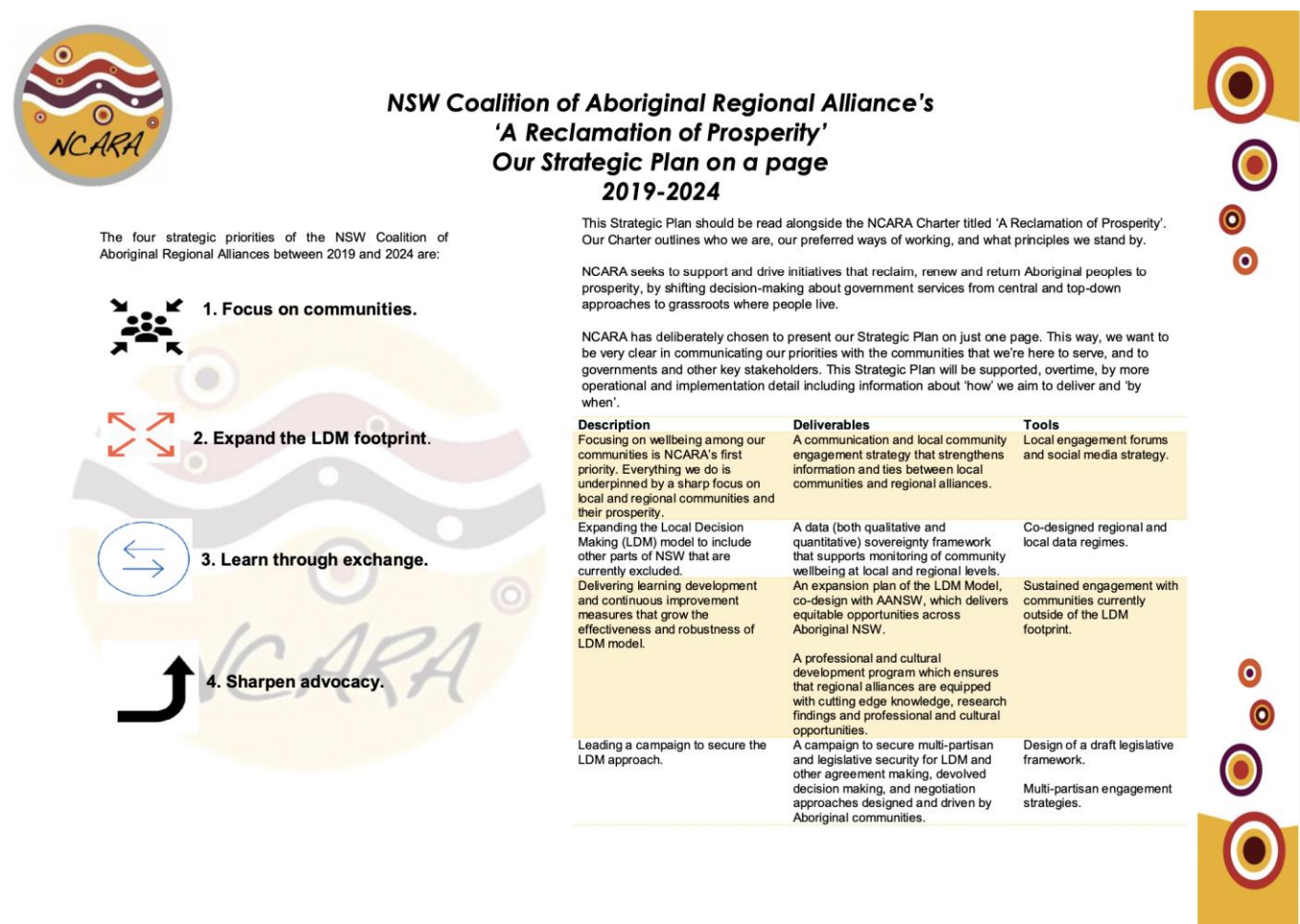
...we've got to identify what's not prosperity. Incarceration and living in a jail are not prosperity. Child abuse, domestic violence, they're not prosperity you know what I mean. We need to identify those things that have evolved since settlement you know that have affected our people... (evaluation workshop, NCARA member).

Returning wealth to me is about letting Aboriginal people have access to structures and assets that enable us to make some decisions (evaluation workshop, NCARA member).

And prosperity is going to mean different things to different people (evaluation workshop, NCARA member).

For NCARA, reclamation of prosperity is not only a reference to the contemporary moment, but a reference to thriving and prosperous First Nations peoples before colonisation. Prosperity is not solely about wealth creation for Aboriginal peoples through increased employment and enterprise development – it is social, cultural, spiritual, and political and interconnected with community wellbeing, shared wealth, economic development, autonomy, and self-determination. It's also about the right to go about living an Aboriginal way of life and to practice culture without fear of recrimination under western law. In the context of services, it is about reshaping services to create not only regional and community economic development, but ensuring those services are culturally and socially appropriate for Aboriginal peoples in those regions and communities and that they improve community wellbeing. NCARA Chairs also argue that self-determination over service delivery is integral to the pursuit of Aboriginal prosperity and wellbeing in NSW.

Figure 7 NCARA's Strategic Plan on a page



Source: NCARA 2019

Table 2 Deliverables outlined in NCARA's Strategic Plan, 2019–2024

Description	Deliverables	Tools
Focusing on wellbeing among our communities is NCARA's first priority. Everything we do is underpinned by a sharp focus on local and regional communities and their prosperity.	A communication and local community engagement strategy that strengthens information and ties between local communities and regional alliances.	Local engagement forums and social media strategy.
Expanding the Local Decision Making (LDM) model to include other parts of NSW that are currently excluded.	A data (both qualitative and quantitative) sovereignty framework that supports monitoring of community wellbeing at local and regional levels.	Co-designed regional and local data regimes.
Delivering learning development and continuous improvement measures that grow the effectiveness and robustness of LDM model.	An expansion plan of the LDM Model, co-design with AANSW, which delivers equitable opportunities across Aboriginal NSW. A professional and cultural development program which ensures that regional alliances are equipped with cutting edge knowledge, research findings and professional and cultural opportunities.	Sustained engagement with communities currently outside of the LDM footprint.
Leading a campaign to secure the LDM approach.	A campaign to secure multi-partisan and legislative security for LDM and other agreement making, devolved decision making, and negotiation approaches designed and driven by Aboriginal communities.	Design of a draft legislative framework. Multi-partisan engagement strategies.

Source: NCARA 2019

Part 2. Transforming government and empowering communities

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

The LDM initiative institutes into effect transformational change through creating a new governance structure, a new culture and a new set of values that spell out how NSW public officials are to engage with NCARA and Aboriginal Regional Alliances/Assemblies to improve Aboriginal public policy outcomes around service delivery in NSW. For the LDM initiative to work, it requires change around the three interconnected layers or strata of change for genuine transformation – structural, systemic, and service delivery change. Transforming relationships is about changing the way NSW Government agencies do business with LDM regions and communities through NCARA and Aboriginal Regional Alliances/Assemblies. Transforming the system and structure requires a normative shift in NSW Government agencies, their activities, and their governance around Aboriginal service delivery. Transformation centres around changing relationships, sharing decision making, devolving service delivery, and sharing data. Importantly though, in the case of the LDM initiative, it is NSW Government agencies that are the enabler of systemic and service delivery change. Despite NSW Government agencies being the enabler of change, it is an overarching finding of the state Accord evaluation that NSW Government agencies, and individuals within those agencies, have struggled with all four forms of transformational change – changing relationships, sharing decision making, devolving service delivery, and sharing data in their engagement with NCARA.

While the LDM governance network, and the existence of NCARA within this network, provides a mechanism for the NSW Government and its agencies to engage with LDM regions and communities under the LDM initiative, LDM requires more than consultation and networking. It necessitates a change in the relational dynamic and the way that NSW Government agencies do business with Aboriginal governance bodies and their communities under LDM.

Finding 4. The Local Decision Making model and the state Accord have operated as a mechanism to change working relationships between NCARA and the NSW Government and public officials. However, those working relationships are not yet as agreed under the signed state Accord.

The interview data shows that through the formation of NCARA and the willingness of the Executive Sponsors Group to work with it, working relationships have improved markedly. Aboriginal Chairs have increased social capital. The Executive Sponsors Group respect and recognise NCARA's agency, autonomy, and expertise and that it is the key Aboriginal advocacy body representing LDM regions at the state level. NSW public officials who were interviewed as part of this evaluation, recognise NCARA as the representative voice of regions and communities under the LDM initiative at the state level. NSW public officials are engaging with NCARA in this capacity. NCARA is playing an important advocacy role within the LDM governance network around service delivery and in the Aboriginal policy landscape in NSW more widely on behalf of LDM regions and communities. The Executive Sponsors Group is utilising NCARA's expertise to inform Aboriginal policy.

It is thus a finding of this evaluation that having an Aboriginal representative body at the state level, in the form of NCARA, has **improved Aboriginal–state working relationships** around LDM. The existence of NCARA has enhanced the social capital and leadership capacity of Chairs of Aboriginal Regional Alliances/Assemblies. However, while working relationships between NCARA and NSW Government agencies have improved, and NCARA plays an important advocacy role in the Aboriginal policy landscape on behalf of LDM regions and communities, shared decision making is non-existent at this level of the LDM governance network. Given where Indigenous policy is now at nationally (e.g., Closing the Gap 2020), it would be anticipated that shared decision making would be practiced and operating in some capacity at this level.

The working relationship is not yet one in which NSW Government agencies are engaging in collaboration and negotiation to co-design solutions or one in which the principles of shared decision making, co-design, or informed consent drive engagement between NCARA and those agencies. Consultation versus collaboration and shared decision making are different points on the continuum of engagement, with public officials erring toward consultation rather than shared decision making. While this level of engagement provides some opportunity for NCARA, Regional Alliances/Assemblies and LDM communities to contribute to Aboriginal public policy conversations at the state level around service delivery, their input is limited. This style of engagement does not privilege or facilitate shared decision making.

Overall, the data shows that public officials engage with and seek NCARA's advice and input on matters, but engagement is not deliberative. It does not entail greater involvement of NCARA in decision making or even greater transparency, inclusivity, or equality around decision making. NCARA is not engaged in developing solutions to either Aboriginal service delivery overall or specific areas of Aboriginal service delivery such as justice or education, and difficult issues that NCARA presents to public officials are not navigated together with new solutions being identified. Public officials simply seek input and advice from NCARA. The data indicates that NCARA is without real influence. NCARA's lack of real influence has resulted in a decline in trust on the part of NCARA, particularly given those processes of engagement are not even leading to greater transparency, legitimacy, and accountability in government decision making around Aboriginal service delivery in LDM regions.

One public official suggests that the nature of this working relationship takes the form of a negotiation as opposed to consultation. However, it is a finding of this evaluation that, aside from this one statement, there is no evidence supporting this assertion. The interview data indicates instead that the working relationships between NSW Government agencies and Aboriginal Regional Alliances/Assemblies and their communities are such that the latter remain predominately situated as decision-takers rather than decision-makers.

As the following interview extract indicates, NCARA anticipated it would be equal partners at the table directly negotiating funding and policy.

Look, the way we got messaged Local Decision Making was that we were going to be equal partners at the table... we thought our leadership was sitting down with state government leadership to directly negotiate in relation to funding and policy that directly impacted our community. So, it wasn't controversial to sign up, because the messaging around OCHRE – the whole OCHRE framework and Local Decision Making, in particular – was that we were sitting down at the table directly negotiating. We are about reform. We want to change the way the government does business with community (interview, Chair, Aboriginal Regional Alliance/Assembly)

While the following interview extract indicates that NCARA does have a seat at the table and engagement is represented as more of a negotiation, rather than a consultation, there is no shared decision making.

So, what's the upside here? Yeah, look, I do think the nature of the conversation with NCARA is much more a negotiation than a consultation and when I think across that kind of 20 or 30 years of engagement around various aspects of Indigenous policy in this country, this is up there really about a more kind of level playing field and a language and a culture around negotiation, not just consultation (interview, Executive Director).

What the evaluation data shows is that NSW Government engagement with NCARA is predominantly conducted as either two-way discussion, learning and dialogue, or consultation. NCARA is treated and described as an 'advisory council', 'stakeholder' or 'interest group' by public officials in service delivery and policy negotiations. This goes to attitudinal changes. In interviews, senior public officials often used the term 'consult' to describe their engagement with Aboriginal Regional Alliances/Assemblies and often described Aboriginal Regional Alliances/Assemblies and NCARA as an 'interest group, who they consult and 'obtain input and feedback from'. Their discourses downgraded NCARA's function to a 'stakeholder' or 'advisory council', rather than a genuine autonomous partner with decision-making power as per the signed NCARA–State Accord. It appears that, for the most part, engagement with NCARA is an information gathering and sharing exercise as opposed to a more complex deliberative process, which is built around two-way conversations and collaborative decision making.

This is not to say that NCARA is not influencing decision making nor is it an indicator that public officials are not on-board with LDM. Many public officials are, and they consider that LDM 'has the right principles'. While well-meaning and high levels of good will exist, many of those supporters, however, still see Aboriginal involvement in decision making as a beneficent decision of government, a 'noble endeavour', rather than a right under relevant international standards such as the United Nations Declaration on the Rights of Indigenous Peoples.

For example, members of the Executive Sponsors Group report examples of their positive engagement with NCARA, suggesting significant buy-in on the part of the Executive Sponsors Group. Chairs of Aboriginal Regional Alliances/Assemblies report higher levels of bridging social capital as a result of engaging with high level public officials through NCARA. However, while working relationships have improved, joint or shared decision making is rarely practiced, with much of the engagement by members of the Executive Sponsors Group with NCARA conducted as either two-way discussion, learning and dialogue, or consultation. Those processes provide some opportunity for NCARA, Regional Alliances/Assemblies and LDM communities to contribute to dialogues about reforming service delivery matters affecting them.

Finding 5. Despite the existence of the signed state Accord, the Local Decision Making model and the state Accord-making process has not empowered Aboriginal communities to share decision-making authority with the NSW Government and its agencies to progress their aspirations. The signed state Accord has not catalysed change within the NSW public sector. Thus, it is the capacity of government to transform the way it works that is impeding change.

I just wanted to comment against one of the evaluation questions, that is '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?'. I think the state Accord process and the Local Decision Making is putting us in a position where we are now at the table, we can be at the table and talk about some of this stuff. The Accords will help us to cement, even though they are not a legal document in a sense, but they will help us to cement an

aspiration to work together and I think we are starting to see that with... particularly now that senior execs getting involved, Executive Sponsors and a whole range of things...

...Motivation is not about money, it's about people...it's the strength of those [unclear] that sit at our table here. If we had the resources available, we probably would have attracted a different type of person, we have attracted people, genuine people, who have a genuine interest in their regions and their communities. So, when the cheque book does hit the table that will be the test for us to see how the arrangement rolls out, but currently we've been doing it on a shoestring, we've been doing it respectfully and we've been honest about the whole thing. You have been to our communities and [you know] our regions and our people are patiently waiting for the leadership groups to create that opportunity for them (Chair, Aboriginal Regional Alliance/Assembly, NCARA–State Accord evaluation workshop).

It is a finding of this evaluation that **shared decision making** is rarely practiced between NCARA and the LDM Executive Sponsors Group and representatives of that group on behalf of individual NSW Government agencies at the state level. Examples of **shared decision making** between NCARA and NSW Government agencies are limited to three instances, the states coordinated response to COVID-19 in LDM communities, which was Indigenous-led; the establishment of an Aboriginal unit in NSW Treasury, which was a shared decision; and changes to discretionary fines in relation to the wearing of bicycle helmets, which NCARA influenced.

While NCARA has a seat at the table and has a level of influence to bring about change on behalf of LDM communities, the NSW Government has made an explicit commitment to **shared decision making**, which **has not yet been achieved**. Table 5 below contains extracts from thematically coded interview data around engagement to provide insights about the degree to which shared decision making is practiced. The coded interview data provides several insights around the type of engagement practices currently taking place between NSW Government agencies and NCARA and Aboriginal Regional Alliances/Assemblies more generally. It illustrates that there is clear valuing of NCARA. Yet, the coded data shows that the dynamic between NCARA and public officials around decision making is one where NCARA is treated as an interest or advocacy group that provides a 'free consultancy' and provides its 'solutions', its 'wisdom' and its 'intellectual property knowledge' without remuneration (see Table 5 below). That data suggests public officials value that knowledge, and that knowledge informs their decisions and can lead to reform. However, Aboriginal knowledge is being treated as informative. It is used to inform and shape decision making. The form that government engagement generally takes with NCARA is that of two-way discussion, learning and dialogue. As discussed in Finding 4 above, NCARA is treated as an advisory council or interest group that is predominately consulted by the LDM Executive Sponsors and NSW Government agencies. This style of engagement does not privilege or facilitate shared decision making. There is no evidence that public officials reach decisions with NCARA or that they collaborate with NCARA around solutions. Overall, it is government continuing to 'do for' rather than 'do with' community.

While the data reveals that the shared decision-making benchmark for many interviewees is a genuine, equal partnership, the data also reveals a lack of equality between NCARA and public officials and a lack of willingness on the part of public officials to relinquish power and share control. Thus, despite a binding NCARA–State Accord in place, NSW Government agencies continue to consult rather than empower Aboriginal Regional Alliances/Assemblies around service delivery. This leaves NCARA feeling highly frustrated and let down. They know upfront what should be changing and how things should be different, and while engagement is occurring more frequently, there are not the envisaged shifts in the power and control of interactions.

It is also a finding of this evaluation that there is consensus among public officials engaged in implementing the LDM initiative, including those charged with working with NCARA, that the reason for this is that transformation

in the way that government agencies do business has been difficult to achieve. This is due to the lack of public sector leadership, governance, and transformative execution around LDM (see Finding 9).

The interview data thus reveals that public officials and agencies are not changing the way they work. The NCARA–State Accord itself is a barrier to shared decision making in that it commits the NSW Government and its agencies to ‘respectful *consultation*, collaboration, and negotiation to co-design solutions’ (NCARA & NSW Government, 2019, p. 2) with public officials erring toward consultation. While the wording of the NCARA–State Accord in this way has provided public officials with different options along the continuum of engagement, the default approach of individual public officials is to consult NCARA rather than collaborate or share decision making with it, which perpetuates this business-as-usual model.

However, even though shared decision making has not been achieved there is considerable value for Chairs of Regional Alliances/Assemblies to having a seat at the table on behalf of their communities as indicated below.

I think that it also enables us to use initiatives to try different things. Because we are region based, we can trial innovative ways to approach things to see if it works. So, for example, we trialled – for our PAC meeting, the police and community, we got every single new graduate constable that joined on the Central Coast to come out with me on site to the organisations on the first day to talk about – and I took them to The Glen which is an alcohol and drug rehabilitation facility on the Central Coast. ...And they heard firsthand why the men from The Glen hate police. What is their experience of police and why there is resistance in terms of engagement. To hear that on your first day of the job changes the perspective, it changes the way you do the job. So, we’ve been able to do really innovative things like that and our Chair has been able to go talk to NCARA – talk to that at NCARA and those have been able to be replicated in other regions. I don’t think that’s possible... (interview, senior position holder, Barang Regional Alliance).

There is also considerable value for the Chairs from Regional Alliances/Assemblies coming together as indicated below.

We share knowledge. We also share resources, so I’ve given my joint decision-making model to a number of the other Regional Alliances. I’ve gone to other regions to talk to them about our surveys, how we’ve reported our surveys back, we’ve included them in our data network and participated in other regions’ data networks. So yeah, we share resources so that you’re not reinventing the wheel (interview, Chair, Aboriginal Regional Alliance/Assembly).

We had a youth summit in our region because our community surveys have told us that young people want to be connected to identity and culture and then NRAA started a youth leadership cohort and so myself and Gary and a couple of our youth leaders went up to NRAA to their introductory camp and talked to their youth leaders about how we ran our youth summits in our region, what was the lead up to that to encourage them. Allirra who’s our trainee and she’s one of our emerging leaders went to Moree to the [Justice Reinvest Summit] and shared with them her experiences in this community and participating in our youth summit. So yeah, we do collaborative work across regions so that we can share resources and knowledge (interview, Chair, Aboriginal Regional Alliance/Assembly).

The Chairs and other staff from Aboriginal Regional Alliances/Assemblies support, mentor and collaborate with other Aboriginal Regional Alliances/Assemblies.

Interviewees also pointed to the value of conversations around key issues, such as school attendance or retention, at the state level between Chairs of Aboriginal Regional Alliances/Assemblies and between those Chairs and senior position holders from NSW Government agencies.

For me, it's about that you're looking at it from a different level because we're all usually focused so much on our local communities and where we work, it's about looking at that higher level of how things are structured. Then actually having the opportunity to sit down with other Chairs and those Executive Directors in government to start talking about some of the issues and whether it's combined justice program or education where we looked at the attendance and retention (Interview, Chair, Aboriginal Regional Alliance/Assembly).

NCARA is influencing policy change through those conversations, leading to some important achievements. One example given is conversations had around the resetting of the relationship between police and communities.

The relationship between police and communities needed to be re-set. So, we sort of used those very words, that we want to re-set the relationship with law enforcement and authorities and the courts and everybody else in New South Wales to try and look at things that were achievable. Fining children for helmets over a bike or a scooter, which we moved on that very quickly. Because we said, that's the next generation of family members, parents and you don't want to sour that now.

NCARA was able to negotiate obviously discretionary fines and stuff like that and the helmet was one of them. Instead of giving a fine for not wearing a helmet, they were giving them a referral to the PCYC program that the police run or giving them a helmet instead. Explaining – being able to be that influence, well, we don't have that. Explaining what we needed and him being able to then go and implement that into the police force. Because even people out in Broken, where I live, people know that they're no longer issuing fines but they're looking at other measures. That partnership – I know that NCARA was influential on (Interview, Chair, Aboriginal Regional Alliance/Assembly).

It's a different process to try and talk with them one-on-one on behalf of community and your region. Pat Turner from NACCHO [National Aboriginal Community Controlled Health Organisation], she is not going to return my call, she doesn't know who I am. Do you know what I mean? Like it's like that. It's the directors and the ministers, they're not going to return my call. But with NCARA we can get the voice of community up to that higher level And, now most of them return my call... (Interview, Chair, Aboriginal Regional Alliance/Assembly).

Those conversations led to the creation of a NSW Treasury Aboriginal Unit focusing on government expenditure on Aboriginal services.

Another thing about NCARA is the creation of the treasury unit. We really fought hard to get something into treasury. We had treasury come and visit us a few times, do presentations and we talked about the black budget [sic]. Where is it? Where is this black money in treasury [sic]? Where's all of the millions of dollars that Aboriginal people are earmarked for when budgets are set? They've got an Aboriginal unit in there now, in treasury... Which has created this connection now from treasury to Aboriginal peoples in New South Wales. They're the sort of things that we [are about]. The realities of these Accords is that there's got to be something in there. We just can't continue to talk about it, they've got to create something from both sides. So, they've created the unit, which is good (Interview, Chair, Aboriginal Regional Alliance/Assembly).

It is possible to identify reasons for this situation within the data. For example, the implementation of the National Agreement on Closing the Gap from July 2020 has negatively impacted on the willingness of NSW Government and its agencies to share decision making with NCARA regarding state-wide policy matters. The NSW Joint Council on Closing the Gap, the NSW Partnership Working Group and the NSW Officer-Level

Working Groups are widely seen by NSW Government agencies as the appropriate forum for shared decision making regarding state-wide policy matters. NCARA is invited to be present as a member of those two working groups, but not the joint council and does not co-chair any of these governance forums.

The lack of leadership and governance within the NSW public sector around the LDM initiative is also a key impediment.

The key themes emerging from the interview data around the theme of systemic change are presented in Table 3 and analysed further in the discussion section below.

Table 3 Interview extracts around the theme of shared decision making

Theme: Shared decision making	
Codes	Interview extracts
Sharing power, knowledge, and expertise	'We're sitting at the same table but we're not sitting as equals and we certainly don't share decision making. I'm sure it would have been very clear from our experience that we didn't have the right people [from NSW Government Agencies] that had the authorising power even sitting at the table with us at NCARA' (Interview, Chair, Aboriginal Regional Alliance/Assembly).
- Going beyond advocacy - Government needs to invest in ideas for community - Community has to retain some control	'NCARA is advocating on behalf of the regions and communities but according to the governance arrangements, it's meant to go beyond simply advocating. There's meant to be shared decision making and to be Government coming to the table to invest in ideas for the community and community to retain some control and at the least, a partnership and I just don't know whether that – well, I know that part isn't happening' (Interview, Deputy Secretary and Executive Sponsor).
- Genuine partnership - Shifting to a model of community	'If we're going to be serious about shared decision making and genuine partnership, then we need to be shifting a model of community where possible and that's what LDM offers' (Interview, Deputy Secretary and Executive Sponsor).
- Consulting an interest group - Advocating or lobbying vs representatives of community - Genuine partnership - Relinquishing power	'Are NCARA just an interest group that we consult with? Or are these representatives of community that we've signed up to support through genuine partnership and relinquishing some power and control? That's really what it should be about, and I think it's what it's meant to be about, but I think we're still treating NCARA at the moment as more of an interest group that's advocating or lobbying but...' (Interview, Deputy Secretary and Executive Sponsor).
- Inequity around resourcing - Power & resourcing as a barrier to shared decision making - Resources for Alliances as a barrier	'NSW Government still has the power, and the Regional Alliances basically are still begging for scraps off NSW Government. Probably examples to that is NSW Government provides an operational funding to LDMs for them to operate annually, and it's really a pittance compared to – if you look at each of – just if you look at the AANSW regional setup, we've got seven regions across New South Wales, and it would be on public record that basically the operations for each of those regions would probably be somewhere between \$750,000 to \$1 million. I would say, that the LDMs received probably a fifth of that to operate. So, already there's inequity in them being able to function as an equal partner.' (Interview, Deputy Secretary)
- Equality - Doing 'to' vs doing 'with'	'Whilst it's an equal footing, government still wants to do it their way, as opposed to – they want to do to, as opposed to do with. So, we still have that situation in some of the mindset of the lead negotiators' (interview, Regional Manager). 'Government still wants to do it their way... they want to do to as opposed to do with...' (Interview, Chair, Aboriginal Regional Alliance/Assembly).

• Fear of relinquishing power & control • Equal partnership	‘At the outset, the LDM process in its raw form, I was extremely encouraged when we went down that path under NSW Government’s Aboriginal Affairs <i>OCHRE</i> initiative of LDM. But, like any government policy, the proof is in the implementation, and whether government actually take it seriously, or not. So, for the past nine years I’ve seen various implementations of strategy – or implementation of the government policy across three regions. I would say from the outset that government is very fearful of relinquishing control. So, obviously LDM came in as – one of the main themes to LDM was it was going to be in equal partnership between NSW Government and Regional Alliances’ (Interview, Regional Manager).
• Remuneration • Free consultancy and intellectual knowledge • Hear their solutions, hear their wisdom, hear their intellectual property knowledge to fix problems, but don’t value	‘The other inequity is government still wants basically a free consultancy off Aboriginal people. So, in that, they’re not paid to attend any meetings. They are not paid to attend any Accord negotiations, anything like that. But government are quite keen to hear their solutions, hear their wisdom, hear their intellectual property knowledge to basically fix up the stuff-ups of NSW service delivery to Aboriginal communities. So, they want it, basically, for nothing. That’s basically they’re no more than mission managers in that regard, whereby they’ll provide the cup of tea, a feed for them, but they won’t pay them for their time’ (Interview, Deputy Secretary).
• Remuneration inequity	‘So, a lot of the Regional Alliance delegates have to actually take time off work to attend those meetings, whereas a Regional Director, or an Executive Director, they’ll be on \$200,000 plus salary, they’ll be on TA of anywhere between \$300, all expenses paid, et cetera. So, there’s already an inequity of power sitting around the table’ (Interview, Deputy Secretary).
• Good faith, but are public officials open to change? • Being open to totally different ideas for bettering service delivery	‘I mean, notwithstanding that NSW Government are sitting at the table in good faith, I have no doubt about that, but they just – I don’t think they go to the next step of having a clean sheet, walking into the negotiations and being open to any totally different idea of how all this could or might possibly work for bettering the service delivery for the Aboriginal communities’ (Interview, Regional Manager).
• Transform thinking • Treating Aboriginal Regional Alliances and NCARA as Aboriginal Advisory Councils • Transforming how they move from getting input to sharing decision making	‘We talked yesterday about transforming government. They still look at us as being on their Aboriginal Advisory Councils, so I think that’s where they’re getting the input from communities from. LDM is about local decision making, shared local decision making, that’s what governments – we need to get them to transform their thoughts on how they’re going to share that with us. They don’t want to do that, they want us – I told you all yesterday, where there’s two signatures on the Accord you know, but there’s no shared authority there’ (Interview, Chair, Aboriginal Regional Alliance/Assembly).
• Good results dependent on relationships & individual attitudes	‘Alliances have got some good results, ...[I]t’s basically been on the relationship. So, if the Alliance doesn’t have the relationship with the lead negotiator, and the lead negotiator is sort of fairly open minded, et cetera, then you’re not going to get much out of LDM’ (Interview, Deputy Secretary).
• Mindsets • Processes	‘... they come in there so blinkered sometimes that they just don’t understand the struggles of Aboriginal communities in the regions and individuals. Where they’ve come from. To fight for funding or fight to provide services or whatever. But in terms of relationships, some agencies, definitely there has been a change. I can see, definitely. But again, I think it’s not the staff member’s fault. I think it’s process in the back end where it’s out of their control’ (Interview, Regional Manager).
• Power relations	‘NSW Government still has the power, and the Regional Alliances basically are still begging for scraps off NSW Government’ (Interview, Executive Director).
• Sitting down at the table on an equal footing, gathering information, but	‘I think the advantage for the Regional Alliance is that this really has never been done by government before, which is great. That’s an extreme positive, that government actually wanted to try and sit around the table on an equal footing and gather that information and try and actually resolve/devolve service delivery to Aboriginal communities using the

government reluctant to change how they do business

knowledge of the locals. Where they get muddled up is that government are reluctant to change policies, are reluctant to be innovative on how they might implement that different strategy to that area, and those issues in itself create a bit of a friction, I suppose, between LDM and NSW Government' (Interview, Deputy Secretary and Executive Sponsor).

Finding 6. There was no evidence found during this evaluation that the Local Decision Making model and the state Accord-making process have resulted in a transfer of ownership of service delivery programs to the Aboriginal community-controlled sector on the ground in LDM regions in NSW. Again, the capacity of NSW Government agencies to transform the way they work is impeding this. The state Accord commits the NSW Government to reclaiming, renewing, and returning Aboriginal peoples in NSW to prosperity, which was intended to be achieved through transforming Aboriginal service delivery in NSW.

Transferring service delivery ownership

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

The commitment to transferring ownership of service delivery programs to the Aboriginal community-controlled sector in NSW exists under LDM and the state Accord-making process, and it is reinforced through the NSW Government becoming a party to the new National Agreement on Closing the Gap. Yet there has been no overarching move on the part of NSW Government agencies to engage NCARA or Aboriginal Regional Alliances/Assemblies in service design or delivery let alone conversations about the transfer of ownership of service delivery programs to the Aboriginal community-controlled sector in LDM regions in NSW.

Relationship between service delivery ownership and prosperity

Service delivery is about prosperity. It is a means to prosperity. That is, service delivery has to stop being thought about as government services and thought about in terms of community aspirations and as a path to prosperity.

NCARA sees the fundamental objective of the signed state Accord is to work with NSW Government to return Aboriginal peoples in NSW to prosperity. It sees this as being achieved through service delivery. The Accord recognises that service delivery is a means to prosperity. That is, service delivery has to be thought about in terms of community aspirations and as a path to prosperity.

Yet, NCARA members believe that one of the greatest barriers around moving forward in transferring ownership of service delivery programs to the Aboriginal community-controlled sector relates to the distinction between

how public officials interpret the meaning and function of service delivery and how Aboriginal people interpret its meaning and function. This is illustrated in the following quotes.

In a lot of respects, and this is an argument we have had with the conservative government and a number of Liberal Senators back in the 90s, when we were talking about similar things to this, there has got to be this realisation that a lot of the services is where our jobs are in the regions. A lot of our service providers that is where a lot of Aboriginal people work, that's where the jobs are. So, it's not just about the government delivering a service to a community, it's also about providing opportunities for employment particularly in regional and remote areas you know. So, it does represent that to a lot of Aboriginal people as well, that's where a lot of the employment is and if it's not in those service providers it's in government. So, it's an argument that we had with the Senators back when John Howard was in power, they were saying it's not just about jobs it's about service delivery and we're going to change this service delivery model and that...what they were doing was basically making families unemployed by doing things. You cannot think of a community-controlled organisation and an Indigenous enterprise as different, limiting the capacity of one to delivering government services. So, you try and get them to understand that you might see it as service delivery from a government point of view, but from out in the community it's also about jobs for people, it's about economic prosperity for families to have a bit of income and stuff like that. So that's got to be a realisation that a lot of our employment is wrapped up in this space. I think it's the ultimate social enterprise (Chair, Aboriginal Regional Alliance/Assembly, NCARA–State Accord evaluation workshop).

That's the thing about service delivery if it was so successful we wouldn't have some of the problems, some of the social issues we have, because it doesn't serve community aspirations and plans it just serves a service type arrangement where they are funded to do a service [unclear] and some of our Land Councils I suppose and some of our organisations don't seem to be featured in the employment space...so when they talk about we want to invest in business, so some of our community controlled corporations are businesses, but they're not seen as it [unclear] so they're missing out on a lot of support and subsidy I suppose that would be better off [unclear] to be a corporation, but they don't feature in that business space. And goes back to their constitutions as well, their constitutions had to be designed to suit the service delivery model you know. A health service cannot run housing, they can't do it because its specific funding is for health you know. So, these are the sorts of barriers, but look we can definitely have a yarn with Treasury and government about those new arrangements. And like I said it's not about more money, it's about maximising the money we've already got and the arrangement, that's all it is (Chair, Aboriginal Regional Alliance/Assembly, NCARA–State Accord evaluation workshop).

I was just thinking about that question you asked around the connection on how that works as in service delivery and its relationship to prosperity...if we can get the service delivery arm right, it supports our community and our people being able to prosper, whether that's going into their business, their home, their employment situation, learning different skills and activities. An example of that for us is that we have a gentleman who has come out of the Glen, he didn't have a home and he didn't have work, so he was able to be employed by one of our organisations. He didn't want to go home to his own community because he still needed to make sure that he was right, so he has been employed, we helped him get housing. I think prosperity for me isn't about money or succeeding, but actually that is a bit of prosperity for our community because you are actually supporting people who aren't well and not ready to move forward...it's about those people who have what it takes to succeed, they just need the wrap around services to support them going forward. That for me is prosperity.

And it's also about if we get it right for our mob there are a lot of non-Aboriginal people that it would work for as well (Chair, Aboriginal Regional Alliance/Assembly, NCARA–State Accord evaluation workshop).

In sum, the transfer of ownership of service delivery programs to the Aboriginal community-controlled sector in NSW is identified as critical to achieving prosperity. However, NCARA identified there has been no move forward in regard to progressing either the commitment to Aboriginal prosperity in NSW or the transfer of ownership of service delivery programs to the Aboriginal community-controlled sector in LDM regions.

Finding 7. The ways in which NSW Government agencies are responding to the Local Decision Making model and the state Accord-making process is not strengthening their accountability, cultural competence and responsiveness to Aboriginal needs and aspirations.

It is a finding of this evaluation that the NSW Government, and senior public officials on its behalf, have not given attention to broader questions of how the LDM model and the state-Accord making process can (a) strengthen cultural competence and responsiveness to Aboriginal needs and aspirations or (b) what reporting arrangements, lines of authority, and administrative structures could be put in place to facilitate accountability under the LDM initiative, particularly in relation to the progressing of signed Accords and Schedules.

LDM is meant to represent a shared third space in which solutions are co-created. It should operate as a site of cross-cultural engagement with public officials and NCARA working effectively across and between cultures. For example, Davis (2020, p. 26–28) explains cross-cultural engagement in a shared third space as follows.

The co-creation of culture and knowledge is part of the journey to cultural competence, with people working effectively across and between cultures. This co-creation of culture and knowledge can only occur by forming a safe space in which the different cultures and knowledge can be shared, and co-developed... In the journey to cultural competence, meetings, encounters, and interactions between and among peoples and cultures from different backgrounds, ethnicities and cultures are seen as akin to conversations, in which there is a constant shifting and fluidity, creating a space for new knowledge and culture formations built around trust, reciprocity, recognition and respect.

Cross-cultural engagement is more than being respectful of Aboriginal culture and that Aboriginal knowledge and ways of doing business are different from white knowledge and ways of doing business. It concerns the capacity to interact effectively, valuing the expertise and knowledge of Aboriginal collaborators. As Walker, Schultz and Sonn note, the goals 'is to foster constructive interactions between people of different cultures... [it] may not translate easily or appropriately from one culture to another, rather it is a commitment to an ongoing process developed in a particular intercultural context'. It requires working at the cultural interface (Walker et al., 2014, p. 199).

In terms of working at the cultural interface, Walker et al., argue that this requires 'taking on board' the understanding that, for example:

- the Aboriginal concept of service delivery is holistic
- self-determination is central to the provision of Aboriginal services
- culturally valid understanding must shape provision of Aboriginal services, and
- the human rights of Aboriginal people must be recognised and enforced (2014, p. 196).

LDM embodies such principles. It is intended to operate this way.

As a shared third space in which solutions are co-created, it should operate as a site of cross-cultural engagement with public officials and NCARA working effectively across and between cultures. However, there is little evidence within the evaluation interview data that public officials are able to collaborate in cross cultural contexts. This is evident through the following:

- (a) public sector knowledge and practices are privileged over and above that of Aboriginal knowledge and practices,
- (b) While NCARA's knowledge is valued, its knowledge is treated as input and the Regional Alliance/Assembly Chairs who sit on NCARA are, like Walden and Dennis observe in another context, 'rarely recognised as the rightful local decision maker' (Walden & Dennis, 2014, p. 11, cited in Brown, 2019, p. 402),
- (c) power relationships remain entrenched in the relational dynamics between NCARA and public officials, and,
- (d) public officials and agencies are not responding appropriately to NCARA in terms of changing the way they work.

Today, CTG 2020 commits governments at all levels to transforming the way they do business. At the Commonwealth level, the Closing the Gap Implementation Plan (NIAA, 2023) commits the Australian Public Service (APS) to 'enacting real and impactful structural change to eliminate racism and ensure government organisations and services are culturally safe and responsive to the needs of Aboriginal and Torres Strait Islander people' (NIAA, 2023, p. 23). A priority action at the Commonwealth level is to strengthen cultural capability and embed cultural safety across the APS (NIAA, 2023, p. 24).

Despite the commendable intentions of the LDM initiative, public officials have struggled to make the shift away from 'doing to' to 'doing with' (Turnbull, 2018 cited in Brown, 2019, p. 402) and there were occasions when non-Indigenous public officials' framing of the conversation erred on the side of paternalism. Such issues point to low levels of cultural competence and lack of cultural safety. Change will only occur through strong strategic executive leadership across NSW Government agencies.

Importantly too, neither the *OCHRE* plan nor the LDM initiative has a monitoring framework in place. There is no mechanism for monitoring the responsiveness of NSW Government and its agencies to Aboriginal needs and aspirations. There is no mechanism for assessing whether cultural competence has improved or whether LDM is operating as intended. There is no mechanism for measuring how responsive NSW Government and its agencies are to the state Accord or its Schedules.

Aside from the following clause in the LDM Policy and Operational Framework, the onus for accountability is on Aboriginal governance structures not the government or its agencies.

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 (AANSW, 2017, p. 5).

The NSW Government has not continued 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. This is a significant oversight on the part of the NSW Government and its agencies given the move under Priority Reform Three of the National Agreement on Closing the Gap (CTG 2020) to 'identify, develop, or strengthen an independent mechanism, or mechanisms, that will support, monitor, and report on the transformation of mainstream agencies and institutions' (NIAA, 2023, p. 1). The intent of a monitoring framework under CTG 2020 is for 'the mechanism, or mechanisms, [to] support mainstream agencies and institutions to embed transformation elements, and monitoring their progress' (NIAA, 2023, p. 1). The commitment to Improving transparency and accountability through a Monitoring and Accountability Framework and stronger reporting and independent mechanism/s (i.e., Clause 67 of the CTG 2020 should not be limited to one aspect of Aboriginal policy in NSW (i.e., to CTG 2020), but should apply across all Aboriginal policy and initiatives in the state, including the *OCHRE* Plan and the LDM initiative. The existence of such arrangements, including a monitoring framework, could be key to strengthening the responsiveness of NSW Government to Aboriginal needs and aspirations under the LDM initiative.

Finding 8. The Local Decision Making model and the state Accord-making process have facilitated access to regional and state-wide data and information to support context specific decision making on an ad hoc basis, but that form of access has been limited to specific initiatives and it has not extended to the provision of local and regional data and information to support decision making and Indigenous data sovereignty.

Systematic efforts to provide NCARA with access to timely, up-to-date data are wanting. While there are accounts of NSW Government agencies providing presentations to NCARA sharing information and data, no individual agency, cross-agency, or even systematic efforts have been made to provide NCARA with access to timely, up-to-date, interpretable data to inform its decision making. Public officials provide many reasons as to their lack of capacity around data sharing.

Aboriginal Regional Alliances/Assemblies do not control quantitative data about the residents they serve. Rather, they rely on government agencies who collect and collate administrative data, or at times, on Census data. These data are frequently ill-suited to answering the questions that NCARA and Aboriginal Regional Alliances/Assemblies have about service needs, including expenditure, and outcomes in their regions and across LDM regions, whether that be because of poor data quality, a mismatch between the geographical coding of the data and the geographies of interest to Alliances/Assemblies, a mismatch between the data collected and interests of NCARA or Alliances/Assemblies, or other reasons. Furthermore, NSW Government agencies generally only provide data to NCARA on request, such is the magnitude of the data they hold. Government agencies have often taken many months to fulfill such data requests, and NCARA report that the data received can sometimes be inaccurate, limiting any use that NCARA may have for such data.

The data from interviews with public officials as part of the NCARA–State Accord evaluation supports such assertions. Several new insights around data sharing to those presented in previous *OCHRE* LDM evaluation reports (e.g., Howard-Wagner et al., 2022; Howard-Wagner & Markham, 2023) are identified. This includes the limited capacity of government to disaggregate expenditure data, the system implications for data transparency, and new insights around legislative barriers to sharing data alongside privacy issues.

Chairs of Aboriginal Regional Alliances/Assemblies relayed the conversations that they have with public officials around data sharing, which suggest that public officials provide many excuses as to their lack of capacity around data sharing. Chairs also indicated that no individual agency, cross-agency, or even systematic efforts were made to provide NCARA with access to timely, up-to-date, interpretable data to inform its decision making.

The data from interviews with public officials as part of the NCARA–State Accord evaluation supports such assertions.

A sample of extracts from the interview data presented in Table 4 around government efforts to share data with NCARA presents some of the existing understandings alongside new insights around data sharing.

Table 4 Interview extracts around government data sharing

Theme: Government data sharing	
Codes	Interview extract
Limited capacity to disaggregate (expenditure) data by region	‘Yeah, you might want to make a mention on data, our capacity to disaggregate by region. It’s really tough, particularly if you’re looking for expenditure data and I understand why people asked for particularly good people in Murdi Paaki who have understood that’s really critical. Jeez, our capacity to do it is hard. Yeah, anyway, it’s just an observation’ (interview, Deputy Secretary and Executive Sponsor).
System implications of data transparency	‘I am for data transparency, but again our people struggle because of the system implications’ (interview, Deputy Secretary).
Data sharing, legislative barriers, and privacy issues	‘Listen, we’ve really struggled with this. They’ve wanted data on suspensions, they’ve wanted data on academic results, they’ve wanted data on incidences in schools, and some of these things we haven’t released to anyone because they can create league tables, there’s legislation in place. Plus, there are privacy issues around some of this material. So, again that hasn’t been a comfortable position to be in that, because you’re meant to come with a different mindset and yes first if you know, before no. That hasn’t helped in our relationship building and that hasn’t helped the trust’ (interview, Deputy Secretary and Executive Sponsor).
	‘Yeah, with that regional data stuff there, it clearly showed to me in those Accord meetings with government, we can ask all those agencies for the same data and all those agencies will come back with different data. It’s exactly the same data, but it’s tailored to their needs. Prime example was housing, you know you go in and say what’s your housing stock they go there’s so many houses in Wagga that sort of thing, I said well what about the Aboriginal component – oh we got this and this – and then you ask the social housing mob and they got this, this, and this. I say the numbers don’t match, what’s going on. The thing around data and government you know no agency will share data with another agency. That’s quite clear, Department of Ed, DCJ [NSW Department of Communities and Justice], out-of-home care kids, they got a cultural plan, they can’t share that with the Department of Ed. Yet, those kids are there from 8.30 to 4.00pm in the afternoon. They both align, but they’re not allowed to share them, and you can’t talk about it cause of privacy issues. And same with health, you go to health or your doctors, it’s the same situation. You’ve got all these agencies sitting in siloes, we’re there sitting as a holistic body trying to say this is a family you got to deal with. And this is how we mapped it out in the Accord process. I said, well, this family – let’s look at a family with 3–4 different age groups you know, preschool, primary school, high school, older child, and parents. The older child might be involved with the justice system. I said where do they come into play along there – we did a timeline and some of the stuff where they could have intervened down here, but because of privacy issues they couldn’t do it, they actually had to wait until they got in trouble and then oh, we’ve got all these services for you, come here let’s help you. Oh, it’s too late he’s in the criminal justice system now. So, we’re setting our kids up to fail and once you get that permanent record, gee it’s very hard to get a government job. Even a local job, even a job at the local store cause most of them do

	criminal record checks now' (interview, Chair, Aboriginal Regional Alliance/Assembly).
Community infrastructure around data gathering	'The thing about data, the data person admin costs, I think for our community we actually do need someone who drives a lot of that within it so maybe not just funding towards that, but for a position to actually do that on the ground as a full-time job because I think that's critical' (interview, Chair, Aboriginal Regional Alliance/Assembly).
Accuracy of data	'Once we started questioning some of their data and information that was promoted as a working model and signing up to these [Accords] that were, it was just like business as usual for the agencies and you started questioning them, I think that created a bit of pushback from government. Because we weren't supposed to be questioning them, we're supposed to be working with them and agreeing with all of their programs which we knew were ineffective' (interview, Chair, Aboriginal Regional Alliance/Assembly).
Presentation of data around resource allocation reveals other limitations	'We've been open... like in one of the Accords we gave a presentation on the number of dollars going to X in X in that geography. Because we have something called the resource allocation model which goes to needs based funding. Now the amalgam in that has looked quite significant on paper and then that's been used to bash us over the head. In this locality, \$51 million going to X and the outcomes are hopeless. I'm just exaggerating. You're better off giving the \$51 million to us, you know. We say well we can't take it out of X, it goes to the X, not to the department' (interview, Deputy Secretary and Executive Sponsor).
Rethinking data and its disaggregation from a bottom-up perspective	'I think it's data for what? I think that's the starting point. We're doing some work with Treasury as we speak around a bottom-up, top-down approach. Essentially the top-down approach is Treasury rolling out via their Indigenous expenditure report, the actual investment of government within and for Aboriginal people, communities, and businesses from a universal perspective. However, in that report Treasury are going to be committing to using a community as a case study to determine that disaggregation of data from an investment point of view. Now we're going to be supporting that piece of work by bottom-up and we've already undertaken the work in this regard where our consultant's gone out and engaged with this town to understand from their lived experience what services or programs are missing. What do they see as economic, as sustainability? What do they see as the importance of skill development and then we'll analyse that data and then embed that within the information that Treasury is embarking on as well. So, essentially, that information will represent this township around total investment but also from community's perspective, what is in their eyes that's missing that if it was afforded, how it would then address better outcomes for Aboriginal people, communities, and businesses. Now it's a lot of work for a community, but in my mind once we get that blueprint, there's no reasons why we can't pick that up and drop it across into other locations within regional New South Wales, but certainly New South Wales just generally. To me that's the granular working relationship that needs to be afforded between both government and community, and that's where I think the Treasury can be the lead around driving this new approach going forward' (interview, Deputy Secretary and Executive Sponsor).

Significant improvements to the way data collection and access is managed is required if the promise of LDM to provide NCARA and Aboriginal Regional Alliances/Assemblies with the data they need to make informed decisions is to be realised. Foremost among these improvements must be a preparedness to fund Aboriginal Regional Alliances/Assemblies to design, collect, analyse, and hold the data that they require. However,

resolving the challenge of improving the utility of government-held data is complicated and difficult given the fragmented and inconsistent ways that data is held across a multitude of government agencies.

The commitment to providing NCARA and Aboriginal Regional Alliances/Assemblies with equal access to local and regional data and information to support decision making and Indigenous data sovereignty, could be realised through the NSW Government and NCARA entering into a formal plan around sharing data. This should be an Indigenous-led process identifying the needs of NCARA and Aboriginal Regional Alliances/Assemblies and include a commitment to Indigenous data sovereignty.

Finding 9. The state Accord has not catalysed change within the NSW Government and its agencies. There is a consensus among high-level public officials charged with working with NCARA that government transformation has been difficult to achieve around the implementation of the state Accord. All parties identify the challenges as occurring within the public sector. A shortfall in public sector leadership, governance, and transformative execution around the LDM initiative most likely accounts for the absence of widespread government transformation around the LDM initiative.

Government transformation

All public officials interviewed recognised that the key to LDMs success in government transformation necessitates public officials practicing different ways of working with LDM communities through NCARA and Aboriginal Regional Alliances/Assemblies. This entails sharing knowledge and power, collaborating, responding to local contexts and ultimately, transferring decision making around service delivery to LDM communities. However, all public officials interviewed also acknowledged that government transformation has been difficult to achieve. Table 5 presents a sample of interview extracts outlining such views.

Table 5 Interview extracts around the theme of transforming government

Theme: Transforming government	
Codes	Extracts from interviews
Government agility to respond to the interest of communities	'In terms of transforming government, it's about how agile government is to respond to the needs of that particular request or the community's interest. I'm of the view that government have certainly embodied and enabled that within some of the implementation of the Accords, which has been a game changer' (interview, Deputy Secretary).
Transforming the way government does business with and for Aboriginal people	'Let's be honest with <i>OCHRE</i> , it was about the way by which government needs to transform its way of doing business with and for Aboriginal people. I'm of the view that local decision-making is certainly of high relevance in terms of the intent, but it was the execution that was certainly let down' (interview, Deputy Secretary).
Redesigning government	'We from government should be redesigning ourselves to meet the needs that they see, but we can't do that unless we take all of our blinkers off...' (interview, Deputy Secretary).
Government agencies changing the way they think	'So, I think there's probably a point to be drawn out that really when you're talking about changing the relationship or changing the way you do things, it's not just on the part of the community, which I think is the assumption a lot of the time. With the LDM initiative, it's actually about government agencies changing the way

	they think about every single aspect of the way they do business' (interview, Executive Officer).
Ad hoc transformation with lack of leadership	'I think some government agencies have come in leaps and bounds. But I just think some other government agencies are just so stubborn, they're not willing to change. Or they're not willing to push boundaries either. Because it's always been, oh well, because this is how we have to do it. I think in terms of pushing things up, [the one for them], I don't think that they are willing to do that or to ruffle the feathers, because I think they'd be too frightened. Because they also probably could lose their jobs by trying to push an agenda when they know it's not going to be received well, I think. I don't think the issue is with the staff on the ground. I think the issues are the top execs. That's where the barriers are' (interview, Regional Manager).

The basic idea of transformational change around LDM is to realise large changes in public sector practices and structures around Aboriginal service delivery. Transformational change around LDM is about empowering Aboriginal peoples and ultimately transferring decision-making authority around service delivery to Aboriginal peoples. While shared decision making is about making room, local decision making is about NSW Government agencies moving over.

Although committed to the model, those public officials interviewed report that government has not transformed the way it does business with and for Aboriginal peoples in the way imagined under LDM.

Shortfall in public sector leadership, governance, and transformative execution

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

Analysis of thematically coded data from interviews with public officials indicates systemic under-design and lack of implementation capabilities within the public sector around LDM. These are specific to leadership, governance, and execution within the NSW public sector. Table 6 presents examples of the themes emerging from the interview data along with a sample of indicative interview quotes, mostly from senior public officials, which speak to the degree to which there has been widespread system change. Many of the quotes cut across different themes. For example, the following interview extract is about stewardship and accountability: ‘...I think... [there is an] absence of something that forces you, particularly if you're a Dep Sec, to participate in the process...’ (interview, NSW Government agency Deputy Secretary and LDM Executive Sponsor).

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

Table 6 Interview extracts around the theme of systemic change

Theme: Systemic change

Codes	Interview extracts
Governance	‘...there is weak governance around the Executive Sponsors Group’ (interview, Deputy Secretary). ‘LDM successes have been highly dependent on the good will of individuals’ (interview, Regional Manager).
Leadership	‘...the policy owner was asleep at the wheel’ (interview, Deputy Secretary). ‘...weak leadership centrally...’ (interview, Deputy Secretary). ‘...central agency leadership and drive are just not present with LDM’ (interview, Deputy Secretary). ‘...the way the public sector operates is autocratic’ (Interview, Deputy Secretary). ‘...the policy leadership that was a major detriment on why things like funding, why the immobilisation of the right authorising environment and the right operating framework wasn’t afforded because the policy owner just was asleep at the wheel...’ (interview, Director). ‘...In terms of the economies of scale, I can say one of the major limitations on why things haven’t progressed too much, as what they should have, is things like lack of policy leadership from the owner, lack of office support as in the backbone organisation to provide admin type of support from an Alliance perspective’ (Interview, Director). ‘...You have a big bureaucracy that does not want to change from health to education. It takes a lot of effort to change. It takes leadership. Without leadership from the top, you can’t change it’ (interview, Deputy Secretary). ‘We got a letter from the Deputy Secretary and Executive Sponsor in Agency X. They have withdrawn [as the Lead Agency]. The fact that they were just up and gone without any notice, but then the fact is they have known the struggle that we have had with Agency Y over the last two and a half years in terms of getting Agency Y to come to the table to do the work you know with the Alliances and you know trying to rebuild that relationship. We had no idea what was going on’ (interview, Chair, Aboriginal Regional Alliance/Assembly).
Stewardship	‘...I think in the absence of something that forces you, particularly if you’re a Dep Sec, to participate in the process...’ (interview, Deputy Secretary). ‘...a Dep Sec [is needed] to actually advocate and hold other parts of government to account to do things differently...’ (interview, Deputy Secretary). ‘It’s more than just socialising LDM, something we haven’t done is advocate for LDM across government. ...using our role as a central agency...to advocate and hold other parts of government to account to do things differently’ (interview, Director).
Execution	‘... I’m of the view that local decision-making is certainly still of high relevance in terms of the intent, but it was the execution that has certainly let it down’ (Interview, Deputy Secretary). ‘I think it’s process in the back end where it’s out of a [staff members] control’ (interview, Regional Manager).
Operational responsibility and accountability	‘...there is a lack of operational responsibility and accountability within the public sector’ (interview, Deputy Secretary). ‘The executive sponsor group is a good example of where it’s started to kind of unravel too cause there’s no accountability on the people sitting in that room to actually come back next time if they’ve moved on and it’s never been really clear why that’s happened. Because if you get a group of Dep Secs in the room to talk about any of these issues they will all be enthusiastic and concerned and will pledge to do something. Then you know, that’s what they say in the next meeting they go to as well so there’s nothing that kind of forces that next step to happen’ (interview, Executive Director). ‘At the moment, no-one’s job is on the line. No agencies accountability is on the line either’ (interview, Deputy Secretary).

	'With this Accord process, I think we should be doing to them what they do to us with the funding agreements, they got KPIs [Key Performance Indicators] with milestones in there, they should be part of that Accord process that holds not only government, but each of those government agencies accountable. So for whoever steps into the Chair for that agency, those, that milestone still stands...they need to say no; no they can't just say I missed the last two meetings, nah you've got a milestone to meet...you want us to be accountable for the small amount of dollars you give us yet you guys walk in and walk out and say oh by the way we're doing a great job anyways so thanks for meeting with us – I just met RMRA so tick my box, that's all they do. So maybe that's an option for us have KPIs and milestones with these Accords. So, at the moment when I stepped into the role, 18 months ago now nearly, we were still talking the same talk that we were doing two years before and this is why the Accords have stalled. Cause government are shifting their seats and they're not all up to speed. You might have a lead negotiator with Agency X, but when they walked out the door and said here you go Agency Y, that's your baby now, that's your policy, that's your baby, you work for it, they created that vacuum because that person is the lead for the Agency X, he's the guy who sits at the top with all the executives for the whole region. So, if he walks out the door from our meeting and says well that carries no value, there's a perception in their mind that he's not leading that so it's not important' (interview, Chair, Aboriginal Regional Alliance/Assembly).
Functional silos	'...leaders and managers are making decisions in silos and agencies are still working in silos' (interview, Regional Manager). '...government still work in silos...' (interview, Chair, Aboriginal Regional Alliance/Assembly) 'Government still works in silos. It's very autocratic how government operates, and there has to be a willingness. Unfortunately, with all this, where Alliances have got some good results, I would say it's not necessarily – it's basically been on the relationship. So, if the Alliance doesn't have the relationship with the lead negotiator, and the lead negotiator is sort of fairly open minded, etc., then you're not going to get much out of LDM' (interview, Deputy Secretary). 'Sometimes through our process, they thought it was more of a hindrance, to be honest. They were not engaged in the meetings. If the conversation didn't relate to their specific agency, they tapped out. They were on the emails, walking in and out. The level of engagement wasn't there' (interview, Regional Manager).
Funding	'...the funding and investment in LDM were not afforded' (interview, Deputy Secretary).
Change management	'There is policy change reluctance around LDM within the public sector' (interview, Deputy Secretary). 'There is a reluctance to be innovative, including implement a different strategy' (interview, Regional Manager). 'There is a lack of cultural changes' (interview, Regional Manager). '...reluctant to change policies, are reluctant to be innovative on how they might implement that different strategy to that area...' (interview, Regional Manager). 'We've had people say we can't change that policy and education was one of those. We said why? It's a policy. Oh, but there's too many – but no, it's a policy, it can be changed, you just need to find out how or let us know how we need to do that because that's the thing, they know the processes and they know how it works, but I suppose they have the upper hand in that, but we have to – because it was only around – it was even around wording. You know, they bring the documents and I remember the education one because I'd just say but it needs to be stronger, the wording needs to be stronger because it's not going to make – it's actually going to not make schools change their policy and the way they work if you write it up like that. You know, think that was that' (interview, Chair, Aboriginal Regional Alliance/Assembly). 'You know, we were talking about these things when I worked in education 19 years ago. We're still talking about the same things. Why hasn't it changed? I think that's what those Deputy Secretaries in government need to hear. It's not working. Why can't you – we are here, we want to work with you and how can we change it as a collective because we are the ones that are ending up working in our communities and see the difference' (interview, Chair, Aboriginal Regional Alliance/Assembly). 'You know like the 90-day suspensions, right? We – even though the way the access to education may be different in each of our regions, right, state-wide policy decisions like the 90-

day suspension, you can have conversations at a leadership level and go yeah, this is an issue on our end, this is an issue on our end, this is an issue on our end and then straight to the dep-sec around five out of the – you know, I'm just making this up, but five out of the six regions are reporting issues around 90-day suspensions. That's a negative policy implication of – you know what I mean? It's like stuff like that I think there's this collective power even though we're not...' (interview, Chair, Aboriginal Regional Alliance/Assembly).

The interview data strongly indicates that systemic transformation is stymied at present due to the lack of centralised leadership and operational responsibility and accountability around the LDM initiative within NSW Government agencies. While LDM is intended to be a whole-of-government approach and the NSW government Aboriginal Plan for the state, the example of a relatively well-funded department pulling out of *OCHRE* LDM as the lead agency, which is illustrated in the following interview extract demonstrates a low level of buy-in or commitment to the NSW Government Aboriginal Plan on the part of that mainstream organisation.

The Chairs of Aboriginal Regional Alliances/Assemblies received a letter only advising them that this was occurring. A Monitoring and Accountability framework could overcome such issues by improving transparency and accountability of mainstream agencies around *OCHRE* LDM. Another example is the lack of transformative leadership at a higher level in terms of driving LDM and its reform agenda, while, at the same time, failing to create the right authorising environment in the regions (i.e. a structure that devolves funding and authority down to the regional level so real change can occur on the ground). A shortfall in public sector leadership, governance, and transformative execution around the LDM initiative most likely accounts for the absence of widespread government transformation around the LDM initiative.

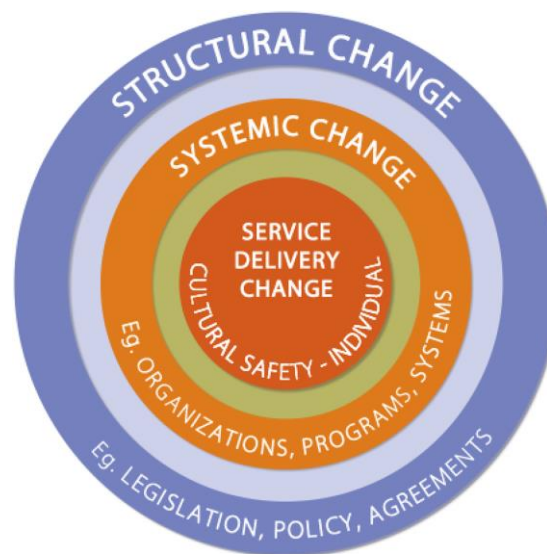
Discussion

With the signing of CTG 2020, there was nation-wide recognition that the way that governments do business with Aboriginal peoples has led to policy failing around efforts to Close the Gap. It was widely accepted that public officials acting as the constructors of expert knowledge around Aboriginal service delivery problems impacted upon that capacity too. It was widely recognised that community-control of Aboriginal service delivery was the way forward for CTG; that governments must transform the way they work, and that not only should the voice of Aboriginal peoples be heard, but that Aboriginal peoples should be shared decision makers around Aboriginal service delivery. The Aboriginal voice is lifted when Aboriginal knowledge, values, and expertise have a space and place in the Aboriginal service system, including its design.

Ahead of its time, the LDM initiative has endeavoured to transform the way NSW Government works around Aboriginal service delivery. Through LDM, the NSW Government committed to working with Aboriginal communities to improve service delivery and achieve meaningful, permanent outcomes that improve the lives of Aboriginal peoples. The ultimate objective of LDM is for community control of Aboriginal service delivery. Shared decision making is a stop along the track to the final destination of Local Decision Making. In order to achieve this, the LDM initiative aims to transform the way NSW Government agencies engage and do business with Aboriginal communities around service delivery.

Elsewhere, the framework for creating similar change in Aboriginal service delivery has been depicted as follows.

Figure 7 A framework for creating change



Source: Greenwood, 2019 p. 11.

Like elsewhere, reform has been directed at cultural, systemic, and structural transformation within NSW Government agencies to achieve this end: transforming the way government works, transforming relationships, and thereby transforming outcomes.

The theory of change for evaluating the LDM initiative is around such transformational change with a focus on working relationships, shared decision making, service delivery ownership, and data governance. Its objective is to establish:

- whether working relationships between NCARA and the NSW Government have improved,
- whether the Accord making process had strengthened government accountability, cultural competence and responsiveness to Aboriginal needs and aspirations,
- if the Accord has empowered NCARA to share decision-making authority with the NSW Government,
- whether service delivery ownership has been transferred to the Aboriginal community-controlled sector, and
- if it has facilitated equal access to local and regional data and information to support decision making and Indigenous data sovereignty.

Aboriginal service delivery is a complex service system in and of itself, so transformational leadership and organisational change are fundamental to this intended change process around the LDM initiative.

This report identifies that the overarching structure exists for such change to occur. It demonstrates that the NSW Government has the right governance network in place along with willing and highly suitable partners to guide government in its endeavours to effect such change at the regional and local level. It illustrates the significant value of NCARA as a representative Aboriginal governance body. It demonstrates that public officials recognise NCARA as a strong, effective form of Aboriginal representation in which Aboriginal Regional Alliance/Assembly Chairs have created a highly successful network at the state level. It notes that there is a formal signed agreement between the NSW Government and NCARA in the form of an Accord. However, while the work of NCARA is strengthened through the state Accord, as it articulates mutual service delivery priorities and goals negotiated between NCARA and NSW Government, the agenda of reclaiming, returning, and

renewing the prosperity of Aboriginal peoples in NSW is not being realised at present. Furthermore, the level of transformational change necessary within NSW Government agencies to achieve the objectives of the LDM initiative has not yet been realised.

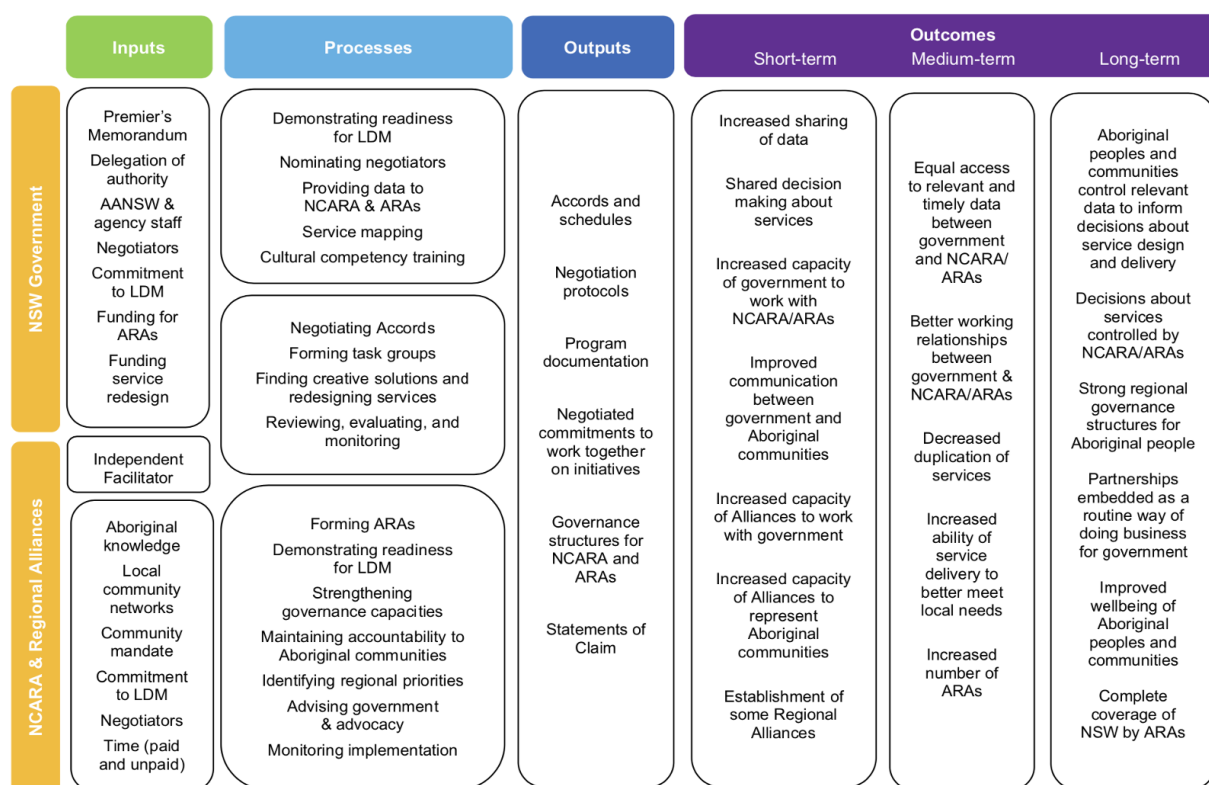
The negotiated and signed Accord, which commits the NSW Government to advancing Aboriginal prosperity in NSW, has not been progressed. Schedules to the Accord have competed with the broader agenda of NSW Government around transformational change under the LDM initiative and have acted as an impediment to progressing the agenda of reclaiming, returning, and renewing the prosperity of Aboriginal peoples in NSW. CTG 2020, for example, has meant that the attention of government has turned to specific sectoral issues and become trapped in a process of engaging with NCARA on an agency-by-agency approach as opposed to engaging with it over the broader agenda of the Accord around prosperity. Moreover, the way NSW Government agencies engage with NCARA around the Schedules is to simply consult NCARA around specific sectoral issues. While the relational dynamic between NCARA and the NSW Government is intended to be one of shared decision making, at this point in the LDM initiative shared decision making is non-existent in the forms of government agency engagement with NCARA. The Accord is not working effectively to achieve not only its wider focus of Aboriginal prosperity, but in realising its objective of creating an environment in which NCARA as a signatory to that agreement is treated as an equal partner and shared decision maker.

The Accord-making process itself did not strengthen government accountability, cultural competence and responsiveness to Aboriginal needs and aspiration, or empower NCARA to share decision-making authority with the NSW Government. The post-Accord process has not seen the cultural and systemic change necessary within NSW Government agencies to support the Accord objectives. The process has not facilitated equal access to local and regional data and information to support decision making and Indigenous data sovereignty.

LDM results logic

In terms of understanding how that relational dynamic should look, a results logic for the LDM initiative is set out in Table 7. Table 8 is a results logic produced for the NCARA–State Accord.

Table 7 OCHRE LDM Evaluation Plan results logic



Assumptions & External factors: For the logic to be realised, it relies on (or assumes) government committing to LDM and changing the way it does business as intended under *OGRE*.

Source: Produced by the *OGRE* LDM Evaluation Plan research team to assess how LDM might in theory meet its goals 2021

Table 8 NCARA–State Accord Evaluation results logic

Transformational change		Outcomes (Stage 1) – objectives	Findings (Stage 2) – implementation
Changing working relationships at the state level under the NCARA/State Accord	Short-term	Increased capacity of government to work with NCARA Public officials are open to a different way of working with a demonstrated capacity to transform their thinking, share power, and improve their cultural capacity. Individual public officials are capable of functioning effectively in cross-cultural contexts and can engage in a culturally safe way.	Improved, but further work is needed around the capacity of government to work with NCARA Further change is needed to enable the system, agencies, and public officials to be open to a different way of working and to work effectively in cross-cultural situations. Reports of the shared space being unsafe and some evidence of paternalism.
	Short-term	Increased capacity of NCARA and Aboriginal Regional Alliances/Assemblies to represent LDM communities	NCARA represents LDM communities and advocates on their behalf, but its capacity to influence decision making is limited.
	Medium-term	Better working relationships between government & NCARA	There are improved working relationships, but those improved relationships are not indicative of changes in the way that government engages with NCARA
Empowering community through shared decision making at the level of a NCARA/State Accord	Short-term	Shared decision making around service design and delivery	Improved engagement, but not shared decision-making about services
	Medium-term	Increased ability of service design and delivery to better meet local needs	Not yet achieved
	Long-term	Partnerships embedded as a routine way of doing business for government	Not yet achieved
	Long-term	Improved wellbeing of Aboriginal peoples and communities	Not yet achieved

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In the LDM context, the results logic presented in Table 7 describes and represents how LDM might in theory meet its goals. The research team designing the evaluation plan drew from different data to produce the results logic, including data on inputs, processes, outputs, outcomes, and theoretical impacts of LDM. ‘Inputs’ refer to what has been invested in the LDM initiative, such as time, money, people (paid and unpaid), training, networks, materials, facilities, research. ‘Processes’ refer to the key activities that are part of LDM at the local level, such as workshops, meetings, negotiations of Accords and Schedules, monitoring, and evaluation. ‘Outputs’ refer to

the products that have been generated through LDM processes, such as the number of Accords and Schedules, meeting summaries between key parties, and reporting.

In terms of the results logic, transformational change is needed to realise all outcomes, including the NSW Government's commitment to building and strengthening the agreement-making process as a formal partnership arrangement. 'Outcomes' are the results that are intended to be delivered by LDM for NCARA, Aboriginal Regional Alliances/Assemblies, NSW Aboriginal communities, and NSW Government agencies, in the short-, medium-, and long-term. Short-term outcomes might include changes in knowledge, awareness, attitudes, skills, aspirations, and/or motivations for people involved in LDM. Medium-term outcomes might include NCARA and Aboriginal Regional Alliances/Assemblies having greater decision-making power over programs and services delivered to regional Aboriginal communities. Medium-term outcomes might also include improved relationships between NCARA, Aboriginal Regional Alliances/Assemblies, and the NSW Government. Long-term outcomes are the changes to Aboriginal community outcomes and wellbeing as a result of LDM. In the context of the Schedules to the state Accord, this might be a reduction in the number of Aboriginal young people coming into contact with the justice system; it could also be a reduction in the number of suspensions and expulsions of Aboriginal students across NSW schools. Going forward, those outcomes will not be achieved without improved working relationships, shared decision making, and shared data.

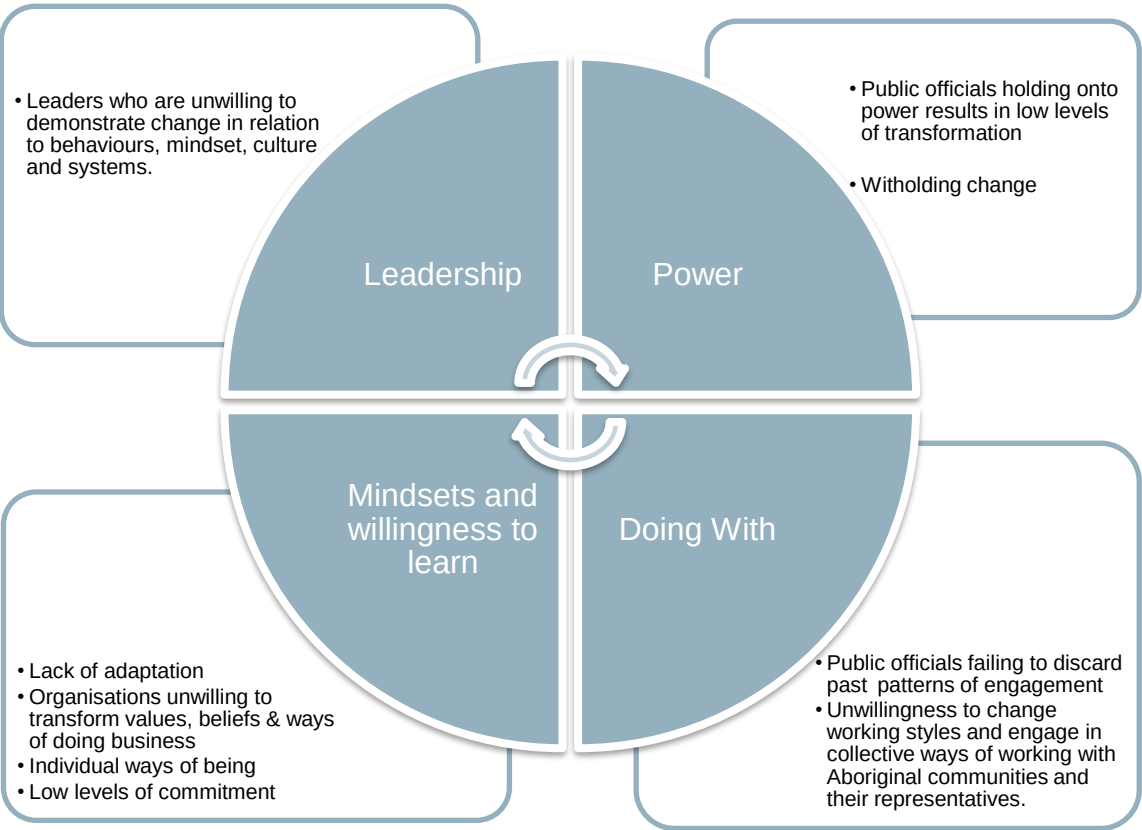
Resistance to change

The interview data indicates that there have been barriers within NSW Government agencies around breaking down the existing status quo in order to build a new way of operating. This finding is critical in the context of Aboriginal policy in NSW. It predicts the barriers that the NSW Government could also have around its objectives under the CTG Agreement 2020 and its policy commitments around Voice and Treaty. For example, this is a significant finding in the context of the transformational change needed around CTG 2020 Priority Reform Three within NSW Government agencies.

The LDM initiative provided government and public officials with clear guidelines and mechanisms to achieve systemic and structural transformation under the LDM initiative. One of the key roles of the state Accord is to design that structure. Yet, as is the case with other Accords, this mechanism has not been utilised systematically (Howard-Wagner & Markham, 2023; Howard-Wagner et al., 2022). The report explains how the cultural and systemic practices of NSW Government agencies, and lack thereof of cultural, systemic, and structural change around LDM, is holding LDM back from reaching its full potential. Furthermore, while shared decision making and good working relationships are key outcomes for an effective LDM initiative, this requires genuine efforts to transform working relations, share decision making, and share data. On the whole, the relationships between public officials engaging with NCARA fall short of building and maintaining the ongoing set of transformative relations and empowerment envisaged under LDM.

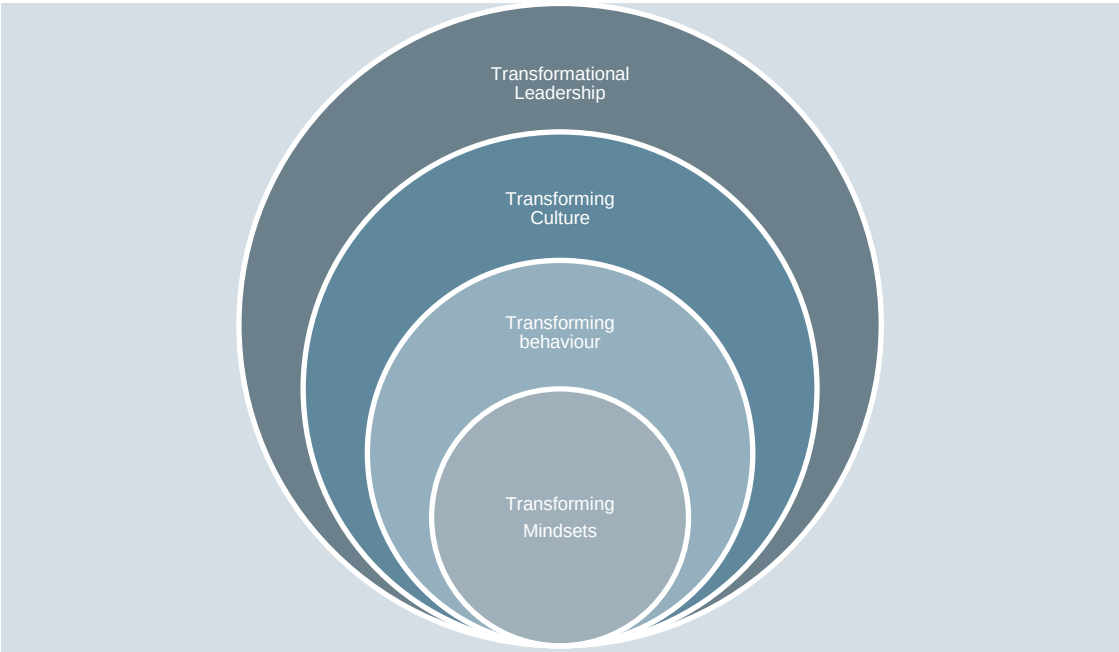
While this evaluation shows that NSW Government agencies have neglected to embed deep engagement and collaborative governance structures across sectors to work with Aboriginal governance structures from the ground up to the state level, the thematically coded data identifies the key barriers to achieving this end. The data indicates that leadership and organisational change are the primary barriers to transformational change around the LDM initiative, and interrelated to this is the organisational culture and individual mindsets and behaviours around the change needed within NSW Government agencies. Figure 9 sets out those key barriers for transformational change. Figure 10 identifies four key areas of change needed within NSW Government agencies around the LDM initiative.

Figure 8 Key barriers for transformational change



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Figure 9 Four key areas of transformational change around leadership



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Transformational leadership

The coded interview data points to low levels of leadership around the LDM initiative. This finding is critical given that the academic literature on transformational change identifies the key function of leadership to organisational change and policy outcome success (Farahnak et al., 2020). There is now much written on the differences between transactional leadership and transformational leaders with the latter leadership style identified as that necessary for organisational innovation and success around cultural, systemic, and structural transformation. Transformational leadership is thus identified as critical to changing the value systems, culture, and mindsets within an organisation (Madi Odeh et al., 2023). The literature also explains how the attitudes of leaders influence wider organisational attitudes to change (Farahnak et al., 2020). For example, as Sihite, Andika & Prasetya note,

in terms of driving innovation and change, transformational leadership is often considered the right style to drive the pace of change in organisations because it focuses on the use of collective interest from all parts of the organisation to achieve common goals (2020, p. 44).

The literature also points to the positive relationship between transformational leadership and adaptive culture (Madi Odeh et al., 2023). There is an important distinction in the literature between leaders (the individual) and leadership (the collective). As Siangchokyoo, Klinger & Campion write, 'Regardless of the positive outcomes associated with this leadership construct, a leader isn't truly "transformational" unless followers are transformed' (2020, p. 2). They 'recognise the importance of making a conceptual distinction between the intrapersonal study of leaders and the interpersonal study of leadership' (Siangchokyoo, et al., 2020, p. 2). While transformational leaders may not always succeed in transforming the mindsets and practices of employees, they are characterised as fostering a shared understanding among employees of how the organisation should contribute to change around a policy initiative and directing/inspiring that change (Jensen et al., 2019, p. 5). Transformational leadership is shown to positively enhance innovative climates and it is also shown to enhance participative decision making. Transformational leadership is a form of facilitative leadership that has the objective of taking agencies and people on a collective journey.

The research on transformational leadership is important because it points to the critical role of leadership around organisational transformation to initiatives like LDM. It also explains that, if leadership is lacking around fostering a shared understanding among public officials of how NSW Government agencies should contribute to change and directing/inspiring that change around the LDM initiative, then transformational change is also likely to be lacking. The interview data illustrates how leadership is lacking around not only socialising the LDM initiative across NSW Government agencies, but also around socialising cultural and systemic change within NSW Government agencies. It is also lacking in relation to driving innovation and participative decision making. Extracts from Table 6 above are as follows:

'...the policy owner was asleep at the wheel' (interview, Deputy Secretary)

'...weak leadership centrally...' (interview, Deputy Secretary)

'...central agency leadership and drive are just not present with LDM' (interview, Deputy Secretary)

'...the way the public sector operates is autocratic' (interview, Deputy Secretary)

'...In terms of the economies of scale, I can say one of the major limitations on why things haven't progressed too much, as what they should have, is things like lack of policy leadership from the owner,

lack of office support as in the backbone organisation to provide admin type of support from an Alliance perspective' (interview, Director)

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

This is further evidenced by the fact that there are low levels of shared decision making around the LDM initiative and the outmoded forms of engagement taking place between public officials and NCARA.

Sharing decision making: Changing mindsets and relinquishing power

As noted in the LDM Policy and Operational Framework,

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 (AANSW, 2017, p. 4).

Ultimately, under LDM, sovereignty or self-determination means Aboriginal peoples and communities making their own decisions (AANSW, 2017, p. 5). While the starting point is shared decision making, the objective is to move to empowerment and then to devolve decision making to LDM communities and their representative Aboriginal governance bodies. The concept of shared decision making is relevant to and concordant with Aboriginal culture. It can empower Aboriginal people and eliminate paternalism by involving Aboriginal peoples, in a culturally respectful and knowing way, in the decision-making process. While shared decision making is not local decision making, it is a vastly improved alternative method of engagement for working with Aboriginal peoples compared with consultation, as discussed in the next section.

Like CTG 2020, LDM is a system-level change which requires change around the way governments do business with Aboriginal representative bodies and communities. Like CTG 2020, rather than reinforcing existing power relations by shifting the burden onto Aboriginal governance structures and LDM communities, it shifts the burden onto government agencies to transform the way they work. Shared decision making is the benchmark for engagement. It is a method of engagement that can potentially not only provide a space where Aboriginal ways of knowing, being and doing are respected and recognised and the strengths and wisdom of community leaders who are representing their communities at the table are recognised, but it is also a method of engagement that can promote equality and reduce power imbalances. The literature sometimes refers to this as the middle space or a third space in which knowledge is weaved together and power imbalances are overcome through critical and solution-oriented practices (Walker et al., 2014, p. 199)

Under the LDM initiative, shared decision making is intended to be a collaborative approach to innovation and problem solving in the public sector around the design, management, and delivery of services. A variety of interrelated terms and principles drawn from different academic disciplines (e.g., co-creation, co-design, and co-production) can be used to explain how shared decision making should look in practice around Aboriginal service delivery under this initiative. Within that literature, the public value of collaborative approaches to policymaking is widely recognised (Carr Kelman, 2023, p. 197). As Carr Kelman writes, it makes accountable to the public what used to be left to 'expert' managers and improves outcomes (2023, p. 197).

In the context of public policy, as Enfield and Blomkamp write, co-design is seen as 'a solution to the failure of traditional approaches to address wicked problems... solutions to the complex, interdependent nature of many

societal problems, it is proposed, require the input and expertise of both professionals and the public' (2022, p. 12). Enfield and Blomkamp describe co-design as an 'iterative, participatory, and action-oriented process to address public problems that puts the people affected by an issue (or "end users" of the programme or service being designed) at the heart of the creative policy process' (2022, p. 5). Importantly though, as Enfield and Blomkamp note, 'there is some debate around the participatory dimension of co-design, and this has implications for its legitimacy. The extent to which end users, stakeholders and citizens are invited and supported to participate in public sector co-design processes varies greatly' (2022, p. 6). Enfield and Blomkamp also point out that, while academic literature and government discourse on co-design often emphasise its user-centricity and the value of local knowledge and lived experience, 'policy-makers may struggle to apply these principles in practice' (Enfield & Blomkamp, 2022, p. 6). A key sticking point has been around governments fundamentally changing their structures and practices, with examples given of government asking for input once decisions had already been made, failing to genuinely share power, and even co-opting citizens who participate in such processes in policy outcomes not of their design, which undermine legitimacy of the approach and trust in that process (Enfield & Blomkamp, 2022, p. 8). Those observations have relevance for what is coming through in the interview data relating to the evaluation at hand.

Alongside this, 'co-production' and 'transformation' have gained momentum in the field of Indigenous–state relations around sustainability and resource management, governance, and practice. As Wyborn et al. note, co-production efforts seek to 'iteratively unite ways of knowing and acting' (Wyborn et al., 2019, p. 320). There is also an increasing focus on transformation in terms of how initiatives can spark fundamental system wide change (Chambers et al., 2022, p. 1). Chambers et al. demonstrate that,

the potential of co-production to transform paradigms, practices, and institutions depends on iteratively balancing critically reflexive and solutions-oriented spaces to facilitate the willingness and ability of diverse actors to navigate different agendas for change to grow ideas and actions which were unforeseen from the outset (2022, p. 2).

In reflecting on what it takes to produce agility around co-production that leads to transformation, Chambers et al. identify four distinct pathways, which are as follows:

1. 'elevating marginalised agendas supports marginalised actors to elevate their own perspectives and claims in ways that maintain their integrity while broadening struggles for justice
2. questioning dominant agendas deeply engages actors who hold stakes in dominant systems by reflecting on their agendas and exploring more inclusive actions
3. navigating conflicting agendas embraces the political aspect of bringing actors together to decide upon and undertake transformations to interlinked paradigms, relations, practices, policies, and institutions, and
4. exploring diverse agendas connects actors through exploratory processes that do not aim to empower any particular agenda, but rather foster mutual understanding and respect for a plurality of perspectives' (Chambers et al. 2022, p. 9).

Shared decision making requires meaningful formal co-design or co-production partnerships. It also requires recognition that such formal co-design or co-production processes are located within a political context historically characterised by power asymmetries and thus an imbalance in negotiation strength (Tamwoy, 2021, p. 24). Those arrangements need to pay sufficient attention to the role of power in shaping processes and outcomes. In the case of OCHRE LDM, power relations are present from the start with public officials paid to participate while members of NCARA volunteer their time. Meaningful co-design or co-production will forefront changing that relational dynamic along with principles that value different knowledge systems, build strong and

trusting relationships, build authentic partnerships, and operate between the ‘tracks’ (Tamwoy et al., 2022, p. 818). Tamwoy et al. also point out that meaningful co-design partnerships with Aboriginal and Torres Strait Islander communities happens when public officials are enabled to place equal or greater value on a community’s culture(s), knowledge systems and ways of working (Tamwoy et al., 2022, p. 818). As Tamwoy et al. point out, meaningful co-design or co-production with Aboriginal and Torres Strait Islander communities requires Aboriginal and Torres Strait Islander worldviews and knowledges to be placed at the centre, culture to be recognised as a fundamental enabler, communities, families, and individuals acknowledged to have authority and expertise about themselves, and for public officials to relinquish power (2022, p. 818). Co-design and co-production have the capacity to disrupt, deconstruct and decolonise those ingrained and invisible colonialist practices and racialised paradigms of power, control, and dominance.

In Indigenous policy contexts, such as the LDM initiative and CTG 2020, shared decision making is a form of collaboration, co-design, and co-production of which the core principles of engagement centre around recognising Aboriginal people as experts of their lived experiences and empowering Aboriginal peoples to work together with the public sector in transformative ways. This approach aims to ensure that Aboriginal people and communities play a significant role in shaping decisions and service delivery outcomes as well as transitioning to community control over service delivery (Local Decision Making/CTG 2020 Priority Reform Two).

LDM sets shared decision making as the benchmark for engagement with NCARA and Aboriginal Regional Alliances/Assemblies, on behalf of LDM communities. Fundamentally, the objective of the NSW Government’s formal partnership with NCARA should see the implementation of a shared decision-making process that changes the terms of engagement with Aboriginal people to enable LDM communities fundamentally and positively to participate fully in decision making concerning service design and delivery in LDM communities. It is critical that NCARA’s authority, expertise, and knowledge be valued in the shared space of decision making.

However, the coded data not only points to low levels of shared decision making around the LDM initiative, but also institutional racism, unconscious bias, and power inequities. For example, western non-Indigenous worldviews of ways of being, knowing and doing continue to dominate the decisions and actions of NSW government agencies and public officials and tokenistic inclusion of Aboriginal representation in governance structures not only perpetuate power relations but is a form of institutional racism.

Mainstream governance structures within organisations must strive towards sharing power equally including privileging Indigenous ways of being and knowing.

Despite this policy intent and the existence of the NCARA–State Accord, NCARA is not treated as an equal partner or shared decision maker around LDM matters.

Table 9 compares a set of shared decision-making indicators of change against the findings of the data analysis.

Table 9 Shared decision-making indicators of change compared with findings

Shared decision making		
	Indicators of change based on literature	Findings

Engagement	Improved communication from NSW Government to NCARA and LDM communities Improved working relationships (relational dynamic) Changing the relational dynamic in the process of engagement and valuing Aboriginal knowledge, expertise, and ways of working Listening & embedding Aboriginal knowledge and expertise in practices Aboriginal culture recognised as a fundamental enabler of positive outcomes Increased transparency around Aboriginal service design & delivery Building trusting relationships /increased trust	Improved engagement (consultation not shared decision making and low level of NCARA control over processes/decisions demonstrated in interviews with NCARA and public officials) Listening, but not embedding (interviews with NSW Government agencies & NCARA) Expertise of public officials privileged and paternalism on part of some public officials (interviews with NSW Government agencies) Communication improving (NCARA interviews) Improved levels of transparency (NCARA interviews) Low levels of trust (NCARA interviews)
Partnerships	Level of NCARA control over processes (ability to engage in effective, sustainable decision making) NCARA acknowledged as having authority on behalf of and expertise about LDM communities Public officials relinquishing power Operating between the tracks Building authentic partnerships Co-designing and/or co-producing policies/approaches/ solutions Better decisions Greater acceptance of NSW Government agency decisions by NCARA and LDM communities Greater sense of Aboriginal ownership over decisions	Only three examples of policies, approaches, and solutions informed by NCARA in three years (NCARA informed changes around discretionary fines for helmet wearing; NCARA equal decision maker in decision to establish Aboriginal Treasury Unit; state response to COVID-19 outbreak & vaccine management in LDM communities) Improved acceptance of decisions, but not necessarily considered better decisions (NCARA interviews) Low levels of ownership (NCARA interviews)

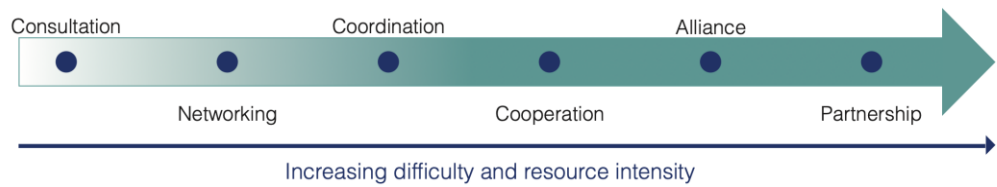
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Doing With: Moving along the collaboration continuum

The coded interview data shows that the style of engagement adopted by public officials when they come to the table with NCARA is not consistent with the practices of shared decision making and any of the principles of co-design, co-production, or collaboration. While engagement around the LDM initiative requires a deeper appreciation of Aboriginal worldviews, ways of knowing, being and doing in a manner that can produce harmonious and balanced working relationships, this is not occurring. Many attempts have been made by NCARA and Regional Alliances/Assemblies to share their ways of knowing, being and doing with public officials. Some public officials have listened and learnt, many have not. At times, bureaucratic ways of knowing continue to subjugate Aboriginal knowledge and expertise through the forms of engagement practiced. At other times, public officials engage and listen to NCARA as a source of expertise with that expertise shaping change, but that is the limit of engagement. Practices of engagement are not resulting in collaborative partnerships being forged, or co-designed/co-produced outcomes. The practices of public officials around engagement have had a major effect on the capacity of NSW Government and Aboriginal governance bodies to achieve the objectives of the LDM initiative.

Consultation is not shared decision making. Consultation is not only an unsuitable form of engagement for achieving the aims of LDM but is also an unsuitable form of engagement for improving Aboriginal public policy outcomes (Hunt, 2013; Andrew et al., 2017). Consultation and partnership/shared decision-making sit at different ends of the continuum of engagement (see Figure 11). The power dynamic created through consultation compared with shared decision making is very different. In the case of consultation, government hold the power and make the decisions. In the case of a partnership/shared decision making, government officials give up power and decision making is shared (Andrew et al., 2017, p. 12).

Figure 10 Nous Group continuum of collaboration



Source: Andrew et al., 2017, p. 11.

In terms of understanding how what is occurring differs from shared decision making and ultimately local decision making, Table 10 illustrates the differences between consultation, shared decision making and local decision making, while Table 11 explains this in terms of decision making under the LDM initiative.

Table 10 Consultation, shared decision making and Local Decision Making models of engagement

Model of engagement	Role of NSW Government public officials	Role of NCARA	Relational dynamic	Knowledge flow	Objective
Consultation	Expert decision-maker	Informative input	Paternalistic	Information gathering	Improved policy solutions
Shared decision making	Facilitate co-design and/or co-production of innovative solutions	Co-designer/co-producer of innovative solutions	Proactive	Two-way knowledge exchange	Equity in decision-making process
Local decision making	Facilitate local decision making in the design of Aboriginal service design and delivery solutions	Provide guidance and leadership in developing local solutions around Aboriginal service design and delivery	Indigenous led	Two-way knowledge exchange	Indigenous led decision-making

Table 11 Remodelling the IAPP's Public Participation Spectrum (Andrew et.al, 2017, p. 11): Increasing the impact of decision making under the NCARA–State Accord

	INFORM	CONSULT	INVOLVE	SHARED DECISION MAKING	EMPOWER	DEVOLVE
POTENTIAL GOAL OF PARTICIPATION	NSW Government provides NCARA with balanced and objective information to assist it in understanding the problem, alternatives, opportunities and/or solutions	NSW Government obtains NCARA's feedback on analysis, alternatives and/or decisions	NSW Government works directly with NCARA throughout the process to ensure NCARA's concerns, and the voices of LDM regions and communities are heard, and their aspirations are understood and considered.	NSW Government partners with NCARA in each aspect of the decision including the development of alternatives and the development of the preferred decision.	NSW Government to place the final decision making in the hands of NCARA.	NSW Government to put decision-making power and control over implementation in the hands of NCARA.
PROMISE OF GOVERNMENT	NSW Government keeps NCARA informed.	NSW Government keeps NCARA informed, listen to, and acknowledge community concerns and aspirations, and provide feedback on how NCARA's input influenced the decision	NSW Government will work with NCARA to ensure that community concerns and aspirations are directly reflected in the alternatives and provide feedback on how NCARA influenced the decision.	NSW Government will look to NCARA for advice and innovation in the formulating solutions and co-design solutions with NCARA.	NSW Government implements what NCARA decides.	NSW Government will give NCARA the resources and authority to implement what NCARA, Aboriginal Regional Alliances/Assemblies and LDM communities decide.

Transformational change: Indicators, enablers, and potential future outcomes

In sum, Aboriginal and Torres Strait Islander service delivery governance and arrangements are currently undergoing significant transformations, which involve the formalisation of new governance arrangements between First Nations peoples and government. The NSW Government has committed to working in partnership with Aboriginal leaders, organisations, and communities through not only the LDM initiative, but also CTG 2020. Those arrangements make provision for Aboriginal peoples to co-govern and co-manage Aboriginal service delivery. Those policies recognise and enable the inclusion of Aboriginal expertise, knowledge, values, principles to transform not only Aboriginal service delivery, but Aboriginal governance around service delivery. The strength of this model is that it facilitates the bringing together of Aboriginal interests and government interests in Aboriginal service delivery, and frames policies around parties working collaboratively to formulate and implement improved outcomes.

The literature of transforming government illustrates the multiple ways of envisioning and enacting new institutional arrangements that recognise competing governance approaches and which accommodate non-Indigenous and Indigenous interests. However, this evaluation illustrates how Aboriginal aspirations around reforming service design and delivery can be compromised when engagement processes fail to allow for shared decision making. This should not fuel uncertainties about whether the LDM initiative produces positive impacts on Aboriginal service design and delivery arrangements, because Howard-Wagner and Markham (2023) illustrate it does indeed produce positive impacts. Importantly though, the literature also recognises that pluralistic governance arrangements can be challenging, contentious, and frustratingly slow. Finding ways to work together is needed to foster and maintain enduring relationships between NCARA and NSW Government agencies. The LDM governance network provides a hybrid and alternative governance approach around Aboriginal service delivery in NSW.

Once the correct relational dynamic is operating between NCARA and NSW Government within the LDM governance network, then the next step is to institute into effect a framework for transformational change going forward. Drawing on the transformational change literature, Table 12 provides a list of indicators, enablers, and even possible outcomes that could take place to ensure that the LDM governance network and the NCARA–State Accord operate effectively, and as intended.

Table 12 presents a framework for transformational change around the LDM initiative. It is not just a list of broad objectives, but a list of activities with intended outcomes. It explains how these changes can be understood as identified enablers of change and potential future outcome measures. It develops a framework of short-term and long-term changes expected around the LDM initiative.

Monitoring and accountability

To achieve this end, several changes should also be made to the NCARA–State Accord to strengthen shared decision making. First of all, reporting arrangements, timeframes, monitoring and review arrangements, and dispute resolution mechanisms must be specified within Accords. Currently, these elements of Accord making and implementation are too weak, leading to the NCARA–State Accord being disregarded.

Second, the requirement of NSW Government agencies to consult with NCARA needs to be changed and upgraded to reflect the intention of this relationship as a dynamic of shared decision making in line with the principles of LDM. For this to be realised structural changes may be needed relating to the leadership,

governance, and authorising environment of the LDM initiative.² Accords need to be given legal protection so that NCARA and Aboriginal Regional Alliances/Assemblies have a legal recourse should governments fail to implement their commitments or to negotiate in good faith.

The first step is to change the relational dynamic between NCARA and NSW Government agencies.

The *OCHRE* plan has in place an Accountability Framework that wraps around all its initiatives, including LDM (see Figure 12).

Table 12 Transformational change going forward: Indicators, enablers, and potential future outcomes

Transformational change indicator	Identified enablers of transformational change	Potential future outcome measure
Empowered Aboriginal communities who share decision-making authority with governments to progress their aspirations	Moving from shared decision making as an overall approach to a method using deliberative engagement processes Direct participation (builds trust & relationships) Agencies provide an effective change template, effective authorising environment, and sustained commitment through continuity of leadership from senior government officials down and explicit measures to address systemic racism	NCARA and NSW Government agencies jointly co-design an overarching shared or joint-decision framework and plan for bringing that framework into effect under LDM. Community panels created to influence government funded programs in LDM regions. NCARA & NSW Government agencies jointly develop a framework to ensure community voice around whether investment is meeting the needs of people on the ground.
Transferred ownership of service delivery programs to Aboriginal community-controlled sector	Service delivery mapping Increasing self-determination and transferring decision making around procurement and service delivery	Service delivery mapping Procurement panels in each region or commissioning service model
Changed working relationships between Aboriginal communities and the NSW Government and officials	Transforming working relationships Moving from consulting NCARA/ARAs,³ and drawing on their expertise to inform decision making, to recognising NCARA/ARAs as an equal partner and shared decision maker under LDM in line with the intent of LDM as set out in	NSW Government agencies will look to NCARA for advice and innovation in the formulating solutions and incorporate NCARA's advice and recommendations into the decisions to the maximum extent possible NSW Government agencies partner with NCARA/ARAs in each aspect of the decision

² Since the data collection phase was completed, the new Deputy Secretary, Shane Hamilton, and AANSW, have leadership for the *OCHRE* LDM initiative.

³ ARAs = Aboriginal Regional Alliances/Assemblies.

	various policy documents as well as signed Accords	including the development of alternatives and the development of the preferred decision. The Yap instrument will be used to measure whether relationships are improving (Yap, 2023).
NSW Government agencies strengthening their leadership and accountability	Centralising LDM leadership Enhancing cross-agency collaboration	AANSW lead LDM agency NSW Government agencies will work together with NCARA to reclaim, renew and return Aboriginal peoples in NSW to prosperity. NSW Government agencies will work together with ARAs to address each LDM region's regional priorities.
Equal access to local and regional data to support decision making and Indigenous data sovereignty	Improving NCARA/ARAs access to government data Enabling local data collection and governance	Systematic efforts to provide NCARA/ARAs with access to timely, relevant, up-to-date, and interpretable data in a form suitable for independent analysis Co-designed regional data sovereignty framework

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Figure 11 *OCHRE* Accountability Framework



Source: AANSW.

LDM has a comprehensive evaluation framework around it, which operates as an evidence-informed analysis of *why* the objectives and outcomes of the LDM initiative are or are not being achieved. Aboriginal Regional Alliances/Assemblies are also required to report to AANSW on implementation. There is an LDM Policy and Operational Framework, which mostly places the onus on Aboriginal Regional Alliances/Assemblies around putting in place sound governance arrangements.

The *OCHRE* LDM evaluations are a necessary component of holding the NSW Government, its agencies and public officials accountable for outcomes and identifying ways to improve outcomes around the LDM initiative. The evaluations can only call agencies and public officials to account. The evaluations cannot hold agencies and public officials to account. At present, the NSW Government, its agencies and individual public officials face no consequence for failing to act in accordance with, or contrary to, the principles and intent of the LDM initiative. Where agencies or public officials have failed to engage in Accord negotiations in line with the LDM's intent or where agencies or public officials have failed to act in accordance with or implement an Accord, there has been no repercussions for agencies or public officials. There are no consequences or sanctions in place to hold agencies and public officials to account.

The LDM initiative, along with each NCARA-State Accord itself, also lack a monitoring and accountability framework in terms of the systematic collection of data on specified indicators to measure whether the LDM initiative and NCARA-State Accord is achieving its objectives. Performance measurement, monitoring, and accountability are three important, but separate, aspects for driving performance around the LDM initiative. For example, at a higher level there is the need to monitor cultural, systemic, and structural transformation across NSW Government agencies in relation to implementing the LDM initiative in NSW. However, there is no performance measurement, accountability, and monitoring framework in place to enhance the transparency and accountability of the public sector to Aboriginal communities or the public more broadly around the LDM initiative.

The broader principles driving that monitoring and accountability framework between the NSW Government and Aboriginal peoples need to spell out the principles of accountability in this context. For example, the core principle that drives the *OCHRE* LDM initiative is genuine co-design and long-term, staged reform around Aboriginal service delivery. At best, it would include consequences and/or sanctions for those agencies and public officials who act contrary to the intent of the LDM initiative. Also, the monitoring and accountability framework should not only be directed at building the governance capacity of LDM regions and communities but also the capacity of NSW Government, its agencies, and public officials. For example, the accountability framework needs to be directed at mutual capacity building around working relationships, sharing decision making, sharing data, and transferring ownership of service delivery. Within that framework, there needs to be provisions for the development of strategies and/or agreements around phased best practice change management within NSW Government agencies, including the building of effective relationships with Aboriginal Regional Alliances/Assemblies to support genuine self-determination and Aboriginal-centred services, programs and evaluation processes.

The Jumbunna Institute Indigenous Policy Hub produced a literature review in 2020 on accountability frameworks between States and Indigenous peoples. From a review of the literature, that document identifies that successful accountability frameworks in this space require the following:

- recognition and practical measures in the 'contact zone',
- core prerequisites for successful accountability frameworks from First Nations and settler government standpoints – including different prerequisites for what they can bring to the 'contact zone',
- internal accountability as a principal accountability mechanism for First Nations, necessitating state non-interference and, where applicable, derogation of state power,
- culturally and politically authoritative institutions, which act as decision-makers not as service providers, and

- horizontal and vertical integration across State governments, including protocols for initiating accountability without external complaints, protocols for negotiating resources, independent oversight mechanisms, and upskilling public servants for this new way of working (2020, p. 23).

Within that document it is pointed out that ‘the risk is high that settler-government standpoints will dominate accountability in the “contact zone”, so care is needed to ensure the space is proactive, responsible, consequential, backed by capable institutions and individuals, and respects First Nations self-determination’ (2020, p. 23). On this point, it is noted later in the document that:

Capacity-building, while critical in institutions, is not only institutional. It requires building a public service which is attuned to the skills required to work in the unique context of negotiating and surrendering power – an uncommon skillset in any professional setting. Government dysfunction and organisational tensions, while common in government regardless of the soft regulatory power that discourages them, produce adverse consequences for First Nations people and threaten the implementation of and trust in any agreement with First Nations, Aboriginal communities and Aboriginal peoples (2020, p. 29).

Measuring performance around working relationships, shared decision making, service delivery ownership and data governance means being able to determine what NSW Government agencies accurately and consistently are doing to achieve these objectives and the extent to which those actions have resulted in improved outcomes. The program logics outlined above in Tables 7, 8 and 12 can assist in terms of measuring performance in relation to these four key areas of transformational change. They provide a clear way forward for short-term and long-term changes expected around the LDM initiative.

Accountability for transformational change rests with NSW Government as it has a high degree of control over resources and the services delivered. However, those negotiating with LDM Regional Alliances/Assemblies are at the program delivery level and have little control over funding and less influence over decisions, if any. Therefore, they are only partially accountable for the overall performance of the LDM initiative against the government’s objectives. Accountability for performance around transformational change rests at the highest levels of the NSW public sector as indicated in Figure 13.

Figure 12 Accountability framework under the LDM initiative



A Monitoring and Accountability Framework is essential to measure and drive transformational change across NSW Government agencies. That is, in order to implement cultural, systemic, and structural reform, the LDM initiative needs a Monitoring and Accountability Framework that aims to monitor progress across NSW Government agencies in a consistent way, while being adaptable to agency operating contexts. The monitoring framework needs to be a practical guide as to what success looks like in embedding improved working relationships, shared decision making, service delivery ownership and data governance in the day-to-day operational practices of the NSW public sector. The LDM Monitoring and Accountability Framework needs to sit alongside the LDM Policy and Operational Framework.

A results-based monitoring framework would translate the objectives of the LDM initiative into performance indicators and set targets, collect data on these indicators, compare actual results with targets, and report progress to the Senior Executive, Government and even Parliament, along with alerting all parties to problems. With regard to monitoring, that framework needs to develop indicators for monitoring cultural, systemic, and structural transformation in NSW Government agencies in a way that is meaningful for Aboriginal peoples in LDM regions. It needs to provide an evidence-informed reporting tool to monitor NSW government agencies' progress around those indicators.

In the context of monitoring cultural, systemic, and structural transformation through a cultural safety lens, indicators could consider:

- whether the relationship with local communities has improved and been enhanced,
- the degree to which culturally safe and responsive Aboriginal services and programs, which are informed by local contexts and identified local needs, have been designed and delivered,
- whether local Aboriginal voices have been included at all levels of Aboriginal service design and delivery in NSW,
- whether programs and process to engage NCARA and Aboriginal Regional Alliances/Assemblies more effectively, on behalf of LDM community, in determining strategies to improve communication and trust in how Aboriginal programs and services are designed and implemented, and
- if a code of cultural conduct has been designed and developed.

At a broader level, in terms of measuring whether relationships are improving, Howard-Wagner and Markham consider it 'beneficial to use the Yap instrument (described on p. 28 of their report) on a six-monthly or annual basis to establish whether working relationships are improving under LDM' (2023, p. 98). They suggest that 'the results could be used as a baseline indicator for identifying whether working relationships are improving' (Howard-Wagner & Markham, 2023, p. 98).

Similar to the exercise undertaken to develop an instrument for measuring working relationships under LDM, Howard-Wagner & Markham believe it 'would be beneficial if NCARA and NSW Government agencies work together to develop an instrument measuring the decision-making environment' (2023, p. 98). They encourage NCARA and NSW Government agencies 'to work together to define key measures of success and performance indicators' (Howard-Wagner & Markham, 2023, p. 98). They also,

encourage those engaged in this process to start at the end in terms of identifying what successful shared decision-making, transformed government and increased authority in LDM regions could and would look like and work backwards, towards the means; identifying appropriate management actions where there

are positive or negative variances from projected performance measures and indicators (Howard-Wagner & Markham, 2023, p. 98).

To ensure mutual accountability to those indicators, Howard-Wagner and Markham suggest that,

it would be useful if NSW Government agencies and Aboriginal Regional Alliances/Assemblies each reported quarterly or six-monthly against the measures of success and key performance indicators to the LDM lead within AANSW and Executive Sponsors Board/Group to measure how LDM is progressing (2023, p. 98).

Furthermore, they suggest that,

NCARA and the NSW Government could each report annually to NSW Parliament on their assessment of how LDM is progressing in line with its intent and principles and in relation to the key measures of success and performance indicators around shared decision-making and transforming government under LDM (Howard-Wagner & Markham, 2023, p. 98).

The following recommendations provide a range of mechanisms for achieving the intent of the LDM initiative in relation to the state Accord.

Recommendations

Recommendation 1 – Clarifying and strengthening the role of NCARA

That clauses be added to the NCARA–State Accord recognising the following:

- a. NCARA is a collaborative partner who shares decision making and provides strategic leadership, proactive solutions, and policy direction to government in driving the envisaged transformational change under LDM and the NCARA–State Accord.
- b. NCARA is a key Aboriginal stakeholder body in NSW who has the right to advocate and who has the right to engage in decision making with NSW Government and the NSW Coalition of Aboriginal Peak Organisations leadership around the delivery of the *2022–2024 NSW Implementation Plan for Closing the Gap* (NSW Government, 2022 – see e.g., the National Agreement on Closing the Gap clauses on inclusion such as 32 c) iv, vi, 34 and 44).
- c. NCARA is a key Aboriginal stakeholder body in NSW who has the right to advocate and who has the right to engage with the NSW Government and the NSW Coalition of Aboriginal Peak Organisations around the development and implementation of policy related to Aboriginal service delivery in NSW. Also, that similar clauses be added to NCARA's terms of reference.
- d. That the capacity of NCARA be strengthened through government investment that enables it to take a strong leadership role in LDM and the *OCHRE* plan in NSW more broadly.
- e. That AANSW continue to fund the secretariat supporting NCARA, its travel, accommodation, and other expenses, but that NCARA's secretariat become an autonomous body.
- f. That one of the incorporated Aboriginal Regional Alliances/Assemblies auspice the NCARA secretariat.

- g. That NCARA's capacity be strengthened through relevant law, policy, budgetary and data workshops as necessary to ensure that it has the relevant knowledge it needs to engage with and inform the NSW Government and its agencies on a given matter, as well as advise and guide its regional and community governance bodies on decisions in relation to a given matter.
- h. 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 function to provide leadership, proactive solutions, and policy direction to government.

Recommendation 2 – Leadership

- a. That there be a whole of government commitment to formal cross-agency collaboration among LDM Executive Sponsors around transformational change under LDM in line with its principles and objectives; and
- b. 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 and has carriage for driving, leading, and ensuring the transformational change needed to achieve the objectives of LDM on behalf of their agency,
 - (ii) that each member 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 have carriage for driving and leading cross-agency collaboration and working with NCARA, Aboriginal Regional Alliances/Assemblies and LDM communities to achieve transformational change and the objectives of LDM.

Recommendation 3 – Shared decision-making strategy

- a. That a co-designed shared decision-making strategy be developed between the Executive Sponsors Group and NCARA.
- b. That the co-designed shared decision-making strategy promote the application of good governance principles and self-determination to facilitate meaningful collaboration and co-design, to achieve positive outcomes based on informed decision making and good practice.
- c. That the strategy provides clear guidelines and expectations to:
 - (i) facilitate meaningful collaboration and co-design
 - (ii) achieve positive outcomes based on informed decision making and good practice, and
 - (iii) achieve partnership, and shared decision making in Accord agreement making/negotiations and in all decision making around service delivery in LDM regions.
- d. That the devolution of service delivery control to LDM regions and their communities, and local decision making be a fundamental objective of that framework, including benchmarks and indicators for moving to that stage.

- e. That, in the interim, NSW government agencies immediately move to greater shared decision making with NCARA, Aboriginal Regional Alliances/Assemblies, and their communities in their identified priority areas as outlined in the Statements of Claim and Accords.

Recommendation 4 – Measuring performance

- a. That NCARA and the Senior Executive Board/Group work together to define and develop key measures of success and performance indicators around shared decision making and transforming government which include sharing power, improving working relationships, strengthening cultural competence (or even moving to cultural safety as the benchmark in line with Priority Reform Three under the National Framework for Closing the Gap (2020), and responsiveness within the NSW public sector to Aboriginal needs and aspirations under LDM; and identify appropriate management actions where there are positive or negative variances from projected performance measures and indicators.
- b. That NCARA consider authorising the Yap instrument (see Yap, *in press*) to measure working relationships every six months, and those results be used as a baseline indicator for establishing whether working relationships are improving under LDM. That every six months the instrument be administered, and that data be mapped alongside the baseline indicators to track whether relationships are improving or deteriorating over time. If relationships are becoming progressively worse over two time periods, then a review be undertaken by AANSW as to why.
- c. That NCARA and the Senior Executive Board/Group work together to develop a formalised plan for sharing data, including a clear set of rules and guidelines, called a Data Governance Framework, to manage and use data effectively. The Data Governance Framework should match the state Accord and include steps, roles, and ways to ensure accountability for handling local data in a culturally safe and respectful and community-focused way.

Recommendation 5 – Reporting

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

Conclusion

And I think that's only because of the change in Aboriginal Affairs really, I mean the leadership at the moment sees the value and understands the work that we've been doing and if it hadn't been for that change I don't know where we would be sitting today (Chair, Aboriginal Regional Alliance/Assembly, NCARA–State Accord evaluation workshop, May 2023).

Going forward, I think one of the things that could potentially impede this whole process is ourselves, our communities. If we don't get a level of resolution between our service providers and our advocacy groups like our LDM, and we stop trying to step over the top of each other, then we will spend more time putting out fires than actually sitting down and developing the processes that we can really do. And this is why I'm hoping that CAPO comes to the realisation that you know as a group of people we can do such great things, but we keep pitching ourselves against each other and going on, we're only impeding the opportunity going forward. I think this is, outside of ATSIC, this is the best model, the LDM model is really

the best model... (Chair, Aboriginal Regional Alliance/Assembly, NCARA–State Accord evaluation workshop, May 2023).

As a self-formed, autonomous, and self-determining unincorporated Aboriginal body, NCARA is playing an important role under the LDM initiative. It is committed and empowered from the ground up to advocate on behalf of Aboriginal people in LDM regions to reclaim, renew, and return Aboriginal peoples in NSW to prosperity by shifting decision making about government service delivery in regions from central and top-down approaches to the grassroots where people live. It is advocating on behalf of LDM regions and communities. It is an important mechanism for the voice of community and regions to reach the level of the state around LDM related matters. NCARA is a key enabler of Aboriginal governance and voice at the state level under LDM.

NCARA's creation has provided a mechanism for Aboriginal governance to operate from the ground up to the state under the *OCHRE* LDM initiative. NCARA's creation in and of itself provides an opportunity for transformational change around LDM in that its formation has provided government with a high-level representative Aboriginal governance body, consisting of Aboriginal leaders with community standing and authority, to work with those agencies to achieve LDM's intent.

Through NCARA, LDM communities and Aboriginal people within those communities have a strong mechanism to have input to government on matters that affect them, and the value of LDM in this regard is undeniable. Yet, its full potential has not been realised. The state Accord has fallen short on its capacity to enable and empower LDM communities.

The growing capacity of NCARA as a formally recognised advocacy body that informs NSW Government and peak bodies around CTG 2020 and associated policies/initiatives in LDM regions and communities could be invaluable in ensuring that 'gaps' really close in regional areas and that the strengths and knowledge of Aboriginal communities are recognised and built on over coming years.

All the *OCHRE* LDM Stage Two evaluations have found that LDM is facilitating capacity around Aboriginal governance in NSW and the governance structures that have been created, in the case of NCARA, are enhancing the capacity for improved working relationships at the level of the state. In this case, at the same time as remaining independent of government, NCARA should be an equal partner and share decision making with NSW Government around its priority focus on reclaiming, renewing, and returning Aboriginal peoples in NSW to prosperity as set out in the LDM Policy and Operational Framework (2017). Furthermore, in 2018, NCARA negotiated and signed an Accord with the NSW Government, which commits both parties to doing just that. This, and the signing of the Accord Schedules, have not progressed Aboriginal prosperity in NSW in the five years since that Accord was signed.

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

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

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Appendix 1 The NCARA–State Accord evaluation approach: Methodology and method

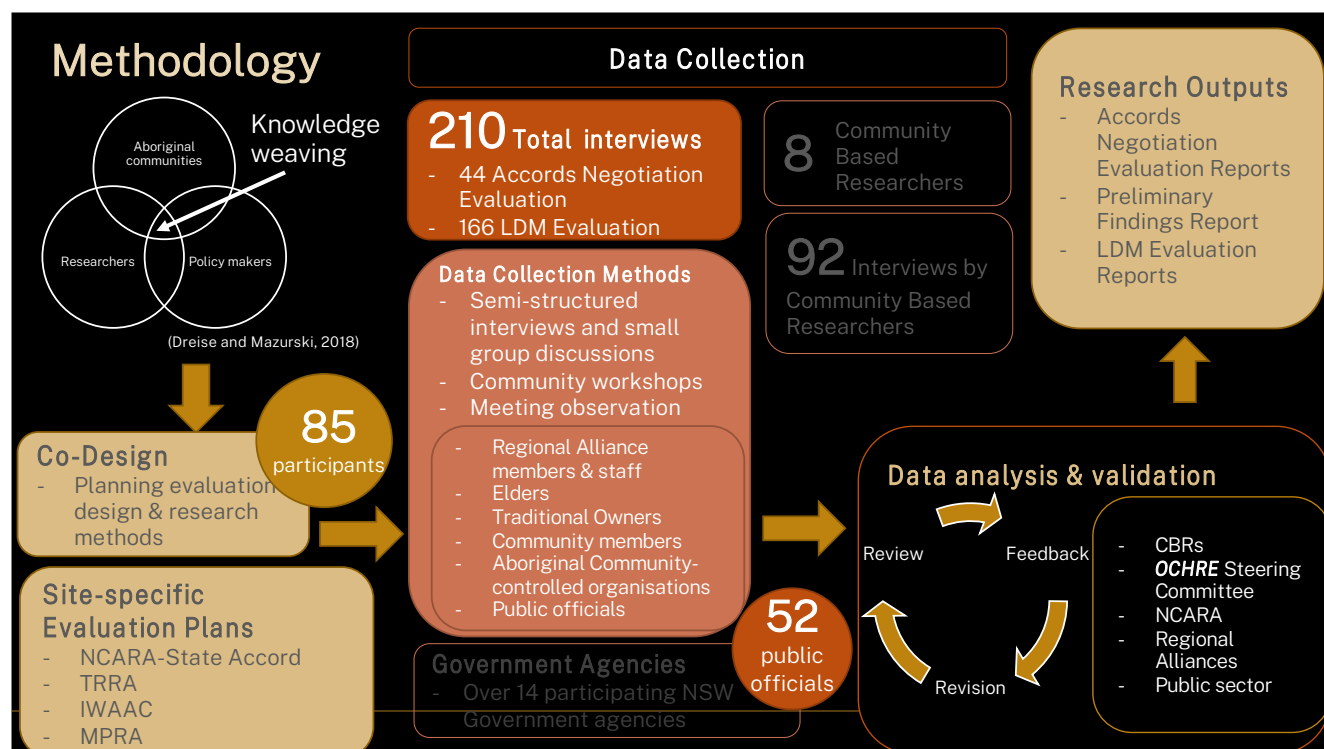
Co-designed research approach

Co-designing evaluation plans: a two-step process

The first step in the Stage 2 evaluation was to co-design six separate evaluation plans: one for each of the five Regional Alliances/Assemblies, and one for the state-level Accord between NCARA and the NSW Government. The reason for separate evaluation plans is that NCARA and each Aboriginal Regional Alliance/Assembly vary in their governance structures and processes, how they operate and make decisions, how they negotiate with and are accountable to their regional communities, and how they negotiate with NSW Government. It is important to recognise the local and regional specificities of each Regional Alliance/Assembly and NCARA, and that what works in one context may not be appropriate in another.

There are two steps to co-designing evaluation plans: ‘pre-codesign’ conversations and the co-design itself. In pre-codesign conversations, the research team works with co-design parties to plan out the co-design phase. This involves making decisions about who will be invited to participate in the co-design and what form the co-design will take. The co-design phase begins after decisions about co-design have been agreed between the research team and the Aboriginal Regional Alliance/Assembly/NCARA. A broader range of people are invited to participate in the co-design of evaluation plans, including public sector officials. Once participant groups have made decisions about how the evaluation will take place in each LDM region, the evaluation team uses those decisions to draft an evaluation plan. The draft evaluation plan is then presented to co-design participants for review, discussion, and feedback.

Figure 13 OCHRE LDM Stage 2 Methodology, approach, data collection methods, participants, and data analysis methods



The research team received approval from the ANU Human Rights Ethics Committee (HREC) to co-design evaluation plans in November 2020. We received approval from the ANU HREC to implement the NCARA-State Accord Evaluation Plan and evaluation activities on 4 November 2021.

Methodology: Weaving knowledges

The OCHRE LDM Stage 2 Evaluation is guided by a methodology that weaves together First Nations ways of knowing, being, and doing with those of the public sector and academia. The research team worked in partnership with NCARA and public sector agencies involved in the NCARA–State Accord to co-design the evaluation and co-produce the research. The OCHRE LDM Stage 2 Evaluation has been co-designed with the New South Wales Coalition of Aboriginal Regional Alliances and senior executives from across NSW Government agencies who form the LDM governance network at the state level and were engaged in negotiating and implementing the NCARA/State Accord. The co-design approach was comprehensive, covering all stages of the evaluation process from evaluation design to data analysis and reporting. The initial co-design process for each site-specific evaluation took over 24 months (2019–2021), a period which also involved some data collection.

Co-designing the NCARA–State Accord Evaluation Plan

The research team had several conversations with NCARA during the pre-codesign phase, which occurred between February and March 2021. Our conversations took place via email, phone, and teleconferencing. The research team were largely guided by NCARA about who to invite to co-design activities and the format of those co-design activities. Following the advice of NCARA, the co-design of the NCARA–State Accord Evaluation took place in two forums between March and April 2021.

Co-design forum 1

On 31 March 2021, the research team facilitated a half-day joint forum in Mascot, Sydney, with representatives from NCARA and public sector agencies involved in the NCARA–State Accord. The forum was held at the Central Office of Aboriginal Affairs NSW and was divided into three sessions. Different co-design parties attended different sessions in different capacities: in general, members of NCARA and the research team attended in person, while public sector officials attended via teleconferencing.

Session 1 (duration: 15 minutes) involved a pre-meeting discussion between NCARA, Aboriginal Affairs NSW, and the research team. In this discussion, we confirmed the aims, expectations, and intended outcomes of the forum. Participants included six representatives from NCARA, one representative from Aboriginal Affairs NSW, and three members of the research team.

Session 2 (duration: two hours) involved scene setting and an open discussion of ‘big picture’ questions to inform the design of the NCARA–State Accord Evaluation Plan. Session 2 was attended by a range of co-design parties, including NCARA (six representatives), Aboriginal Affairs NSW (three representatives), and four public sector agencies involved in the NCARA–State Accord: NSW Treasury (five representatives), NSW Department of Communities and Justice (one representative), NSW Department of Education (one representative), and NSW Police Force (one representative). All three members of the research team were also present. All public sector officials (except one representative from Aboriginal Affairs NSW) attended via teleconferencing.

Session 3 (duration: two hours) involved discussion of more detailed questions to inform the design of the NCARA–State Accord Evaluation Plan and next steps for the evaluation. Participants included six representatives from NCARA, three representatives from Aboriginal Affairs NSW (including one observer), and all three members of the research team. In this session, NCARA agreed to continue the conversation at a full-day forum on the NSW Central Coast.

Co-design forum 2

Thanks to an invitation from Barang Regional Alliance, the second co-design forum took place with representatives from NCARA, Barang, and Aboriginal Affairs NSW at a full-day forum on Darkinjung Country in Wyong, NSW Central Coast, on 22 April 2021. The Gudjagang Ngara li-dhi Aboriginal Corporation (GNL) (a member organisation of Barang) hosted this discussion, which was divided into two sessions. Both sessions explored further details for the NCARA–State Accord Evaluation Plan, as well as the possible short-term impacts of the evaluation. Session 1 (duration: 2.5 hours) was attended by six representatives from NCARA, one representative from Aboriginal Affairs NSW, and three members of the research team. Session 2 (duration: 2.5 hours) was attended by six representatives from NCARA, one additional representative from Barang, one representative from GNL, one representative from Aboriginal Affairs NSW, and three members of the research team.

In total, 24 participants from the following parties directly participated in co-design activities for the NCARA–State Accord Evaluation Plan:

- NCARA
- Barang Regional Alliances
- Gudjagang Ngara li-dhi Aboriginal Corporation
- AANSW

- NSW Treasury
- NSW Department of Communities and Justice
- NSW Department of Education
- NSW Police Force
- Centre for Aboriginal Economic Policy Research (ANU).

The co-design process produced site-specific evaluation and fieldwork plans and a data management plan. Once the evaluation plan was developed and agreed on, it was submitted to ANU Human Research Ethics Committee and the Australian Institute of Aboriginal and Torres Strait Islander Studies Ethics Committee as part of the iterative ethics approval process, along with a CAEPR/NCARA data governance agreement.

The site-specific evaluation and fieldwork plans were approved by AANSW prior to commencing the evaluation proper. During 2022 and early 2023, the NCARA/State Accord was evaluated. Those two phases were iterative and overlapping. This 'weaving knowledges' approach positions First Nations peoples and knowledges at the centre of the research process as experts and partners and ensures that evaluation findings are co-owned by Aboriginal communities and NSW Government.

Upholding the rights and principles of Indigenous Data Sovereignty

CAEPR researchers worked in a way that upholds the rights and principles articulated in the Indigenous Data Sovereignty Communique, produced by the Maïam nayri Wingara Indigenous Data Sovereignty Collective and the Australian Indigenous Governance Institute in 2018. The Communique asserts that Indigenous peoples in Australia have the right to:

- i. exercise control of the data ecosystem including creation, development, stewardship, analysis, dissemination, and infrastructure,
- ii. data that is contextual and disaggregated (available and accessible at individual, community, and First Nations levels),
- iii. data that is relevant and empowers sustainable self-determination and effective self-governance,
- iv. data structures that are accountable to Indigenous peoples and First Nations, and
- v. data that is protective and respects our individual and collective interests.

While it was recognised that the full realisation of these rights may not always be possible, CAEPR researchers remained committed to upholding these principles where practical. This may include working with NCARA to find the most appropriate framework to support Indigenous Data Sovereignty at a state level in the LDM Evaluation. The shared agreement took the form of a Data Governance Agreement between the Australian National University and NCARA.

The application of ethical practices under this Data Governance Agreement sees NCARA as the owner of the NCARA-State Accord Evaluation data and report. The data and the development of the report empowered sustainable self-determination through a continuous process of engagement through workshops that were not only data gathering in nature, but also involved the collective analysis of the data being collected, which was framed as the process of data gathering occurred. The data and the report were truth-tested and monitored by NCARA.

Once the draft evaluation plan was finalised with NCARA and representatives from key public sector agencies, it became the property of NCARA. This means that NCARA gets to decide if the evaluation report is published, where it is published, and in what form. If NCARA does not want the evaluation report to be published, NCARA can decide how the report is confidentially distributed. However, the research team must provide an embargoed copy of evaluation reports to Aboriginal Affairs NSW to meet the terms of our contract.

NCARA, who held and holds all authority over decisions about releasing the findings and the report, chose for the report to be published as part of CAEPR's Commissioned Papers series.

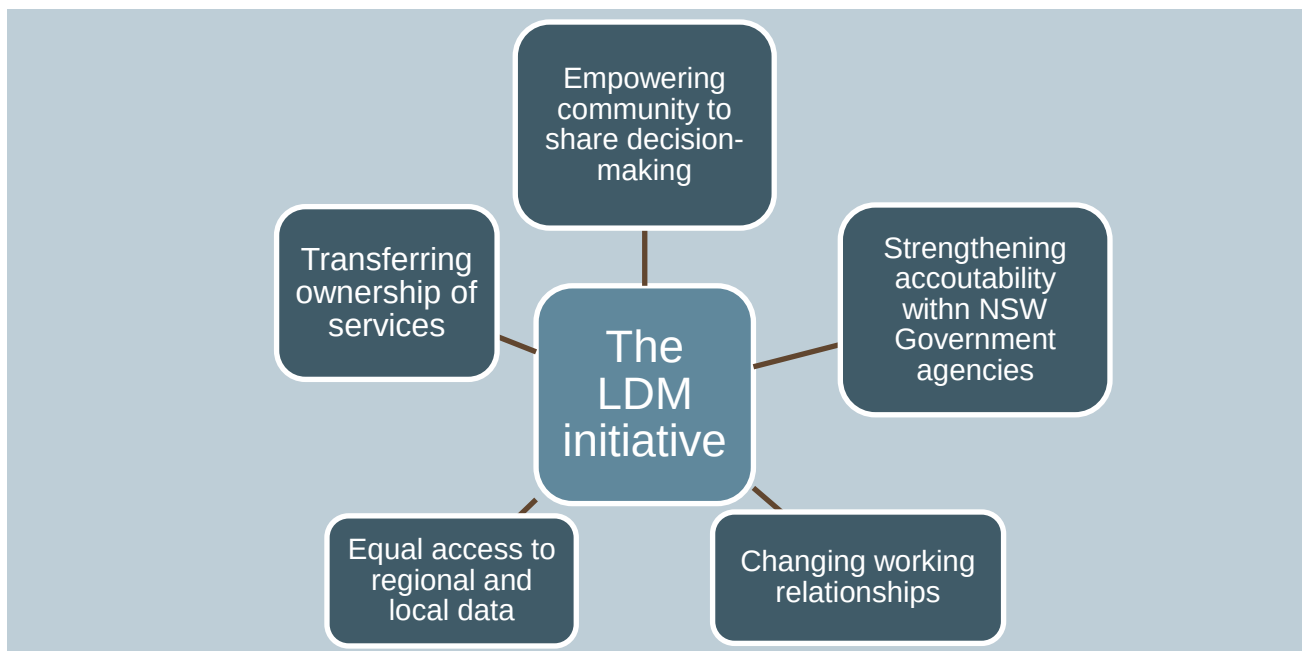
Research Questions

AANSW provided five core research questions used to evaluate transformational change under the NCARA–State Accord, which were as follows.

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?
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?
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?
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 impeding systemic and structural transformations?
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?

So, the evaluation examined five characteristics of transformational change under LDM (see Figure 15).

Figure 14 Transformational change characteristics evaluated



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The process of transformational change occurs primarily around and through the negotiation, signing, and implementation of Accords under LDM, but also through ongoing engagement between NCARA, Aboriginal Regional Alliances/Assemblies and Community Working Parties and public officials at all levels of NSW government agencies.

In-depth data collection across a range of stakeholders

Once the evaluation plan and the data governance agreement were approved, the evaluation proper began.

On commencing the evaluation proper, CAEPR hosted NCARA in Canberra for a two-day workshop to continue the process of building positive, respectful, and honourable relationships. At this workshop, NCARA indicated its preference for the author of this report to conduct the NCARA Evaluation rather than a community-based researcher as was the approach with all other evaluations.

The qualitative methods for undertaking the NCARA–State Accord Evaluation included field trips, workshops, in-depth interviews, and documentary analysis. The author of this report undertook many field trips across five LDM regions: Barang, RMRA, TRRA, MPRA and IWAAC. Interviews were conducted with current and former Chairs of Aboriginal Regional Alliances/Assemblies. Five workshops were held with NCARA.

Interviews were conducted with senior representatives from various NSW Government agencies, including Deputy Secretaries and Regional Managers. One workshop with the Executive Sponsors Group was also held as part of the NCARA–State Accord Evaluation.

The evaluation also drew on 50 interviews conducted with public officials from a wide range of NSW Government agencies, including:

- Aboriginal Affairs NSW

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

In addition to interviews, a review of documents, including minutes of meetings, NSW policy statements, and documents produced by NCARA, was conducted.

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

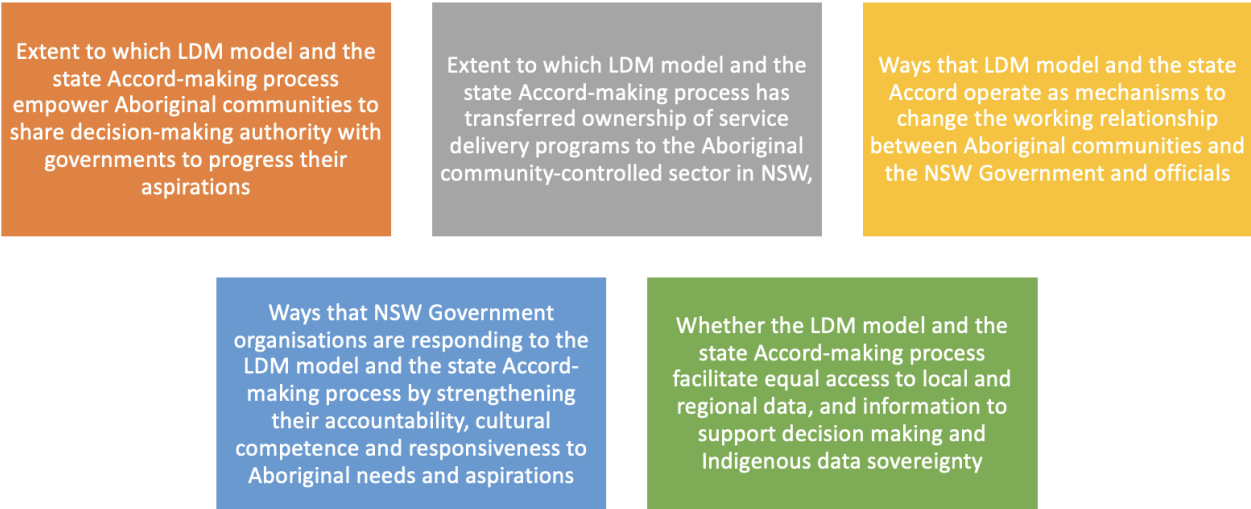
Bi-monthly presentations were made to the *OCHRE* Evaluation Steering Committee in relation to the study design; collection, analysis, and interpretation of data; and all evaluation plans and reports. The *OCHRE* Evaluation Steering Committee is independently chaired by Associate Professor Lynette Riley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

Methods for data analysis

Once the data had been collected, the author of this report mapped the data to the evaluation questions. The data was reviewed and subjected to thematic analysis, with codes determined by the researcher and/or cross-checking thematic analysis to ensure consistency and reliability of the analytic process.

The responses to each of the five evaluation questions were analysed with a view to understanding what those responses represented in relation to the degree, extent, or ways that transformative change had been achieved as part of the NCARA–State Accord as set out in Figure 16.

Figure 15 The five questions for evaluation of transformational change under the NCARA–State Accord



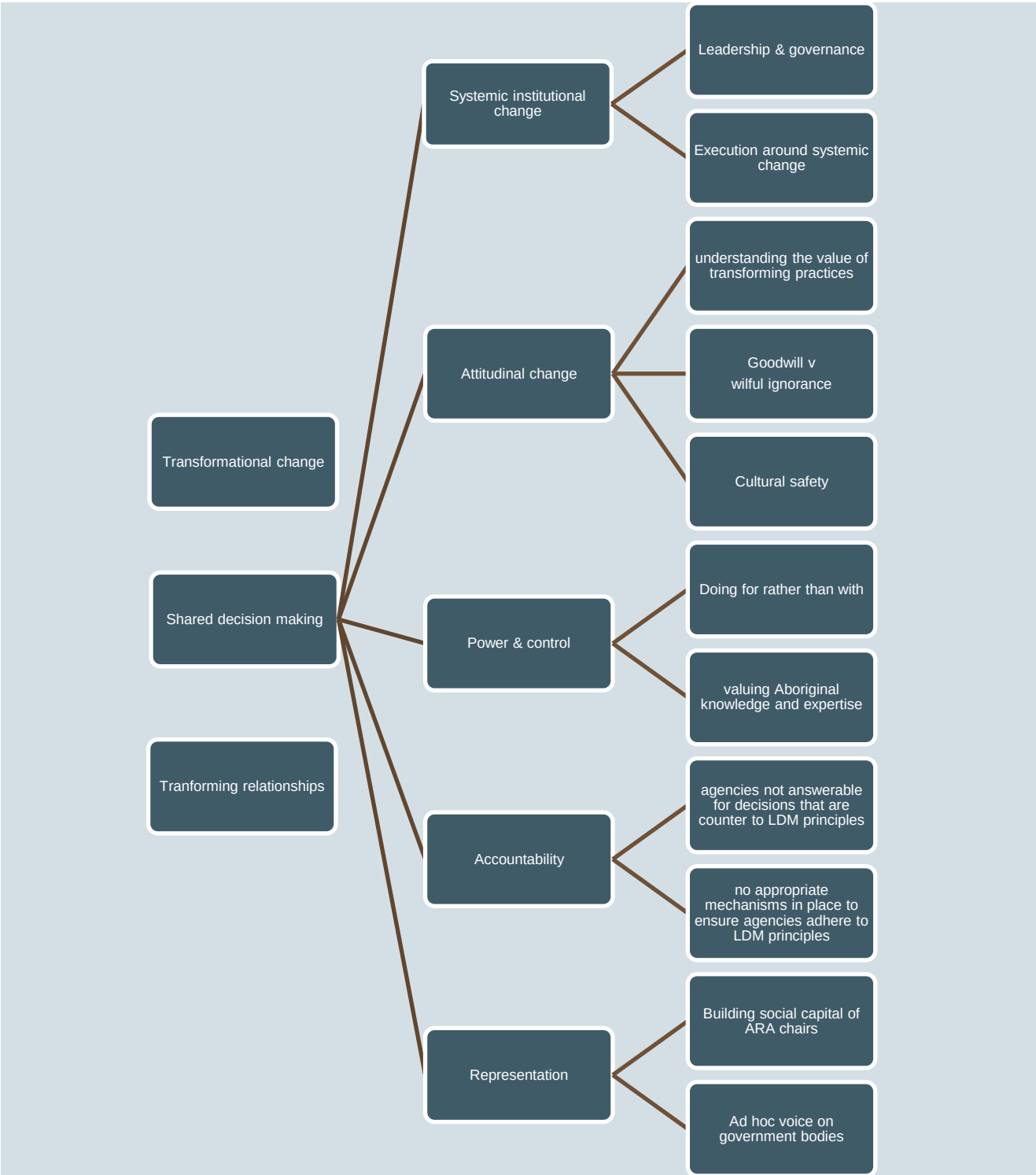
The qualitative technique of thematic analysis or thematic coding was used inductively to organise, label or code the data thematically to allow common themes and patterns to emerge from the data (see Table 13).

Indicators of shared decision making: shared decision making can result in better decisions, greater acceptance of decisions, increased transparency, increased trust, a greater sense of ownership, and improved communication.

Table 13 Example of how the NCARA–State Accord Evaluation interview data was turned into codes

Coding qualitative data		
Interview question	Interview extract	Codes
Shared decision making	Are NCARA just an interest group that we consult with? Or are these representatives of community that we've signed up to support through genuine partnership and relinquishing some power and control? That's really what it should be about, and I think it's what it's meant to be about, but I think we're still treating NCARA at the moment as more of an interest group that's advocating or lobbying but... (interview, Deputy Secretary)	Consultation v Empowerment Doing for rather than with Power & Control

Figure 16 Example of thematic coding of data around shared decision making, transforming government, and transforming relationships



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Research outputs and methods for validation

Research outputs

Evaluation findings are presented in this report (the 'NCARA–State Accord Evaluation Report'). The NCARA–State Accord Evaluation Report is integral to the overall findings of the Stage 2 *OCHRE* LDM Evaluation. As discussed, the research team is evaluating LDM in five NSW regions and at the state level with NCARA and the NSW Government. We have produced a separate evaluation report for each participating LDM region and have brought the findings from all LDM regions (including at the state level) into a Preliminary Findings Report, which provides an overall picture of LDM and Accord-making in NSW. We have also produced a Synthesis Report, which will include comparison of findings from this evaluation with findings from previous evaluations of LDM and Accord-making.

Results logic

As part of the development of an evaluation plan, the research team also produced a results logic to assess the degree to which the NCARA–State Accord negotiation and implementation process had achieved the objectives of LDM. A results logic describes and represents how a program intends to meet its goals. It allows us to test the validity of the logic as well as the assumptions that underpin a program and its intended aims. Information from testing the results logic can be used to shape future strategies and designs. In the LDM context, the results logic presented in Table 7 above describes and represents how in theory LDM might meet its goals.

The research team analysed the data in conversation with NCARA and public sector agencies, and in relation to broader external factors. Once the data was analysed, the research team presented the results logic as a diagram with a supporting narrative in the evaluation report. This narrative explains the theory behind the diagram: what are the inputs, outputs, processes, outcomes, and impacts of LDM, and how do they work in theory? Do they work in practice? The discussion section below returns to an analysis of the results logic for this evaluation around the findings.

Other research outputs

The research team is committed to the principles of action research, which seeks transformative change through the simultaneous process of doing research, reflecting, and acting. This might take the form of occasional issue papers. Opportunities for co-authorship where possible will be developed in consultation between the research team and NCARA and/or people or groups concerned.

Methods for data validation

Findings from the evaluation were validated through an iterative cycle of review, feedback, and revision between the research team, NCARA, and representatives from key public sector agencies. The broad aim of the review, feedback, and revision process is to provide stakeholders an opportunity to ensure our analysis is based upon accurate information.

Evaluation reports and other research outputs will first go through an internal peer review process within the LDM Evaluation team. After this internal peer review process, the draft evaluation report will be provided to NCARA and other stakeholders, such as representatives from public sector agencies involved in the NCARA–State Accord, for review and feedback.

Members of the research team will be available to present reports and other findings in seminars to key stakeholders during this review process and/or after research outputs have been finalised.

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