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OCHRE Local Decision Making Stage Two Evaluation: Synthesis Report

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Centre for Indigenous Policy Research

POLIS: Centre for Social Policy Research

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D. Howard-Wagner

Abstract

The Australian National University (ANU) Centre for Indigenous Policy Research (CIPR) (formerly the 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 the OCHRE LDM initiative is achieving 'what it set out to do' across five LDM sites. This co-designed, participatory evaluation has taken place over the four years 2020–2023 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 weaves together First Nations knowledge with that of the public sector and academia. The OCHRE LDM Stage Two Evaluation Synthesis Report is one of 10 reports produced by CIPR researchers under this stage of the evaluation. CIPR's evaluation of the LDM Accord Negotiation process produced three site-specific LDM Accord Negotiation reports and a report synthesising the findings of those evaluations. CIPR's evaluation of LDM, as a whole, has produced this synthesis report, three site-specific evaluation reports, a state-wide evaluation report, and preliminary findings report. CIPR evaluated the operation of LDM across the regions of three Aboriginal Regional Alliances/Assemblies: Murdi Paaki Regional Assembly, Three Rivers Regional Assembly, and Illawarra-Wingecarribee Aboriginal Alliance Corporation. CIPR has also evaluated the NCARA–State Accord and three LDM Accord negotiation processes for the Barang Regional Alliance Accord, the Riverina Murray Regional Assembly Accord, and the Murdi Paaki Regional Assembly Accord II.

The OCHRE LDM Stage 2 Evaluation Synthesis Report consolidates key recommendations of the OCHRE LDM Stage Two evaluations, to help guide NSW government agencies in developing a structured programme of action to improve their performance so that the LDM initiative operates as intended.

Keywords: Local Decision Making, Indigenous/state agreement-making, Indigenous service delivery, Aboriginal Regional Alliances/Assemblies, Aboriginal service delivery in NSW.

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This report was commissioned and funded by Aboriginal Affairs NSW and is owned by the NSW Coalition of Aboriginal Regional Alliances/Assemblies (NCARA). The findings and opinions in this report reflect the views of the author alone, not Aboriginal Affairs NSW or NCARA.

Acronyms

AANSW	Aboriginal Affairs NSW
AECG	Aboriginal Education Consultative Group
ANU	Australian National University
ARA	Aboriginal Regional Alliance/Assembly
CAEPR	Centre for Aboriginal Economic Policy Research (ANU, now CIPR)
CIPR	Centre for Indigenous Policy Research (ANU)
CWP	Community Working Parties
IWAAC	Illawarra Wingecarribee Alliance Aboriginal Corporation
KPI	Key Performance Indicator
LDM	Local Decision Making
MPRA	Murdi Paaki Regional Alliance
NCARA	NSW Coalition of Aboriginal Regional Alliances
NSW	New South Wales
OCHRE	Opportunity, Choice, Healing, Responsibility, Empowerment – NSW Government plan for Aboriginal affairs in NSW
RAHLA	Regional Aboriginal Housing Leadership Assembly
RMRA	Riverina-Murray Regional Alliance
TRAA	Three Rivers Regional Assembly

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Executive Summary

> ***... the work that Alliances do on the ground, compared with the amount of money that they get from government is profound. And they are punching above their weight. I hear that everywhere that I go ... (Ben Franklin MP, former NSW Minister for Aboriginal Affairs, 2023).***[1]

The Stage Two Evaluation of the New South Wales (NSW) ***Opportunity, Choice, Healing, Responsibility, Empowerment*** (***OCHRE***) Local Decision Making (LDM) clearly establishes that the LDM initiative remains the key platform for the NSW Government to transform Aboriginal service delivery (e.g., Howard-Wagner & Markham, 2023; Howard-Wagner, 2023; O'Bryan & Markham, 2023). The evaluation confirms that the LDM model is well-designed and adheres to strong governance practices (see, e.g., Howard-Wagner & Markham, 2023). It enjoys robust support from the NSW Government and bipartisan backing in Parliament. Both NSW public officials and Aboriginal people involved in the evaluation recognise the LDM initiative as a crucial policy effort with the power to drive significant change in LDM communities (e.g., Howard-Wagner & Markham, 2023; O'Bryan & Markham, 2023).

When launched in 2013, the LDM initiative under the NSW ***OCHRE*** Plan (2013–present) was ahead of its time, leading the way nationally as a community-led government initiative dedicated to advancing Aboriginal self-determination and addressing community priorities. The ***OCHRE*** LDM signified a robust commitment to empowering Aboriginal communities by enhancing their control over Aboriginal service design and delivery in NSW. This initiative follows a holistic strategy that involves collaboration across different portfolios and administrative levels to achieve shared goals and create an integrated government approach to Aboriginal service design and delivery in LDM regions. Through the negotiation of Aboriginal/state agreements, known as Accords, regional Aboriginal representative bodies – referred to as Aboriginal Regional Alliances/Assemblies (ARAs) – partner with NSW agencies to influence not just the government services offered to LDM communities, but also how those services are delivered. Accords serve as a crucial mechanism for gradually transferring decision-making power and accountability to LDM communities within the LDM framework. At the time of its launch, the LDM initiative in NSW was matched in Australia only by the Indigenous-led Empowered Communities model, which was also introduced in 2013.

In addition to LDM and the Empowered Communities model, over the last decade, Australian states and territories have made significant progress in developing comprehensive whole-of-government Aboriginal policies that commit to self-determination in government service delivery. Like the NSW ***OCHRE*** LDM initiative, the arrangements under these policies involve formal partnerships with independent Aboriginal decision-making bodies. Such independent Aboriginal decision-making bodies serve as representative community voices, engaging with governments to make decisions about their own futures. Formal partnerships are intended to strengthen community capacity and improve outcomes by co-designing and delivering culturally safe, high-quality services that address the holistic service needs of Aboriginal communities.

Even with developments nationally and internationally, the NSW ***OCHRE*** LDM initiative remains an exemplar of a well-defined Indigenous policy initiative. The LDM Policy and Operational Framework explains well the policy intent of the initiative. The initiative is aimed at self-determination and empowerment of Aboriginal peoples in NSW LDM regions. Put simply, the intent of the initiative is for Aboriginal people in LDM regions to shape NSW government services that are delivered in their communities. There is a Premier's Memorandum in force that explains well the role and functions of NSW agencies in facilitating this outcome.

The LDM initiative has a solid accountability framework around it, including a comprehensive three stage evaluation framework and a Deputy Ombudsman (Aboriginal Programs) role that exists to provide independent monitoring and

[1] On 16 November 2022, a Local Decision Making Parliamentary Forum was held at Parliament House in NSW. Ben Franklin, then NSW Minister for Aboriginal Affairs, made this statement in speech at that event.

assessment of the wider NSW Government's ***OCHRE*** Plan – a community-led plan to strengthen the relationship between NSW Government and community, including the LDM initiative.

For example, the ***OCHRE*** evaluation framework is intended as a 10-year whole-of-policy cycle evaluation. The evaluations follow three stages:

- Stage 1 focused on implementation, any short-term outcomes, and recommendations for improvements to ***OCHRE***.
- Stage 2 focused on identifying changes experienced by participants and stakeholders, outcomes, and recommendations for improvements to the programmes.[2]
- Stage 3 will focus on assessing the contribution each ***OCHRE*** program has had on meeting long-term goals, and recommendations for improvements.

The comprehensive three stage ***OCHRE*** Evaluation framework operates as an evidence-informed analysis of why the objectives and outcomes of the ***OCHRE*** Plan initiatives are or are not being achieved.

To date, the ***OCHRE*** LDM Stage Two Evaluation is the only evaluation to focus solely on the ***OCHRE*** LDM initiative. The Centre for Indigenous Policy Research (CIPR) was commissioned to undertake the ***OCHRE*** LDM Stage Two Evaluation.[3] CIPR produced nine commissioned evaluation reports. Four of the reports focus on the LDM Accord negotiation process, including a report synthesising the findings. Five of the reports evaluate the outcomes of the LDM initiative.[4]

The ***OCHRE*** LDM Stage Two Evaluation findings have been disseminated widely in policy environments and at academic conferences. A presentation was made at a Local Decision Making (LDM) Parliamentary Forum at Parliament House in NSW, where the then NSW Minister for Aboriginal Affairs, Ben Franklin MP, and the then Shadow Minister for Aboriginal Affairs and Treaty, David Harris MP, both expressed commitment to the future of the LDM initiative. The evaluations findings were shared at the annual Australian Institute of Aboriginal and Torres

[2] The CIPR was commissioned by Aboriginal Affairs NSW (AANSW) to undertake the ***OCHRE*** Local Decision Making (LMD) Stage 2 Evaluation. The ***OCHRE*** LDM Stage Two Evaluation involved a comprehensive co-design approach adopted with participating Aboriginal Regional Alliances/Assemblies, their communities, and representatives from NSW Government agencies across all stages of the evaluation process from evaluation design to data analysis and reporting (see Figure 1). 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 ARAs and NCARA, CIPR researchers evaluated ***OCHRE*** LDM in three LDM sites (the Murdi Paaki region, the Illawarra-Wingecarribee region, and the Three Rivers region) and with NCARA. Those two phases were iterative and overlapping. The evaluation findings and recommendations have either been co-designed or developed through workshops with ARAs and NCARA and have been workshopped and commented on by representatives of NSW agencies, including the Executive Sponsors Group. Alongside this, CIPR researchers evaluated three Accord negotiation processes – the RMRA Accord, the Barang Accord and the Murdi Paaki Accord II.

[3] Overview of evaluation questions and findings: The CIPR was commissioned to answer five evaluation questions. In answering those evaluation questions, all sites specific and the state Accord evaluations found that:

1. The LDM model and the state Accord process are operating as mechanisms to change the working relationship between Aboriginal communities and NSW agencies and public officials (Evaluation Question 3).
2. The way that NSW public officials are engaging with LDM model, and the state Accord-making process is not sufficiently empowering Aboriginal communities to share decision-making authority with governments to progress their aspirations (Evaluation Question 1).
3. The LDM model and the state Accord-making process have not transferred ownership of service delivery programs to the Aboriginal community-controlled sector in NSW (Evaluation Question 2).
4. NSW agencies are not responding sufficiently to the LDM model and the state Accord-making process by strengthening their accountability, cultural competence and responsiveness to Aboriginal needs and aspirations (Evaluation Question 4).
5. The LDM model and the state Accord-making process is not facilitating equal access to local and regional data and information to support decision-making and Indigenous data sovereignty (Evaluation Question 5).

[4] Howard-Wagner, 2023; Howard-Wagner & Markham, 2023; Hunt et al., 2023; Thomassin et al., 2023; and the present report – Howard-Wagner, 2025.

Strait Islander Studies Indigenous policy conference in Perth and the Australian Social Policy Conference in Canberra in 2023 at which audiences were impressed with its potential.

Overview of Key Findings

The key finding of the ***OCHRE*** LDM Stage Two Evaluation is that the LDM initiative is a valuable policy initiative worth strengthening with real potential to deliver change within LDM communities (e.g., Howard-Wagner & Markham, 2023; O'Bryan & Markham, 2023). The ***OCHRE*** LDM Stage Two Evaluation reports show how the LDM initiative can operate as a centrepiece of Aboriginal public policy infrastructure in NSW, which can support other initiatives and programs such as achieving the National Agreement on Closing the Gap (Australian Government, 2020) priority reforms and socio-economic targets (see, e.g., Howard-Wagner & Harrington, 2022; Howard-Wagner & Markham, 2023).

The LDM initiative, and the Accord-making process, is intended to facilitate and increase control (self-determination) over Aboriginal service delivery in NSW. LDM offers an opportunity for NSW agencies to engage and participate in realising the NSW Government's public promise to begin the journey of sharing authority and decision making while ultimately working toward the devolution of decision making to communities. It also offers NSW agencies a unique opportunity to engage with communities around bigger picture conversations and meaningful cross-agency solutions for building Aboriginal prosperity and wellbeing across NSW (see NCARA/State Accord, 2019). Accords are already in place at the state level with the New South Wales Coalition of Aboriginal Regional Alliances (NCARA) and across nine distinct LDM regions in NSW, each represented by their own ARA. Negotiated initiatives and projects under LDM Accords and their Schedules align with the national Closing the Gap socio-economic targets (Howard-Wagner & Markham, 2023).

In advancing self-determination in service delivery, ARAs want to ensure all available government resources and opportunities are used as efficiently as possible for their communities, which aligns with the goals of LDM. ARAs have been actively engaging with individuals, families, organisations, and communities, gathering their own data to understand what is most important to Aboriginal people regarding government service delivery in LDM regions. By relying on this data, along with the knowledge and experience of Aboriginal people in LDM communities, ARAs are creating regional plans that outline specific priorities for their regions. These priorities serve as the foundation for regional development agendas in LDM regions and should guide shared decision-making arrangements during Accord negotiations between NSW agencies and ARAs.

In practice, the day-to-day operation of the LDM initiative should see NSW agencies:

- act in partnership with ARAs to facilitate the sharing of authority and decision-making around the design and delivery of services to Aboriginal people in LDM regions with a focus on bigger picture conversations and meaningful cross-agency solutions in line with the regional development agendas and Regional Plans for LDM communities, and
- improve service and funding models in LDM regions and improve the use of NSW Government resources on the ground.

Shared decision-making can ensure that Aboriginal people, organisations and communities play a significant role in shaping decisions, policies, and service delivery outcomes.

Based on the intent of LDM and its principles, indicators of improved service delivery ownership would be as follows:

- increased Aboriginal control of decision-making, service design and delivery
- greater delegation of budgetary control to LDM communities as capacity is proven and agreed conditions are met
- a strengthened community-controlled sector, and
- improvements to the quality, coordination and transparency of service delivery in LDM regions.

While the ***OCHRE*** Stage Two Evaluation reports provide examples of the important efforts of ARAs in identifying regional and local service priorities, the CIPR researchers who conducted the evaluation anticipated finding not only NSW agencies sharing decision-making authority and data with ARAs, but also some level of ownership of service delivery having been transferred to LDM regions, but they did not.

Overall, the ***OCHRE*** LDM Stage Two Evaluation did not find either the required devolution of authority, funding, accountability and coordination nor the shared decision-making anticipated. For example, LDM in the Murdi Paaki region stands as a robust platform for enabling the transfer of resources and decision-making authority pertaining to service design and delivery. Yet, the Murdi Paaki Regional Aboriginal Housing Leadership Assembly (RAHLA) is the only example of shared decision-making in operation in this region. Despite the significant efforts of ARAs on the ground and the enduring energy that has gone into efforts by Aboriginal leaders to improve outcomes for Aboriginal people in these regions, transformation around service design and delivery is not occurring to the degree anticipated.

Moreover, after 10 years of operation, it was anticipated that bigger picture conversations and meaningful cross-agency solutions to address Aboriginal priorities in LDM regions and communities would be found as the new normal as opposed to the exception. It was also anticipated that new ways of doing business to address regional priorities would be facilitated through formal partnerships and reflected in Accords. However, aside from the Murdi Paaki RAHLA and strong examples of the NSW agencies collaborating effectively with ARAs around the COVID-19 crisis, NSW agencies are not working together to effectively engage with communities around LDM regional priorities, share decision-making, improve service delivery ownership, and share data in the way envisaged by the policy architects of the LDM initiative (Howard-Wagner, 2023; Howard-Wagner & Markham, 2023).

In fact, the ***OCHRE*** LDM Stage Two Evaluation found that NSW agencies and public officials did not have a clear understanding about what services are being delivered to Aboriginal people in LDM regions, who is delivering those services, and how much is being spent on services. The modest task of NSW agencies mapping services available to Aboriginal people in each LDM region has not been done.

The CIPR researchers also found that ARAs were significantly under-resourced. What's more, it is a finding across the evaluation reports that there has been very little investment in regional infrastructure on the ground around LDM. As stated in the above quote, '…the work that Alliances do on the ground, compared with the amount of money that they get from government is profound…' (Franklin, 2022).

To truly advance self-determination over Aboriginal service delivery, NSW agencies must embrace both structural (institutional) and attitudinal (individual) shifts that will empower decentralised decision-making through LDM. Change is not just possible – it is essential. To realise this vision, LDM requires strong leadership, meaningful structural reforms, and a change in mindset among NSW public sector officials (see O'Bryan & Markham, 2023).

The relationship between self-determination and transforming government

LDM's building or strengthening Aboriginal regional governance structures and obtaining ARA and broader Aboriginal community buy-in are significant achievements in themselves (see Howard-Wagner et al., 2022, p. 10). Even with Aboriginal regional governance, the existence of self-determination is measured by the extent of Aboriginal control over service design and delivery. To be clear, if Aboriginal people have no control over service design and delivery, then LDM is not an active model of self-determination in practice.

To be clear too, if the performance of NSW agencies and public officials is not in line with critical benchmarks (i.e., the Premier's Memorandum M2015-01-Local Decision Making [LDM)]and the National Agreement on Closing the Gap [Australian Government, 2020]), then NSW agencies and public officials are not, to use the terminology of Priority Reform Three, 'transforming government organisations'.

All Stage Two evaluation reports find that, while transformational change around the LDM initiative has been driven by the NSW Government, the leadership and drive within most NSW agencies is just not present around the LDM initiative (Howard-Wagner, 2023; Howard-Wagner & Harrington, 2022; Howard-Wagner & Markham, 2023; Hunt et al., 2023; Howard-Wagner et al., 2022; O'Bryan & Markham, 2023).

What is missing

Structural impediments around the LDM initiative stem from the 'authorising environment': the under-funding and under-resourcing of ARAs; the lack of buy-in on the part of NSW agencies in terms of redirecting funding to facilitate outcomes aligned with the priorities of LDM communities; the lack of shared decision-making; the lack of service ownership; and the lack of availability of disaggregated data. The privacy limitations around the last issue are noted.

The way that systemic biases present themselves in the evaluation data include accounts of NSW agencies not changing the way they do business. Business as usual might not have a negative intent, but it has negative outcomes. For example, the way that NSW public officials engage with ARAs and LDM communities gives the appearance that the voice of LDM regions and communities is being elevated to the negotiation table. But the commitment to implement LDM in the way that it was intended is glaringly absent. NSW agencies and public officials still decide who gets what, what kinds of issues and options get on the agenda, and what is seen to be important. The form of engagement taking places tweaks the surface of policies that are failing Aboriginal people in NSW, such as fixing suspension rates. This form of engagement does not enable Aboriginal people in LDM regions to have self-determination around education, health services, policing, justice, and other areas of the government system that continue to produce deeply-rooted disadvantage and fail to close the gap. This form of engagement does not enable Aboriginal people in LDM regions to have control over service design and delivery in their communities.

Overview of Key Recommendations

Going forward, greater public sector accountability is needed around the LDM initiative. The NSW Government should compel NSW agencies and public officials to be responsive to the aspirations of ARAs and LDM communities who have signed up to the LDM initiative, and ensure that the NSW public sector's engagement with those regions and communities is ultimately leading to those regions and communities having control over decisions about service design and delivery. Doing so will enable the NSW government to meet its commitments:

- to Aboriginal self-determination across other NSW Aboriginal policies on the ground in LDM regions
- under the National Agreement on Closing the Gap on the ground in LDM regions
- under various other sector-specific policy initiatives in NSW, such as the health, child protection and criminal justice sectors including the ***Children and Young Persons (Care and Protection) Act 1998***.

Going forward, in accordance with the objective of LDM, NSW public officials need to engage in collectively building an Accord negotiation model that positions Aboriginal negotiators as Aboriginal leaders and lived experience experts, who have the authority to represent the service needs of their LDM communities. Going forward, cross-agency collaboration with ARAs and LDM communities needs to become the norm, not the exception.

Going forward too, ARAs need to be adequately resourced (see Howard-Wagner & Markham, 2023). Resourcing models may differ between ARAs based on their governance structure and their geographical footprint, and work is needed to develop appropriate models for each regional body. In all cases, core operations and the resourcing of ancillary functions such as around regional data capabilities, service mapping and young leadership programs should be covered.

Across the nine reports, the ***OCHRE*** LDM Stage Two Evaluation has produced 63 recommendations for the NSW Government, its agencies and public officials. While many of the recommendations in each evaluation report may be specific to the operation of LDM in a particular LDM region, and the wording may be different across reports, there is a consistency across reports as to the intent of many of the recommendations. They call for:

- resourcing ARAs
- sharing decision-making

- sharing data
- listening to and respecting of the voice of Aboriginal people in LDM regions
- mapping services
- improving service delivery
- negotiating with ARAs in good faith, and
- changing the way NSW agencies and public officials do business with ARAs and LDM communities,

The evaluation reports also call for greater accountability on the part of NSW agencies and public officials.

In many cases the findings echo the results of the ***OCHRE*** Stage One Evaluation and the NSW Ombudsman's (2019) review of ***OCHRE*** in relation to the LDM initiative.[5]

While the ***OCHRE*** LDM Stage Two evaluation makes recommendations on ways to improve outcomes around the LDM initiative in line with its intent, the evaluation can only call NSW agencies and public officials to account, it cannot hold NSW agencies and public officials to account.

Overview of Synthesis Report

This Synthesis report is divided into two parts. First, the Synthesis report briefly revisits the intent of the LDM initiative. Second, the Synthesis report revisits some of the key findings of the ***OCHRE*** LDM Stage Two Evaluation. Appendix 1 provides a detailed summary of all ***OCHRE*** LDM Stage Two Evaluation findings, which are compared with the ***OCHRE*** LDM Stage One Evaluation findings.

[5] The Ombudsman's review of ***OCHRE*** was conducted by then Deputy Ombudsman (Aboriginal Programs) Danny Lester.

What the *OCHRE* LDM initiative should be achieving

The ***OCHRE*** LDM initiative came out of a review by the NSW Ministerial Taskforce on Aboriginal Affairs in 2012, which recommended the model include:

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

The Ministerial Taskforce also recommended that the model include the following core elements: detailed service mapping; progressively increased authority and delegation based on community capacity; flexible and pooled funding arrangements; and capacity building for both communities and government (NSW Ministerial Taskforce on Aboriginal Affairs, 2013, p. 6).

The Ministerial Taskforce suggested a pooled funding model could be a vehicle for financing the priorities of LDM communities as opposed to the current funding system based on silos and competing organisational interests (NSW Ministerial Taskforce on Aboriginal Affairs, 2013, p. 6).

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

The resultant LDM initiative aims to transform the way NSW agencies engage and do business with LDM communities around Aboriginal service delivery. Ultimately, LDM aims for Aboriginal regional representative bodies (which became known as Aboriginal Regional Alliances or Aboriginal Regional Assemblies [ARAs]) and their communities to 'take control of government services and enhance their governance capacity, management skills and decision-making authority' (Dominello, 2013, p. 1).

Despite the suggestion of the Taskforce, LDM was not legislated and continues to rely on a Premier's Memorandum to provide its authorising environment. The Premier's Memorandum M2015-01 Local Decision Making (LDM), which is still in force, sets out the roles and responsibilities of NSW agencies and public officials in relation to the LDM initiative (see Figure 1). The Premier's Memorandum M2015-01-Local Decision Making (LDM) provides the enabling framework for Accord-making as an environment for facilitating innovative approaches to service delivery.

The Premier's Memorandum M2015-01-Local Decision Making (LDM) also explains that the intent of the LDM initiative is to enable Aboriginal governance bodies in LDM regions to better govern Aboriginal service delivery on behalf of Aboriginal people in those regions. It explains that the LDM initiative was designed to deliver a localised and flexible place-based approach to service delivery in LDM communities in which LDM communities are given an increasing voice in service delivery and, through LDM ARAs, will be progressively delegated greater powers and budgetary control as capacity is proven and agreed conditions are met.

Figure 1. Extract from the Premier's Memorandum M2015-01-Local Decision Making (LDM)

The Premier's Memorandum set out **roles and responsibilities of NSW agencies in supporting LDM as follows:**

The NSW Government and participating LDM regional alliances will establish formal and binding agreements, known as Accords.

Aboriginal Affairs will coordinate the overall implementation of LDM. This includes reporting annually on the implementation of LDM to the Secretaries Board and committing to publicly release a formal evaluation of LDM in 2016.

The Regional Coordination branch of the NSW Premier's Department will manage the participation of agencies in LDM and coordinate service re-design where appropriate.

NSW Treasury will develop funding models which can be implemented in LDM areas and allow a re-direction of NSW Government resources if required. All funding models should be consistent with individual Accord priorities.

NSW agencies identified in an LDM Accord will negotiate openly and in good faith, with the objective of achieving positive outcomes.

Independent facilitators will be engaged to assist in the Accord negotiation process.

NSW agency engagement with LDM regional alliances is to be conducted by senior officers with sufficient delegation and authority. Agencies will work respectfully, constructively and cooperatively with LDM regional alliances.

NSW agencies will adhere to the principles of LDM and ensure staff are educated to respond to the needs of Aboriginal communities in a culturally sensitive and appropriate manner.

LDM regional alliances will be made aware of NSW Government services currently being delivered to their local Aboriginal community. To ensure this occurs, NSW agencies will participate in service mapping processes to identify all relevant Aboriginal-specific and mainstream service funding programs in LDM regions.

NSW agency representatives will provide information in a timely manner and consistent with service mapping processes.

Government and LDM regional alliances will share service provision and indicator data to support the implementation, monitoring and evaluation of LDM and negotiation of Accords.

Alongside this, the LDM Policy and Operational Framework obliges 'NSW Government agencies to work respectfully, constructively, and cooperatively with Aboriginal community-based regional decision-making groups (Aboriginal Regional Alliances), to develop Accords (agreements)' (AANSW, 2017b, p. 4). The LDM design and practice principles are set out in the LDM Policy and Operational Framework, which is still current.

The primary mechanism provided by LDM to implement these principles is agreement-making, or 'Accord negotiation'. LDM Accords represent a formal partnership and decision-making process which brings together representatives from NSW agencies and representatives from an ARA to negotiate an agreement in relation to service delivery for Aboriginal people in each LDM region.

A key feature of the LDM initiative and LDM Accord-making as a form of Aboriginal–state agreement making is that Accords challenge and set out to change the fundamental structure of how service delivery projects are pursued by NSW agencies for Aboriginal people in LDM regions.

If done right, LDM Accords, as formal and binding partnership agreements, have the capacity to transform ingrained and invisible practices and racialised paradigms of power, control and dominance. If actioned as intended, LDM Accords could ensure that Aboriginal people, organisations and communities play a significant role in shaping decisions, policies and service delivery outcomes in LDM regions.

Through Accords, the LDM initiative has the potential to drive a common Empowerment, Development and Productivity reform agenda at the state level. The Regional Aboriginal Housing Leadership Assembly (RAHLA) model is an exemplar of LDM in its present form (Howard-Wagner & Markham, 2023). LDM Partnerships could be a tangible enabler of government funding productivity and Aboriginal empowerment – as in the case of RAHLA.

What the *OCHRE* LDM Stage Two Evaluation found

The ***OCHRE*** LDM Stage Two Evaluation site specific, state-wide and preliminary findings reports find that the LDM initiative remains the key platform for the NSW Government to drive Aboriginal service delivery change in NSW (e.g., Howard-Wagner, 2023; Howard-Wagner & Markham, 2023; O'Bryan & Markham, 2023).

Further, it is an overarching finding of the ***OCHRE*** Stage Two Evaluation that the LDM model in NSW is well-designed and guided by a set of good practice and governance principles (see, e.g., Howard-Wagner & Markham, 2023). The LDM practice and governance principles are well supported by the NSW Government. There is bipartisan parliamentary support for the LDM initiative.

The ***OCHRE*** Stage Two Evaluation reports confirm that NSW public officials and Aboriginal people engaged as part of the evaluation recognise the LDM initiative as a valuable policy initiative worth pursuing and strengthening with real potential to deliver change within LDM communities (e.g., Howard-Wagner & Markham 2023; O'Bryan & Markham, 2023).

What is noteworthy is that the LDM initiative and the Accord-making process has the capacity to:

1. facilitate and increase control and self-determination over Aboriginal service delivery
2. facilitate sharing authority and decision making while ultimately working toward the devolution of decision making to communities.
3. facilitate engagement with communities around bigger picture conversations and meaningful cross-agency solutions
4. improve service and funding models in LDM regions and improve the use of NSW Government resources on the ground
5. improve recognition of and support for Aboriginal-led and designed regional Aboriginal governance structures
6. enable local-regional Aboriginal voices to filter through and influence how NSW agencies deliver services in LDM regions, and
7. improve working relationships between ARAs and NSW agencies.

It is not achieving 1 to 4, but has made strong progress around 5, 6 and 7.

The LDM initiative already sets out well-defined ways that NSW agencies can improve the way that they engage with the LDM initiative, including:

- acting in partnership with ARAs in the design and delivery of services to Aboriginal people in LDM regions
- sharing data and information with ARAs, or better still enabling LDM regions to collect their own data to inform the implementation of agency policies, programs and services in that region
- undertaking service mapping in LDM regions
- resourcing ARAs
- monitoring and reporting on the effectiveness and efficiency of service delivery to Aboriginal people in LDM regions
- identifying opportunities to improve services, with collaborative input from ARAs and LDM communities
- assessing the consistency of agency policies, programs, and performance with the LDM initiative
- raising the profile of the LDM initiative within their agency, and

- promoting success stories, examples of good practice and positive ways that partnerships have changed outcomes on the ground in LDM regions.

These findings are not dissimilar to the findings in the NSW Ombudsman's (2019) ***OCHRE*** Review Report and the ***OCHRE*** Stage One Evaluation reports.[6]

Despite these findings, the ***OCHRE*** LDM Stage Two Evaluation reports, the NSW Ombudsman's (2019) ***OCHRE*** Review Report and the ***OCHRE*** LDM Stage One Evaluation reports (Katz et al., 2018a, 2018b) found that efforts around implementing the LDM initiative within NSW agencies, and by NSW public officials, has for the most part, been wanting (Howard-Wagner, 2023; Howard-Wagner & Markham, 2023).

Together, the ***OCHRE*** LDM Stage Two Evaluation reports produced 63 recommendations for the NSW Government, its agencies and public officials. Seven recommendations are for actioning by the NSW Government and NCARA or a specific ARAs jointly with NSW Government. There are 12 recommendations that concern Aboriginal ARAs, particularly the strengthening of ARA accountability and capacity. The recommendations fall across six reports.

- the Preliminary Findings Report put forward 13 recommendations for the NSW Government (Howard-Wagner & Markham, 2023)
- the NCARA-State Accord Evaluation produced five recommendations for the NSW (Howard-Wagner, 2023)
- the MPRA Evaluation produced 10 recommendations for the NSW Government and five for MPRA (O'Bryan & Markham, 2023)
- the IWAAC Evaluation produced 12 recommendations directed at NSW Government, five recommendations directed at IWAAC, and five recommendations directed at both the NSW Government and IWAAC (Thomassin et al., 2023)
- the TRRA Evaluation produced 10 recommendations for NSW Government, two recommendations for TRRA and two recommendations are directed at the NSW Government and TRRA jointly (Hunt et al., 2023), and
- the Accord Negotiation Evaluation produced 13 recommendations directed at NSW Government (Howard-Wagner et al., 2022).

The next section of the report revisits some of the key findings of the ***OCHRE*** LDM Stage Two Evaluations. In a series of sub-sections, this section of the synthesis report pulls out and revisits some of the critical findings across the ***OCHRE*** LDM Stage Two Evaluation Reports.

[6] Previously, AANSW commissioned the Social Policy Research Centre at the University of New South Wales to undertake a wider evaluation of OCHRE Plan initiatives, including the site-specific reports on the operation of LDM in LDM regions, two Industry Based Agreements, two Language and Culture Nests, and two Opportunity Hubs initiatives. Two LDM sites participated in the evaluation: the Three Rivers Aboriginal Alliance (TRAA) (Katz et al., 2018a) and the Illawarra Wingecarribee Alliance Aboriginal Corporation (IWAAC) (Smyth & Katz, 2018). Previously, an evaluation of LDM's operation in the Murdi Paaki Region had been conducted by the Cultural and Indigenous Research Centre Australia (CIRCA, 2015).

LDM in practice

The first step toward LDM has been taken by most LDM regions and communities, who have done the hard work around coming together to identify their aspirations. Barang Regional Alliance (Barang), Illawarra Wingecarribee Alliance Aboriginal Corporation (IWAAC), Murdi Paaki Regional Assembly (MPRA), Riverina-Murray Regional Alliance (RMRA) and Three Rivers Regional Assembly (TRAA), who participated in the evaluation, have done that work with their communities (see, e.g., Barang Regional Alliance, 2018, n.d.a MPRA, 2016; ***Ngunggiyalali*** [Accord], 2020). This work is continuous and ongoing. TRRA recently developed a comprehensive regional plan through engaging in forums with all communities that fall within its footprint to identify their needs on the ground. This detailed exercise provides NSW agencies and public officials with an up-to-date detailed regional plan for investing, resourcing and planning services on the ground through the next iteration of the TRRA Accord. While not part of the evaluation, having participated in LDM related events, we know that La Perouse Aboriginal Community Alliance has also done that work and other ARAs are doing that work.

In signing up to the LDM initiative, LDM regions and communities sought to be active participants in governing their own communities. With the LDM initiative, the structure (system) is meant to change so that LDM regions and communities have greater agency and decision-making power in relation to the services designed for and delivered to Aboriginal people in LDM regions. Agency is the capability for LDM regions and communities to influence the way that Aboriginal services are designed, funded, and delivered to and in their communities. Agency is about empowering LDM communities to be involved in decisions making about the services delivered to Aboriginal people in LDM regions.

By now, the LDM initiative should have led to a change in the way NSW agencies do business with LDM regions and communities. The LDM initiative should have resulted in NSW agencies working with LDM regions and communities to ensure the aspirations of LDM regions and communities can translate to better outcomes. The LDM initiative should also be seeing better use of resources to achieve better outcomes for Aboriginal peoples in LDM regions. Aside from RAHLA, it is not.

It is by transforming the systems, structures, processes and cultures of NSW agencies, along with the behaviours and actions of individuals, that the LDM initiative, and now the implementation of the new National Agreement on Closing the Gap, and in the future Treaty, will be achieved in NSW. The ***OCHRE*** Stage Two Evaluation reports, and for that matter the ***OCHRE*** LDM Stage One Evaluation Reports, have shown that without significant system and structural transformation, LDM will continue to face siloed approaches and narrow remits. This means that only individuals, specific areas within portfolios, or, at best, a few departments within NSW agencies will address the symptoms of the system. Meanwhile, the systemic barriers that hinder the government's ability to achieve the objectives of the LDM will remain unaddressed. Thus, the fundamental barrier to LDM's effectiveness has been the failure to put in place system-wide change around the LDM initiative. It has remained ad hoc, dependent on the good will of individual public officials, and there has been very little change in the way that NSW agencies or public officials do business around this initiative. This is a very important national policy lesson in light of the National Agreement on Closing the Gap (Australian Government, 2020).

The following sub-sections pull out and revisit some of the critical findings of the evaluations in relation to the barriers that still exist. These sub-headings cover key findings in relation to:

- transforming the way that NSW agencies and public officials do business with ARAs and LDM communities
- bringing into play culturally safe and responsive practices
- working relationships
- listening to the voice of Aboriginal people in LDM regions and communities
- improving communication
- negotiating Accords
- mapping existing services and transferring ownership of service delivery
- sharing decision-making

- sharing data
- supporting ARAs to find their own data solutions
- resourcing ARAs
- ensuring greater accountability around the LDM initiative, and
- strengthening the operating and authorising environment around the LDM initiative.

Local Decision Making

> ***This is white decision making, not Aboriginal decision making, as it all still goes through and gets approved by government. If they don't like our decisions and don't agree, then things don't happen (former TRRA Chair cited in Hunt et al, 2023, p. 22).***

> ***We, IWAAC and the Aboriginal community, always are the one that have to compromise. No matter what part of the Accord, we have been told what we would be allowed to do. It's not local decision making ... Sure, you can have a say, but we will tell you what you can have out of what you've asked for. And we've really got nothing out of half of what we've asked for (IWAAC3 cited in Thomassin et al, 2023, p. 29).***

The ***OCHRE*** LDM Stage Two Evaluation not only found no evidence of service-delivery ownership (local decision-making), but also limited evidence of sustained or ongoing effort within or across NSW agencies in relation to shared decision-making.

Local Decision Making as greater control of service design and delivery

For the NSW Government, LDM represents an ongoing commitment to transferring greater control of service design and delivery to Aboriginal communities formalised through agreement-making known as Accords. The ARAs negotiate those formal and binding agreements with NSW agencies. Those Accords are about what and how government services are delivered to Aboriginal communities within the region covered by that agreement. In this context, Accords are a central mechanism by which the staged devolution of decision making and accountability to the local level under LDM is negotiated. Through transferring power to make decisions about service delivery, using Accords, the LDM initiative aims to transform the relationship between Aboriginal communities and the NSW Government to one of partnership.

While shared decision-making is well and good if done as intended, ARAs see local decision-making and self-determination being about LDM regions and communities – not government – setting the agenda (Howard-Wagner & Harrington, 2022; O'Bryan & Markham, 2023). This is where LDM regions and communities would like to be in terms of their relationship with the NSW Government and its agencies.

Improved working relationships

While working relationships have improved, the ability of NSW agencies to build collaborative relations under the LDM initiative is poor. Despite an opportunity to do business respectfully with Aboriginal peoples in NSW around service delivery design and delivery through this initiative, NSW agencies have held on tight to the paternalistic culture of 'doing for' Aboriginal peoples. This involves designing and making decisions about what services will be delivered, how those services will be delivered, and what funding will be provided for that service and to what organisation. The paternalistic culture of 'doing for' is entrenched in the way NSW agencies do business. This is institutional racism (see Andrew et al., 2017; Came 2014).

Shared decision-making

Shared decision-making is intended to be a collaborative approach to innovative problem solving around the design, management and delivery of Aboriginal policies, programs and services. With shared decision-making, public officials need to be mindful that such formal co-design or co-production processes are fundamentally about changing a political context historically characterised by power asymmetries and thus an imbalance in negotiation strength. Shared decision-making arrangements need to pay sufficient and constant attention to the role of power in shaping processes and outcomes and those arrangements need to be culturally safe.

Beyond LDM, the NSW Closing the Gap Implementation Plan 2022–2024 sets out that:

- all Aboriginal communities have access to partnership arrangements in their local community and on policy issues impacting them, where their voice can be heard
- all partnership arrangements in NSW work effectively to advance progress on closing the gap through joint decision-making and self-determination, and
- partnership arrangements in NSW are coordinated and work cohesively together to facilitate effective and respectful relationships between community and government (NSW Government, 2022).

This intent of the implementation plan dovetails with the intent of LDM.

The RAHLA model

The Regional Aboriginal Housing Leadership Assembly (RAHLA) model is currently the exemplar of LDM in its present form (Howard-Wagner & Markham, 2023). On 10 December 2018, the Minister for Aboriginal Affairs on behalf of the Government of NSW and the MPRA Independent Chairperson on behalf of the Assembly entered into an Agreement to improve Aboriginal social housing outcomes in the Murdi Paaki Region (MPRA, 2018). The Agreement established RAHLA as the overarching governance structure for delivery of the Agreement objectives. Working with a small number of senior bureaucrats, RAHLA then commenced the co-design of an Aboriginal social housing plan for the Region. In its composition and methodology, the RAHLA process differed from Accord making as specified in ***OCHRE*** LDM frameworks. RAHLA was, and remains at the time of writing, tasked with devising and pursuing actions as a joint decision-making body. Its roles include to advise government and the Murdi Paak Regional Assembly (MPRA) on ways to direct social housing programs and policies to operate effectively and efficiently, to respond to the priorities of Aboriginal communities in the Region. Mutually agreed service outcomes between MPRA and the NSW Government were established. Further, RAHLA was, and remains, tasked with reinstating opportunities for the Region's active and constructive participation in housing and infrastructure planning, design, building and maintenance of social houses; adopting an effective and efficient procurement approach of goods and services; and conceiving, developing, planning and implementing strategies and actions to give effect to the allocation of the $15 million.

RAHLA is an example of a transformative process of Indigenous-led, co-designed, shared decision-making around social housing service delivery for the Murdi Paaki region. RAHLA speaks to the value of transforming Aboriginal–state relations, capacity strengthening in regions, and a defined pool of funding as well as resourcing ARAs to collect their own data on the needs and aspirations of Aboriginal people in their region. RAHLA also speaks to the value of achieving the objectives of LDM in terms of realising the Closing the Gap four priority reforms and targets around social housing (Target 16 (Australian Government, 2020). Its efforts are not only directed at Aboriginal people in the region securing appropriate, affordable housing that is aligned with their priorities and needs, but also targeted at the needs of Aboriginal people through comprehensive engagement.

Decision making in the Accord negotiation process

Decision-making around service design and delivery is still agency centric. Decision-making around funding remains top-down and compartmentalised. For example, Accord negotiation is not about service delivery change per se, but siloed one-off initiatives, such as a community bus for an LDM region, and is limited to specific sector activities. The small amounts of funds offered up by NSW agencies remain earmarked for specific sector-based activities and focus on short-term wins and efficiency gains. NSW agency negotiators still decide who gets what, what kinds of

issues and options get on the agenda, and what is seen to be important. LDM regions and communities remain dependent on the charity of government.

Hard conversations about how to meet community needs and priorities are not occurring. The ARAs remain largely situated as decision-takers rather than decision-makers; treated as 'stakeholders' and 'interest groups' by public officials in service delivery and policy negotiations (Howard-Wagner, 2023; Howard-Wagner & Markham, 2023; Howard-Wagner et al., 2022). The tokenistic inclusion of Aboriginal representation in decision-making not only perpetuates power relations but is a form of institutional racism. This is a key example of how NSW Government service system remains institutionally racist around the LDM initiative.

Decision making going forward

While RAHLA is an exemplar of shared decision-making under LDM, it is focused on housing only. The risk with adopting a RAHLA model is LDM will get stuck in a framework of sector-based shared decision-making. While this would tie in neatly with the National Agreement on Closing the Gap (Australian Government, 2020), which has taken this approach, it does not line up with what LDM communities want or what Aboriginal people sought in the original consultation by the Ministerial Council on Aboriginal Affairs in 2012. Aboriginal people in LDM regions want governments to move away from a sector focus and move to a holistic service approach based on community needs and priorities. They want government to understand and take on board that closing the gap requires both self-determination over service delivery and holistic Aboriginal service delivery.

Going forward, the ***OCHRE*** LDM Evaluation reports make recommendations in relation to decision-making:

- making the most of this self-determining decision-making model to better govern service delivery in LDM regions (MPRA Report recommendation 1)
- empowering self-determining communities to share decision making (see Accord Negotiation Synthesis Report recommendation 6i; TRAA Report recommendation 1; IWAAC Report recommendation 2)
- developing a co-designed shared decision-making strategy between the Executive Sponsors Group and NCARA (see NCARA Report recommendation 3)
- developing indicators to measure the effectiveness of NSW agencies in reforming service delivery procurement in LDM regions (Preliminary Finding Report recommendation 12a(iii))
- defining and developing key measures of success and performance indicators around shared decision-making and transformational change under LDM (Preliminary Findings Report recommendation 12b(i))
- devolving 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 (see NCARA report recommendation 3d), and
- working with government to ensure the transfer of ownership of services in LDM regions to Aboriginal controlled organisations (see Accord Negotiation Synthesis Report recommendation 6ii).

Transforming government

> ***Let's be honest with OCHRE, 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 cited in NCARA Evaluation Report, 2023, p. 59).***

> ***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 cited in NCARA Evaluation Report, 2023, p. 59).***

> ***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 cited in NCARA Evaluation Report, 2023, p.60).***

A critical message coming out of the ***OCHRE*** LDM Stage Two Evaluation is that greater effort is needed around transforming the way NSW agencies do business with ARAs and LDM communities (e.g., Howard-Wagner, 2023; Howard-Wagner & Markham, 2023). Transforming government demands that agencies and public officials practice different ways of working with LDM regions and communities that entail sharing knowledge and power, collaborating, responding to local contexts and ultimately, transferring decision-making around service delivery to LDM communities. It boils down to transforming decision-making practices within NSW agencies, and the fact that without transformation in decision-making practices the LDM initiative fails to realise its intent. Transformed government necessitates structural (institutional), cultural (mindsets and cultures of organisations), and attitudinal (individual) shifts to support devolving decision-making around LDM.

Transforming the way government does business means discarding silos and applying systems thinking to complex horizontal policy issues on the ground in LDM regions. LDM engenders a more holistic strategy particularly the working across portfolio boundaries and administrative levels to achieve shared goals and an integrated government response to Aboriginal service delivery on the ground. LDM demands strong leadership commitment, enhanced systems capability, new patterns of working within government, new patterns of engaging and collaborating with Aboriginal peoples, innovative approaches to problem solving in the public sector, and open data.

Structural, systemic and cultural transformation

The ***OCHRE*** LDM Stage 2 evaluations have found that limited **effort has** gone into creating the enabling environment for structural, systemic, and cultural change to ensure that government transformation is ingrained in the public management culture around LDM (e.g., Howard-Wagner & Markham, 2023). Until recently, there has been little effort around promoting the alignment of strategies, frameworks, and initiatives to achieve structural, systemic, and cultural change across the NSW public service system, within systems, such as health, education, and justice, and within agencies, as well as building the capacity of public servants to effectively implement the LDM initiative in line with its governance and practice principles. There has not been the envisaged progress around holistic approaches to service design and delivery in LDM regions and communities. LDM regions and communities still do not have a proper say in relation to service design, funding and delivery in their regions.

Institutional racism and cultural safety

In reflecting on institutional racism, Griffith et al., explain the ways in which it can manifest in government organisations, including organisational decision-making, service design and service provision. They explain how government organisations, often unintentionally, function as tools of oppression, reproducing and reinforcing the very marginalisation that some are committed to undoing (Griffith et al., 2007, p. 287). They can do this as conduits to resources and as decision-makers and designers of services. They can also do this through government organisations impeding a community's power, agency and ability to access resources and services (Griffith et al., 2007, p. 287). Griffith et al., explain how institutional racism can even be the result of funding streams, government mandates, and the behaviour of individual staff members' (2007, p. 288). They use the example of public health departments in the United States to illustrate their points.

The way decisions are made can determine whether practices are institutionally racist or not. In 2017, Aboriginal Affairs NSW (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 was framed around the wider NSW ***OCHRE*** plan, exploring the relationship between decision-making and institutional racism and examining what working with communities would need to look like and how public service structural and attitudinal frameworks would need to shift to support devolved 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 (Andrews et al., 2017, p. 12). The authors also suggest that the reason why those structural frameworks do not give way may be due to institutional racism. They point out that 'institutional racism can persist even if the individuals working within the organisation do not have racist beliefs, attitudes or actions' (Andrews et al., 2017, p. 13). The authors identify a series of practical day-to-day examples of institutional racism including white language, insensitivity to Aboriginal protocols, and tokenistic inclusion of Aboriginal representatives in governance structures which offer no opportunity for real influence (2017, p. 18). They also note that 'the structures and frameworks used to establish and develop working relationships have also been subject to criticism' (2017, p. 14). For example, they identify the way that public officials engage with Aboriginal people – doing to or doing for, rather than doing with – as a form of institutional racism (Andrews et al., 2017).

The National Agreement on Closing the Gap acknowledges both the crucial role that institutional racism plays in perpetuating Aboriginal disadvantage and how cultural safety serves as its antithesis. Cultural safety applies essential principles and practices to overcome institutional racism (Curtis et al., 2019). A body of literature points to the key attributes of culturally safe engagement, which includes embedding respectful communications and collaborative practices, and developing respectful communication and engagement strategies. Within this literature, authors explain that practices that are a cultural match for Indigenous contexts are those in which public officials establish respectful, trusting, and equal partnerships in decision making. Several separate authors point to ways that this can be done by treating the engagement space as what Nakata coined as a 'cultural interface' (Nakata, 2007) and engaging in what Tamwoy et al. (2022, p. 818), explain as working 'between the tracks'. Working at the cultural interface is described as working in ways in which Indigenous expertise and knowledge and government expertise and knowledge are brought together to produce solutions.

That body of literature explains that transforming engagement is about striking a good balance between power sharing, agency, and control. Safe and meaningful practices of engagement forefront a changing of the relational dynamic such as valuing different knowledge systems, building strong and trusting relationships, building authentic partnerships, and operating between the 'tracks' (Tamwoy et al., 2022, p. 818). The scholarly 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). Building on this, Tamwoy et al., explain that in this space Aboriginal and Torres Strait Islander worldviews and knowledges are placed at the centre, culture is recognised as a fundamental enabler, communities, families, and individuals are acknowledged as having authority and expertise about themselves, and public officials relinquish power (2022, p. 818).

While the term used may differ (e.g., working between the track or at the cultural interface), what happens is the same. A culturally safe space is a decolonised space in which public officials and Aboriginal people, organisations and/or communities come together to reimagine and codesign laws, policies, programs, funding, and services. A strength-based approach is adopted in which Aboriginal people have agency, decision-making power and are engaged in a deliberative, negotiated and empowering process which starts early in the development of that law, policy, program, funding and service design. Lived experience expertise has equal standing to that of public policy and administration expertise. At best, Aboriginal people, organisations, and/or communities define the problem to be solved. The body of literature explains how meaningful engagement in processes like shared decision-making can disrupt, deconstruct and decolonise those ingrained and invisible colonialist practices and racialised paradigms of power, control and dominance.

Changing the way agencies do business going forward

Going forward, the ***OCHRE*** LDM Evaluation reports make recommendations in relation to the:

- levelling of power relations (IWAAC Report Recommendation 7)
- respecting and recognising the autonomy and agency of ARAs (MPRA Report recommendation 1)
- listening to the voices of Aboriginal people in LDM regions
- sharing decision-making
- amending Clause 5.1 of all Accords between the NSW Government and ARAs to replace the term 'consult' with 'collaborate and share decision making with' (Preliminary Findings Report recommendation 3b)
- designing ethical guidelines to assist NSW agencies and public officials to engage with Aboriginal peoples, organisations, and community (Accord Negotiation Synthesis Report recommendation 9), and
- training in cultural safety and training in the principals of and best practice in Indigenous agreement making (Accord Negotiation Synthesis Report recommendation 7A).

Listening to the voices of Aboriginal people in LDM regions

> ***You know, part of that being allowed to have a voice and really engage in making a choice or make changes is the other side has to be prepared to not just listen and hear what you're saying ... look at how we can change that to meet what you are asking for. But government kept going, oh no, I don't think we can do that ... oh no that's a policy we can't change policy (IWAAC 3 cited Thomassin et al, 2023, p. 56).***
>
> ***The LDM there's flaws in it and until such time that government actually stops and truly listens to what community and Aboriginal people, we the community, whether it be our leaders, our elders, you know, just our grassroots then it's not going to change (FNO01 cited in Thomassin et al, 2023, p. 29).***

Overall, the ***OCHRE*** LDM Stage Two Evaluation finds that the LDM initiative has elevated the voices of Aboriginal communities in LDM regions around Aboriginal service delivery. The way Aboriginal governance has been designed around ***OCHRE*** LDM offers two key mechanisms to enable the voice of Aboriginal communities on the ground to be elevated. First, ***OCHRE*** LDM provides for a model of Aboriginal governance that remains a bottom-up or regionally driven structure of community empowerment and representation. There is significant evidence coming out of the evaluations of strength-based capacity building occurring on the ground in LDM regions, through the strengthening or establishment of Aboriginal regional governance structures and the engagement with communities by those Aboriginal regional governance structures around the identification of service priorities. LDM regions and communities have developed holistic needs-based regional plans identifying their priorities based on the interdependency of socio-economic outcomes in those regions (see Howard-Wagner & Harrington, 2022; Howard-Wagner & Markham, 2023; O'Bryan & Thomas, 2022). LDM regions have done all the necessary work in readiness to engage with government. Second, that voice is brought to the table in engagement and negotiations with NSW agencies.

Aboriginal-led and designed regional governance structures

The ***OCHRE*** Stage Two Evaluation found that the LDM initiative, and the Accord-making process, is improving recognition of, support for, and engagement with Aboriginal-led and designed regional Aboriginal governance structures in the form of ARAs, and enabling local Aboriginal voices to filter through and influence how NSW agencies deliver services in LDM regions. The evaluation found many examples where Aboriginal regional governance bodies are not only providing NSW agencies with a key point of access for community engagement and advice but are also instrumental in securing improvements around service delivery.

Equally, case studies are presented in the ***OCHRE*** Stage Two Evaluation Preliminary Findings Report illustrate how:

- LDM supports community voice and grassroots Aboriginal governance, drawing on existing regional governance bodies or facilitating the development of new Aboriginal ARAs where none existed previously
- when conditions have been right, LDM has led to positive outcomes
- working relationships of trust between senior public officials and ARAs have been developed through hard work over many years, and
- LDM has provided direct access for participating communities and Aboriginal Community Controlled Organisations to key government stakeholders (see Howard-Wagner & Markham, 2023).

The capacity of NSW agencies and public officials to listen

However, it is around the second mechanism that problems occur. That is, there is a distinction within the reports between the elevating of the voices of LDM communities and the capacity of NSW agencies and public officials to listen. The quotes at the beginning of this section go to the failing of NSW agencies and public officials to listen, to work with communities in partnership, and to move toward an inclusive, agile, and connected approach to service design and delivery with ARAs and LDM regions.

Negotiating in good faith

For example, while the voice of regions and communities is elevated up to the Accord negotiation table under the ***OCHRE*** LDM initiative, that voice fails to influence government at that table. The ***OCHRE*** LDM Evaluation reports all illustrate how there has been significant pushback by NSW agency representatives around what LDM regions and communities are asking for. Accords are not negotiated in good faith (see Howard-Wagner & Harrington, 2023; Howard-Wagner & Markham, 2023; O'Bryan & Thomas, 2023).

LDM Accord negotiations in its present form is not shared decision-making. It is tokenism. LDM regions and communities remain dependent on the charity of government. Success remains elusive. Accord negotiation is siloed and sector based and the small amounts of funds offered up by NSW Government agencies remain earmarked for specific sector-based activities and focus on short-term wins and efficiency gains. Decision-making around funding remains top-down and compartmentalised.

Listening to the voice of LDM communities going forward

It is only through localised and flexible place-based approach to service design and delivery in LDM communities that LDM communities will be given an increasing voice in service delivery. In this regard, another recommendation is that the NSW Premier's Department (Aboriginal Affairs) and NSW Treasury should, in partnership with NCARA, examine how service needs, capacity and outcomes can be mapped at a local community level within LDM regions, and implement the agreed approach as a matter of priority. This work should involve examining approaches such as the Maranguka Just Reinvestment project in Bourke and the Inner Sydney Empowered Communities and Barang Regional Alliance joint decision-making process for federal funding under the Empowered Communities initiative, which is a partnership between Aboriginal regional governance bodies in specific locations in Australia and the Federal Government.

Going forward, it is important the NSW agencies recognise that the Accord-making process is the crucial mechanism for promoting greater involvement of Aboriginal people in decision-making around service delivery, negotiate in good faith, and treat the Accord negotiating space as a cultural interface. Recommendation Six of the ***OCHRE*** Evaluation Stage Two Accord Negotiation Synthesis Report makes recommendations in this regard, including, but not limited to:

- the adherence to the principles of good faith (which is legally binding under common law), and
- a more consistent, transparent, and culturally safe approach to negotiations on behalf of the NSW Government (see Howard-Wagner et al., 2022, p. 43).

Improving Aboriginal service delivery in LDM regions: mapping services, pooling funding, sharing data, and resourcing ARAs

> ***Some of the data provided on 'Aboriginal money' expenditure led to confusion and frustration: … they gave us access to amazing things like they allowed us to have access to the Treasury to see expenditure of Aboriginal money … So they are saying here's this massive bucket of money being expended in this particular way … and we've gone away and workshopped and come back and said, okay we would like to see the money spent in a different way to work within our communities … we have to support our communities and the organisations working in our communities (IWAAC3 cited in Thomassin et al 2023, p. 42).***

LDM is centred around improving service delivery, but there is little effort on the part of NSW agencies around improving service delivery solutions in LDM regions, including the funding of service delivery programs, service mapping, improved service design, and consistent implementation of good practice and co-design.

While ARAs recognised that funding cannot be 'simply redirected to new initiatives and services' (see IWAAC Report, Thomassin, et al., 2023, p.42), the above quote from the IWAAC Evaluation report goes to the unwillingness of NSW agencies to devolve meaningful authority, such as dollars and decision-making power around service delivery to LDM communities.

Mapping services

Service mapping was considered essential to LDM's effective operation from the outset. Service mapping processes are stipulated in the Premier's Memorandum M2015-01-LDM and identified in both the NSW Ombudsman's (2019) ***OCHRE*** Review report and in NSW Treasury's Interim Indigenous Expenditure Report (2022b). In addition to this, a key ***OCHRE*** LDM Stage Two Evaluation recommendation is that NSW agencies should prepare a statement detailing existing non-statutory funding priorities and future regional non-statutory budgetary allowances for all programs that affect LDM regions.

A recommendation in the ***OCHRE*** Evaluation Stage 2 Reports is that service mapping should be undertaken in all LDM regions (see Accord Negotiation Synthesis Report recommendation 3).

This could entail a centralised agency establishing a baseline estimates of expenditure made in each LDM community via input from each relevant NSW agency, including the proportion of expenditure spent on indirect or ancillary functions. Actual expenditure in each LDM community, including indirect and ancillary expenditure, could be estimated every two years and made publicly available to support transparency and decision making.

Flexible and pooled funding

The Ministerial Taskforce on Aboriginal Affairs recommended ***flexible and pooled funding arrangements*** (NSW Ministerial Taskforce on Aboriginal Affairs, 2013, p. 6). A pooled funding model could be a vehicle for financing the priorities of LDM communities as opposed to the current funding system based on silos and competing organisational interests. The international policy and scholarly literature on pooled funds identify the advantages in the regional and place-based contexts as follows:

- flexibility
- predictability
- stronger risk management (as risks are pooled)
- the ability to use funds coherently and in complementarity with others, and
- the ability to mobilise a broad partnership base around local needs.

A pooled outcome focused funding model in LDM regions, including the establishment of procurement panels made up of community representatives and NSW agency representatives (see Howard-Wagner & Markham, 2023), and one that aligns with Aboriginal self-determination and provides flexibility to respond to regional priorities, is

needed. To achieve this end, all relevant NSW agencies need to be involved in the negotiation process with LDM regions, including Treasury, Finance, and Attorney-General's.

Access to Data

> ***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 cited in NCARA Evaluation Report, 2023, p. 57).***

Access to information and data is critical to the capacity of ARAs to negotiate outcomes on behalf of their communities. 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 in the NCARA-State Accord Evaluation Report (Howard-Wagner, 2023, p. 63). 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 (Howard-Wagner, 2023, p.63).

The **Premier's Memorandum M2015-01-Local Decision Making** states that: 'Agencies are obligated to… share service provision and indicator data with Aboriginal Regional Alliances' (NSW Department of Premier and Cabinet, 2015, p. 4). Furthermore, the **Local Decision Making Policy and Operational Framework** states, 'Regional Alliances and government will have to share information and talk openly and honestly about community needs and government service delivery, so they can set the right priorities for future investment and improvement in services' (AANSW, 2017b, p. 17). This is further reinforced later in the Framework with the statement that: 'Government Agencies have a positive obligation to find solutions and share information with Regional Alliances' (AANSW, 2017b, p. 21).

Even so, ARAs and ARA Accord Negotiators declared that when they were given data, they were not given accurate and meaningful data. The release of data was determined by existing NSW agency's policy expectations, regional aggregate data was only provided on request and during the Accord negotiation process, and that data was inconsistent with local data collected and held by ARAs, and Lead Agencies did not have clear positions on their agencies role/policy for facilitating access to data. There were also reported inconsistencies between ARA Negotiators and Lead Agency Negotiators as well as reported inconsistencies between administrative data held by NSW agencies compared with local data collected by ARAs, with each set of data providing a different picture as to what is happening on the ground.

Regional Alliances find their own data solutions, but are not funded to do so

It is also a finding of the ***OCHRE*** LDM Stage Two Evaluation that ARAs are having to find their own solutions to data issues as illustrated in various reports (see, e.g., Howard-Wagner & Harrington, 2022, p. 33-34; O'Bryan et al., 2022, p. 25). Since Accord I, MPRA representatives report that they have been proactively collecting their own data to better inform investment in the region. Similarly, the Barang Accord Negotiation Review illustrated how Barang aimed to provide local solutions drawing on data, but was only able to access regional, aggregated data as it was advised that this is the only data available (Howard-Wagner & Harrington, 2022, p. 25). Barang now collects its own data. So, on their own initiative, ARAs are increasing their access to Aboriginal-led data in their regions.

The NSW Implementation Plan for Closing the Gap (2020) sets out that ownership of data can be expressed through the creation, collection, access, analysis, interpretation, management, dissemination, and use of Indigenous Data (NSW Government, 2020a,, p. 32). There is an opportunity to build on the strength-based approach to data gathering and governance in LDM regions, particularly the ongoing employment of community-based researchers and localised data specialists working on the ground with ARAs would be a great systemic solution to the need of the NSW Government and ARAs to have accurate disaggregated data (as long as privacy issues are addressed and also as long as unforeseen negative consequences of combining data sets are prevented). Whanau Ora is a good example on how data ownership can work on the ground, including how Whānau Ora providers collect their own

information and data to assess where funding is best utilised to reach whānau and also explains the valuable role 'navigators' play in this space (see, e.g., Smith et al., 2019).

Going forward, there is an opportunity to build on the strength-based approach to data gathering and governance in LDM regions. In particular, the ongoing employment of community-based researchers and localised data specialists working on the ground with ARAs would be a great systemic solution to the need of the NSW Government and Aboriginal ARAs to have accurate disaggregated data. Such an approach would also need to ensure that privacy issues are addressed and that unforeseen negative consequences of combining data sets are prevented. New Zealand's ***Whanau Ora*** approach is a good example even beyond data.

The NCARA/State Accord Evaluation Report recommends that:

> ***NCARA and the Executive Sponsors 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 4c – Howard-Wagner, 2023, p.19).***

On the issue of data, a standing recommendation is that the NSW Premier's Department (Aboriginal Affairs) should progress the development of enhanced data collection and analytics system to better capture outcomes from Accords and the LDM initiative as a whole.

The importance of resourcing LDM regional and community engagement

> ***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 – NCARA Evaluation Report, 2023, p. 51)***

Going into the Accord negotiations, ARAs engage their communities to develop a Statement of Claim. While the development of a Statement of Claim is an extremely positive outcome of the ***OCHRE*** LDM and the Accord negotiation process, it is a finding of the evaluations that this phase could be further strengthened in the following three ways:

- better resourcing of ARAs to engage with their communities and collect data (i.e., engaging consultants, surveying communities, determining priorities, developing their methodologies of choice, and developing innovative approaches, building the capacity of communities to hold data)
- investing in ARAs to create Aboriginal led and community-controlled Aboriginal Regional Data Networks, and
- developing a communication strategy for better communicating developments around LDM with communities (Preliminary Findings Report recommendation 9vi).

There has been limited funding under LDM to support LDM communities to come together and identify their aspirations for Aboriginal service design and delivery in their regions. While not LDM, the Victorian Government has established a self-determination fund to assist Traditional Owner Groups to support the groups to come together and form their aspirations for Treaty (https://www.firstpeoplesrelations.vic.gov.au/self-determination-fund-agreement).

Monitoring performance, accountability, and compliance

The ***OCHRE*** LDM Stage Two evaluation reports show that the greatest barrier to LDM's success is around the ability of NSW agencies and public officials to allow the LDM initiative to operate as intended (see, e.g., Howard-Wagner & Markham, 2023; Howard-Wagner 2023; Hunt et al., 2023).

The ***OCHRE*** LDM Stage Two Evaluation reports find that NSW agencies and public officials tasked with either negotiating LDM Accords or engaging with ARAs or NCARA have failed to fulfil nearly all roles and responsibility listed in the Premier's Memorandum M2015-01-Local Decision Making (LDM) in a meaningful and consistent way (Howard-Wagner et al., 2022; Katz et al., 2018a, 2018b).

With regard to the higher-level intent of the LDM initiative, all NSW agencies have failed to deliver. While there is substantial evidence of improved engagement and relationships, aside from the RAHLA initiative and the response to management of
COVID-19 during the height of the pandemic, there has been no evidence of formal partnership arrangements or even shared decision-making driving community-led outcomes in LDM regions. This is despite the negotiation and existence of signed Accords.

Ten years on, the non-compliance of NSW agencies and public officials with the intent of the LDM initiative, as outlined in the **Premier's Memorandum M2015-01**, remains a serious barrier to achieving its objectives. One of the key considerations of the evaluation reports to date has been how to improve compliance on the part of the NSW agencies and public official around the LDM initiative. Today, whether under the ***OCHRE*** LDM initiative, implementation of the National Agreement on Closing the Gap (Australian Government, 2020), or in the future Treaty, NSW agencies will need to change the way they do business with Aboriginal people, organisations and communities. The articulation of LDM with other Aboriginal policy initiatives in NSW, such as the proposed Treaty process and implementation of the National Agreement on Closing the Gap (Australian Government, 2020), adds to this challenge.

Across the various evaluation reports, there are several recommendations that go to aligning NSW agency and public official practices with the intent of the LDM initiative and thus strengthening both compliance and the authorising environment. There are recommendations directed at improving the LDM Policy and Operational Framework. There are recommendations directed at improving the performance of NSW agencies in line with the intent of LDM.

The Preliminary Findings Report recommend ways to transform LDM governance and leadership arrangements within and across NSW agencies to strengthen accountability (Howard-Wagner & Markham, 2023). 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 agencies in relation to implementing the LDM initiative in NSW. Yet, at another level, there is also the need to monitor agency and individual performance around the LDM initiative.

Accountability for outcomes in the LDM initiative involves service delivery, service mapping, expenditure, data management, genuine partnerships, and enhancements to service design and delivery settings. Accountability is central to most recommendations in the Stage Two reports. Overall, greater public sector accountability is needed around the LDM initiative. The NSW Government needs to compel NSW agencies and public officials to be responsive to the aspirations of Aboriginal ARAs and LDM communities who have signed up to the LDM initiative. The NSW Government is also responsible for ensuring that the NSW public sector's engagement with LDM regions and communities ultimately to leads to those regions and communities having control over decisions about service design and delivery in their region.

For example, in the Preliminary Findings Report, Howard-Wagner and Markham (2023) identify clear ways forward in relation to the strengthening accountability around the LDM initiative such as, but not limited to:

- centralising LDM in AANSW
- enhancing cross-agency collaboration
- improving the accountability and functionality of the Executive Sponsors Group

- reviewing the LDM Policy and Operational Framework (2023, p. 100).
- obliging NSW Government agencies to engage with Aboriginal ARAs regarding all Aboriginal public policy initiatives that fall within the framework of LDM, beyond commitments listed in Accords and Schedules
- obliging NSW Government agencies to share decision making around key priorities with LDM communities through Aboriginal ARAs, rather than merely consult with them
- developing a co-designed shared decision-making strategy that promotes the application of good governance principles and self-determination to facilitate meaningful collaboration and co-design, to achieve positive outcomes based on informed decision making and agreed practice, and
- moving immediately to greater shared decision-making with NCARA, Aboriginal ARAs, and their communities in their identified priority areas as outlined in the Statements of Claim, Accords, and/or Regional Plans, where negotiated.

There are compliance options put forth in all major evaluation reports to date, such as the Deputy Ombudsman's (2019) ***OCHRE*** Review report and the ***OCHRE*** LDM Stage Two Preliminary Findings report, from legislating the LDM initiative to incentivising Secretary and Executive Sponsor Group (ESG) compliance (Howard-Wagner & Markham, 2023). For example, there are recommendations directed at strengthening the role of the Executive Sponsors Group, providing clear roles and specific accountabilities for the ESG. There are recommendations directed at the improving the competencies of individual public officials charged with negotiating an Accord on behalf NSW agencies. In the ***OCHRE*** LDM Stage Two Evaluation Preliminary Findings report it was recommended that the LDM authorising environment be strengthened to compel NSW agencies to participate in LDM through the drafting and introduction of a binding instrument or mechanism (Howard-Wagner & Markham, 2023).

The reports make no recommendations for potential ways of dealing with individuals within NSW agencies who perpetuate systemic biases and institutional racism, and to counter such incidents, such as putting in place sanctions. However, in line with its commitment to Priority Reform Three under the National Agreement on Closing the Gap (2020), the NSW Government would be either investigating or implementing mechanisms to counter such incidents. Overcoming systemic biases and insitutional racism through such measures will need to apply across the NSW public service system for the National Agreement on Closing the Gap to be effective. If it does, it will apply to the ***OCHRE*** plan and the ***OCHRE*** LDM initiative, by way of its broad application.

With regard to incentivising public official performance, there is a precedence for incentivising senior executive compliance with Aboriginal policy in NSW under the Two Ways Together initiative with the now archived **Premier's Memorandum M2006-09 Chief Executive Officer Performance Agreements** (see Attachment 1) and **M2006-10 Improving Outcomes for Aboriginal People and their Communities**.

While focused on reporting, Recommendation 12 in the Preliminary Findings Report is directed at improving government accountability through not only measuring the performance of NSW agencies and public officials, but also the development of LDM policy effectiveness indicators (Howard-Wagner & Markham, 2023).

Recommendation 13 in the Preliminary Findings Report goes to the issue of public accountability through reporting measures (Howard-Wagner & Markham, 2023). Recommendation 5 in the NCARA-State Accord Evaluation Report does too (Howard-Wagner, 2023). There are also recommendations around NSW Government reporting back to Aboriginal ARAs (see, e.g., TRRA Report Recommendation 6c; see Hunt et al., 2023).

Accountability going forward

The ***OCHRE*** LDM Stage Two Evaluation reports have stopped short of recommending that legislation mandate partnerships and shared decision-making around the LDM initiative. To date, none of the evaluation reports have recommended that the NSW Public Service Commissioner issue a direction that performance measures identified in Accords made between ARAs and the State of NSW be included in the annual performance agreements of Secretaries/Agency Heads and Executive Sponsors. Yet, we now believe this is necessary. We also believe that a review of LDM governance and leadership arrangements within the public sector is necessary to identify process efficiencies and clearer accountabilities.

Going forward, the ***OCHRE*** LDM Stage Two Evaluation reports have stopped short of recommending that the NSW Government legislate the principles of LDM, such as local decision-making. If NSW agencies do not feel otherwise compelled to do so, it may take the NSW Government to transfer power and resources and mandate genuine partnerships and local decision-making using legislation. The Victorian Government mandated shared decision-making through the legislative instrument underpinning the Treaty process in Victoria (Productivity Commission, 2024). Another way to ensure compliance is to change the compliance status of Premier's Memorandum M2015-01 Local Decision Making (LDM) from non-mandatory to mandatory.

In sum, recommendations in relation to accountability and compliance include, but are not limited to:

- that in the absence of treaty, enforceable obligations be placed on government and its agencies, negotiated with and agreed ARAs, to ensure compliance with LDM agreements (MPRA Report recommendation 8)
- development of policy effectiveness indicators and annual reporting against those indicators (Preliminary Findings Report recommendation 13)
- development of key measure of success and performance indicators around shared decision-making and transformational change under LDM (Preliminary Findings Report recommendation 12)
- use of the co-developed LDM instrument to measure change in working relationships to establish whether working relationships are improving (Preliminary Findings Report recommendation 12c)
- identify appropriate management actions where there are positive or negative variances from projected performance measures and indicators (Preliminary Findings Report recommendation 12b(ii)), and
- 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 (NCARA/State Accord Report, recommendation 5).

The LDM operating and authorising environments

Beyond accountability, the LDM initiative has lacked a centralised operating environment to enable key objectives of the initiative. The NSW Government has already centralised LDM in AANSW, which is now located in the NSW Premier's Department.

The central leadership and drive around LDM within the public sector still requires strengthening (Howard-Wagner, 2023; Howard-Wagner & Markham, 2023; Howard-Wagner et al., 2022).

The Executive Sponsors Group

The Executive Sponsors Group has already increased its engagement with the LDM initiative through engagement with NCARA. Treasury is now represented on the ESG.

The LDM Executive Sponsors Group cannot drive change in LDM regions and communities without authority. Such authority would include working with central agencies to lead changes to Cabinet, Budget, funding and contracting processes around the LDM initiative. Public reporting on where public money is and has been spent in LDM regions and communities is an important aspect of public accountability around the LDM initiative.

The Executive Sponsors Group needs the authority to put in place stronger accountability mechanisms and to be able to bring about the necessary structural and systemic change around the LDM initiative, including driving cross-agency collaboration, shared decision-making, and data sharing.

Other key measures going forward

Going forward, there are other key measures that can be undertaken to strengthen leadership around the LDM initiative. This includes the Secretaries Board taking carriage of aligning government funding to LDM community needs and advancing key LDM priorities under the various Accords, and strengthening the role and function of the

ESG. The first recommendation in the Preliminary Findings Report goes into some detail about how this could be achieved (Howard-Wagner & Markham, 2023, p. 99).

The LDM initiative's vulnerability to external events

Today, whether under the ***OCHRE*** LDM initiative, the new National Agreement on Closing the Gap (Australian Government,2020), or in the future Treaty process in NSW, NSW agencies will need to change the way they do business with Aboriginal people, organisations and communities. The articulation of LDM with other Aboriginal policy initiatives in NSW, such as the proposed Treaty process and Closing the Gap, adds to this challenge.

The rolling out of National Agreement on Closing the Gap (Australian Government, 2020) as a new policy initiative in NSW in 2021 and 2022 demonstrated how LDM is vulnerable to disruption by external events. For a while, Closing the Gap started to supersede LDM. For a period of over two years following the signing of the new National Agreement on Closing the Gap (Australian Government, 2020), there was uncertainty about the future of the LDM initiative, casting doubt over its continuation. This period of ambiguity around the LDM initiative and Closing the Gap in NSW had substantial consequences. Many NSW agencies, unsure of the direction and the fate of LDM, reduced their investment of time and effort in the LDM initiative and its key partners, NCARA and ARAs. This translated to a significant reduction in Accord implementation with some NSW agencies, effectively stalling the progress that had been made. Several NSW agency staff members distanced themselves from NCARA and ARAs, while the Department of Regional NSW opted, without consultation, to withdraw their role in coordinating LDM activities entirely, formally notifying NCARA and ARAs in writing, without warning, to this effect. We attribute this to the inability of various policy makers to see the many synergies between the two key Aboriginal policy initiatives, including LDM's ability to facilitate the objectives of Closing the Gap on the ground in regions and communities, to manage the roll out of this initiative well, and to manage Aboriginal stakeholder relationships.

Importantly, the National Agreement is a top-down national policy initiative that is meant to promote regional and local capacity building. The LDM initiative is regionally, and community driven policy initiative designed for the NSW context. It provides an invaluable mechanism for the NSW Government and Coalition of Peaks to hit the ground running with the National Agreement on Closing the Gap (Australian Government, 2020) in NSW. Yet, the value of LDM as a ground up initiative that promotes regional and local Aboriginal governance and representation was completely ignored.

The NSW Government's commitment under the National Agreement on Closing the Gap (Australian Government, 2020) also provided it with an opportunity to really grasp what needs to change in the way that NSW agencies and public officials do business for initiatives like LDM to work. Implementation of the four Priority Reforms will not only go toward improving outcomes under the National Agreement, but outcomes under all Aboriginal policies in NSW, including the ***OCHRE*** plan and the LDM initiative.

Critical distinctions do exist between the National Agreement on Closing the Gap and the LDM initiative. While the Productivity Commission has recommended that this be rectified, the national agreement does not mention Aboriginal self-determination (Productivity Commission, 2024). Another important distinction is that, while shared decision-making is the end point for the National Agreement, it is only a stop along the way under the LDM initiative. A further important distinction is that LDM regions and communities are working toward more than Closing the Gap. ARAs are doing extensive work on the ground to identify the essential services and social, cultural and economic infrastructure needs of their communities across their respective LDM regional footprints. And, while both NSW agencies and the new National Agreement on Closing the Gap works on a sectoral basis, the strength of the LDM initiative is its focus on the needs of community as a whole, and its capacity to push for reforms at a whole-of-government level. Too close an alignment between LDM and Closing the Gap risks losing LDM's flexible and cross-sectoral focus, which has happened with LDM in the Northern Territory.

There are many similarities around what the NSW Ombudsman's (2019) ***OCHRE*** Review Report, the Stage One and Stage Two Evaluations have found as wanting in terms of NSW agency buy-in around the LDM initiative and what the Productivity Commission has identified as a lack of buy-in on the part of state and territory government agencies with the implementation of the National Agreement on Closing the Gap 2020 in its Review of the National Agreement on Closing the Gap Report (Productivity Commission, 2024). The synergies between transforming

government, partnerships, shared decision-making, engagement, funding accountability, cultural capability and even lack of resourcing identified within the Review of the National Agreement Closing the Gap draft report released in June 2023, and final report released in February 2024, after many of the ***OCHRE*** LDM Stage Two evaluation reports were already finalised, are germane (Productivity Commission, 2023, 2024). The points too about accountability are equally pertinent (Productivity Commission, 2023, Chapter Eight). What this goes to is the lack of buy-in on the part of agencies into Indigenous policy efforts endeavouring to transform the way governments do business with Aboriginal people and communities to ensure that services are more effective at meeting their needs.

Time and again, Aboriginal people, organisations and communities have sought a change to the siloed sector focus because it fails to account for the interdependency of socio-economic outcomes. This was a key finding and recommendation of the NSW Ministerial Taskforce on Aboriginal Affairs (2013) in the lead up to the development of the ***OCHRE*** LDM initiative. It is a finding of the Productivity Commission's Review of the National Agreement on Closing the Gap Review Paper 3 (Review Paper 3), which sets out that: 'A number of Aboriginal and Torres Strait Islander organisations thought the siloed sector focus was an issue with the Closing the Gap architecture and did not reflect the interdependency of the socioeconomic outcomes' (2023, p. 3). It is a finding of academic research conducted by Howard-Wagner, Soldatic and Hunt in partnership with community-controlled organisations in NSW (Howard-Wagner et al., 2023).

This is not unique to NSW. In February 2023, the Productivity Commission's Review of the National Agreement on Closing the Gap Review Paper Three pointed to the lack of clarity about how Closing the Gap fits with Treaty processes (in particular in Victoria and Queensland), LDM initiatives (including in the Northern Territory and New South Wales), and other regional structures, such as Empowered Communities.

Conclusion: Potential Ways Forward

With LDM in NSW, the successful operation of the LDM governance network is central to self-determination under this initiative. NSW agencies are required to, and will need to, establish strong cross-government working arrangements so that negotiations can occur between NSW agencies and ARAs based on the priorities of LDM regions and communities. At the same time, the NSW Government 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 ARAs under LDM.

If done right, Accords can represent a significant milestone for Aboriginal-state relations and offer a way forward as a potentially new and transformative model of Aboriginal policy-making in NSW. Accords are the point at which the relationship between government and LDM communities comes into focus. Accords offer an important mechanism for agreement making between government and Aboriginal peoples in NSW: self-determination, Aboriginal governance, genuine voice, and improved relationships are positives of the Accord negotiation process. As part of the preparation phase, the development of Statements of Claim by an ARA through engaging closely with the relevant LDM communities is a significant positive outcome of the Accord negotiation process. Notwithstanding, this is when a whole-of-government approach, as envisaged by the architects of the LDM initiative, has proven difficult to implement with few examples of cross-agency collaborations with ARAs leading to innovative solutions through Accord negotiations (Howard-Wagner et al., 2022; Howard-Wagner & Harrington, 2022).

LDM Accord making is an opportunity to design and deliver services that are responsive to the needs of LDM communities on the ground. The starting point under LDM should be that ARAs, on behalf of the LDM communities that they represent, are participating at the negotiation table as equal partners with the NSW Government and NSW agencies, with equal access to all processes, information and data to support shared decision-making.

Going forward, there are key measures recommended within the ***OCHRE*** LDM Evaluation reports to strengthen LDM Accord making (see Howard-Wagner et al., 2023), the authoring environment more broadly, and NSW agency compliance with the intent of the LDM initiative. Their purpose is to ensure that the NSW Government compels its agencies and public officials to engage in collectively building an Accord negotiation model that positions Aboriginal negotiators as experts, using their grounded knowledge and lived experience, to get outcomes that are

beneficial to Aboriginal people on the ground. The recommendations relate to formalising a clear framework that clearly operationalises and provides guidelines for ensuring that it is through partnerships and local decision-making that government does business with ARAs and LDM communities.

That neither the whole-of-government approach nor agreement making has been that envisaged by the architect of LDM does not mean that the LDM initiative should be abandoned. Treaty in NSW will necessitate that those approaches continue to forefront the way that the NSW Government and its agencies do business. If anything, the findings of the Taskforce (see above) and the outcomes of community engagement around ***OCHRE*** LDM evaluations show that, it is likely that National Agreement on Closing the Gap (Australian Government, 2020) is likely to see regions and communities push for a breaking down of silos and sectors and a holistic approach to service delivery. The challenge for the NSW Government and its agencies will be to reconcile the competing tensions between ***OCHRE*** LDM, Treaty, and the National Agreement on Closing the Gap (Australian Government, 2020) and build on and strengthen the synergies.

The ***OCHRE*** LDM Evaluation Synthesis Report has identified and briefly revisited some of the key barriers presently preventing the LDM initiative from realising its intended aims. However, in acknowledging the inherent barriers to achieving such public sector reform, which are not unique to the LDM initiative, it provides a bottom-line for change. That is, NSW Government and its agencies must focus on system and systemic transformation – identifying specific new strategies, approaches, skills and capabilities to build, along with customised strategies that change employee behaviour. The idea of this culminating in whole-of-government and organisational-level plans with LDM regions and communities rather than ad-hoc initiatives is critical to LDM's success.

Transforming government internationally is directed at discarding silos and applying systems thinking to complex horizontal policy issues (Howard-Wagner & Markham, 2023). It engenders a more holistic strategy, particularly the working across portfolio boundaries and administrative levels to achieve shared goals and an integrated government response to complex social problems. The strategic approach is directed at repairing democracies' widespread disconnect between governments and citizen, with system change placing both public value and citizen engagement at the core of transformation. Significant **transformational effort** goes into creating the enabling environment for structural, systemic and cultural change to ensure that government transformation is ingrained in the public management culture. Efforts around transformation go to promoting the alignment of strategies, frameworks and initiatives to achieve structural, systemic and cultural change across the public service system, within systems – such as health, education and justice – and within organisations, as well as building the capacity of public servants.

Transformation marks change to public administration directed at changing the rules of the game of government – the formal laws, administrative requirements and organisational structures that create and shape the actions of government, including core administrative procedures governing civil service systems, procurement practices, budgeting and financial management. Transforming government also marks a change in how government does business.

Going forward, without change, the same core problems that have occurred around the LDM initiative could emerge around the implementation of the National Agreement on Closing the Gap (Australian Government, 2020) and potentially around Treaty in NSW, because it is about government agencies transforming how they do business. This observation is reinforced via the findings of other evaluations in relation to Australian government agencies not changing the way they do business, including the Report of Productivity Commission's Review of the National Agreement on Closing the Gap (2024).

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Appendix 1 Synthesis of Stage 2 OCHRE Local Decision Making Evaluation findings (NCARA–State Accord, TRRA, IWAAC, MPRA) and comparisons to previous evaluation reports

LDM Evaluation site	Findings	Further information
Value of Local Decision Making (LDM)		
Overview across Stage 2 Evaluation sites	All Stage 2 LDM Evaluation reports found despite the challenges faced by LDM, the model is well-designed and guided by a set of good governance principles. The LDM principles have widespread support within NSW Government and ARAs. This was also a finding across all Stage 2 Accord Negotiation Evaluation Reports. LDM is recognised as a valuable policy initiative worth pursuing and strengthening with real potential to deliver change within communities.	IWAAC Report Finding 1 MPRA Finding 10 for NSW Government MPRA Report Recommendation 1 to MPRA
Previous Evaluation Reports	The Stage 1 MPRA evaluation report recognised LDM as an effective mechanism for Aboriginal representation and governance (Katz et al., 2018a). The significant potential for the LDM model to improve relationships between Aboriginal communities and NSW Government, and support self-determination was recognised in the Stage 1 IWAAC and TRRA evaluation reports (Katz et al., 2019; Smyth & Katz, 2019).	MPRA Accord II Negotiation Evaluation Finding 2 RMRA Accord Negotiation Evaluation Finding 1 MPRA Stage 1 Evaluation Section 3.2 IWAAC Stage 1 Evaluation Section 3.1.4 TRRA Stage 1 Evaluation
Shared Decision-Making **(see LDM Stage 2 Evaluation Question 1)**		
Overview across Stage 2 LDM Evaluation sites	LDM can operate as a catalyst for shared decision-making. At this stage LDM has increased Regional Alliance/Assemblies influence on decision making, but shared decision-making is incremental at best and has only occurred to a limited degree. Where shared decision-making has occurred, it has had marked benefits for NSW Government agencies, ARAs, and their communities. There is a lack of willingness on the part of public officials to devolve decision-making power. There is a lack of equality between NCARA/ARAs and public officials, including inequality of resourcing, inequality of power and control, and inequality in access to data and service information.	Stage 2 Preliminary Findings Report Recommendation 11
NCARA	NSW Government officials respect and recognise NCARA as the key Aboriginal advocacy body representing the voices of regions and communities under the LDM initiative at the state level. The Executive Sponsors Group is utilising NCARA's expertise to inform Aboriginal policy. NCARA is treated as an 'advisory council', 'stakeholder' or 'interest group' by public officials that is predominantly consulted by NSW Government. This style of engagement provides some opportunity	NCARA–State Accord Report Finding 5 NCARA–State Accord Report Recommendation 3

Appendix 1 Synthesis of Stage 2 OCHRE Local Decision Making Evaluation findings (NCARA–State Accord, TRRA, IWAAC, MPRA) and comparisons to previous evaluation reports

LDM Evaluation site	Findings	Further information
	for NCARA to influence decision making, but does not privilege shared decision-making, nor does it facilitate greater transparency, inclusivity or equality around decision making. This perpetuates a business-as-usual model. NCARA is not being treated as a genuine autonomous partner with decision-making power as per the NCARA–State Accord, which has resulted in a decline in trust in the NSW Government on the part of NCARA. The lack of leadership and governance within the NSW public sector around the LDM initiative, and the lack of capacity of government to transform the way it works are key barriers to achieving shared decision-making. The wording of the NCARA–State Accord, which lists consultation as a form of engagement, is a barrier.	
MPRA	LDM provides Aboriginal communities some influence in deciding how public funds are distributed across the region, and some measure of control over services operating in communities. Shared decision-making works best when authority is devolved to MPRA, and this has been especially successful when MPRA has been decisively involved in the commissioning of services by government. ***Example: Murdi Paaki Regional Aboriginal Housing Leadership Assembly's (RAHLA's) activities around social housing service delivery is a leading example of shared decision-making in the MPRA region. By devolving real decision-making power, RAHLA was able to deliver outcomes better tailored to community needs. It demonstrated the capacity of ARAs to manage large sums of funding. It also shows the capacity of government to jointly participate in this process when suitable structures are put in place.***	MPRA Report Findings 8 & 10 for NSW Government
TRRA	There is not yet shared decision-making across the board, yet when it occurred the outcome was very successful. ***Example: The COVID-19 response was a key example of genuinely shared decision-making in the region. It demonstrated the value of government working in partnership with TRRA to achieve successful outcomes for community, and the importance of putting Aboriginal people front and centre in operational policy. TRRA was involved in the regional emergency management meetings***	TRRA Report Findings 1, 2 & 5 TRRA Report Recommendation 1

Appendix 1 Synthesis of Stage 2 OCHRE Local Decision Making Evaluation findings (NCARA–State Accord, TRRA, IWAAC, MPRA) and comparisons to previous evaluation reports

LDM Evaluation site	Findings	Further information
	with senior government officials, and played a crucial role in developing effective messaging, finding solutions to containing the spread of COVID-19, and distributing food and hygiene materials. There is increased and growing influence on decision making. ***Example: The Regional Industry Based Agreement Committee and work with Health enabled TRRA to have strong input to decisions.*** TRRA is in the first phase of what was designed as a three-phase process. TRRA has developed capacity and could move to a greater level of decision making if sustained. Shared centralised decision-making undermines local decision-making. Local shared decision-making is required. ***Example: The centrally-made decision to shift housing management service delivery in two towns in the TRRA region to out-of-area community-controlled organisations when a local organisation had capacity. This decision was made against the advice of local officers and without the prior knowledge of TRRA.***	
IWAAC	LDM has provided an avenue for community and government representatives to engage and discuss initiatives, concerns and aspirations, but real devolution of decision-making power has not yet occurred. Decisions still rest with government departments, and many initiatives proposed in the Accord had to be reframed to fit current policy frameworks. IWAAC members felt compromises were mostly made on their side and the capacity to inform the direction taken by the partnership remains uneven. ***Example: Initiatives implemented often represented a highly compromised version of what the Alliance initially proposed. For example, Alternative Learning Centres had to be located in state schools and could not, from a policy perspective, be hosted by local Aboriginal organisations as envisaged by IWAAC.*** The LDM model has the potential to support local First Nations self-determination, but government agencies need to significantly improve their capacity to listen to local communities, allow compromises to occur, including with regards to policy changes, and devolve some decision-making power to IWAAC	IWAAC Report Finding 2 IWAAC Report Recommendation 1 to NSW Government IWAAC Report Recommendations 1 & 5 to NSW Government & IWAAC

Appendix 1 Synthesis of Stage 2 OCHRE Local Decision Making Evaluation findings (NCARA–State Accord, TRRA, IWAAC, MPRA) and comparisons to previous evaluation reports

LDM Evaluation site	Findings	Further information
	As LDM concerns the collaborative shaping and delivery of more appropriate services to First Nations communities, it may be more accurate to describe the model as a process supporting self-governance or co-governance, rather than self-determination.	
Accord Negotiation Evaluation Reports	The degree to which the Accords negotiation process was genuinely co-designed, and the extent to which it fostered innovation, was questioned by all parties involved in the RMRA and MPRA Stage 2 Accord Negotiation Evaluations. Some RMRA members reported a lack of genuine partnership, and a sense the government was not bringing ideas or information to the table. Similarly, the Stage 2 MPRA Accords Negotiation found that rather than engaging in joint problem solving, too often government officials used the LDM process to pass complex problems onto community members. In the Barang region, while negotiating the Accord has acted as a vehicle for resetting the relationship with NSW Government agencies, it is not yet at a point where decisions are shared, and the cultural authority of community leaders is often ignored. ***Example: Barang advocated to create an Aboriginal Knowledge Circle on the Central Coast, anticipating positive, innovative, and constructive outcomes. The Aboriginal Knowledge Circle was asked for advice about the awarding of a contract to a large mainstream not-for-profit organisation for the management of Aboriginal children in out-of-home care on the Central Coast. Community leaders and experts reported a lack of community engagement, cultural capability, and harm on the part of the mainstream provider. The cultural authority and advice of community leaders was ignored, and the mainstream organisation was awarded a contract to continue to operate. This is an example of public officials continuing to consult ARAs and their communities rather than empowering them through shared decision-making.***	MPRA Accord II Negotiation Evaluation Finding 4 RMRA Accord Negotiation Evaluation Finding 3 & 5 Stage 2 Preliminary Findings Report Case Study 14
Transfer of Ownership of Service Delivery Programs to the Aboriginal Community-Controlled Sector in NSW (see LDM Stage 2 Evaluation Question 2)		
NCARA	There was no evidence that the LDM model resulted in a transfer of ownership of service delivery programs to the Aboriginal community-controlled sector. The lack of capacity of NSW Government agencies to transform the way they work, along with the differences between how public officials	NCARA–State Accord Report Finding 6

Appendix 1 Synthesis of Stage 2 OCHRE Local Decision Making Evaluation findings (NCARA–State Accord, TRRA, IWAAC, MPRA) and comparisons to previous evaluation reports

LDM Evaluation site	Findings	Further information
	and Aboriginal peoples interpret the meaning and function of service delivery are factors impeding the transfer of ownership of service delivery programs.	
MPRA	LDM provides Aboriginal communities with some measure of control over services operating in communities. ***Example: The involvement of a Community Working Party Chair on a procurement panel for early childhood services in Walgett assisted in the establishment of a locally run and controlled organisation to provide family services. It is an example of local voices and perspectives effectively influencing decisions. This helped services meet community expectations, made service providers more responsive to community needs, and validated the expertise of local representatives.***	MPRA Report Finding 10 & Case Study 5
TRRA	The TRRA Accord did not prioritise shifting ownership of service delivery to the Aboriginal community-controlled sector. Where government decisions to shift services to community control are made, and these are relevant to the Accord, TRRA should have input. ***Example: Successful activities which had major input from/were run by TRRA included the men's and women's camps and the Narungu Yalbalinya cultural program for students at an Orange high school.***	TRRA Report Key Findings
IWAAC	Most Accord priority area activities were procedural rather than focused on service delivery. A range of initiatives and services proposed by IWAAC during the Accord negotiation process could not be realised in practice. ***Example: The creation an Aboriginal pre-school and a drug and alcohol rehabilitation centre could not be pursued under the current policy framework where the government could only support the purchase of lands to host these services.***	IWAAC Report Recommendation 5 to NSW Government
Accord Negotiation Evaluation Reports	The following examples from the Accord Negotiation Evaluation reports demonstrate how LDM has been instrumental in securing improvements around community control over service delivery. ***Example: Barang leveraged its relationship with a NSW Government agency to deliver the first Aboriginal Homes Together program and for an Aboriginal Community Controlled Organisation to take the lead in that partnership.***	Stage 2 Preliminary Findings Report Case Study 5 & 7

Appendix 1 Synthesis of Stage 2 OCHRE Local Decision Making Evaluation findings (NCARA–State Accord, TRRA, IWAAC, MPRA) and comparisons to previous evaluation reports

LDM Evaluation site	Findings	Further information
	Example: The co-commissioned strategic business case for a Cultural Recovery and Healing Centre supports community-controlled service provision in the RMRA region.	
Changes to the Working Relationship between Aboriginal Communities and the NSW Government (see LDM Stage 2 Evaluation Question 3)		
Overview across Stage 2 Evaluation sites	The relationships developed between senior public officials and Regional Alliance/Assembly members was universally identified as one of the most significant successes of LDM. This has been a finding of all LDM Evaluation reports to date. ***Example: Relationships established, and networks developed through LDM were credited with facilitating a rapid and effective response to the COVID-19 pandemic in the MPRA, TRRA, IWAAC and Barang regions.*** The working relationships between NSW Government agencies and Aboriginal ARAs and their communities remain predominately consultative. The effort invested in building relationships is often undermined by personnel changes. In the MPRA region, high turnover of public officials was a key barrier, compared to the relative stability of MPRA membership. Changes in government and community representatives was an issue for both the IWAAC and TRRA regions. High turnover of government officials was also identified as a barrier in all Stage 2 Accord Negotiation Evaluations (Howard-Wagner & Harrington, 2022; O'Bryan & Thomas, 20222; O'Bryan et al., 2022).	Stage 2 Preliminary Findings Report Recommendation 11
NCARA	Having NCARA as a representative body at the state level has improved Aboriginal–state working relationships around LDM. Many public officials are supportive of LDM and there is significant buy-in from the Executive Sponsors Group. The principles of shared decision-making, co-design or informed consent are not yet driving engagement between NCARA and NSW Government agencies.	NCARA–State Accord Report Finding 4

Appendix 1 Synthesis of Stage 2 OCHRE Local Decision Making Evaluation findings (NCARA–State Accord, TRRA, IWAAC, MPRA) and comparisons to previous evaluation reports

LDM Evaluation site	Findings	Further information
	NSW Government engagement with NCARA is predominantly conducted as an information gathering and sharing exercise, or consultation, rather than a more complex deliberative process built around two-way conversations and collaborative decision-making.	
MPRA	LDM has facilitated uneven changes in the relationship between government and Aboriginal communities in the MPRA region. In previous MPRA evaluations, CIRCA (2015) found strong relationships had developed between MPRA and government officials because of the Accord negotiations, but there remained instances of government representatives being disengaged or uncooperative. Katz et al. (2018a) found while there had been some change, most participants felt relationships were yet to improve. O'Bryan et al. (2022) found this situation had developed with both government and MPRA delegates showing a commitment to working together more closely on the negotiation and implementation of Accord II priorities than was the case for Accord I. Personal relationships between public officials and MPRA representatives have developed. Some non-Indigenous public sector officials report participation in LDM has changed their attitudes towards Aboriginal communities and their representative bodies. The transformation of MPRA's institutional relationships with NSW Government agencies has been less successful. Some government agencies have developed strong relationships with MPRA while others continue to take a business-as-usual approach. MPRA has an Engagement Protocol, although few public officials or MPRA representatives were aware of the existence of such a protocol, nor was it easily accessible. Community support for CWPs appears to be uneven across the case study communities. CWP roles and functions, and the financial structures which support them, are not well understood by community members. This can lead to disharmony and attract lateral violence within and between communities. LDM, particularly MPRA's participation in NCARA, has facilitated communication and cooperation between Aboriginal communities across regions in NSW. This has enabled initiatives to emerge which benefit multiple LDM regions.	MPRA Report Finding 5 for NSW Government MPRA Report Recommendations 2, 5 & 10 for NSW Government MPRA Report Recommendation 5 for MPRA

Appendix 1 Synthesis of Stage 2 OCHRE Local Decision Making Evaluation findings (NCARA–State Accord, TRRA, IWAAC, MPRA) and comparisons to previous evaluation reports

LDM Evaluation site	Findings	Further information
	Example: Economic Research Design Development Indigenous Investment Group was established to address the lack of local First Nations people employed on large-scale infrastructure projects, and the lack of engagement with locally-owned and run First Nations businesses.	
TRRA	The working relationship between TRRA and the NSW Government has improved considerably, enabling TRRA to engage with government effectively. This was reported widely by government officials and TRRA. Example: TRRA used relationships established through LDM to address the long-standing issue of disengaged students at a high school in Dubbo. TRRA has been involved in designing a special purpose Aboriginal Learning Hub at Delroy College; TRRA and representatives from the Aboriginal Education Consultative Group (AECG) and Aboriginal Education meet fortnightly with the school and have been working on a cultural safety training package to use in the Dubbo region. Through this experience TRRA has also developed a relationship with the Professional & Ethics Standards unit of the NSW Department of Education. The relationships between TRRA and senior government staff is one of the greatest successes of LDM. This builds on the finding from the Stage 1 TRRA evaluation that good relationships had been established between TRRA and some lead government negotiators, particularly where very senior officials were present at negotiations (Katz et al., 2019). The quality of the relationship varied across different departments. Relationships are particularly good with senior Aboriginal staff in government and when government engage face-to-face with people in communities. This was also identified in the Stage 1 TRRA evaluation, where having an Aboriginal person from the area as the lead negotiator for Health led to a relationship of mutual understanding and respect, demonstrating the importance of cultural knowledge and cultural competency in Accord negotiations (Katz et al., 2019). Improved relationships were not widely recognised by community members. Improved relationships with TRRA's communities will likely depend on achieving concrete outcomes on the ground.	TRRA Report Findings 6 & 9 TRRA Report Recommendation 4

Appendix 1 Synthesis of Stage 2 OCHRE Local Decision Making Evaluation findings (NCARA–State Accord, TRRA, IWAAC, MPRA) and comparisons to previous evaluation reports

LDM Evaluation site	Findings	Further information
	The need for genuine change on the ground to improve relationships was also a finding within the MPRA, IWAAC and Barang regions (Howard-Wagner & Harrington, 2022; Katz et al., 2018; Smyth & Katz, 2019). When LDM has not delivered appreciable benefits to community, this has resulted in a loss of faith in both local representatives and the LDM process. The relationships established or strengthened through LDM led to several opportunities which extend beyond commitments made in the Accord. ***Example: The Education Working Group in Dubbo; presentation to Western Health District Board; relationship with Dubbo Regional Council; membership of Regional Rail and Regional Energy Zone Working Groups.***	
IWAAC	LDM has fostered ongoing and regular engagement between government departments and community representatives, but this engagement remains uneven. All parties acknowledged the breaking down of relationships has been a key challenge for the implementation of the Accord within the IWAAC region. Tensions between IWAAC and government, with other Aboriginal representative bodies, within Priority Area Working Groups, and within IWAAC itself have hindered the delivery of Accord priorities and the capacity to represent the region's diverse communities. Existing conflict resolution mechanisms in place in the Accord have been underutilised, including access to an independent broker to support conflict resolution. AANSW should have played a leadership role to ensure good relationships are maintained and misunderstandings are addressed. Trauma-informed mediation training could be offered so all parties involved understand how trauma can create conflict, distrust and misunderstandings during negotiations. Re-building trustful and respectful relationships across IWAAC's footprint is essential to facilitate collaboration and ensure local communities are more fully represented. IWAAC has already taken steps in this direction.	IWAAC Report Recommendations 6, 7, 8 & 9 to NSW Government IWAAC Report Recommendation 3 to NSW Government & IWAAC

Appendix 1 Synthesis of Stage 2 OCHRE Local Decision Making Evaluation findings (NCARA–State Accord, TRRA, IWAAC, MPRA) and comparisons to previous evaluation reports

LDM Evaluation site	Findings	Further information
Accord Negotiation Evaluation Reports	Under LDM, Barang has leveraged its working relationships with NSW Government agencies to develop networks and effective partnerships to integrate and improve Aboriginal service delivery on the Central Coast. ***Example: Barang has leveraged relationships and critical funding for opt-in Aboriginal Community Controlled Organisations, including securing funding for the Bara Barang Barranggirra Employment and Mentoring Program and the Dream Builders program; securing recurrent funding for five years for Gudjagang Ngara li-dhi to deliver early intervention and prevention initiatives for Aboriginal children, young people and families; and funding for Yerin Eleanor Duncan Aboriginal Health Services to deliver a program aimed at empowering young people by building capacity and providing support to keep young people at risk in school.*** The length of time taken to negotiate Accords and delays in government signing Accords were factors which strained relationships in the TRRA and Barang regions (Howard-Wagner & Harrington, 2022; Katz et al., 2019).	Stage 2 Preliminary Findings Report Case Study 9 Barang Accord Negotiation Evaluation Finding 8 f
Accountability, Cultural c=Competency, and Responsiveness of NSW Government to Aboriginal Needs and Aspirations (see LDM Stage 2 Evaluation Question 4)		
Overview across Stage 2 Evaluation sites	Regional Alliance/Assembly members view the Accord as strengthening the accountability of government to Aboriginal communities, as it is a binding agreement signed by the Minister. This was also expressed by MPRA members in previous evaluations (Katz et al., 2018; O'Bryan et al., 2022). While Accords are technically binding on government, there have been no consequences for not honouring the commitments made under Accords. Community representatives reported feeling a personal level of accountability and responsibility to the community members they represent. This was also found across all Stage 2 Accord Negotiation Evaluation Reports. The NSW Government has not strengthened the policies and frameworks underpinning LDM to build institutional arrangements and the practices necessary to achieve the objectives of LDM and ensure public officials are accountable, culturally competent, and responsive to Aboriginal communities.	Stage 2 Preliminary Findings Report Recommendations 1, 2, 12 & 13

Appendix 1 Synthesis of Stage 2 OCHRE Local Decision Making Evaluation findings (NCARA–State Accord, TRRA, IWAAC, MPRA) and comparisons to previous evaluation reports

LDM Evaluation site	Findings	Further information
	LDM does not have a monitoring framework to assess the responsiveness of government, levels of cultural competence, or whether LDM is operating as intended. A monitoring framework would be an important mechanism for strengthening the responsiveness of NSW Government and reflects Priority Reform Three of the National Agreement on Closing the Gap. Monitoring and reporting, including the need to establish clear lines of reporting between MPRA and senior levels within NSW Government, has been consistently identified as a priority in the MPRA region (CIRCA, 2015). This issue of performance measures not being included in Accord commitments was raised in a previous IWAAC evaluation (Smyth & Katz, 2019). In the absence of strong, mandatory reporting and accountability structures focusing on LDM within government agencies, the negotiation and implementation of the Accords often relied on the personal commitments of individual public sector officials. The onus for accountability is predominantly placed on Aboriginal governance structures not the NSW Government or its agencies.	
NCARA	Public sector knowledge and practices are privileged, and power relationships remain entrenched in the relational dynamics between NCARA and public officials. There is little evidence NSW public officials can collaborate in cross-cultural contexts. There are low levels of cultural competence and a lack of cultural safety. NSW public officials are not shifting the way they work. Change will only occur through strong strategic executive leadership across NSW Government agencies.	NCARA–State Accord Report Finding 7 NCARA–State Accord Report Recommendations 4 & 5
MPRA	In settings where the CWP system is working effectively, LDM is reported as providing a forum for community members to hold government to account. While Accords are technically binding on government, there have been no consequences for not honouring the commitments made under Accord I. This issue was attributed to the failure to develop an implementation methodology. The lack of any complaints mechanism or independent body charged with oversight of LDM processes means that disputes have gone unresolved, to everybody's disadvantage.	MPRA Report Recommendation 6 for NSW Government

Appendix 1 Synthesis of Stage 2 OCHRE Local Decision Making Evaluation findings (NCARA–State Accord, TRRA, IWAAC, MPRA) and comparisons to previous evaluation reports

LDM Evaluation site	Findings	Further information
TRRA	Quarterly reporting to the Task Group was the main mechanism for tracking implementation. There was no apparent use of an escalation mechanism written into the Accord if departments were not making progress. The underutilisation of existing escalation mechanisms in Accords, including access to an independent broker to support conflict resolution, was also reported in the IWAAC region. LDM enables community to 'truth test' the quality of services government has contracted other organisations to deliver in communities. LDM cultural competency training has only just begun within government in 2022 so it is too early to assess its impact. There is evidence of responsiveness in some areas. Aboriginal community lived experience is beginning to be understood, but government still needs to trust Aboriginal voices when they identify needs/opportunities and respond rather than push back. What enables responsiveness is the establishment of trusting relationships. TRRA delegates still express some frustrations that they are not listened to by government and issues are not responded to adequately.	TRRA Report Finding 2
IWAAC	Disagreements on what Accord activities have been achieved raised issues around the Accords reporting mechanism. Cultural awareness training was provided across key government departments, health services and schools. This service was provided through IWAAC to some extent. This training was also delivered by other providers. IWAAC felt they were disregarded by this decision. The previous IWAAC evaluation indicated government officials generally felt the Accord negotiation process was respectful to Aboriginal cultural protocols and ways of doing business, stating the process was flexible, negotiation protocols were developed, and government negotiations undertook cultural awareness training. IWAAC members felt aspects of the process were not respectful including that IWAAC members were unpaid volunteers, and the onus being on IWAAC to prove they were 'Accord ready' (Smyth & Katz, 2019).	IWAAC Report Recommendation 4 to NSW Government

Appendix 1 Synthesis of Stage 2 OCHRE Local Decision Making Evaluation findings (NCARA–State Accord, TRRA, IWAAC, MPRA) and comparisons to previous evaluation reports

LDM Evaluation site	Findings	Further information
	Many initiatives proposed in the Accord had to be reframed to fit current policy frameworks. Being responsive to Aboriginal needs and aspirations means initiatives proposed by IWAAC should be genuinely considered even when they do not fit the current policy framework or departmental rules.	
Accord Negotiation Evaluation Reports	In the Barang, IWAAC and TRRA regions confidentiality clauses prevented delegates from informing other ARA members and community members about progress on Accords, leading to community feeling excluded and disengaged from the LDM process. Confidentiality clauses conflict with obligations of ARA members as Aboriginal community leaders who are accountable to community members. Whilst cultural awareness training has occurred and Accord negotiation protocols have been established, previous reports found improved cultural competency within government was still required (Howard-Wagner & Harrington, 2022; Katz et al., 2019; O'Bryan & Thomas, 2022; Smyth & Katz, 2019). The need for clear timeframes was identified in previous MPRA and RMRA evaluations (CIRCA, 2015; O'Bryan & Thomas, 2022). RMRA received support from AANSW in keeping government negotiators accountable and ensuring negotiations were treated with gravity and professionalism.	Barang Accord Negotiation Evaluation Finding 9 RMRA Accord Negotiation Evaluation Finding 2 Stage 1 TRRA Report Section 3.5.1 Stage 1 IWAAC Report Section 3.8 CIRCA, 2015 Section 5
Access to local and regional data and information to support decision-making and Indigenous data sovereignty (see LDM Stage 2 Evaluation Question 5)		
Overview across Stage 2 Evaluation sites	Access to timely, relevant, accurate and interpretable data was consistently identified as critically important for effective Accord implementation across all sites. With investment, ARAs can forge new ground in relation to regional data gathering and regional data governance. There is a need for community infrastructure around data gathering. ARAs need to be funded to design, collect, analyse, and hold the data they require. Significant improvements to data collection and access are required to provide NCARA and ARAs with the data they need to make informed decisions. This was a finding across all Stage 2 Accord Negotiation Evaluation reports.	Stage 2 Preliminary Findings Report Case Study 11 & Recommendation 9

Appendix 1 Synthesis of Stage 2 OCHRE Local Decision Making Evaluation findings (NCARA–State Accord, TRRA, IWAAC, MPRA) and comparisons to previous evaluation reports

LDM Evaluation site	Findings	Further information
	ARAs currently rely on government administrative data. These data are frequently ill-suited to answering the questions that ARAs have about service needs and outcomes in their regions. MPRA, TRRA & IWAAC raised concerns that government data was highly inaccurate in relation to the realities on the ground. This demonstrates the importance of government being transparent with the data it uses to make decisions and checking the accuracy of data more directly with local Aboriginal organisations. Key impediments include poor data quality, issues with the accuracy of data, a mismatch between the geographical coding of the data and the geographies of interest to ARAs, a mismatch between the data collected and the interests of NCARA or ARAs, fragmented ways data is held across a multitude of government agencies, length of time it takes government to fulfil data requests, legislative barriers to data sharing, and privacy issues.	
NCARA	The LDM 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. Access to data has been limited to specific initiatives and has not extended to the provision of local and regional data to support decision making and Indigenous data sovereignty. NSW Government and NCARA should consider entering a formal plan around sharing data. This should be an Indigenous-led process identifying the needs of NCARA and ARAs and include a commitment to Indigenous data sovereignty.	NCARA–State Accord Report Finding 8
MPRA	LDM has increased local understanding of the importance of data to government decision-making, and the utility of quantitative data in persuading public sector officials. LDM has provided mixed degrees of access to administrative data held by government agencies, with some government agencies unwilling or unable to share the sort of information that would be useful to MPRA. Often requests from MPRA delegates could not be fulfilled, for example data sets corresponding to specific geographical units or communities, underscoring the need for more granular community-specific information.	MPRA Report Finding 6 for NSW Government MPRA Report Recommendation 7 to NSW Government

Appendix 1 Synthesis of Stage 2 OCHRE Local Decision Making Evaluation findings (NCARA–State Accord, TRRA, IWAAC, MPRA) and comparisons to previous evaluation reports

LDM Evaluation site	Findings	Further information
	Example: MPRA has been collecting their own data to better inform investment in the region. This ensures data reflects realities on the ground. For example, data collected to inform service delivery for housing across the region through RAHLA. This self-determined approach to data creation and access may be more promising for informing Accord negotiation and implementation than seeking access to government administrative data that was created for another purpose. It also aligns with the principles of Indigenous data sovereignty. MPRA raised concerns around delays in data delivery on the part of government agencies and that service mapping data was not provided in an acceptable format.	
TRRA	There has been very limited access to data through the Accord. Data held by government did not match the reality in communities. TRRA can play a valuable role in truth-testing the effectiveness of service delivery. ***Example: To determine which services are being provided in communities, and by whom, TRRA initiated its own Service Mapping Project. Through this project TRRA is ground testing issues such as service duplication, gaps, accessibility, appropriateness, and whether services are meeting their intended objectives. The information gained about services in the footprint is intended to assist decision making.*** Interpreting complex data may require some explanation and meaningful presentation.	TRRA Report Finding 8 TRRA Report Recommendation 10
IWAAC	LDM has facilitated IWAAC's access to high level regional data and budgetary information. Some of the data provided by government departments are complex to interpret which may lead to confusion and misinterpretation. Collaborative work is needed so all parties are better equipped to understand how to interpret both government and local data, and how different data can work together to improve understanding of local realities and identify important data gaps. It is important to establish what Indigenous data sovereignty means for different partners involved.	IWAAC Report Finding 10 IWAAC Report Recommendations to NSW Government 7, 11 & 12. Recommendation 5 to NSW Government & IWAAC

Appendix 1 Synthesis of Stage 2 OCHRE Local Decision Making Evaluation findings (NCARA–State Accord, TRRA, IWAAC, MPRA) and comparisons to previous evaluation reports

LDM Evaluation site	Findings	Further information
Accord Negotiation Evaluation Reports	Barang is leading the way in community data engagement, data gathering and data governance in NSW. ***Example: Ngiyang Wayama is the first Aboriginal-led and community-controlled Aboriginal Regional Data Network in the country. The NSW Government should work with the Aboriginal Regional Data Network to determine what data is most useful for informing negotiations, either through funding or partnership.***	Barang Accord Negotiation Evaluation
Resourcing		
Overview across Stage 2 Evaluation sites	LDM is insufficiently funded and resourced. This was a finding across all LDM Evaluation Reports to date. LDM relies on a high level of volunteerism. CWPs are entirely volunteer and receive no salaries. CWP Chairs and secretaries are remunerated for a fraction of the time they work. People central to the proper functioning of LDM processes are required to use personal leave to discharge their responsibilities. This issue amplifies power imbalances between the NSW Government and ARAs. This finding is consistent across all LDM Evaluation Reports to date. LDM promised greater flexibility in spending, but this is not yet evident in the negotiation of Accords. As funding is associated with specific aspects of the Accord, the model does not provide much flexibility regarding how the funding is used by ARAs. Providing some block funding could enable ARAs to initiate projects and be accountable for their realisation. MPRA representatives have suggested any funding be provided on flexible terms that allow CWP Chairs to direct resources in the way that will be most useful locally. Lack of flexibility in spending was also identified in the negotiation of the RMRA Accord (O'Bryan & Thomas, 2022).	Stage 2 Preliminary Findings Report Recommendation 7
NCARA	Insufficient resourcing was identified as a barrier to shared decision-making, constraining NCARA's ability to participate as an equal partner.	NCARA–State Accord Report Finding 5

Appendix 1 Synthesis of Stage 2 OCHRE Local Decision Making Evaluation findings (NCARA–State Accord, TRRA, IWAAC, MPRA) and comparisons to previous evaluation reports

LDM Evaluation site	Findings	Further information
MPRA	The resourcing of MPRA is inadequate. Commonwealth funds support much of the basic operations of MPRA. Without this cross-subsidy, MPRA would be unable to participate as effectively in LDM. Similarly, Barang used Empowered Communities funding to cross-subsidise the time spent on LDM Accords. MPRA has tried to mentor young people into leadership positions within MPRA, but the inability to support career progression through LDM structures means their contributions are frequently curtailed.	MPRA Report Finding 4 for NSW Government MPRA Report Recommendations 3 & 4 to NSW Government
TRRA	Funding for TRRA was insufficient from the outset. Having two paid TRRA staff from 2020 made a significant difference; in 2019 relying on volunteers, who already have demanding paid jobs to fulfil, achieved very little. Two staff was very insufficient even then. Only since March 2022, with additional support from government, was TRRA able to partner adequately across all areas of the Accord. Ongoing and increased funding is required to sustain TRRA's regional governance role with greater effect.	TRRA Report Key Findings
IWAAC	Apart from two paid employees, IWAAC relies on a board of volunteers, and community representatives on the Priority Area Working Groups are also volunteers. IWAAC was not appropriately resourced to implement the large number of objectives and priorities listed in the Accord. The current short-term funding model prevents IWAAC from planning for the longer-term. This was also identified as an issue for RMRA (O'Bryan & Thomas, 2022). The failure of the government to provide IWAAC with two support workers from the outset of the Accord implementation impeded IWAAC's capacity to fully participate in the process, leaving them short of a key resource which would have been essential to resolve misunderstandings around the Accord.	IWAAC Report Findings 7 & 11 IWAAC Report Recommendation 7 to NSW Government

Appendix 1 Synthesis of Stage 2 OCHRE Local Decision Making Evaluation findings (NCARA–State Accord, TRRA, IWAAC, MPRA) and comparisons to previous evaluation reports

LDM Evaluation site	Findings	Further information
Accord Negotiation Evaluation Reports	The reallocation of existing resources from within agency budgets was identified as an issue across all Accord Negotiation Evaluation Reports. This funding arrangement did not result in a net gain for LDM communities (Howard-Wagner & Harrington, 2022). Lack of clarity around the redirection of funds undermined the integrity of the co-design process, constrained innovation, and cross-departmental cooperation, and led to a 'business as usual' approach being the default position of government (O'Bryan & Thomas 2022; O'Bryan et al., 2022). Some public officials reported a lack of interest in reallocating funds within agency budgets that were already under stress (CIRCA, 2015). These budget issues suggest funding should be reallocated earlier in the process (Howard-Wagner & Harrington, 2022). Cross-regional inequalities between the financial capacity of different ARAs was evident (O'Bryan & Thomas, 2022) NSW procurement policies impeded the allocation of funding for proposed Accord schedules (Howard-Wagner & Harrington, 2022).	Barang Accord Negotiation Evaluation Finding 4 MPRA Accord Negotiation Evaluation Finding 8 RMRA Accord Negotiation Evaluation Finding 7
Communication		
Overview across Stage 2 Evaluation sites	Clear communication between ARAs and communities is crucial. It allows for transparency and creates a sense of mutual accountability. There is limited awareness and understanding of LDM within local communities. Improved communication between ARAs and local communities is required across the MPRA, TRRA and IWAAC Evaluation sites. This is consistent with the findings of all Stage 1 LDM Evaluation Reports. Additional resourcing and support are required to enable ARAs to communicate more effectively.	Stage 2 Preliminary Findings Report Recommendation 9
MPRA	Several community members have raised concerns about current communication practices. Communications of uneven quality and regularity leads to lack of clear understanding about the role, scope, function, and powers of MPRA, CWPs and their members. This contributes to intra-community tensions and can lead community members losing trust and disengaging from their CWPs.	MPRA Report Finding 4 for NSW Government MPRA Report Recommendation 2 for MPRA

Appendix 1 Synthesis of Stage 2 OCHRE Local Decision Making Evaluation findings (NCARA–State Accord, TRRA, IWAAC, MPRA) and comparisons to previous evaluation reports

LDM Evaluation site	Findings	Further information
	This reflects findings of the Stage 1 MPRA Evaluation which found information about MPRA's governance structure, decision-making process, community representation, and LDM priorities under the Accord needed to be communicated more widely to local communities (Katz et al., 2018). A more thorough communication strategy is needed across all communities in the region.	
TRRA	The TRRA communication strategy involved a booklet about the Accord, a TRRA website and Facebook page. TRRA distributed minutes of its meetings to delegates, and the Secretariat provided extensive information by email. Most community members knew very little, if anything, about the Accord or its achievements. Limited resourcing, complex social dynamics across a large and diverse region, and that there was only a limited communication strategy about the Accord and LDM undertaken by government contributed to this situation.	TRRA Report Recommendation 13
IWAAC	Local communities remain largely unaware of LDM. This reflects the lack of an effective communication strategy, and strong divisions existing among communities across the IWAAC footprint. The responsibility to reach out to the communities has been acknowledged by all parties as being shared by both IWAAC and partner NSW Government departments. Support from the NSW Government in explaining IWAAC's role and how it complements and interacts with other local Aboriginal organisations may help reduce tensions within local communities, support healing processes, and increased community engagement and trust in LDM.	IWAAC Report Findings 3 & 4 IWAAC Report Recommendation 2 to NSW Government & IWAAC
LDM Governance Network		
Overview Stage 2 LDM Evaluation sites	LDM can be a vehicle for grassroots regional Aboriginal governance, enabling voices of communities and regions to reach the NSW Government through Aboriginal regional governance structures. LDM is enabling communities to create their own regional models of representative governance suitable to their circumstances.	Stage 2 Preliminary Findings Report Finding 1

Appendix 1 Synthesis of Stage 2 OCHRE Local Decision Making Evaluation findings (NCARA–State Accord, TRRA, IWAAC, MPRA) and comparisons to previous evaluation reports

LDM Evaluation site	Findings	Further information
NCARA	NCARA is a self-organised, autonomous, self-determining, unincorporated Aboriginal governance body independent of government. It gives voice, direction, and structure for regional and community participation at the state level. NCARA's strength is that it is accountable to LDM regions and communities, not government. LDM regions and communities drive NCARA's agenda. NCARA is a point of coordination and collaboration across regions. Common experiences across LDM regions are shared and innovative solutions are potentially co-developed at the state level. It provides the opportunity for Chairs and Regional Alliance/Assembly staff to support, mentor, and collaborate with each another. NCARA's formation as a high-level representative body created a wider interconnected LDM governance network which enables Aboriginal governance bodies to interact with NSW Government agencies at all levels (community, regional and state level). It has strong horizontal and vertical integration with NSW Government agencies. The governance of government needs to be strategically directed from above to facilitate transformational systemic, cultural, and organisational change across NSW Government agencies. This requires leadership from NSW Government. NCARA members are community leaders and have a strong sense of obligation, responsibility, and commitment to furthering the interests of LDM regions and communities. There are high levels of goodwill, volunteerism, and political capital staked by NCARA members. As community leaders they bring 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. The current arrangement whereby the NCARA Secretariat is housed within AANSW, and is a public sector official, impacts on public perceptions about NCARA as a body autonomous from NSW Government.	NCARA–State Accord Report Findings 1, 2 & 3 NCARA–State Accord Report Recommendation 1
MPRA	MPRA provides an effective vehicle for the amplification of community voices in the region. MPRA works to enhance Aboriginal leadership across the region and builds on a long history of self-determination in the region. The Assembly is a powerful advocate that represents and advances the	MPRA Report Findings 1 & 2 for NSW Government

Appendix 1 Synthesis of Stage 2 OCHRE Local Decision Making Evaluation findings (NCARA–State Accord, TRRA, IWAAC, MPRA) and comparisons to previous evaluation reports

LDM Evaluation site	Findings	Further information
	interests of Aboriginal people autonomously. While MPRA existed for many years before LDM and is not solely reliant on the NSW Government for funding, LDM has contributed to MPRA's capacity to fulfil its functions. MPRA representatives' local networks, Aboriginal knowledge and cultural understanding has the potential to aid in making informed, culturally appropriate decisions and policies that meet specific needs of communities. Aboriginal community leaders have advocated for community trust in the initiative, demonstrating a profound commitment to the LDM model and Accord-making process and staking their own local credibility on the initiative. The success of the LDM initiative rests on the strength and efficacy of the CWP model. There's a need to enhance the operational and governance capacity of the CWPs, including transparent accountability mechanisms. The extent to which CWPs are truly representative of the community is a key issue. The challenges in ensuring comprehensive community representation within CWPs partly reflect existing levels of community cohesion. In some places, pre-existing divisions in community have been heightened by LDM. This is consistent with the Stage 1 MPRA Evaluation which found mixed views on whether local communities were adequately and equally represented by MPRA. Lack of transparency around representation on MPRA was identified as a key issue (Katz et al., 2018). A clear process for dealing with disputes would ensure that all voices are heard, and issues are dealt with transparently. Where there is significant distrust between parts of the community, and MPRA and the Community Working Party, one strategy could be to introduce a neutral, external Aboriginal facilitator. The NSW Government may wish to consider investing in Aboriginal facilitator training and development as part of their commitment to healing in the ***OCHRE*** strategy. LDM has contributed to building the capacity of young leaders in the MPRA region. ***Example: Those involved in the Commonwealth Government's Indigenous Youth Leadership Program noted the extent to which being involved in the LDM process created new and supported leadership opportunities. Sitting at the table with MPRA leaders and senior government figures helped them to***	MPRA Report Findings 1, 2, 3 & 4 for Community MPRA Report Recommendation 1 for NSW Government MPRA Report Recommendation 3 & 4 for MPRA

Appendix 1 Synthesis of Stage 2 OCHRE Local Decision Making Evaluation findings (NCARA–State Accord, TRRA, IWAAC, MPRA) and comparisons to previous evaluation reports

LDM Evaluation site	Findings	Further information
	better understand the machinery of government, and the contribution they could make to their own communities and across the region.	
TRRA	Through TRRA, Aboriginal people have a strong mechanism to have input to government on matters that affect them. TRRA's capacity to know how and where to influence particular decisions has grown significantly in the last two years. TRRA provides a suitable model of regional governance, but its composition may need review and the connections to its communities could be strengthened. LDM has enabled community members to better understand government processes. The quality, determination, and sheer hard work of TRRA staff and volunteers has been a big factor in TRRA's achievements	TRRA Report Finding 10 & Recommendation 11
IWAAC	Despite IWAAC's efforts to include several voices, IWAAC's legitimacy in representing all communities within the region has been questioned. As a result, some of these communities may not currently feel that they are included, represented, or empowered by LDM. IWAAC is working at expanding and diversifying its membership to increase its representation. The degree to which IWAAC is representative of communities in the region was also raised in the Stage 1 IWAAC Evaluation, noting the difficulties of establishing credibility within community as a relatively new entity set up in response to LDM. The very different realities, demographic characteristics, needs, and aspirations of the Illawarra and the Wingecarribee communities have posed challenges in terms of the distribution of resources and realisation of initiatives. This issue was also identified in the Stage 1 IWAAC Evaluation, with Illawarra having a significantly larger First Nations population than the Wingecarribee. Some public sector officials suggested enhancing IWAAC's familiarity with government processes would be beneficial.	IWAAC Report Recommendation 1, 2 & 4 to IWAAC

Appendix 1 Synthesis of Stage 2 OCHRE Local Decision Making Evaluation findings (NCARA–State Accord, TRRA, IWAAC, MPRA) and comparisons to previous evaluation reports

LDM Evaluation site	Findings	Further information
Accord Negotiation Evaluation Reports	LDM has served as the catalyst for the development of strong Aboriginal regional governance bodies. Barang Regional Alliance was found to be an exemplar of First Nations governance and regional representation. The formation of Barang has brought stakeholders together and allowed them to align, unify, and strengthen their mutual interests, enabling a holistic service delivery environment for Aboriginal people on the Central Coast (Howard-Wagner & Harrington, 2022). That LDM does not operate at the Commonwealth level of government was identified as a structural issue, limiting what could be addressed through the initiative as many services are funded by the Commonwealth government (CIRCA, 2015; Smyth & Katz, 2019). The LDM governance structures which pre-date LDM, Barang Regional Alliance and MPRA, engage with the NSW, Commonwealth, and local governments through a variety of mechanisms not limited to LDM. These efforts beyond the specific remit of LDM are synergistic with contemporary First Nations policy agendas and work to strengthen the effectiveness of Aboriginal ARAs (Howard-Wagner & Markham, 2023).	Barang Accord Negotiation Evaluation CIRCA, 2015 Section 5 Smyth & Katz, 2019 Section 3.1.5 Stage 2 Preliminary Findings Report. Finding 1
Transforming Government		
Overview across Stage 2 LDM Evaluation sites	Effective functioning of the LDM initiative requires a change in the relational dynamic and the way NSW Government agencies do business with Aboriginal governance bodies and their communities. This transformation centres around structural, systemic, and service delivery change Transformational change is about sharing knowledge and power, collaborating, responding to local contexts to empower Aboriginal people, and ultimately transferring decision-making authority around service delivery to LDM communities. NSW Government agencies have struggled with all forms of transformational change – changing relationships, sharing decision-making, devolving service delivery and sharing data.	Stage 2 Preliminary Findings Report Finding 2 & Recommendation 1
NCARA	Government transformation has been difficult to achieve around implementation of the NCARA–State Accord. Challenges lie within the public sector, specifically a lack of public sector leadership, governance, and transformation around the LDM initiative.	NCARA–State Accord Report Finding 9 NCARA–State Accord Report Recommendation 2

Appendix 1 Synthesis of Stage 2 OCHRE Local Decision Making Evaluation findings (NCARA–State Accord, TRRA, IWAAC, MPRA) and comparisons to previous evaluation reports

LDM Evaluation site	Findings	Further information
	There is an absence of centralised leadership, operational responsibility and accountability around the LDM initiative within NSW Government agencies. LDM needs to be the responsibility of a centralised agency and a high-level public official should be appointed as the lead person responsible for LDM on behalf of the NSW Government, who drives and takes oversight of LDM.	
MPRA	Too often business as usual approaches prevail within government. Stage 1 MPRA Evaluations also found that government maintained business-as-usual approaches, continuing to work in separate silos with limited commitment to innovation (CIRCA, 2015). All Stage 2 Accord Negotiation Evaluation reports also found whole-of-government collaboration to be lacking, privileging top-down policy coordination instead of facilitating decision making that is driven from the grassroots up through ARAs (O'Bryan et al., 2022; O'Bryan & Thomas, 2022; Howard-Wagner & Harrington, 2022). The RMRA report acknowledged the Accord negotiation process had worked to break down silos in the short term, but there was a lack of sustained commitment to the holistic model of service delivery and cross-agency cooperation sought by RMRA. There is need for a significant transformation within government operations. This transformation requires leadership and commitment from public officials to enact necessary structural reforms to genuinely devolve resources and decision-making power associated with service delivery to regional and local representative bodies. Where departments have committed to the objectives and processes of LDM, it has had a positive impact on policy development, and on internal government processes, inspiring intra-departmental collaboration. Public officials report instances of the breaking down of silos within government had led to better outcomes.	MPRA Report Recommendation 7 for NSW Government
TRRA	Outcomes were hindered when public officials were not willing to work innovatively and trust Aboriginal people or respond adequately to their genuine concerns. For example, government argued existing policies around student suspensions could not be changed. This reflects the Stage 1 TRRA Evaluation which found limited scope for flexibility and policy innovation within LDM (Katz et al., 2019). Frustrations around the inflexibility of policy frameworks in	TRRA Report Finding 7

Appendix 1 Synthesis of Stage 2 OCHRE Local Decision Making Evaluation findings (NCARA–State Accord, TRRA, IWAAC, MPRA) and comparisons to previous evaluation reports

LDM Evaluation site	Findings	Further information
	relation to school suspension policies for Aboriginal students was also identified in the Stage 1 IWAAC Evaluation.	
IWAAC	Initiatives proposed as part of the Accord had to be realised within the current structures and policy frameworks. There was little scope to make changes to policies and programs or to trial new ideas and approaches. This demonstrates government's continuation of a business-as-usual approach. Government departments still largely control the ways programs and services are framed and delivered which contradicts the principles of shared decision-making and self-determination underpinning the LDM model. From IWAAC's perspective, supporting the self-determination objective of LDM, and potentially treaty negotiations, would require a partnership that is more flexible and is not pre-determined by policy frameworks that cannot be adapted. There is scope for the relationship to become more flexible in the future and more amenable to First Nations structures and aspirations.	IWAAC Report Recommendation 5 to NSW Government
Interactions with the Broader Policy Environment		
Overview across Stage 2 LDM Evaluation sites	There is a complementarity between LDM and broader Aboriginal policy initiatives including Treaty, and the National Framework on Closing the Gap. LDM's policy intentions were sometimes trumped by other NSW policies which compete with and obstruct the negotiation of Accord schedules and the reform goals of LDM. LDM is vulnerable to disruption by external events such as the adoption of competing policy frameworks. This places the significant investment and progress that has been made through LDM at risk. ***Example: The introduction of the National Agreement on Closing the Gap in 2020 caused a period of over two years of uncertainty about the future of the LDM initiative. This uncertainty resulted in reduced public official investment of time and effort in LDM, stalling of Accord implementation, the withdrawal of the Department of Regional NSW from their role in coordinating LDM, short term funding agreements which prevented long-term planning, damaged relationships, and contributed to a loss of faith in the government's commitment to LDM. NSW Government has now recognised the LDM initiative as a complementary measure that reinforces and enhances the Closing the Gap***	Stage 2 Preliminary Findings Report Finding 6

Appendix 1 Synthesis of Stage 2 OCHRE Local Decision Making Evaluation findings (NCARA–State Accord, TRRA, IWAAC, MPRA) and comparisons to previous evaluation reports

LDM Evaluation site	Findings	Further information
	strategy, rather than viewing LDM as an initiative with a potentially competing set of structures and demands. The Stage 1 MPRA Evaluation noted how the history of short-lived policies erodes communities trust in new initiatives, underscoring the importance of consistent commitment to LDM (Katz et al., 2018). The negotiation of Treaties in NSW may overshadow or divert resources from other initiatives, such as LDM. Shifting policy priorities and confusion about overlapping First Nations representative structures has been a key barrier to driving change.	
NCARA	The challenge for the NSW Government is how to progress LDM alongside other Aboriginal policy initiatives in NSW, such as Voice, Treaty and the National Framework on Closing the Gap. LDM's multi-level Aboriginal governance structure is seen as important to facilitating other Aboriginal policies in NSW.	NCARA–State Accord Report Finding 1 & Recommendation1
MPRA	Some government agencies limit engagement with MPRA to matters related to Accord negotiation or implementation. Consequently, key decisions regarding other service-delivery issues outside of LDM are often made before consulting with MRPA, or without consultation. Government departments view CWPs as one of many Aboriginal stakeholders. Separate meetings with various Aboriginal stakeholders have led to confusion and tension within communities. A legislated framework for LDM would give a more stable and secure environment for the public sector and Aboriginal communities to operate. It could encourage more genuine and compulsory participation in LDM by NSW Government. MPRA representatives expressed concerns that legislating LDM may undermine MPRA's autonomy and independence. Enhancing the legal standing of the Accords by creating enforceable obligations on NSW Government could mitigate the impact of external events on LDM, offering a secure environment for the implementation of Accords without compromising the independence of the Assembly.	MPRA Report Finding 9 for NSW Government

Appendix 1 Synthesis of Stage 2 OCHRE Local Decision Making Evaluation findings (NCARA–State Accord, TRRA, IWAAC, MPRA) and comparisons to previous evaluation reports

LDM Evaluation site	Findings	Further information
TRRA	Some Accord agreements were difficult to implement from a government perspective where they conflicted with existing departmental policy or government outsourcing/contracting led to perceived lack of control over outcomes. NSW Department of Education's relationship with the AECG and its Closing the Gap framework took priority over TRRA. Government needs to better align LDM with its Closing the Gap commitments to create a more integrated policy framework and to ensure that local priorities and concerns inform implementation. In line with self-determination, Aboriginal communities should be free to decide whether they want to engage in LDM or in place-based partnerships through Closing the Gap, or whether there is room for both, as well as how they relate to the Voice.	TRRA Report Finding 7 & 11 TRRA Report Recommendation 2 to NSW Government
IWAAC	There were misunderstandings shared by both IWAAC and government departments regarding what could be achieved through the Accord, with some commitments appearing to run up against existing NSW Government policies. Government departments hold partnership agreements with other groups representing local communities, for example AMSs and AECGs. Collaborations between government and these groups have at times been interpreted by IWAAC as government dismissing the role of IWAAC. Better communication, more clarity and transparency around these existing partnership agreements and their purposes could improve trust between parties. Uncertainty surrounding how existing relationships and obligations would interact with LDM was identified in the Stage 1 TRRA Evaluation. Some IWAAC Accord Schedule objectives were objectives government departments had regardless of the Accord. Now that the NSW Government has recognised the strong synergy existing between LDM and the Closing the Gap framework, IWAAC could be in a good position to become a central partner in delivering Closing the Gap targets. IWAAC members identified the LDM model as having potential for laying the groundwork for treaty negotiations.	IWAAC Report Findings 5 & 8 IWAAC Report Recommendation 3 & 4 to NSW Government IWAAC Report Recommendation 3 to IWAAC IWAAC Report Recommendation 4 to NSW Government & IWAAC

Appendix 1 Synthesis of Stage 2 OCHRE Local Decision Making Evaluation findings (NCARA–State Accord, TRRA, IWAAC, MPRA) and comparisons to previous evaluation reports

LDM Evaluation site	Findings	Further information
Accord Negotiation Evaluation Reports	The RMRA & MPRA Accord Negotiation Evaluations found some government negotiators felt that the Accord was duplicating this engagement with Aboriginal communities and/or were worried they were being torn between competing priorities of different representative groups. This confusion and resistance were tied to a lack of understanding about the role of LDM amongst some Lead Agency Negotiators (O'Bryan & Thomas, 2022; O'Bryan et al., 2022). Clear direction from the highest levels of government on the connections between intersecting representative structures may be required to address this confusion. Barang demonstrated significant foresight and a capacity to align community priorities with potentially competing state and Commonwealth policy objectives including LDM, Empowered Communities, and Closing the Gap. Policy intentions of LDM were often overridden by other NSW Government policies or processes. For example, procurement policies, and the NSW Department of Education's state-wide suspension policies.	MPRA Accord II Negotiation Evaluation Report Finding 5 RMRA Accord Negotiation Evaluation Report Finding 6 Barang Accord Negotiation Evaluation
Accord Implementation		
NCARA	The Accord formalises a collaborative partnership between NSW Government and NCARA at the state level. It acknowledges that matters dealt with in all Accords are binding on the NSW Government. The Accord jointly commits both parties to work together to support, renew and return Aboriginal people to prosperity. For NCARA, reclamation of prosperity is social, cultural, spiritual, political and interconnected with community wellbeing, shared wealth, economic development, autonomy and self-determination. The Accord is underpinned by a commitment to meet and work together based on the principles of knowledge sharing, joint decision-making, co-design and informed consent. Those principles are yet to be adhered to. There has been no substantial progress on the state Accord Schedules.	NCARA–State Accord Report Finding 3

Appendix 1 Synthesis of Stage 2 OCHRE Local Decision Making Evaluation findings (NCARA–State Accord, TRRA, IWAAC, MPRA) and comparisons to previous evaluation reports

LDM Evaluation site	Findings	Further information
MPRA	The implementation of Accord II is progressing slowly and unevenly across NSW Government agencies. Community members expressed frustration at the lack of improved outcomes on the ground. A holistic approach that includes, long-term government commitment, more significant investment, power devolution and structural reforms alongside LDM will be necessary for creating lasting positive change.	MPRA Report Findings 3 & 7 for NSW Government MPRA Report Recommendation 9
TRRA	There was a slow start to Accord implementation due to staff turnover, machinery of government changes, lack of clarity about leadership in relation to the Accord, misunderstandings of what was required from government and how the partnership should operate, no implementation plan, and inadequate resourcing of TRRA. The COVID-19 pandemic further impacted on progress. The Accord was difficult to interpret and operationalise in some areas and it did not always reflect what TRRA and the communities knew they needed. The NSW Government–TRRA Task Group developed a Key Performance Indicator (KPI) matrix and associated activities for each section of the Accord. Building relationships with local governments into future planning would enhance opportunities to achieve outcomes. The Aboriginal Procurement Policy is not being implemented adequately. It is important for TRRA to be at the table with contractors. TRRA could also play a valuable role in truth-testing what is happening on the ground. The IWAAC Evaluation also identified issues around the Aboriginal Procurement Policy, including the lack of clarity around the attribution of funds. This contributes to a lack of trust as funding seems to be directed primarily towards large non-Aboriginal organisations.	TRRA Report Findings 3 & 4 TRRA Report Recommendation 3, 5, 6, 7, 8 & 9 TRRA Report Recommendation 12
IWAAC	From IWAAC's perspective, a lot of good ideas emerged from the period leading to the signature of the Accord. Many of these ideas emerged in consultation with local communities and reflect local aspirations. However, implementation of the IWAAC Accord has been met with significant challenges.	IWAAC Report Findings 5, 6 & 9 IWAAC Report Recommendation 5 to IWAAC

Appendix 1 Synthesis of Stage 2 OCHRE Local Decision Making Evaluation findings (NCARA–State Accord, TRRA, IWAAC, MPRA) and comparisons to previous evaluation reports

LDM Evaluation site	Findings	Further information
	IWAAC felt the Accord involved significant compromise on their part, and that LDM did not significantly level power relations. There should be space to discuss and negotiate how policy could be amended to accommodate First Nations aspirations and initiatives that may not sit well with current policy so that compromises are not one-sided. There were misunderstandings shared by both IWAAC and government departments regarding what was actually negotiated and what could be achieved through the Accord, alongside misunderstandings around operationalisation of the Accord. Central to these misunderstandings were conflicting expectations as to how the LDM model was designed to support the principles of self-determination, First Nations priorities and involvement in decision making. Having a senior officer and policy advisor joining IWAAC from the outset of the implementation phase as originally planned, could have helped minimise misunderstandings. High turnover of staff within government and members within IWAAC was identified as a significant barrier to implementing the Accord in the spirit in which it was negotiated and contributed to misunderstandings.	
Accord Negotiation Evaluation Reports	The development of the Statement of Claim, through engagement with communities and the collection of local data, is a mechanism for Aboriginal people to have a say on how to improve their lives and their needs in relation to service delivery. However, there is presently an under-investment in this phase of the Accord negotiation process. While an important mechanism for Indigenous agreement-making and creating formal partnerships, Accord negotiations are presently not adhering to best practice principles, such as negotiating in good faith. Examples include negotiations failing to facilitate outcomes aligned with the Statement of Claim; negotiations failing to foster innovative, creative, and holistic solutions; and Accord Schedules remaining unsigned for long periods of time. Such experiences are leading to ARAs and their communities losing faith and trust in NSW Government. Accord negotiations are presently structurally hampered by the 'authorising environment', such as the lack of authority and high turnover of Lead Agency Negotiators and the lack of integrated responses between NSW Government agencies (CIRCA, 2015; Howard-Wagner et al., 2022; Katz et al., 2018; Katz et al., 2019).	Stage 2 Accord Negotiation Evaluation Synthesis Report

Appendix 1 Synthesis of Stage 2 OCHRE Local Decision Making Evaluation findings (NCARA–State Accord, TRRA, IWAAC, MPRA) and comparisons to previous evaluation reports

LDM Evaluation site	Findings	Further information
	More should be done to ensure that Accords, and the parties who negotiate them, are set up to succeed. The need for more induction prior to the commencement of negotiations has been identified across Stage 1 and 2 LDM Evaluations (CIRCA, 2015; Howard-Wagner & Harrington, 2022; Katz, 2019; O'Bryan & Thomas 2022; Smyth & Katz, 2018).	