Australian National University

OCHRE LOCAL DECISION MAKING STAGE 2 EVALUATION: THREE RIVERS REGIONAL ASSEMBLY EVALUATION REPORT

J. HUNT, A. LONSDALE, S. OLSEN AND A. THOMASSIN

Centre for Aboriginal Economic Policy Research
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OCHRE Local Decision Making Stage 2 Evaluation: Three Rivers Regional Assembly Evaluation Report

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Abstract

This report presents the findings of an evaluation of the implementation of the Three Rivers Regional Assembly (TRRA) Local Decision Making Accord. The evaluation was co-designed with TRRA and key public sector officials involved in implementing the Accord. Its findings are based on the research team's independent assessment of the data collected. The evaluation methods included a workshop with TRRA delegates; interviews or yarning circles with TRRA staff, delegates and former delegates, Elders, Local Aboriginal Land Council Chief Executive Officers and Board members, and many other community members, as well as interviews with senior government staff involved in implementation of the Accord.

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

Acknowledgments

The CAEPR research team acknowledges Country and Elders past, present and future in TRRA communities. The TRRA footprint is predominantly located within the northwest of the Wiradjuri nation and extends into the Weilwan and Wongaibon nations.

We wish to thank TRRA, their member organisations and associated community-controlled organisations for their helpful collaboration in carrying out this evaluation including for allowing us time during TRRA meetings, organising special TRRA sessions to consider the evaluation in depth, assisting the Community Based Researchers and for their time in being interviewed. We also thank and acknowledge the contributions of employees of the NSW Government and one external consultant.

We also wish to thank Aboriginal Affairs NSW which commissioned CAEPR to undertake the evaluation and funded it. Thanks also to the *OCHRE* Steering Committee members, particularly Associate Professor Lynette Riley (Chair), Professor Gawaian Bodkin-Andrews, Samantha Faulkner and Ben Barnes, and Aboriginal Affairs NSW, for their detailed consideration of and feedback on the draft version of this report. The Report however reflects the views of the authors and those they interviewed, not those of Aboriginal Affairs NSW.

Acronyms

AANSW	Aboriginal Affairs New South Wales
Accord	A Local Decision Making Accord defines the relationship between the government and participating Aboriginal communities
ACCHO	Aboriginal Community Controlled Health Organisation
ACT	Australian Capital Territory
AEC	Aboriginal Education Committee
AECG	Aboriginal Education Consultative Group
AHO	Aboriginal Housing Office
AIATSIS	Australian Institute of Aboriginal and Torres Strait Islander Studies
AMS	Aboriginal Medical Service
ANU	Australian National University
APP	Aboriginal Procurement Policy
CAEPR	Centre for Aboriginal Economic Policy Research
CBR	Community Based Researcher
COAG	Council of Australian Governments
CTG	Closing the Gap (National Agreement)
CTG 2020	(New) National Agreement on Closing the Gap
CWP	Community Working Party
DCJ	Department of Communities and Justice (NSW)
KPI	Key Performance Indicator
LALC	Local Aboriginal Land Council
MPRA	Murdi Paaki Regional Assembly
NAIDOC	National Aboriginal and Islander Day of Observance Committee
NCARA	NSW Coalition of Aboriginal Regional Alliances
NGO	non-government organisation
NIAA	National Indigenous Australians Agency
NSW	New South Wales
NSW CAPO	NSW Coalition of Aboriginal Peak Organisations
OCHRE	Opportunity, Choice, Healing, Responsibility, Empowerment
PES	Professional & Ethics Standards
RAP	Reconciliation Action Plan
RIBA	Regional Industry Based Agreement
TRRA	Three Rivers Regional Assembly

Contents

100 years of activism for self-determination

The people of the region which the Three Rivers Regional Assembly covers have been seeking self-determination for at least 100 years. In the centre of Dubbo stands a magnificent bronze statue of Aboriginal activist William Ferguson (1882–1950). On the plaque we read that Ferguson lived in various towns in western New South Wales, settling permanently in Dubbo from 1933 until his death in 1950. He was a church elder, a member of the Australian Workers Union and until June 1949, a member of the Australian Labor Party. He was trying to improve conditions of all those who worked on the land, and in 1923 was particularly angered when the Aborigines Protection Board began removing Aboriginal children from parents. When the Board's powers were increased in 1936, he was stunned and realised that the Aboriginal people's only hope was to have an Aboriginal voice in the government. On June 27, 1937 he launched the Aborigines Progressive Association and then, with others, organised the Day of Mourning in 1938. In 1949 he became vice-president of the Australian Aborigines League, and stood for election as an Independent for the seat of Lawson, which included Dubbo. His platform was based on the United Nations Declaration of Human Rights and civil rights for all; he stressed the importance of self-determination.[1]

This Report is being finalised almost 100 years since the Aborigines Protection Board started removing Aboriginal children from their parents, which motivated William Ferguson's activism and his call for self-determination.

[1] Summarised from the inscription on the statue of William Ferguson in Dubbo town centre.

Executive Summary

The Australian National University (ANU) Centre for Aboriginal Economic Policy Research (CAEPR) was commissioned by Aboriginal Affairs NSW (AANSW) to conduct an independent evaluation of Local Decision Making, an initiative under the *OCHRE* plan for Aboriginal affairs in New South Wales (NSW). This co-designed, participatory evaluation is taking place over four years from 2020 to 2023[2] across three NSW regions, represented by three Aboriginal Regional Alliances/Assemblies, and at a state level with the NSW Coalition of Aboriginal Regional Alliances (NCARA). The evaluation is guided by a strengths-based methodology that brings together First Nations' knowledge with that of the public sector and academia.

For the NSW Government, the announcement of *OCHRE* (Opportunity, Choice, Healing, Responsibility, Empowerment) signalled the beginning of a new way of working with Aboriginal communities, based on an emphasis on partnerships, agreements, and accountability structures.

Local Decision Making is one of several *OCHRE* initiatives set up to support Aboriginal self-determination and priorities. For the NSW Government, Local Decision Making represents an ongoing commitment to transferring greater control of program design and delivery to Aboriginal communities. Regional Aboriginal representative bodies (Aboriginal Regional Alliances/Assemblies) negotiate formal and binding agreements (Accords) with NSW Government agencies that influence what government services are delivered to regional Aboriginal communities and how those services are delivered.

In this context, Accords are a central mechanism by which the staged devolution of decision making and accountability to the local level under Local Decision Making is negotiated. Through transferring power to make decisions about service delivery, Local Decision Making aims to transform the relationship between Aboriginal communities and the NSW Government to one of partnership. Local Decision Making and Accord-making is currently taking place at a state level with NCARA and in nine regions across NSW, represented by nine Aboriginal Regional Alliances/Assemblies. Each region is at a different stage in the Accord-making or implementation process.

AANSW is responsible for coordinating the overall Accord negotiation and implementation of Local Decision Making.This report presents the findings of an evaluation of the implementation of the Three Rivers Regional Assembly (TRRA) Local Decision Making Accord (see Appendix C), which was signed on December 10, 2018 (New South Wales Government & TRRA, 2018).

Evaluation questions

The evaluation of the TRRA Accord answers the following questions:

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

[2] The evaluation was seriously delayed due to Covid-19 interrruptions (see Appendix A).

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

These core evaluation questions were provided by AANSW and are the same for each Local Decision Making region participating in the Stage 2 *OCHRE* Local Decision Making Evaluation.

The research team also explored the following questions developed in partnership with TRRA and public sector officials engaged in the TRRA Accord:

1. What were the expectations of all those involved in delivering the Accord agreements of each other in the partnership (roles, responsibilities, actions) and processes of implementation? How did each understand 'working in partnership' and how realistic were the expectations? What opportunities are there to build the relationship further?
2. What processes were used to communicate and implement the commitments made in the Accord within government and TRRA communities (including TRRA/Government arrangements, reporting systems, and levels of participation to achieve TRRA goals)?
3. What are the outcomes and successes of the Accord and what has enabled those, including unforeseen positive outcomes?
4. What were challenges of Accord implementation in the TRRA footprint (including as government policy, personnel and structures changed)? How, and to what extent, did the Local Decision Making model and TRRA Accord shift decision making about funding of services across the TRRA footprint?
5. What lessons have been learnt, including what is required to improve outcomes? What would be needed to make the Local Decision Making regional governance approach sustainable?

Key findings

This evaluation has illustrated that TRRA has developed considerable capacity to partner with government over the last 2–3 years. Aboriginal delegates to TRRA have put a lot of time into the negotiation and implementation of the Accord over more than seven years. Although outcomes are still limited, Local Decision Making has given Aboriginal people in the TRRA footprint some hope and a greater voice, and this is making small but valuable changes where government is responsive. This is not the time for government to step back from the Local Decision Making initiative which has support within as well as outside government. Rather, government needs to better align this regional governance arrangement with its Closing the Gap commitments to ensure that local priorities and concerns inform the implementation in each region, and local community and government officers work within a more integrated policy framework. It is important that the strengths and knowledge of Aboriginal communities are recognised and built on over coming years. The growing capacity of TRRA could be invaluable in helping 'gaps' close in regional areas. Most important is that Aboriginal people see significant improvements in outcomes in areas such as education, housing, economic development and health as a result of government :policies. They want more emphasis on action rather than words.

It should be noted that the relationship between TRRA and the government at the end of the Accord negotiations was perhaps not as good as in subsequent Local Decision Making Accords elsewhere, where more effort was put in before negotiations began to build the relationship, trust and respect among the parties. This did not happen in the case of the TRRA Accord where negotiations were more formal. Then, when Accord implementation began in 2019, there was a period of change within government and TRRA in which developing the relationships was difficult. This and COVID-19 had a significant impact on the early years of Accord implementation.

Key findings from the evaluation of the implementation of the TRRA Local Decision Making Accord include (see also Appendix 1):

- **Shared decision making** between TRRA and government is not yet significant, but TRRA has been able to influence government decision making around health and housing, and to a lesser extent economic development and education. Even within these priority areas, there are areas where TRRA has greater influence than others. This influence has not yet translated into many outcomes that ordinary community members can see, and many feel that the relationship remains very unequal. Shared centralised decision making is not the same as local decision making. Yet to achieve improvements in regional communities, which is an objective of the TRRA Accord, it is local, shared decision making that is required.
- The most important outcome is that **relationships** have been developed enabling TRRA to engage with government in an effective way on behalf of its constituency. The working relationship between TRRA and the NSW Government has improved considerably over the last 2–3 years and this was reported widely by government as well as TRRA. The Local Decision Making model is providing a mechanism to improve relationships, but there remains a lot more to do if they are to be where Aboriginal people want them to be.
- TRRA is a **suitable vehicle** to advance the aspirational agendas of the regional Aboriginal community. TRRA's capacity to know how and where to influence particular decisions has grown significantly in the last two years.
- **Funding** for TRRA was not sufficient from the outset, and though it grew, only since March 2022 was it sufficient to partner adequately with government across all areas of the Accord.
- There was a slow start to Accord implementation because of **structural and staff changes** within government, and TRRA initially having only a voluntary Chair. Not all government staff were initially clear

about how the partnership should operate and which party should lead. The partnership has matured over the past two years, and is particularly good where there are senior Aboriginal staff in government.

- Aboriginal people's **lived experience** is beginning to be understood in some areas of government, but government still needs to trust Aboriginal voices when they identify needs and opportunities, and to respond rather than push-back.
- The TRRA Accord did not prioritise shifting ownership of service delivery to the Aboriginal community-controlled sector, but where government decisions to shift services to **community** control are made, and these are relevant to priorities in the Accord, TRRA should have input into shared decision making regarding services in TRRA localities.
- TRRA is pushing government departments to deliver on all the Accord agreements as far as possible, though progress has been slow, in part due to COVID-19, but also due to other factors. TRRA believed that the signed Accord meant that government would act on it, and did not expect to have to advocate further or be expected to lead (other than where it was designated). There is evidence of **responsiveness** in some areas, but there remains inertia or push-back from some areas of government. This occurred particularly where other government policy was in conflict with Accord agreements or where government outsourcing/contracting meant it believed it had less direct control over outcomes.
- **Contractors and sub-contractors** need to be seen as stakeholders in co-design and accountability to Regional Alliances/Assemblies, together with government organisations. Regional Alliances/Assemblies could also play a valuable role in verifying whether local companies are in fact Aboriginal, in relation to the Aboriginal Procurement Policy.
- **Communication** and feedback by government and TRRA to Aboriginal community members has been weak. Reliance on TRRA delegates to communicate about the Accord and progress in achieving outcomes has not been adequate and government needs to provide feedback to communities on consultations it holds. Community members have not seen much, if any, change on the ground.
- **Cultural competency** training has only just begun in NSW government departments within TRRA's footprint in 2022 so it is too early to assess its impact.
- It has been difficult for TRRA to obtain information on resource allocation by mainstream organisations in relation to dedicated Aboriginal and Torres Strait Islander service delivery. The Aboriginal community can hold services accountable for delivery if they know what services are supposed to be provided. There has been very limited access to other data, and, in some cases, the data provided revealed the inaccuracy of **government-held data** compared to the lived reality.
- The TRRA Accord is only in the first phase of what was originally designed as a three-phase process, so this is a good start; TRRA has developed capacity and could move to a greater level of decision making if sustained. **Ongoing and increased funding** is required to sustain TRRA's regional governance role with greater effect.
- In the next period, Local Decision Making needs to **work in tandem** with state-wide CTG policies to ensure **truth testing** occurs on the ground about whether and how well services are delivered. A focus must remain on achieving the priority outcomes that the Aboriginal communities in the TRRA footprint want to see.
- Any future Accord should include **local government** and the NSW Aboriginal Procurement Policy should also be adopted by local government.

Recommendations

Recommendations to NSW Government

1. That the NSW Government move to greater shared decision making with TRRA and its Aboriginal communities in key areas that matter to them, including early engagement on program matters.
2. That the NSW Government build on the considerable capacity developed by TRRA to operationalise Closing the Gap in the TRRA footprint. This includes increasing TRRA's resourcing to engage with the NSW Government and other partners to the NSW Implementation Plan, to prioritise, assist with implementation, and monitor actions to be implemented in the TRRA footprint.
3. That the NSW Government:
    a) work with local government in any future agreement in the TRRA footprint to contribute towards agreed TRRA priorities
    b) encourage local government to follow the Aboriginal Procurement Policy.
4. That the NSW Government:
    a) employ and retain more senior Aboriginal staff to lead effective engagement with Aboriginal communities
    b) ensure that it engages face-to-face more regularly at local levels on issues of importance to local communities and provide timely feedback following community consultations.
5. That the Western NSW Local Health District Board include a community representative nominated by TRRA to strengthen the Aboriginal consumer voice in regional health decision making.
6. That the Department of Education NSW urgently address the need to reduce Aboriginal student suspensions in the TRRA footprint by:
    a) including more Aboriginal cultural knowledge in the school curriculum
    b) working collaboratively with and resourcing Aboriginal community Elders, leaders and educators in schools with high rates of Aboriginal student suspensions, to develop safe alternatives to student suspensions building on the successful models already begun, to keep students safe and maintain their learning
    c) monitoring progress and reporting back in a meaningful way on outcomes of these actions to TRRA and the relevant Aboriginal communities.
7. In future economic development work, that the NSW Government:
    a) consider a broader effort to attract and train Aboriginal people for longer-term, as well as higher level, local roles in government employment such as teaching, policing, engineering as well as private sector work, and engage with local higher education providers to strengthen this effort
    b) consider expanding or developing new Regional Industry Based Agreement (RIBA) arrangements to facilitate opportunities beyond health.

8. That Regional NSW or equivalent consider resourcing TRRA to provide expertise to Aboriginal businesses who wish to tender for government work with the capacity building support they need to take advantage of procurement opportunities in local and state government or to develop their businesses through other means.
9. That the NSW Government focus future Accords or partnership agreements on the desired outcomes of the agreements, and be as clear and precise as possible in relation to those, so that monitoring and evaluation can focus on the achievement of the outcomes, rather than only on inputs delivered.
10. That the NSW Government improve its provision of data and information sought by TRRA and its communities to assist them in shared decision making with government about priority actions.

Recommendations to TRRA

1. That TRRA undertake a review of its operations to consider its own strengths and weaknesses, to refresh its structures, and to consider resources required for the next period, this might include consideration of:
    a) composition of its membership, including widening it to include other Aboriginal organisations, particularly where there is no active Community Working Party and invite inclusion of Aboriginal Medical Services and the Aboriginal Education Consultative Group (AECG) so as to align priorities as far as possible
    b) the terms of delegates, so as to maintain sufficient experience and continuity, but also continue to provide opportunities to more people to contribute to TRRA over time and develop younger leadership in the footprint
    c) maintaining its focus on good governance and high standards of conduct, and ensure that delegates have clear terms of reference and actively understand and carry out their roles, including feedback to their communities, with the appropriate support they need from TRRA
    d) more strategic communication to ensure that community understands TRRA's role and achievements and how to raise issues through delegates and hold them to account locally.
2. That in negotiating any new Accord or partnership, TRRA draw on external assistance from a person with senior policy experience to assist in framing a strong agreement and to focus on specific outcomes desired as well as actions to achieve them.

Recommendation to the NSW Government and TRRA:

1. That both the NSW Government and TRRA improve their communication strategies with Aboriginal communities in relation to the goals they are working towards and the outcomes they are achieving.

Introduction

The Centre for Aboriginal Economic Policy Research (CAEPR) at the Australian National University (ANU) has been commissioned by Aboriginal Affairs NSW (AANSW) to conduct an evaluation of Local Decision Making, which is an initiative under the *OCHRE* Plan for Aboriginal affairs in NSW. This co-designed, participatory evaluation is taking place over four years from 2020 to 2023 across three NSW regions, represented by three Aboriginal Regional Alliances/Assemblies, and at a state level with the NSW Coalition of Aboriginal Regional Alliances (NCARA). NCARA is the representative body comprising members from each Alliance/Assembly. The evaluation is guided by a strengths-based methodology that brings together First Nations' knowledge with that of the public sector and academia.

This document presents findings from the evaluation of the Three Rivers Regional Assembly (TRRA) Accord, (New South Wales Government & TRRA, 2018). Part 1 provides background context, including an overview of the *OCHRE* Plan*,* Local Decision Making, and the surrounding policy environment, and an introduction to TRRA and the TRRA Accord. Part 1 also introduces the current evaluation, including the research team, research aims and scope, methodology, and co-design processes. Part 2 presents the findings of the TRRA Accord implementation evaluation.

Evaluation questions

The TRRA Accord evaluation answers the following questions:

1. To what extent does the Local Decision Making model and the state Accord-making process empower Aboriginal communities to share decision-making authority with governments to progress their aspirations? What is enabling and impeding this?
2. Have the Local Decision Making model and the state Accord-making process transferred ownership of service delivery programs to the Aboriginal community-controlled sector in NSW, and to what degree? What factors have contributed to or blocked this?
3. In what ways do the Local Decision Making model and the state Accord operate as mechanisms to change the working relationship between Aboriginal communities and the NSW Government and officials? What is enabling and impeding this?
4. In what ways are the NSW Government organisations responding to the Local Decision Making model and the state Accord-making process by strengthening their accountability, cultural competence and responsiveness to Aboriginal needs and aspirations? What is enabling and impeding systemic and structural transformations?
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These core evaluation questions were provided by AANSW and are the same for each Local Decision Making region participating in the Stage 2 *OCHRE* Local Decision Making Evaluation.

The research team also explored the following questions developed in partnership with TRRA and public sector officials engaged in the TRRA Accord:

1. What were the expectations of all those involved in delivering the Accord agreements of each other in the partnership (roles, responsibilities, actions) and processes of implementation? How did each understand ‘working in partnership’ and how realistic were the expectations? What opportunities are there to build the relationship further?
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3. What are the outcomes and successes of the Accord and what has enabled those, including unforeseen positive outcomes?
4. What were challenges of Accord implementation in the TRRA footprint, (including as government policy, personnel and structures changed)? How, and to what extent, did the Local Decision Making model and TRRA Accord shift decision making about funding of services across the TRRA footprint?
5. What lessons have been learnt, including what is required to improve outcomes? What would be needed to make the Local Decision Making regional governance approach sustainable?

Part 1: Background information

OCHRE and Local Decision Making in NSW

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

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

Self-determination and improving the relationship between government and community are at the heart of the NSW Government's Local Decision Making, as shown in the following policy document excerpts:

> *Local Decision Making aims to change the relationship between Aboriginal communities and government and give Aboriginal communities greater decision making powers in relation to how government programs and services, which impact on them, are conceived, developed and implemented. The Accord is the vehicle for re-setting this relationship and ensuring that decision making between government and communities occurs collaboratively and in partnership (AANSW, 2017a, p. 6).*
>
> *Local Decision Making aligns with good practice at the national and international level which shows that sovereignty and self-determination are a fundamental factor in generating sustained socioeconomic development and wellbeing in Aboriginal communities. Those communities that build governing institutions capable of exercising sovereignty are more likely to achieve long term, self-determined economic prosperity (AANSW, 2017b, p. 4).*

Local Decision Making Accords are intended to:

- redefine the relationship between government and Local Decision Making communities, whereby information and decision making is shared
- direct service delivery redesign and reinvestment according to the needs and priorities defined and negotiated between government and Aboriginal Regional Alliances/Assemblies

- demonstrate to communities government agency commitment to the aims and objectives of Local Decision Making (AANSW, 2017a, p. 6; see also AANSW, n.d., p. 2–3).

The Three Rivers Regional Assembly and its region

The Three Rivers region covers the traditional lands of a number of Aboriginal clans and language groups, however is predominately located within the northwest of the Wiradjuri nation and extends into the Weilwan and Wongaibon nations. It covers some 72 326 square kilometres (see Figure 1).

Three Rivers Regional Assembly gets its name from the Wiradjuri nation area description. The Wiradjuri peoples were known as the peoples of the three rivers: bordered by the Wambuul (Macquarie River), the Kalari (Lachlan River) and the Murrumbidjeri (Murrumbidgee River). The TRRA region also includes Little River, Bell River, Cudgegong River, Bogan River, Turine River and portions of the Castlereagh River and the Murray River.

Three Rivers Regional Assembly is a regional Aboriginal governance body, formed in 2013, that represents the interests of Aboriginal peoples across the Assembly's footprint. The Assembly ensures that services and programs developed for Aboriginal peoples within its communities and region are adhered to and accounted for.

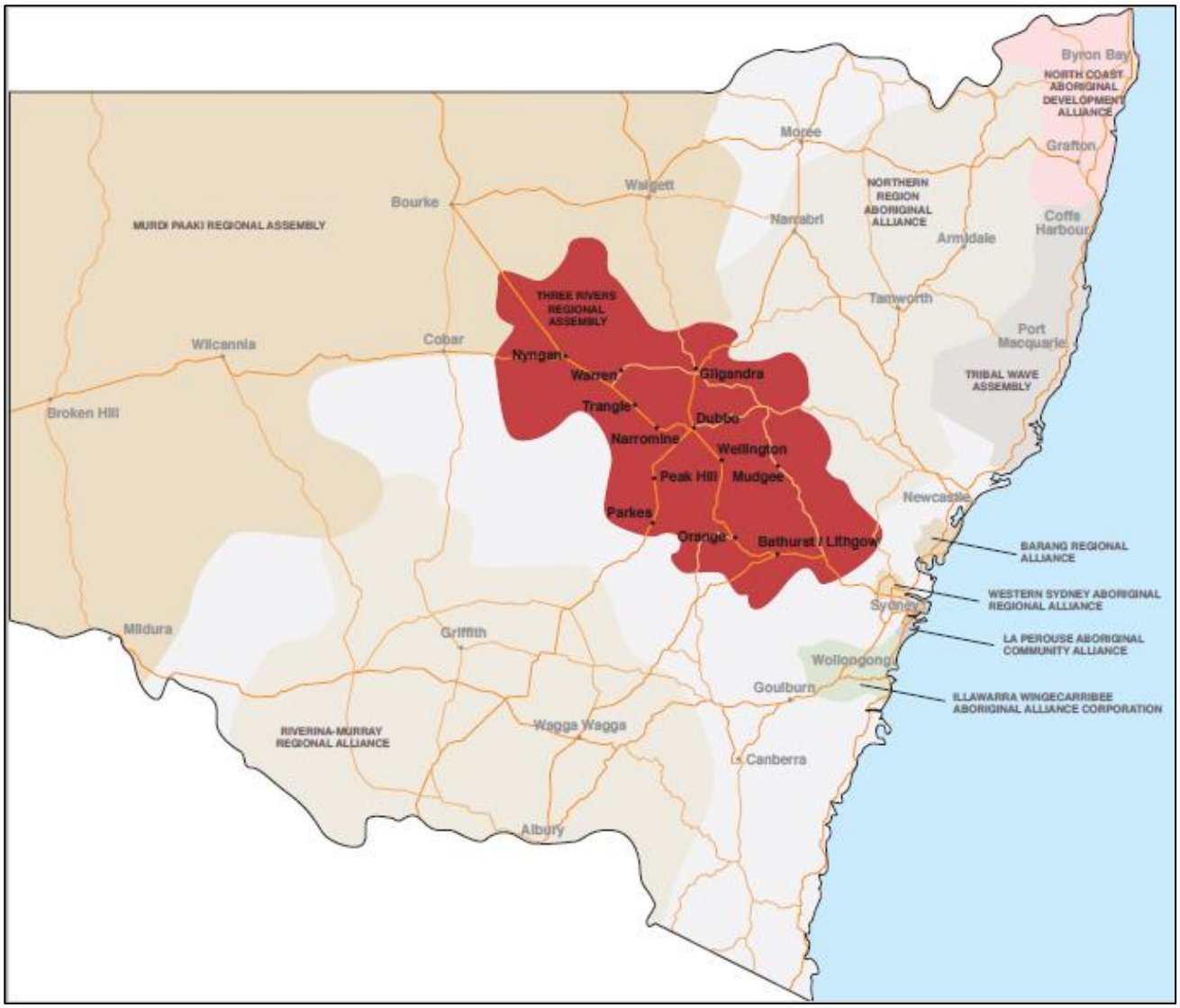
Three Rivers Regional Assembly members are members of either an Aboriginal Working Party or a Local Aboriginal Land Council (LALC), currently representative of 12 communities. The LALCs represented are from Bathurst, Dubbo, Gilgandra, Mudgee, Narromine, Nyngan, Orange, Trangie, Warren, and Wellington. The Aboriginal Working Parties represented are Dubbo, Orange and Parkes. Peak Hill Working Party is currently inactive. Wellington has an emerging Working Party. Each member organisation has one representative on TRRA, unless there is only one member organisation from a town, in which case it may have two representatives.

The TRRA Accord

The TRRA and the NSW Government signed an initial Accord on December 10, 2018 (see Appendix C). The Three Rivers Regional Assembly Accord sets out the roles and responsibilities of each party to implement the Accord priorities over the following three years (i.e. until December 9, 2021). It also details the governance of the Accord through an Implementation Task Group co-chaired by TRRA and the NSW Government (by Regional NSW), and intended to meet quarterly in Dubbo.

In signing the Accord each party agreed to work in partnership on the following key priority areas and objectives, which both believe have the potential to improve outcomes for Aboriginal peoples in the Three Rivers footprint. These are presented in Schedule A of the Accord. Below are the six key objectives and a simple summary of the key actions to be undertaken outlined in the Schedules to the Accord. In each of these six areas there are specific commitments identified and the lead organisations and other stakeholders with responsibility for actioning them are listed.

Figure 1 Three Rivers Regional Assembly footprint



Source: TRRA website.

TRRA Accord Objectives and summary of Accord Schedule actions

Objective 1. Health

To substantially strengthen the health of Aboriginal peoples within the Three Rivers footprint. Partner with Aboriginal Medical Services and Western NSW Health to implement Aboriginal health priorities.

- A partnership agreement including TRRA, community-controlled health services and Western NSW Local Health District
- Hold community conversations to define the health needs and priorities
- Develop local Community Health Plans and action them
- TRRA and government review these and agree funding to deliver them.

Objective 2. Housing

To implement an Aboriginal Housing Strategy that focuses on improving housing for Aboriginal peoples in the Three Rivers footprint.

- Develop an Aboriginal Housing Strategy
- Hold community conversations to develop the strategy with TRRA present and an independent facilitator for each
- Promote home ownership
- Investigate feasibility of a rent-to-buy scheme
- Information sharing about tenancy rights and responsibilities
- Annual planning with TRRA and housing agencies.

Objective 3. Education

To substantially strengthen the access, participation and educational achievement for Aboriginal peoples within the Three Rivers footprint.

- Prevent repeat student suspensions from school and re-engage students
- TRRA to play an advisory role in consultations between principals and families in various ways (including via Aboriginal Education Committees) and improve parent/carer involvement in schools
- Assess school capacity for meaningful community engagement and implement strategies to improve this
- TRRA to identify cultural advocates to contribute to school plans (three yearly, with annual updates)
- Involvement in position descriptions and selection of identified Aboriginal positions (with Aboriginal Medical Services and Aboriginal Education Consultative Group)
- Aboriginal language to be taught as a second language where endorsed teachers are available
- Scope resources to support in-school and out of school suspensions (non-violent suspensions).

Objective 4. Economic Development

To substantially strengthen the economic opportunity and participation for Aboriginal peoples within the Three Rivers footprint.

- Develop a Regional Industry Based Agreement to focus on health workforce development – employment, procurement, culturally appropriate services
- Consult TRRA about the Aboriginal Participation Strategy for government major capital works in the TRRA footprint
- Engage TRRA regarding contracts under the Aboriginal Procurement Policy and trial compliance reporting
- Establish how to include TRRA in service delivery design and procurement in the TRRA footprint.

Objective 5. Governance and Capacity

To invest in TRRA governance and capacity to deliver the Phase 1 Accord by 2021.

- Provide resources and staffing for TRRA and for the consultations in Health and Housing
- TRRA to prepare cultural engagement protocols to guide government and others
- Provide funds for TRRA to establish a Young and Emerging Leaders Program
- Fund trauma and vicarious trauma training for TRRA delegates and staff, and training in reporting software
- Provide resources to develop a communications strategy about the Accord
- Resource and coordinate cultural competency training for all government staff in the TRRA footprint.

Objective 6. Actions to be Completed

This section lists a number of actions relating to the diverse sectors which are agreed to be undertaken, such as:

- Aboriginal identified positions to be given priority for reception roles in government services
- New Aboriginal flags for hospitals
- TRRA to play a role in review of NSW teachers' employment policy, review of school uniforms policy, policy for recognising Aboriginality in recruitment, and Recognised Prior Learning in relation to Position Descriptions for certain Aboriginal identified positions in schools
- School staff to be educated in cultural protocols (Welcomes and Acknowledgements)
- TRRA to have a role in school NAIDOC events.

In late 2021, the Accord timeframe was extended to June 30, 2022 to allow more time for implementation. It is important to note that in 2019 the Task Group leading the Accord implementation developed a more specific list of 67 Key Performance Indicators (KPIs) aligned with the numbered commitments in the Accord Schedules. Reporting by each NSW Government Department Lead to the Task Group was against these KPIs.

Methodology

The TRRA Local Decision Making evaluation was undertaken by a team of researchers at the Centre for Aboriginal Economic Policy Research (CAEPR) led by Honorary Associate Professor Janet Hunt and supported by Dr Annick Thomassin. The evaluation was conducted in two phases. The first phase was a co-design phase where the evaluation team, TRRA Board members and public sector officials co-designed the evaluation and ensured that questions from all parties were included in the evaluation alongside the questions provided by AANSW. The second phase was the implementation of the evaluation itself in the TRRA footprint. In this phase, the research team was assisted by two Community Based Researchers (CBRs): Sheena Olsen from Dubbo and Aleshia Lonsdale from Mudgee.

The evaluation co-design process

The Local Decision Making Evaluation adopted the 'Weaving Knowledges' approach outlined by Dreise and Mazurski (2018) and by NCARA (2018) to integrate Aboriginal knowledges and ways of doing business together

with those of the public sector and academia. This evaluation approach also draws on academic research on participatory evaluation methods. Participatory evaluation takes a partnership approach, in which groups (such as program beneficiaries, funders, government and key decision makers) play active roles in the evaluation process. Participation takes place throughout the evaluation process, going far beyond an advisory role to include participation in identifying research questions, planning evaluation design, selecting appropriate measures and data collection methods, gathering and analysing data, interpreting findings, and developing conclusions and recommendations (see CAEPR, 2019 for more detail). To enable this participation in the evaluation design, we undertook a co-design process. A timeline for this process can be found in Appendix A.

The evaluation methods included a workshop with TRRA delegates; interviews or yarning circles with TRRA staff, delegates and former delegates, Elders, LALC Chief Executive Officers (CEOs) and Board members, and many other community members; as well as interviews with senior government staff involved in the implementation of the Accord. The evaluation also refers to documents published by the NSW Government about the *OCHRE* plan and Local Decision Making initiative.

Meetings between the ANU research team and TRRA to co-design the evaluation in the TRRA footprint commenced in November and December 2019. Due to COVID-19 interruptions, the research team next met with TRRA on December 7, 2020 in Dubbo. After further delays, TRRA organised a workshop on June 7, 2021 for TRRA delegates to contribute to the co-design; 13 people attended the workshop in Dubbo. Following the workshop, the research team drew out the key questions that participants had identified through their discussions, and their suggestions about the approach. The research team then conducted meetings with staff from AANSW and other government agencies involved in delivering the TRRA Accord. Most were conducted by Zoom (one was conducted face-to-face in Orange) between 7 and 21 June 2021. The research team then drafted the co-designed evaluation plan for consideration by TRRA.

Following further COVID-19 lockdowns in NSW and the Australian Capital Territory (ACT), on December 6, 2021, the research team met with TRRA in Dubbo to approve the co-designed evaluation plan and determine next steps for 2022. The CBRs were recruited in January/February 2022, trained and prepared in March, and conducted fieldwork from April to early June. Government staff were interviewed by Zoom between 23 March and 10 May. The draft report was completed by early July for presentation to a TRRA meeting on July 26, 2022.

The evaluation findings are based on independent assessment of the data collected by the research team.

Community Based Researchers

A key aspect of this evaluation was the transfer of knowledge and skills to local community members.

The CAEPR-based researchers conducted interviews with public sector officials, while CBRs Sheena Olsen from Dubbo and Aleshia Lonsdale from Mudgee led the evaluation with the Aboriginal community members, guided and supported by the CAEPR researchers Dr Hunt and Dr Thomassin. Ms Olsen was the consultant who conducted the housing consultations with TRRA as part of the Accord implementation. Ms Lonsdale was a TRRA delegate who had been involved with the Accord implementation from the outset. Their local knowledge and access to organisations and individuals in the TRRA footprint was invaluable to the evaluation.

Training and briefing for CBRs took place primarily over Zoom during March 2022. This training included ANU processes and protocols, research ethics and consent requirements, project administration, the history of Local Decision Making and TRRA, TRRA community cultural protocols, the co-design of the evaluation, facilitating workshops and conducting interviews as well as note taking. The CBRs developed a workshop flyer, discussion guides, and templates for recording notes from interviews where recordings were not made, and for summarising key points from recorded interviews. As both of the CBRs were involved in aspects of the TRRA

Accord implementation themselves, they pilot -tested the discussion guides by interviewing each other. This exercise enabled the research team to refine the discussion guides as a result. The CBRs were actively involved in designing workshops/yarning circles in any of TRRA's communities that wished to host one, identifying key persons with whom to conduct interviews in each town and planning the interview schedules for community members. Workshops were planned to be a little more structured than yarning circles, but in practice, each gathering was a relatively open yarning about Local Decision Making in the TRRA footprint.

Semi-structured interviews were conducted with TRRA delegates and some former delegates, Board members, Chairs and/or CEOs of LALCs in the towns within the TRRA footprint, as well as other active community members, Elders, Aboriginal Community Controlled Health Organisation (ACCHO) staff and Aboriginal people associated with education in the footprint. Five workshops and many individual or small group interviews reached some 82 individuals from 11 towns in the TRRA footprint. Only Parkes, which has not been actively involved in TRRA, did not have participants. Members of the research team also attended the TRRA Task Group and Regional Industry Based Agreement (RIBA) meetings on June 2, 2022 in Dubbo. Community participants who were not already remunerated by their employers to participate in workshops or interviews were remunerated for their time ($50 per hour up to 4 hours/$200).

Semi-structured interviews were also carried out with 11 officials from the NSW Government involved with TRRA Accord implementation over the period from late March to mid-May 2022. In addition, one participant from Dubbo Regional Council and one consultant from Gyros Consulting were also interviewed. The latter had worked with TRRA on consultations about housing which were undertaken as part of the Accord.

Ethics

The research protocol was approved by the Human Research Ethics Committee of ANU (Protocol 2020/643). Special permission was granted by AANSW to conduct fieldwork based on this approval, pending Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) ethics approval, due to the timeframe by which TRRA wanted the report completed. AIATSIS Ethics approval was subsequently granted (Protocol EO309-20220110).

All participants in workshops, yarning circles or semi-structured interviews were provided with a project information sheet prior to in-person, Zoom or telephone meetings, and all gave permission via an informed consent agreement. Participants were also provided on request with access to interview transcripts or notes from interviews to review.

Interview data from longer individual interviews were transcribed where recording was agreed; in shorter interviews, notes were made from the recording. Where permission to record was not granted, notes were made. Many community members preferred not to have their interviews recorded, but agreed to notes being taken. The transcriptions and notes were analysed by members of the research team to identify recurring themes and significant insights. This was achieved through thematic coding.

We sought engagement with TRRA and provided TRRA delegates and key NSW Government officials with a chance to review a draft of this Report. In line with principles of Indigenous Data Sovereignty[3], this report and others will be provided to TRRA for their own purposes, including for public distribution.

[3] See https://www.maiamnayriwingara.org/key-principles

Methodological limitations

The major methodological limitation of this evaluation was the limited timeframe available in which to complete it once COVID-19 restrictions eased and fieldwork became possible. We were conscious that the Accord expired on June 30, 2022 and funding for TRRA beyond that date was uncertain. Thus, TRRA wanted the draft report completed by the end of May 2022. While some preparatory work was undertaken by video conferencing, the lack of face-to-face time with TRRA no doubt affected the relationship the researchers were able to establish across the TRRA footprint. This also affected the many competing demands on the TRRA Chair and staff at the time the evaluation was being conducted, due to their understandable need to prioritise completion of the Accord commitments. TRRA generously gave the research team time to conduct interviews with them, and organised the TRRA delegates meeting with the research team in February 2022. However, they had limited time to devote to having a larger role in the evaluation while they were still pushing hard with government to complete the commitments by mid-2022.

The COVID-19 pandemic and related restrictions and lockdowns across NSW and the ACT placed limitations on face-to-face data collection, and all interviews with public sector officials were undertaken by videoconference (Zoom). As far as possible, interviews with Aboriginal community members, TRRA delegates and individuals from community-controlled organisations were conducted face to face, with careful protocols regarding COVID-19 safety. In practice, only a few workshops or yarnings were held (one with 10 Elders in Dubbo, and others in Nyngan, Gilgandra and Trangie). Due to one CBR contracting COVID-19 during fieldwork, and in some cases to facilitate access, a few interviews were conducted by phone, rather than face to face.

Another constraint was that not all public sector officials who had been involved in implementing aspects of the Accord and who were approached for interview felt able to participate in the evaluation. Furthermore, some who had been involved had moved away from the region or had left the NSW Government entirely and did not respond to requests to participate.

We were fortunate to work with the two CBRs who conducted interviews and workshops with Aboriginal community members in the TRRA footprint, but they also had various demands on their time, and arranging meetings and interviews with busy community leaders and others was rarely straightforward. Thus, the scope of interviews, though considerable, was not as wide as envisaged and reflected the limited capacities of everyone to dedicate significant time to the evaluation. It also became clear that knowledge of TRRA and Local Decision Making was not widespread among community members who were not closely involved in the Accord, so such individuals were not particularly interested in participating in the evaluation. Thus, the interviews became largely, though not exclusively, focused on those who had some knowledge of Local Decision Making and TRRA in the region.

Finally, this evaluation had only very limited access to documentation of meeting records or other materials related to the Accord implementation, so findings are largely reliant on interviews, unless otherwise noted. The research team thanks those public sector officials who were able to provide some documents or data.

In writing up the findings, reports from interviews, workshops or yarning circles with community members, TRRA delegates or the TRRA workshop are referenced in the text. The term ‘community report’ refers to a report by the CBR of an interview or yarning circle discussion. As many Aboriginal people interviewed preferred not to be recorded, there are limited direct quotations from individual community members.

Part 2: Implementation of the TRRA Accord – Findings

Introductory comments

Before detailing findings of this evaluation, it is worth noting that the TRRA Accord Schedules were to a large extent focused on processes to be developed, such as consultations, strategies, processes to involve TRRA, establishing committees, or providing resources and training. The desired outcomes of these actions were not well specified except in broad terms such as improving health, housing, educational achievement or economic participation. The nature of the TRRA Accord needs to be considered when reviewing the findings of the evaluation.

It is also worth recalling the situation in December 2018 when the TRRA Accord was signed. This was at the end of a lengthy three-year negotiation process commenced in 2015 that had involved TRRA volunteers in a total of many weeks of unpaid contribution to the negotiation process. Despite some strengths of the process, there had been tensions in the negotiations at times, and a confidentiality clause that meant TRRA delegates were not able to discuss the negotiations with their communities, which had caused them some difficulties. The evaluation also noted the power imbalance due to the fact that there was a large imbalance of information, resources (government negotiators were paid and TRRA negotiators were not), and that TRRA did not have a policy advisor working with them. The evaluation of the Accord negotiation concluded that the process for developing the Accord was very challenging and difficult for both sides of the negotiation and that despite three years of hard work, there was little to show for participant efforts. As the Stage One *OCHRE* Evaluation team stated, 'It is important for the Accord to demonstrate some "quick wins" so that communities will be able to see concrete changes arising from the Local Decision Making process' (Katz et al. 2019, p. 45).

Unfortunately, except for action on Health, there were very few 'quick wins' in the following year, 2019. In 2020 and 2021, progress was undoubtedly affected by the COVID-19 pandemic, among other factors, and as there remained many outstanding actions, the Accord was extended for an additional six months to June 30, 2022. Thus, during the final six months of the extended Accord agreement, and while this evaluation was being finalised, there was a flurry of government and TRRA activity to try to complete as many as possible of the outstanding tasks agreed in the Schedules to the Accord.

There are also implications of all the above points about the Accord negotiation that have flowed into the implementation phase of the Accord. For example, the confidential nature of the Accord negotiations meant that community members interviewed for this evaluation who were not closely involved with TRRA, did not understand the process or why the particular priorities were selected. Some said they had not been consulted about them, noting that different communities have different priorities. Booklets about the Accord were distributed by TRRA to their member organisations after the Accord was signed, but these seem to have had limited wider distribution.

While there was no implementation plan as such, the joint NSW Government-TRRA Task Group which oversees the implementation of the Accord, developed a matrix of KPIs and associated activities for each sector of the Accord, allocating leads and partners involved in each. This template, known as the 'Traffic Light Report', was used for departments to report their progress to each Task Group meeting. KPIs could be categorised as 'Not commenced, Pending, Commenced, On Track or Completed'. This evaluation assesses progress made towards meeting KPIs across a range of Accord outcomes as at June 2, 2022.

Findings

Below are the key findings about the implementation phase of Local Decision Making in the TRRA footprint.

1. The partnership remains unequal: government needs to relinquish some power and control while not abdicating its responsibilities, and TRRA requires better resourcing.
2. TRRA and the Accord have enabled Aboriginal people to have a voice in some government decision making, but there is a need to maintain and build their capacity further and improve government's capacity to listen and respond; the voice of local Aboriginal staff within government also needs to be heeded.
3. The transition from Accord negotiation to implementation was affected by multiple factors, including staff turnover, machinery of government changes, misunderstandings of what was required from government, no implementation plan, and inadequate resourcing of TRRA.
4. 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.
5. The COVID-19 pandemic impacted on progress, but also showed the great value of government working in partnership with TRRA.
6. The greatest success of Local Decision Making, and where things worked, was the relationship formed between senior government staff and TRRA; this relationship has certainly improved, but the government needs to listen more deeply and be more responsive to issues raised by the community.
7. Some commitments in the Accord negotiated with TRRA ran up against departmental policy conflicts or other centrally-determined decisions.
8. While some data was supplied to TRRA, not all data TRRA sought was made available to them; some government data was highly inaccurate in relation to the realities on the ground.
9. The relationships established or strengthened through the Accord led to a number of spin-off benefits which were not part of Accord commitments; but there was also a risk of diversion from TRRA priorities.
10. TRRA provides a suitable model of regional governance, but its composition may need review and the connections to its communities could be strengthened.
11. There would be value in aligning Local Decision Making with Closing the Gap to bring local knowledge to implementation.

1. The partnership remains unequal; government needs to relinquish some power and control while not abdicating its responsibilities, and TRRA requires better resourcing

There are three issues that arose about the inequality in the relationship between government and TRRA. The first is the inequality of resourcing, second is the inequality of power and control, and third is unequal access to data and service information. These three issues mean that Local Decision Making is not meeting expectations of the Aboriginal community as yet.

Inequality of power and control

As a former TRRA Chair stated:

> *The idea was to get government to sit down with us and for us to say what we want – such as with housing and for us to work together to make positive change happen for our communities. Nothing has changed, we still have the same issues. Talk doesn't do anything.*

A former delegate made the same point:

> *It needs to start happening on the ground. There is a housing crisis that needs urgent action and resources invested to address the problem. There needs to be action taken on feedback and real investment on the ground in all communities. The issues that were of concern when we first started this process are still the same, e.g. suspensions.*

One of the community reports stated:

> *The government has also not been an equal partner in implementing the actions in the Accord. A lot of the work has been put onto TRRA staff and delegates to make it happen.*

An individual community member said:

> *I thought the Accord would give us more communication with government and more power in decision making. I thought we would have the power to address issues in our communities and to negotiate with government and implement action to make our communities better.*

This person did not feel this had really happened in the way they expected.

A former TRRA delegate said:

> *Throughout the process there has been a lot of talking and us giving our feedback and information with no real outcomes which has been disappointing.*

Another community report summarised the situation thus:

> *It has been patchy and there has been some success but overall I don't think that the LDM has made government more accountable to our local communities… government hasn't really been an equal partner. Community still do not have equal footing or resourcing to make change happen… There hasn't been a strong effort by government across the region to be more accountable to community.*

One former TRRA Chair interview report said:

> *Government need to let go, government must not control. We need Aboriginal people in positions of real authority to make decisions that will stick. Department policies must change – there are too many excuses why they can't do things. TRRA is doing the work that governments should be doing, without the resources and authority. The government needs to relinquish control and listen to what communities want to make real change.*

Resourcing

In terms of resourcing, 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.

As one government officer explained:

> *it was just reliant on the chairperson who worked as well, which made it quite difficult for the job that they had from 9 to 5, then trying to fit this in with rostered days off and whatnot. It didn't quite work.*

Not much of the Accord had even begun to be implemented in early 2020 when the two staff took up their roles. And two staff was very insufficient even then, as the experience of the final six months revealed, when TRRA had additional support from government (3 additional full-time staff for the last 4–5 months) to try to finalise the commitments in the Accord. At this point, the resourcing seemed more realistic for TRRA to achieve its share of the partnership work. Lead Negotiators, the senior government officials who lead the partnership in each sectoral area of the Accord, recognised the importance of TRRA having paid staff.

As one Lead Negotiator said:

> *The consistency of having a paid Chair and a Project Officer – that's beneficial because it's seen they have some authority to do that within community.*

Another government officer added that being paid meant that the TRRA Chair and Project Officer could focus on this work full-time and that this 'gives them greater ability to take ownership and be able to lead things as well'.

However, one Lead Negotiator said he would like much more active engagement with delegates 'to take the Accords to the next level'. He suggested that he would like up to eight delegates working with him in groups of two on various specific aspects of the Accord in his area. It is helpful to receive this estimate of the number of TRRA positions required to address just one Accord priority area. However, since all TRRA delegates are volunteers this is an unrealistic expectation given the current limited Local Decision Making resourcing available.

From the perspective of TRRA, the last six months of work has provided a good indicator of the resourcing required for the partnership to be more equal and for TRRA to be able to work most effectively with government.

As the TRRA Chair explained:

> *The biggest challenge for us is that we didn't have the resources as government had. So the government, when we go into a meeting,… Aboriginal Affairs has six staff, right, and me and Dawny sitting there. If I go up to Regional New South Wales, again there's five or six staff there, you know and there's me – and we're all working on the same Accord. If I go to Housing, Housing have got 20 people around there, with me and Dawny. In the last half, in the last six months, I've got staff, for the last six months of the Accord. To be fair dinkum, if the government wants to be fair dinkum about Local Decision Making and the work that they want us to do in implementing the Accord that the government signed off on, the Minister for Aboriginal Affairs signed, the Minister for Aboriginal Affairs needs to fund it appropriately. Because it's just too much work for me and Dawny.*

He went on to say, 'There's four priority areas, I need someone in each priority area' as well as someone to do basic administration. The Chair also stressed the need for adequate resourcing to pay staff at a level equivalent to those in government to implement the Accord. The challenges facing delegates are also important to recognise. Some delegates had full-time jobs or a business from which they were required to take leave in order

to undertake TRRA work, while others were community volunteers who already had heavy existing volunteer responsibilities in their own communities. The expectation from government that TRRA delegates would have significant amounts of time available to engage in TRRA work in addition to the regular two day meetings is mostly unrealistic. Ironically, despite the significant under-resourcing of TRRA delegates compared to government staff, some TRRA delegates felt that TRRA had put more work into implementing the TRRA Accord than the government.

Community reports also stressed the need for greater resourcing of TRRA so that some additional staff could be located in centres other than Dubbo, and the need for sustainability:

> *It needs to be properly resourced with long-term sustainable funding to provide stability for staff and communities. There needs to be adequate funding for positions to undertake the work.*
>
> *It needs to have autonomy from government – either through other structures to formalise it or to be enshrined in legislation so that it can withstand changes in government policy, minister or priorities.*

Power and control

The TRRA Chair also emphasised that Local Decision Making was meant to be an equal partnership, with two signatures on the Accord; 'the beauty of the Accord is that it should be shared authority'. Yet the TRRA Chair felt that in practice government holds a more powerful position; 'They think they can move the goalposts when it suits, without even consulting TRRA, which I don't think is fair'. At the same time, the Chair feels the weight of responsibility to his community – to his Elders and Aunties, that he mustn't let down, so this means that at times he has to challenge government. He believes government is slowly coming to accept this but, 'It's still a work in progress'.

A former TRRA Chair was more forthright:

> *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.*

One government officer made the point that government for years has made decisions before consulting:

> *if a new policy comes in… and it's going to change the service delivery, that's not communicated until after the decision's made instead of having that conversation, what would work, what will this look like, beforehand and then implementing.*

Another government officer made the point that people at the community level need support to express their needs so that the service really reflects those, rather than what they think government is likely to deliver:

> *I think we are still coming at it in a very black and white, Aboriginal families are large so we should build large houses. Very, very simplistic rather than actually building the capacity of – like if you go to a community and say what do you need? They say we need more housing, so off we go and we build five-bedroom homes. But if you actually build their capacity to express their needs, we hear more that actually they need a design of a home that suits Aunty plus her five grandchildren that come and go. Plus when it gets hot, they all move from Bourke to Dubbo and then move back when it gets cold. Just we haven't given them actually a real voice because we haven't built their capacity to have that voice.*

This may imply a different approach to consultation to enable Aboriginal people to ensure their housing needs are properly met.

Another government officer believed that Local Decision Making was moving in the right direction:

> *I think it's on its path to shared decision making. Then I probably am proposing to you, though, that I'd like to see it go beyond shared decision making to the power balance at the moment is that government typically in this country hold control over it really. That's where power sits in this relationship. I'd like to see us have a goal of getting to a point where we learn to let go of some of that power to a point that it sits further across the other side of the table.*

It appears that at present the practice of shared decision making takes the form of TRRA trying to influence government decision making, but not yet being able to consistently share decision-making power with all of the government departments with which it engages.

The TRRA Chair commented that while he and some TRRA delegates sat with Lead Negotiators in the Task Group, he was not invited to the Regional Leadership Executive Group – the senior body within government making decisions about the TRRA Accord. To him, this indicated that this was not an entirely equal partnership since he was not present at this very senior meeting where decisions were made.

Access to data and service information

One ongoing challenge for TRRA is obtaining the information it needs to hold government to account in terms of service delivery. As the TRRA Chair said, 'We need to know from Treasury what is the Aboriginal spend' and to know which organisations are being funded to deliver which services. TRRA would also like to know whether the service providers are local or come in from Sydney, since Sydney-based services involve high travel and accommodation costs to deliver a service. TRRA also need good data from government on service and program outcomes so that they know which programs are working well and improving Aboriginal lives or achievements. In terms of reporting on the Accord, TRRA need to know not only what has been achieved, but also what has not and why.

As one TRRA delegate interview report stated:

> *Biggest issue has been there has only been accountability of government to a degree. Government has to show up but would often turn up with nothing. We need equal access to data to really address issues. We asked questions for clarification, but only got waffle. Information provided was not clear and timely.*

2. TRRA and the Accord have enabled Aboriginal people to have a voice in some government decision making, but there is a need to maintain and build their capacity further and improve government's capacity to listen and respond; the voice of local Aboriginal staff within government also needs to be heeded

The intent of Local Decision Making is that Aboriginal people have a strong voice in government decision making, ideally to achieve shared decision making. While genuinely shared decision making is not how participants described what has occurred to date in the TRRA footprint, what is happening is that the Aboriginal community is getting a stronger voice on some important matters that affect them and this can lead to more positive outcomes.

Government sees that the Local Decision Making process has enabled community members to better understand government processes and how to influence them in order to achieve better outcomes.

One government officer observed:

> *I just think the building the capacity of the communities to operate government levers has really seen some good things happen. Rather than government being this one big blob… if you actually understand the parts of government, you can understand how to work the system.*

The TRRA Chair gave the example of how in terms of the Education outcomes of the Accord, that as a result of Local Decision Making:

> *Community have access to principals. We've never had that access to a principal. So if community want to go and see a principal… now I can just knock, I can ring up and I can go and see any of our principals in our network with a phone call.*

Another TRRA staff member reflected that she felt the main thing that had come out of the last two years of the Accord was 'helping our community, and especially Aboriginal people in our community, understand what our governance structures are, and how they use those governance structures to get their voice heard.' However, she acknowledged that more work was needed to improve people's understandings of how best to use their structures.

In turn, some government officials acknowledge that government needs to listen and respond better to the voices of the communities when they are expressed.

As one government official said:

> *We have respected community members… Chairpersons and people that lead our communities…that we put there as our voice and we need to listen to them. If we still just bring in our programs and dictate to community that this is how it's going to be, nothing's ever going to change.*

As another government official put it:

> *We've now built the relationship, so there needs to be more listening and accepting of the things that the community leaders are saying.*

There was no apparent use of an escalation mechanism written into the Accord if departments were not making progress, which was the case at times. For example, the NSW Department of Education consistently sent the same report to the quarterly Task Group meetings, showing no progress over several meetings.

Aboriginal staff within government in the region were also at times critical of the way government operates, for example about the timing of grant application calls (over Christmas), or in terms of how they operate programs. The voice of Aboriginal staff is itself not always heeded, particularly if they are not the most senior decision-maker. Aboriginal staff often have strong connections into communities and can foresee problems before they arise and suggest ways to avoid them if they are also listened to.

As one Aboriginal public sector official commented:

> *as an Aboriginal worker it really puts you in a hard place, because you understand where the community is coming from, you can see it, you live it. Then being on the other side, the internal side, you see what's been put up and you try and put as much input as you can to make it more culturally appropriate, I guess, and the way it should be delivered to community. But again, it's whatever happens at the higher end of the spectrum and that decision gets signed off by the executive, that's what happens.*

The point is that shared, centralised decision making is not the same as local decision making. Yet to achieve improvements in regional communities, which is an objective of the TRRA Accord, it is local shared decision making that is required.

3. The transition from Accord negotiation to implementation was affected by multiple factors, including staff turnover, machinery of government changes, misunderstandings of what was required from government, no implementation plan, and inadequate resourcing of TRRA

Achievements were undoubtedly affected by the fact that implementation of the Accord got off to a slow start. There was not a smooth transition from Accord negotiations to implementation for a number of reasons, among them changes in personnel and departmental structures within government, TRRA was under-resourced and also experienced a changeover of Chair and delegates, and there was some lack of clarity about leadership within Local Decision Making.

Changes in personnel and departmental structures

The transition from achieving an agreement in the form of an Accord and its associated Schedules to the implementation phase seems to have been associated with a significant loss of momentum. One reason was that apart from the Departments of Health and Regional NSW, the Government Lead Negotiators of the Accord were not the officials who were responsible for implementing the Accord in the various departments. This was partly, but not wholly, related to the fact that following the state election of March 23, 2019, there were a number of machinery of government changes which had the effect of reorganising the NSW Government. These involved 'abolishing five departments (Industry; Planning and Environment; Family and Community Services; Justice; and Finance, Services and Innovation) and creating three new departments (Planning, Industry and Environment; Communities and Justice; and Customer Service). Most other departments that were not abolished had some functions added or removed as a part of these machinery of government changes' (Audit Office of NSW, 2021, p. 1). These changes led to government administration being organised within 10 'clusters' each comprising departments and related agencies. These changes affected some departments involved in the TRRA Accord:

- NSW Training Services moved from the NSW Department of Education to the recently established Regional NSW
- Economic Development moved from the Office of Regional Development in the Department of Industry to Regional NSW
- Family and Community Services' social housing responsibilities were split into two departments; the Aboriginal Housing Office went to Planning, Industry and Environment, while other housing matters were moved to the Department of Communities and Justice.

In addition, the agency coordinating Local Decision Making, AANSW, was moved from the NSW Department of Education to the NSW Department of Premier and Cabinet – reducing its staff and the seniority of its most senior officer.

As one government official explained:

> *on government side there were a lot of changes from like who was involved in negotiating to sign the Accord… I'm not sure whether the things that were agreed, whether that information had been passed from Chief Exec to Chief Exec. It wasn't passed down to my level.*

Even within a single agency there was uncertainty about where government staff responsibility for the TRRA Accord would lie, making it hard to engage with community. For example, as the same official explained:

> *So when I came into the role, it was probably about two months, thereabouts, after the Accord had been signed, so February 2019 I started. I was originally there just as seat-warmer just while someone was on a secondment. So it was pretty much just making sure that we're ticking a few things. I didn't have a lot of engagement with Three Rivers at the time, and I wasn't 100% sure whether everything sat with our western team who would look after the western communities, or whether it sat more in my central role team.*

Some actions were 'parked' as there was no-one in government taking responsibility for them. Within the government, there was no specific implementation plan drawn up for the commitments made in the Accord, and no documented phasing of the actions agreed with TRRA over the three-year period of the Accord's implementation. However, a Task Group was monitoring that agreed actions were being undertaken and discussed some future strategies.

TRRA not resourced and change of Chair and delegates

From the commencement of the Accord implementation, the TRRA Chair's role was entirely voluntary. The person holding this position had a full-time job to maintain.

As a government official commented:

> *They had their own roles in community and I guess their capacity to manage things from Three Rivers side was very limited.*

By mid-2019 that TRRA Chair had resigned and TRRA had at least two other voluntary Acting Chairs before the current Chair took over in a paid position in early 2020.

Other TRRA delegates, tired from the long process of the negotiations, also stepped down and were replaced by new delegates who were still finding their feet. Thus, both sides of the partnership were affected by significant personnel changes. Early on in Accord implementation, government also appeared to have 'dropped the ball' or as another interviewee put it, things continued with 'business as usual'.

Lack of clarity around what Local Decision Making meant; lack of leadership in practice

There also seemed to be a lack of clarity within some sections of government about what the Accord required them to do. Some officials were unsure where responsibility for aspects of the Accord lay or believed that Local Decision Making meant they had to wait for TRRA to initiate actions.

For example, one government official said:

> *My understanding was it's – this is very community-driven, and so government are sort of like the enablers – what do community want, and government enable it. So I sort of found it hard, that thinking, that if I'm not getting told where to go to from community, I can't make those decisions.*

The idea that TRRA should 'take the lead' or 'take some ownership' was expressed by another official, who thought that 'TRRA throw a lot at government agencies to take the lead on things. Whereas I believe that we're there to support the process and guide Three Rivers…', noting that Aboriginal leaders have always said they want to make decisions and do things themselves. This officer found that TRRA work could take up 'a massive

portion of our time', when he had so much other work to do. So he felt that the responsibilities need to be 'evenly dispersed' and 'number one is that Three Rivers should be the leader'. This points to a lack of understanding in government agencies about the very limited resourcing available to TRRA as well as the nature of the Accord, which was about commitments that government was to deliver.

The Education commitments included joint development of a cultural safety framework. The Lead in this area argued that he had been asking TRRA for the themes they wanted addressed in that – 'because what I don't want is it to be in another exercise of the white fella telling the black people what they need', but he eventually asked his Directors to develop a rough cultural safety framework to get the ball rolling, which went to TRRA in December 2021.

TRRA meanwhile believed that once the two signatures were on the Accord, and particularly as the agreement had been signed off by the Minister, this meant that government would action it. Until early 2020, TRRA had no paid staff to progress even its own commitments, such as developing the cultural protocols for each town in its footprint, let alone ensure government was honouring its own. Even when TRRA got two paid staff, it took them a while to 'find their feet' in their new roles, and then COVID-19 intervened.

The result was, in some cases, that each party to the Accord was waiting for the other to act, so nothing happened, and perhaps neither checked their assumptions with the other, discussed the constraints each faced and resolved how to progress commitments made. In particular the tendency of some government officials to expect TRRA, on extremely limited resourcing, to provide considerable unpaid input to tasks that were theirs to complete reveals inequities in the relationship and unrealistic expectations about the time TRRA delegates had available to provide unpaid labour.

4. 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

In some priority areas, there were undertakings written in the Accord which were difficult to implement from a government perspective or they were in conflict with an existing departmental policy. There was also a lack of clarity with regards to the meaning of some aspects of the Accord. We provide examples of this below across the key priority areas.

Economic Development

From a TRRA perspective, in the economic development area, there was a strong desire for more long-term Aboriginal jobs to be created and for local Aboriginal businesses to have more procurement opportunities.

The Accord committed to the establishment of a Working Party as part of a RIBA for the health sector to encourage Aboriginal people into health sector employment. This part of the Accord led to the successful health career expos, and some scholarships for students wanting to study in health-related areas, broadly defined. These are seen as among the successes of the program. Some Aboriginal people question why this was confined to health and would like it broadened out to other areas such as horticulture, the arts, tourism, policing, etc. However, other sections of the economic development part of the agreement have been more difficult for government to action.

Some confusion due to changes occurring in the NSW Aboriginal Participation Strategy, led to an agreement at the Task Group to focus on two major infrastructure projects in the region related to the development of Inland Rail through NSW. In Parkes, a Parkes Special Activation Precinct was designed to take advantage of this opportunity and stimulate economic development in Parkes and the region; up to 5000 jobs are predicted to flow

from this. This project involves considerable construction work such as roads, a level crossing, and installation of all utility infrastructure (gas, water, sewerage and communication) (Infrastructure NSW 2022).

In Dubbo, a new regional rail maintenance centre has been established – the Mindyarra Maintenance Centre[4] – creating some 200 jobs during construction and 50 ongoing jobs. It was expected to be completed in 2022. Transport for NSW has been working with an Aboriginal Working Group[5] relating to regional rail, in which TRRA and governments at all three levels have participated. NSW Training has conducted two pre-employment training sessions to prepare Aboriginal people to obtain jobs arising from these opportunities. We were told that perhaps 20 people have done so.[6] However, as TRRA Chair said, 'Dubbo has been a billion dollar spend at the Maintenance facility – and the community is happy with nine jobs; why are we settling for nine jobs? ... Long way to go.'

The need for more people to complete Year 12 and go on to higher education to qualify for many of the higher level jobs[7] is clear, so improving educational achievement is a priority. One senior NSW official says he has taken TRRA's views to the state level where work has been progressing on strengthening the Aboriginal Procurement Policy, but the impact of this has not yet filtered back to the region in particular outcomes.

Despite these positive initiatives, there are a number of problems in the implementation of this economic development component of the Accord:

- Government's dominant model is to outsource government services and infrastructure work; as a result they rely heavily on the NSW Aboriginal Procurement Policy to create opportunities for Aboriginal businesses and employment, but as one TRRA person said 'Government pushes that onto the contractor, so the contractor has to do it, but there's no ramifications for non-compliance' (TRRA workshop). As TRRA Chair said, 'So all this big infrastructure stuff that comes to us, it's written in the Accord that they come and speak to me. I've had none of them knock on the door.' TRRA delegates also note that despite a large number of construction projects in Orange, the Aboriginal community there has been disregarded, so it seems clear to them that the Aboriginal Procurement Policy is not delivering on the ground.
- TRRA believes that to make a difference, they need to be at the table with contractors – and not just Regional NSW having those conversations with contractors. TRRA delegates believe that as work moves from head contractors down the chain of sub-contractors the Aboriginal participation commitments are overlooked, and head contractors are willing to pay fines for non-compliance rather than make the necessary effort to comply. Funds raised from non-compliance fines currently go to Training NSW and TRRA argues they should be provided to an Aboriginal organisation, such as itself, to use to support their own people into employment – as training is not the only response needed. On the other hand, training is needed in preparation for major projects, as TRRA emphasised,

  > *We've known that this $100 million bridge project was coming for five years, so why haven't they trained us? So all we get is basic labourers. No qualifications, and in two years' time where do we go then?*

- An evaluation of the Australian Government's Indigenous Procurement Policy in 2019found 'black cladding'[8] to be a problem, and TRRA delegates believe the same is occurring in NSW and government should not

[4] https://www.transport.nsw.gov.au/projects/current-projects/regional-rail-mindyarra-maintenance-centre
[5] This Working Group is not specifically part of the Accord, but seems related to the goals of economic development.
[6] Such data are not routinely compiled once training is completed; 13 participants from the first course got jobs and perhaps half of the second group also did. Official data are however not available.
[7] Of the Parkes population, 60% have not completed Year 12, so are not likely to get the engineering jobs created.
[8] Black Cladding is defined as: 'the practice of non-Indigenous companies either creating a business structure where the shareholding percentage is technically enough to qualify as an Aboriginal business or attempting to misrepresent themselves as Aboriginal businesses in

simply rely on Supply Nation, but check things out locally. As a TRRA staff member said, 'I've looked on the [Supply Nation & Indigenous Chamber of Commerce] website, there's black businesses in town here that ain't black.' In addition, language and the formal, legalistic approach of procurement documents are daunting; Aboriginal businesses may not have the skills and capacity to undertake government procurement work, or may have difficulty accessing the loans or grants for required equipment in a timely way. The NSW Government has developed a plain language guide to the NSW Aboriginal Procurement Policy to assist, but clearly that may not be sufficient to make the connection between the policy intent and its implementation on the ground. Assistance in responding to tender opportunities could be one way to help Aboriginal businesses win government contracts in diverse areas.

- TRRA points out that the failure of government agencies to correctly follow the NSW Aboriginal Procurement Policy is a missed opportunity. LALCs have not been engaged to help develop small enterprise for communities, and government spending in ground maintenance, catering or similar work, is not going to Aboriginal businesses. It is important that government leads by example when it is asking the private sector to provide more Aboriginal opportunities.

  Every day in Dubbo or Orange, government is spending money, whether $500 for meals, fencing a school, that sort of stuff. That's everyday stuff they can negotiate with us, as long as it's a commercial contract and it looks OK.

  TRRA make the point that up to $250 000 an Aboriginal business is a preferred provider, yet it doesn't happen.

  Every single government department is meant to spend 3% of their budget on Aboriginal businesses. Not one department has ever hit that target…

  Often government staff, including schools, are unaware that they should be preferring Aboriginal business where they can. Clearly the Aboriginal Procurement Policy is not being implemented adequately and opportunities to meet targets by engaging or developing local Aboriginal businesses are being missed.

- Whilst Inland Rail is providing some job opportunities, they are mostly short-term and do not lead to long-term employment, or they are going to Aboriginal people from outside the TRRA footprint:

  Inland Rail, when they went to Peak Hill, they employed two people for one month. On their figures that showed up as 10, but 8 were from Brisbane (TRRA workshop).

  Nor are apprenticeships possible in this short-term contracting environment as they take 3–4 years to complete, yet attaining qualifications might lead to longer term work.

- TRRA delegates feel there is a need to focus on employment in ongoing programs/services, such as education, where there is clearly a need for more qualified Aboriginal teachers, and a range of social programs that government provides, as well as local housing construction. The need for more Aboriginal teachers was also emphasised by one government officer; '...we need to train our Aboriginal people to become teachers. How do we bring them into the profession?'
- For people in smaller communities the focus on employment in health was seen as too limiting, and there was concern that the opportunities being created through the Accord were only available in the larger towns. People do not always want to move for employment, some may be unable to for a variety of reasons,

a bid to win contracts under the IPP… This can take the form of establishing shadow businesses with Indigenous owners and limited or even no staff to win the work and subcontract the parent organisation to deliver' (Deloitte, 2019, p. 3).

and strategies need to be tailored to the major industries, employment and business opportunities in each location.

- Another issue is that the Aboriginal Procurement Policy does not apply to local government procurement, yet local government is often a major source of local opportunities. For example, in Dubbo there are major opportunities in construction of affordable housing funded by the NSW Government, but managed by local government. In Trangie too, there may be opportunities for TRRA to assist with Aboriginal participation in infrastructure projects.
- Finally, while there were difficulties from the government side, TRRA also realises that it has difficulty in being clear on exactly what it would like government to do to improve economic outcomes for Aboriginal people. What TRRA knows is that state-level policies, which might appear very good, are difficult to translate on the ground to achieve the desired results. More conversations and more creative solutions to this gap between intention and reality seem essential.

Housing

In housing, the Accord committed the NSW Government to consultations about housing issues, and these have been valuable in various ways.

However, at least one government officer wondered why the Accord seemed not to focus on things TRRA clearly wanted to happen:

> *We found that the Assembly is incredibly clear what they need and want out of changes to housing. But what they needed and wanted is not reflected in the Accord… What they want is more say in who gets the public housing, where the public housing is built, what it looks like… They knew before they'd even negotiated the Accord, but the Accord itself is quite vague… they will do some community consultations and develop a strategy out of that.*

Another officer in the housing area who was not involved in Accord negotiations was unclear about the purpose of the commitment to explore the feasibility of a Rent to Buy Scheme:

> *Is it for more people in community to buy a home? Is it for… Land Councils to understand how they can implement a Rent to Buy model? Is it for government to actually develop something so they can advocate to Treasury on a Rent to Buy model? So I couldn't actually unpack where does this paper need to go?*

At the time TRRA did not have a permanent Chair for the officer to discuss this with, so this delayed his work on it. Community members are concerned that houses sold to tenants are in poor condition, and they want funds from houses sold to be put into new housing.

These examples emphasise the importance of great care when negotiating Accords, to ensure that expectations are clear and realistic on both sides, that officials who inherit commitments know where they can go to in government or TRRA to get clarification, and that high level commitments are likely to lead to real change at the local level. Other TRRA delegates suggested that in future there should be more flexibility built into the Accords, so that as some things were achieved, new commitments could be added, 'as there are so many issues like aged care, children in out of home care, NDIS – all huge issues' (TRRA workshop).

5. The COVID-19 pandemic impacted on progress, but also showed the great value of government working in partnership with TRRA

The COVID-19 pandemic was entirely unforeseen and, for significant periods in 2020 and 2021, caused considerable disruption to the work of both government and TRRA on the Accord commitments. Dubbo was itself the epicentre of a large outbreak in 2021. However, this crisis also demonstrated the value of the relationship between the NSW Government and TRRA and the importance of putting Aboriginal people front and centre in operational policy.

COVID-19 was not the only crisis that government was dealing with across the state.

As one government officer said:

> *Since the Accord's been signed, we've gone from droughts to fires to floods to Covid, back to floods, more COVID-19 lockdowns… all I guess outside of our control, but it has made an impact on what our priorities are and the resources that we're required to deliver.*

As this officer and others pointed out, there was also a mouse plague that affected the TRRA area with health and housing implications. In essence, the implementation of the TRRA Accord came at a very difficult time within government as well as in the community. Importantly, TRRA's value during COVID-19 was widely recognised and applauded.

One government official saw TRRA's role in COVID-19 as one of the 'incredibly positive' outcomes of having that relationship:

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

Another government official explained the critical role TRRA played in coordinating all the activity through the 'Koori Connect Network', including the nine Aboriginal-run food banks that were operating. TRRA could alert the government to problems on the ground that needed attention.

This official also recognised TRRA's value as a sounding board, to check what approaches might work. For instance, TRRA staff made the point that initially when governments mobilised to get the message about COVID-19 out to communities, they intended to say they were coming round to do 'welfare checks'. TRRA staff explained to them that this messaging would be interpreted negatively in their communities '…the minute people hear that, you'll get a door slammed in your face'. TRRA advised them how to communicate successfully and engage Aboriginal people. They also partnered with the government to get the message out. One government officer commented:

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

Getting everyone vaccinated was a critical priority, yet in many parts of the state the NSW Department of Health struggled with their Aboriginal vaccination programs. That was not the case in the TRRA footprint.

As one government official stated:

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

Indeed, though NSW Police were not party to the Accord, another government official explained that:

> *The police asked that the Assembly be front and centre at the regional emergency management meetings as they recognised the value TRRA brought to the COVID-19 response.*

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

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

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

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

This example also illustrates how responsive government that listens and responds to community can achieve important outcomes.

However, although TRRA was deeply involved in negotiating and distributing to towns in the footprint items like food parcels, masks, sanitiser and cleaning products, as well as information for communities, many in their constituency were unaware that the things that helped them through the crisis had resulted from the actions of TRRA. Local LALCs that were TRRA members carried out the distributions and TRRA's work behind that was not widely understood by community members, although in a few places it was recognised (e.g. in Mudgee).

As the community report recorded:

> *The information and support from the TRRA and other communities was fantastic. The TRRA staff went above and beyond their roles to get information to community and to support community messaging.*

6. The greatest success of Local Decision Making, and where things worked, was the relationship formed between senior government staff and TRRA; this relationship has certainly improved, but the government needs to listen more deeply and be more responsive to issues raised by the community

The relationship between TRRA and the NSW Government at the end of the Accord negotiations was perhaps not as good as in subsequent Local Decision Making Accords elsewhere, where more effort was put in before negotiations began to build the relationship, trust and respect among the parties. This did not happen in the case of the TRRA Accord where negotiations were more formal. Then, when Accord implementation began in 2019, there was a period of change within government and TRRA, in which developing the relationships was difficult.

By early 2020 when the current TRRA Chair came into the role, he had to work hard to engage with the government.

As the TRRA Chair mentioned:

> *The big challenge for me was just to get in the door of the government… not that they didn't accept it, but they weren't educated in the authority of the Accord.*

That has now changed and as he said:

> *they're really appreciating where we are at the moment and if we lose that now, the government fellas are going to lose that hard work we put in.*

The TRRA Chair noted that the relationships were best with 'Aboriginal people in senior roles, they seem to hear me better', whereas with non-Aboriginal people in similar roles, 'that's where I can have some barriers put up'. However, overall he thought that the 'understanding of the Accord from both government and the community, understanding the opportunity, I think, is a good achievement.' One government officer also noticed that 'the only agency that has a lead Aboriginal man, that's the agency that's performing the best with TRRA'. In one community, interviewees commented that particularly where there are Aboriginal people in departments, they can see small changes in the relationship. Other interviewees noted that they knew TRRA could help them make connections within government when they needed to.

Another TRRA staff member said she thought the relationship had improved:

> *I think it's shifted. I don't think it's at a place where we want it, obviously, I'm being realistic, but it's a work in progress.*

She felt that some stakeholders were 'really great, and they're like, yeah, let's work on this together', but another government department had used TRRA's name to claim credit for something that came from the community. This upset the community who felt their intellectual property was being used without permission or acknowledgment. Yet speaking about the government Lead in Health as an example, she said 'I couldn't fault him'.

One government officer made the point that:

> *it's very clear that where you have a proactive lead who has a good relationship with TRRA, their Traffic Light Report is a lot more green and getting things done.*

He saw the nature of the relationship as the critical factor in the successes achieved.The relationship depends on good communication, and as one TRRA staff member said:

> *I think the biggest thing for me, moving forward, and what I'd like to do to improve the way we work, on both ends, is ensure there's regular communication, and accountability.*

They suggested having fortnightly meetings that the people involved commit to, to maintain transparency and good engagement.

One government officer recognised that:

> *it was a new space, I guess to be in for government representatives. It did build the relationships, which is the positive and a different way of doing business, but that different way of doing business was a change of policy, which was a big hesitation.*

When asked about success, another government officer said:

> *the biggest one is that the Assembly have been very strongly connected to government, so they have had a very strong, clearly defined connection to government decision making, which I think is great. I think their capacity for effecting change has grown because their knowledge has grown.*

Thus while the TRRA Accord implementation started with poor relationships, much stronger relationships have now been achieved. Another government officer valued the regular meetings with the Chair and with TRRA delegates, saying that the latter:

> *has enabled me to start to build a relationship with all of the delegates involved in TRRA, and get to know the issues across the communities a bit better.*

The Health Lead emphasised that:

> *We've needed really good community leaders and partners in every one of the individual communities across the footprint. The TRRA and Murdi Paaki have created that platform for us, have that really authentic relationship.*

The Health Lead stressed that:

> *while some people may see it as a challenge to be reachable to community leaders so they ring you on a weekend or whenever, it's just the way that Aboriginal people do our business... it's just what I expect and know as to be the relationship.*

Another official commented that during COVID-19, TRRA and Murdi Paaki Regional Assembly were brought to the table, and that 'increased the relationship they have with other agencies' especially Health and the Police.

Senior officers involved in housing also saw the value of making the personal connections with people in communities through the Housing consultations:

> *A lot of communities have asked for Aboriginal Housing Office (AHO) and Department of Communities and Justice (DCJ) to come back regularly so we can start to improve housing within those communities… So yeah, that personal connection has definitely helped, been a big achievement.*

Yet one government officer emphasised that government still wasn't really using TRRA and local decision-making bodies when they should, 'Fantastic concept, but don't just put it in there as a you know – oh, yes, we've created this. Utilise it!' This officer was very positive about the work TRRA are doing, describing them as a 'proactive Local Decision Making group' and acknowledging that 'there have been huge steps taken… there's a lot that can be done differently… a lot has come forward because of the Accord'.

Relationships with the Department of Education however, remain difficult, and community interviewees who commented on this did not believe that relationship had improved. The issue of student suspensions remains largely unresolved and this is a serious concern for many Aboriginal people.

The relationship established with TRRA enabled some government operational policies to change to better meet community aspirations, particularly in relation to housing; what is clear is that improvements in service delivery don't necessarily entail significant resources, but simply require different processes or more contact and communication with people in the communities where services are being delivered. For example, making decisions about housing from a community perspective might mean considering whether a person is from Country or wanting to return to Country, not simply that they live in the area. Incorporating such considerations into housing decisions would not involve extra costs but would reflect culturally important perspectives. Furthermore, one government officer suggested that it's important for the government to truth test whether services it is paying for via contracted organisations are actually being delivered. He explained, organisations may put in 'a brilliant report to say the wonderful work they've done', but 'no one physically truth tests at the community level whether they've received the service delivery that government has paid for'. This officer saw TRRA as playing a critical accountability role to truth test whether what government says it is doing, actually hits the ground.

7. Some commitments in the Accord negotiated with TRRA ran up against departmental policy conflicts or other centrally-determined decisions

The TRRA and the NSW Department of Education have different approaches to school suspensions

The very first Education commitment in the Accord is to 'identify schools and school specific policy to prevent repeat suspensions and to re-engage students in the TRRA footprint'. The last is to 'jointly scope the resources required to support a program for students involved in both in and out of school (non-violent) suspensions'. While, early on, the NSW Department of Education identified seven schools with the highest number of Aboriginal suspensions, with a view to trying to reduce them, department policy remains that students who are suspended are not allowed on school grounds. For the TRRA community, this policy is very unhelpful as students are more likely to engage in crime if they are out of school and they miss out on important learning. With multiple long suspensions they never catch up their education, so a vicious cycle begins.

The NSW Department of Education is unwilling to shift from its policy, but argues suspensions are reducing:

> *In the past, for example, if it was going to be a long suspension – a long suspension is from 5 to 20 days – and there's a general rule that students were out for the full 20 days. Whereas now, we're trying to get them back, on average, after about 10 days. So, when there's significant behaviour issues, like violence or weapons, and they get those long suspensions, now, as a general rule, on an average, we're getting them back in 10 days rather than 20 days.*

Data provided to the research team was from 2016 to 2019 so it is not possible to verify the impact of the Accord on school suspensions. However, while the length of suspensions may perhaps be reducing, the problem remains that suspended students are not given alternative learning opportunities on school grounds. TRRA delegates suggest 'we need a little room, so that kids are not sent home; they're roaming the streets', citing the example of a young boy nearly killed in an accident when riding his bike because he was not at school. Furthermore, 'if they are suspended, Clontarf can't work with them because they do their stuff on school grounds.' In addition, the underlying causes of the suspensions are not being addressed. For example, the research team received accounts of Aboriginal children being suspended for several days for responding to racist behaviours from other students, such as racist name calling.

TRRA has become so concerned that they have set up their own program over a week with volunteers using a Council-donated space – for example, holding cultural activities (dance) after school hours for over 100 kids from one high school in Bathurst, with a Corroboree at the end of the week to which the parents came. 'No offences were committed that week, we were working with them; they weren't bored', and the volunteers were 'giving them what they want – their culture' (TRRA workshop).

While one high school in the TRRA footprint with very high numbers of Aboriginal students has developed a very successful program to support around 15 students at a time, the community TRRA represents, and TRRA, want to end suspensions that force students off school grounds. At present this seems to have hit an impasse.

The NSW Department of Education prioritises CAPO organisations over TRRA

A second problem in the Accord relating to Education is that the item that commits to involving TRRA in the selection process for Aboriginal-identified positions in the TRRA footprint contradicts existing department policy to work with the Aboriginal Education Consultative Group (AECG).

The NSW Department of Education is working firmly within the Closing the Gap framework and sees its primary relationship to be with NSW Coalition of Aboriginal Peak Organisations (CAPO) and one of its members, the AECG.

According to a prior industrial agreement, department policy is to work with the AECG:

> *…in the staffing agreement and the teachers' salaries and conditions award, which is registered in the Industrial Relations Commission, it actually names the AECG, as where there's an Aboriginal community, we have to have a representative of the AECG. So, we can't override that and say, okay, well, TRRA wants to be involved in those, so therefore, we'll just put TRRA in there because there's something in the Award that says that it has to be this other body. However, we have got permission, so that when there is no AECG representative available, that we can use TRRA delegates.*

It is surprising that this issue was not raised during Accord negotiations.

Similarly, the Accord specified that TRRA would play a role in consultations between school principals and Aboriginal communities or families through Aboriginal Education Committees (AECs).

However, as the Lead Negotiator for Education said:

> *We don't have AECs… Apparently, at the time, the advice back to TRRA was, that's not something that we have, that's not a phrase that we use. But, again, the relationship wasn't strong, so it went through anyway.*

Despite this, as the Education Lead Negotiator said, the spirit of the agreement is now being taken forward:

> *…we now have an understanding that, okay, there isn't an AEC for every school, but every school does have a committee, it just looks different in every school, and probably the best thing for us to do is having the local delegates meeting with the principals… let's do it the other way, through building the local relationships, and we get that community voice into the work that's going on in schools.*

In contrast, when asked about the how the Accord had strengthened the work they were doing in Education, one director said, 'The short answer is that it hasn't'.

He went on to say:

> *Not one of the principals would say they have seen the Accord or would know what was in the Accord. What they need to do on the ground is to work with LALCs, AECGs and their kids (to do the best for all of their Aboriginal students).*

The director had not wanted to share the Accord commitments with the school principals. While the TRRA Chair had spoken with principals about cultural safety and received positive feedback, this director was concerned about what the time spent actually achieved in terms of outcomes.

These examples indicate that conflicts with existing government policies or approaches need to be identified at the Accord negotiation stage. Aboriginal expectations that they can be changed to align with what they desire in the Accord should not be raised, unless such policies or approaches are open to change.

Despite these issues, TRRA has achieved some positive developments in Orange and Dubbo. At Canobolas Rural Technology High School in Orange, around 45% of the students are Indigenous. Two years ago, the school established an off-site 10–20 week program for disengaged boys in Years 7–10 called *Narungu Yalbalinya*, which has significantly reduced repeat suspensions. This appears to have been in response to advocacy and initiative by the Orange LALC and its members, which the director realises may have been related to the TRRA Accord.

The director added that:

> *the Land Council in Orange have been wonderful at holding schools to account around cultural safety and what happens from a cultural perspective.*

The school also has an Aboriginal Learning and Engagement Centre, a National Aboriginal Sporting Chance Academy for girls, and a Community Connector program which works with families to support 83 students who are at risk of disengaging from school or not achieving a High School Certificate. The Orange LALC also provides funding for out-of-hours tutoring for these students.

A similar initiative has occurred in Dubbo, where a different director worked with TRRA and other bodies to address student disengagement in a particular high school:

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

Centralised decision making undermines Local Decision Making

Towards the end of the Accord implementation period, a decision taken in housing also illustrates how centralised decisions taken in Sydney conflicted with the goals of Local Decision Making.

It was decided to shift ownership of Aboriginal housing management in Orange and Bathurst to the Aboriginal community-controlled sector. However, the tender process was managed centrally. As a result, both the tender scope and the successful tenderer did not align with local cultural realities or benefit local Aboriginal businesses.

The first issue is that the tender scope included both towns in its scope, whereas only the Orange LALC was an accredited housing provider. The Orange LALC had been encouraged by government to obtain this accreditation at some considerable cost with a view to expanding its role in housing management. However, it is not in line with Aboriginal protocols for the Orange LALC to manage housing in Bathurst as well as Orange.

Secondly, the successful tenderer was an Aboriginal community-controlled business based in Sydney and the local community expects that the economic benefits of managing this housing will flow back to Sydney, not to the local LALC that had prepared to increase its role in this area.

Although feedback from TRRA and its communities was provided to decision makers by government staff who work with TRRA, this was overridden in Sydney.

Such a centralised decision also causes conflicts within the Aboriginal community between peak bodies and their constituents, and shows how shared decision making is not the same as local decision making. Yet to achieve economic development in regional communities, which is an objective of the TRRA Accord, it is local, shared decision making that is required.

8. While some data was supplied to TRRA, not all data TRRA sought was made available to them; some government data was highly inaccurate in relation to the realities on the ground.

Sections 5.1.3, and 5.1.4 of the TRRA Accord state that the NSW Government will

> *share information with TRRA, including all necessary data on relevant service funding (including Aboriginal-specific and mainstream programs) in the region with the exception of private or confidential information, and report on and be accountable for outcomes.*

TRRA does not believe this has happened. However, many in government believe they have provided data. In some cases, government has provided data, but the data is incomplete or inaccurate.

For example, despite some initial fears about handing over data, the Department of Education provided TRRA with information on the seven schools with the highest Aboriginal suspension rates. However, no subsequent data has been provided to TRRA or the Task Group to track whether suspension rates in those schools have fallen.

This may be due in part to the fact that long-term tracking data was provided to TRRA from 2016 to 2019, and so does not reflect the impact of programs commencing after Accord implementation in 2019. Data that becomes available later for the period up to 2022 should be examined in the future, particularly for the two high schools in which special programs have commenced.

Inaccurate government housing data reflects lack of community trust

The housing agencies involved in the housing consultations (AHO and DCJ) provided TRRA with some valuable data on the housing situation in each town.

In relation to social housing, a government officer noted 'that nobody had any idea what those Aboriginal wait lists looked like' and when they did look at the wait lists, it was found that the lists were totally inaccurate:

> *because of historical breakdown between Aboriginal communities and any confidence that government's going to help, (so) they're not putting their name on the wait list. So, the government is then looking at these wait lists going 'oh there's only three people wanting housing in Dubbo, there's no point building'. But meanwhile, the Land Council has a wait list of about 100 people.*

Such grounded truth-testing of government data is invaluable. It 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.

Without data, TRRA can not assess the effectiveness of service delivery

Data on service funding promised in the Accord has not been delivered. As one TRRA delegate said:

> *Treasury need to be making it very clear to us who is funded for what, so we can hold them accountable. Well, these gaps in service delivery, is it a funding problem or is it a compliance problem with the contracts that the government is pushing out there, because I think a level of accountability is not there because we don't have that information.*

Only in the last six months of the Accord have TRRA been able to engage a consultant to document services that government is providing in the TRRA footprint. This exercise is designed to document whether services which government funds are actually hitting the ground in communities in ways that communities can access them and benefit from them.

TRRA can play a valuable role in truth-testing the effectiveness of service delivery. As one government officer said:

> *Government should understand that whatever government agency is funding an NGO, truth testing is imperative at the local level. Anyone can – and generally this goes back to a good NGO or large NGO would have a good grant writer. Puts in a great application. Gets money to deliver… That organisation will also write a brilliant report to say what the wonderful work that they've done, but that government agency will not go out to the community and ask the community whether they've received what's in that report.*

That is the biggest issue for NSW Government or any government… no one physically truth tests at the community level whether they've received the service delivery that government has physically paid for.

9. The relationships established or strengthened through the Accord led to a number of spin-off benefits which were not part of Accord commitments; but there was also a risk of diversion from TRRA priorities.

The relationships that TRRA has established with various government bodies has led to several opportunities which extend beyond commitments made in the Accord. These include:

- an Education Working Group in Dubbo
- relationships with the Professional & Ethics Standards[9] in NSW Department of Education which have led to two Aboriginal identified positions being created
- presentation to the Western NSW Local Health District Board
- strong relationships with local government in Dubbo Region
- membership of Regional Rail and Regional Energy Zone Working Groups.

An Education Working Group in Dubbo

This working group arose from relationships built with one of the NSW Department of Education directors in the TRRA footprint while trying to improve the situation at Delroy High School in Dubbo. The Education Working Group comprises TRRA, an AECG delegate from Dubbo, and Allan Hall, a senior Aboriginal staff member in the NSW Department of Education, as well as the relevant Dubbo directors and executive principals. The Education Working Group now has ongoing input to education matters in the Dubbo Region.

Professional & Ethics Standards

Professional & Ethics Standards (PES) is the professional standards unit of the NSW Department of Education. PES looks after complaints from parents and community about schools and this is very relevant to the many concerns community has about Aboriginal student suspensions. However, initially there were no Aboriginal people at the table where complaints were heard. Since TRRA has been meeting with PES, there is now an Aboriginal person present at the early stages of a complaints investigation and two identified positions are now funded, with TRRA and PES working together to determine their job descriptions. This is an initiative of TRRA which may well benefit Aboriginal people in other parts of NSW.

Presentation to the Western NSW Local Health District Board

Local Health District Boards manage public hospitals and health institutions and provide health services to defined geographical areas of NSW[10]. The Western NSW Local Health District Board invited the TRRA Chair to speak at their meeting and to share with them some of the issues in the TRRA footprint; 'the good stuff, the bad stuff and the ugly' as one government officer put it, which as she said, although '...it's not in the Accord as such. That's a tick'. It was particularly important for TRRA to share with the Board the everyday struggles of the

[9] https://education.nsw.gov.au/about-us/rights-and-accountability/department-of-education-code-of-conduct/welcome-to-employee-performance-and-conduct--epac-
[10] https://www.health.nsw.gov.au/lhd/boards/Pages/board_governance.aspx

Aboriginal community, as the Western NSW Local Health District Board has no Aboriginal members; its only requirement is to have one member with knowledge of Aboriginal health.

Strong relationships with local government in Dubbo Region

Effective networks have built up between TRRA, local government and other bodies in the Dubbo region. Dubbo Regional Council, which now also includes the town of Wellington, was involved informally with the Accord negotiation as its Wellington-based Aboriginal Liaison Officer was a TRRA delegate until 2019. Early TRRA delegates from Dubbo were also staff members of Dubbo Regional Council, so there was a strong link between TRRA and local government from the outset of the Accord. Subsequently, a new Aboriginal Liaison Officer at the Council has developed very strong links with TRRA. According to a Manager at Dubbo Regional Council, this new staff member connects 'quite intrinsically with members of the TRRA and events and activities and issues that the TRRA are leading in our region'.

The Dubbo Regional Council Manager explained:

> *you'll often find that those members of the TRRA from our region also sit on other inter-agencies and other networks that link in very regularly… So there's a very natural communication link and networking in our region with the TRRA and other networks and community services and organisations and as I said, very, very close link with the Council as we have had for so many years.*

The Dubbo Regional Council also has a particularly strong relationship with TRRA through the Dubbo CWP, of which TRRA's Project Officer is also a member.

The Manager emphasised the value that TRRA brings to the Council and regional networks through its work at higher levels on broad health and education issues. The positive relationship between Dubbo Regional Council and TRRA is also assisted by the fact that the Council's Reconciliation Action Plan (RAP) is consistent with the objectives of the TRRA Accord. For example, Council employs some 600 staff and prioritises local procurement, both of which can assist with TRRA's economic goals. Requiring local governments to adopt the NSW Government's Aboriginal Procurement Policy could reinforce this RAP approach.

Membership of Regional Rail and Regional Energy Zone Working Groups

Not specified in the Accord, but consistent with the objective of improving procurement and employment opportunities, TRRA has been invited to be a member of Working Groups relating to both Inland Rail and the Regional Energy Zone. Both represent significant regional economic development opportunities, so having TRRA's voice at the table may assist in enabling Aboriginal people from the footprint to take advantage of economic opportunities that will arise.

While some of these opportunities may not yet have produced concrete outcomes, the fact that Aboriginal people are now at the table means that their voice is heard in these important regional fora, and there could potentially be significant benefits.

However, while these are all positive outcomes relevant to TRRA's priorities, there was a period when a number of government departments that were not parties to the Accord sought to use TRRA as *the* regional consultation mechanism for various government policies and discussion papers. This strong government demand for input from TRRA used a lot of TRRA delegate time, and diverted TRRA from its focus on getting the Accord implemented. Thus, government was placing a heavy load on an already under-resourced Regional Assembly. It also seemed to TRRA that government departments were consulting with TRRA at the regional level rather than going to the local level to consult with the relevant local bodies that might expect to be consulted directly. In

2021, the Chair stopped agreeing to these broader consultations, so as to focus on the areas TRRA had prioritised in the Accord.

This experience demonstrates government appetite and readiness to engage positively with a strong regional Aboriginal organisation. However, attention needs to be paid to ensuring that relevant local voices relating to the topic are also heard, as well as logistical issues such as adequate resourcing and coordination.

10. TRRA provides a suitable model of regional governance but its composition may need review and the connections to its communities could be strengthened

TRRA formed voluntarily in 2013/14 and in 2015 began negotiations with NSW Government on the Accord. Its composition is predominantly LALCs from its footprint, along with Community Working Parties (CWPs) where they exist. One LALC member and one CWP member is the norm. One government officer said, 'I think the strength is that it's the model is the right model.'

This officer saw value in the community representative approach:

> *the multiple voices of communities have got an opportunity to feed up through their representative and then to come to the negotiation table.*

The link right through from local towns to NCARA at the state level is also seen as valuable by both AANSW and TRRA.

However, not all towns have CWPs and some CWPs are inactive. For towns where there is no CWP, TRRA has two delegates from the relevant LALC. There are some who think the representation could be opened up beyond the LALCs and CWPs to members from other Aboriginal organisations, particularly where there is no CWP. Instead of LALCs having two members, perhaps another Aboriginal organisation should have a delegate instead.

The TRRA Chair explained:

> *a lot of people aren't part of our Working Parties and a lot of people don't walk into our Land Councils. So we've got mob that aren't being represented.*

This point was also made in some of the community interviews that community members who are not LALC members should have the opportunity to nominate as delegates.

The TRRA Project Officer suggested that it was time to take a step back and have a look at the governance of TRRA:

> *for too long, we've been defined and expected to create our committees and create our structures, based on non-Aboriginal structures. We're not non-Aboriginal. We are Aboriginal. This is our community. We need to structure it the way we want to structure it, with our key priorities and our key focuses. Whether that's just writing up on a board, chucking out the big folder that's got 20 million different partnership agreements in it, and 20 million different key stakeholders. Whether that's going back to the drawing board and having three or four main priorities that each community wants to focus on, from that governance structure, and then working from there, to then build that structure up, to get those right people sitting around that table, to then have that strong voice come up to the regional level.*

For her, it was timely to review how TRRA was working, since from her perspective, while some delegates clearly understood their roles and responsibilities, it appears that others do not bring issues to the table. Another former delegate felt that some delegates get bogged down in administrative issues and lose sight of the bigger regional picture and what they are trying to achieve. The role of TRRA delegates as key contact points in their local communities is also not always understood in those communities. The TRRA Project Officer thought it might be timely to also have some governance training for the delegates.

The TRRA Chair felt that:

> *Community now are only just understanding that they have two delegates in their community. They've been sitting there for three years and they're now – community are starting to make those delegates accountable to come back and share stuff because they didn't know that they were there.*

Thus, communication in the local-regional model of TRRA depends a lot on the delegates, all of whom are volunteers, and some are more active than others. This includes communication to the communities about what TRRA is doing, how it is making progress on the Accord priorities, and what opportunities this might provide in local towns.

Of course, as volunteers, delegates vary in the time, energy and capacity they have for their roles. Some interviewees suggested that any additional resourcing to TRRA should include some payment for delegates, or providing additional TRRA staff in the communities, perhaps each responsible for a cluster of towns. This would support two-way communication and Accord-related work in each town.

In locations where knowledge about TRRA and the Accord was greater, this was due to regular reporting by the delegate to their LALC and/or some visits by the TRRA Chair to that area. Interviewees also observed that more was achieved in towns where delegates were very active. Some interviewees suggested that it would be good for the TRRA Chair to report regularly to community meetings and send out three-monthly reports on progress against the Accord commitments. It was also suggested that it was the collective community voices that would hold government to account for delivering on the Accord.

Representation and communication across a large and diverse region, as well as within a city like Dubbo, is also a challenge. Dubbo has some 10 000 Aboriginal residents, and eight clan groups – two people on TRRA cannot represent them all adequately, However, to increase the number of delegates from Dubbo would distort the regional balance within TRRA. Even now, smaller towns must advocate for their needs to be met.

Given these issues, together with the limited resourcing of TRRA and the fact that no major communication strategy about the Accord and Local Decision Making was undertaken by government or TRRA, it is not surprising that ordinary community members and some Elders who had not been involved with TRRA's work knew very little about TRRA and the Accord. It seems that the email communication TRRA regularly sent to delegates does not always go much further in some communities. Perhaps this is because TRRA sends out its meeting minutes to delegates, often to their personal emails rather than the organisational email of the LALC or CWP that they represent, and some delegates do not share the key points of relevance for their community with others. This may be for a range of reasons, including time on local meeting agendas, other priorities, delegates' own ability to summarise key points from the minutes, or other constraints. As one community group report stated:

> *The minutes provided are too detailed which means information gets lost and doesn't filter down to community. Information coming back to community has been reliant on the delegates… Communications should come through the members (LALC or CWP) to ensure that information was being shared and not*

lost (especially with changes in delegates or delegates not passing information on) so that more people have an understanding of the Local Decision Making, TRRA and the Accord.

It also appears that few Aboriginal people access TRRA's website, though more may use the TRRA Facebook page which is very informative about jobs, community events, and so on. For a brief time, TRRA provided short meeting summaries/key points to communicate. However, in response to some criticism it stopped doing so. It would appear that this would be a good practice to return to, resources permitting.

11. There would be value in Local Decision Making and Closing the Gap to bring local knowledge to implementation.

Local Decision Making in NSW preceded the July 2020 National Agreement on Closing the Gap (CTG 2020) (Coalition of Aboriginal Peak Organisations & Australian Governments, 2020), which has now been adopted by the state. Many interviewees believed that these policies could co-exist or be aligned for the future.

Priority Reform One of the National Agreement is 'Formal partnerships and shared decision making', with outcome indicators – the proportion of people reporting they are (1) able to have a say in their community on issues important to them, and (2) reporting improvements in their communities.

The TRRA's regional governance arrangement provides a mechanism for both of these outcome indicators in the TRRA footprint and potentially covers all CTG 2020 targets. For example, some interviewees pointed out that the TRRA Accord priorities of education, health, housing and economic development are also CTG 2020 target areas.

The state-wide government CTG 2020 partnership is with NSW CAPO, which at the local level was not well known, and if TRRA were not there, as one government officer said:

Who are you going to call to help do some of the work you do? Because they [TRRA]) get relied on a lot for their local knowledge and their intel.'

Or as another put it:

One of the positive things for this Accord is relationships, the ability to pick up a telephone and go 'Hello, I've got a problem, I need to talk to you'.

So there is uncertainty in government and TRRA about whether CTG 2020 could be the vehicle to progress any further local decision making work.

As one government officer said:

If you have a look at what's in the Accord and the outcomes of Closing the Gap, if you align it to some of those targets it is still achievable. So I see it as just realigning rather than reinventing the wheel.

As one community report noted:

There has been a lot of work over a number of years to set up the TRRA structure and it is now starting to get runs on the board. It would be disappointing to see it shut down now after so much time and energy has been invested by staff and communities in the region.

TRRA is in place as a model representing a number of communities in the region. It would be sensible to utilise the TRRA to be the connection and voice between all government levels and community – particularly in relation to the implementation of policies and programs around the CTG targets.

Another community report stated:

The regional model is good but there needs to be more work done in communities to understand what LDM and TRRA is. Working as a region through TRRA might have a role in the delivery of the Close the Gap targets by getting the government to focus attention on common issues and then take action on the ground in individual communities.

One TRRA delegate interview report emphasised:

TRRA has a bit of power and infrastructure as a regional entity and we should stick with that and use it as an opportunity going forward to address state and federal government targets. TRRA could be the vehicle to drive change and shouldn't be forgotten. There has been significant investment in setting up the infrastructure and it needs to be aligned with government priorities… It (Local Decision Making) needs to align with the Commonwealth and CTG. It is the missing piece that will bring about change as TRRA can provide the regional and local input and leadership. We need levers to pull if things are not happening. There needs to be a holistic approach on service delivery and community from the micro up to the macro. It needs to involve something more than just the state government. We have lacked strong relationships with our own peak organisations which needs to be addressed.

He added that going forward in a CTG 2020 policy framework:

TRRA can identify the strengths, weaknesses, opportunities and threats in our communities and develop regional stories and strategies for local communities to address their different needs. It provides a truth test to state statistics regionally and locally. Commonwealth Government don't have the capacity to implement all state policy and models but we as TRRA have regional and local leaders to truth test implementation and effectiveness.

A point TRRA made was that NSW CAPO represents the community-controlled bodies delivering the services under CTG 2020, whereas TRRA is more representative of the local communities to whom services are being delivered. Whilst there is some blurring of these lines and some people wear more than one hat in different settings, broadly those differences exist. TRRA has seen its role as holding government to account, rather than being a service delivery body, and there is value in that 'truth testing' of what services are delivering on the ground and the impact they are having.

One government officer suggested that to hold service providers to account with the local Aboriginal community:

I'd put within the contract, that they've got to front up to the local Community Working Party, or whatever, on a quarterly basis and give the report on what they've actually done, and the community will truth test that. But then they've also got to actually go to the Regional Alliance every six months and provide a report on what they've done. The Alliance will truth test that, but the biggest thing with all that is if the Alliance then goes back to [government department] and says you're wasting your money giving that money to [service provider] because they're not delivering, is [government department] actually listening?

As well as a national and NSW shift to CTG 2020, there is also the Australian Government's 'Voice' proposal (National Indigenous Australians Agency (NIAA), 2021), for which consultations were occurring during 2021. This proposal is for recognition of First Peoples in the Australian Constitution by establishing a First Peoples

'Voice' (advisory body) to the Australian parliament, with associated state and regional bodies. It remains unclear where TRRA and other Local Decision Making bodies will fit into this complex and changing Aboriginal and Torres Strait Islander policy landscape. Will TRRA become a local 'Voice'? One NSW Government officer argued that any new Accord should embrace all three levels of government – Australian, state and local. While the much earlier Council of Australian Governments (COAG) Trial in Murdi Paaki region (Jarvie & Stewart, 2011) included both the Australian and state governments, no agreement to date has included local government as well. Yet local government is often the major employer in small towns, so employment and economic development in Aboriginal and Torres Strait Islander communities must involve them. TRRA argues that any future Accord and the NSW Aboriginal Procurement Policy should include local government.

In the end, in line with the policy of self-determination, Aboriginal communities should be free to decide whether they want to engage in Local Decision Making 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.

Part 3: Assessing the findings against the TRRA evaluation questions

This section focuses on what the findings mean in terms of the questions that framed the evaluation in the TRRA footprint.

Questions 1–5 are those that frame the entire Local Decision Making evaluation across NSW.

Questions 6–10 were specific to the TRRA footprint and were the result of the co-design process of the evaluation in that region.

The findings in relation to these questions are summarised in Appendix B.

Question 1: To what extent does the Local Decision Making model and the state Accord-making process empower Aboriginal communities to share decision-making authority with governments to progress their aspirations? What is enabling and impeding this?

The findings indicate that Local Decision Making in the TRRA footprint has helped communities to *influence* government decision making, particularly in health and housing, and to a lesser extent in economic development and education. Even in these areas, there are areas where TRAA holds greater influence than others. During COVID-19, TRRA was at the government's emergency response table and genuinely shared decision making. This is the only example where shared decision making actually happened and it was considered by everyone to have been a major success. Genuine local community consultations in health and housing 'over the levee bank', meaning government reaching out beyond Dubbo to consult fully at local community levels, were successful. While it is too early to know in both cases how well major decisions arising from the consultations will reflect community wishes, it is already clear that flags and Aboriginal artworks have been placed in some health facilities to make them more welcoming. In relation to housing, some operational changes have already been made, though much more needs to be done in housing provision.

The growing capacity and staffing of TRRA (the latter particularly in 2022) has also been important so that TRRA now knows who to approach to influence decisions and has the relationships established to be able to

contact and work constructively with them. TRRA delegates had little time and needed more support to communicate with communities. Towns with weak local organisation did not participate actively in TRRA. The greatest achievements were in areas where there were senior Aboriginal people in government who established excellent relationships with TRRA staff and delegates and worked with them respectfully.

The extent of shared decision making was limited by several factors: inequality of resourcing, inequality of power and control, and inequality of access to data. The government argued that policies could not be changed in response to the wishes of TRRA communities to have more influence in various aspects of Education decision making, notably about the very high priority issue for them of reducing student suspensions. TRRA was too seriously under-resourced to have strong input to all areas covered by the Accord, and TRRA delegates were volunteers who had limited time available. The slow start to implementation of the Accord in all areas other than Health, which from early 2020 had to focus entirely on the COVID-19 response, meant that finalisation and implementation of action plans was impacted by the COVID-19 pandemic lockdowns in 2020 and 2021. This may have limited the extent of shared decision making about them, even if TRRA was involved. Shared decision making in Economic Development was difficult to achieve, as apart from provision of training, both the government and TRRA struggled to identify what could be done, when so much economic activity was in the hands of private contractors and depended on their commitment (or not) to the Aboriginal Procurement Policy.

Question 2: Have the Local Decision Making model and the state Accord-making process, transferred ownership of service delivery programs to the Aboriginal community-controlled sector in NSW, and to what degree? What factors have contributed to or blocked this?

Such a shift was not an objective of the TRRA Accord, although some of the successful activities which occurred were run by TRRA (the Men's and Women's Camps) or community designed, or TRRA had major input to them (e.g. the special cultural program for students at an Orange high school).

A decision in 2022 to shift housing management service delivery in two towns in the TRRA footprint to the community-controlled sector ran counter to Local Decision Making, as it was made centrally, against the advice of local officers and without the prior knowledge of TRRA; it went to out-of-area organisations when a local organisation had capacity.

Question 3: In what ways do the Local Decision Making model and the state Accord, operate as mechanisms to change the working relationship between Aboriginal communities and the NSW Government and officials? What is enabling and impeding this?

There is no doubt that in TRRA's footprint the working relationship between government and TRRA staff has improved considerably over the last two and a half years, although delegates still express frustrations that they are not listened to enough and their issues are not always responded to adequately. Community members generally have not noticed any real change in the relationship. The fact that some government staff have been out to communities or are very approachable and work collaboratively with TRRA and some delegates to solve problems has established valued relationships at community level, though timely feedback on consultations is needed. TRRA now knows who to approach in government when issues arise and relationships are particularly good with senior Aboriginal staff who listen well and know how to form strong relationships. Improved relationships were consistently reported by government staff, TRRA staff and some delegates, but not widely

recognised by community members. Decisions made at the central level which do not respond to local concerns can impede good relationships and set back progress.

Question 4: In what ways are the NSW Government organisations responding to the Local Decision Making model and the state Accord-making process, by strengthening their accountability, cultural competence and responsiveness to Aboriginal needs and aspirations? What is enabling and impeding systemic and structural transformations?

TRRA believes that the Accord is unique in that it is something which government must deliver, in that it is an agreement with TRRA signed by the Minister. Thus, TRRA believes it strengthens accountability of government to TRRA and its communities. It is pushing departments to deliver on agreements made, albeit many are being achieved late in the Accord period for a variety of reasons. Government cultural competency training has only just begun, so it is too early to judge whether cultural competence has improved. Though there is evidence of responsiveness – particularly in Health, the health workforce development areas, and during the COVID-19 pandemic and to some degree in Housing, as well as in some parts of the Education sector – there also remains some inertia or 'push-back', particularly in Education and to some degree in Economic Development. Again, what enables responsiveness is the establishment of trusting relationships, particularly senior Aboriginal staff in government, or highly culturally competent non-Aboriginal staff, who communicate well with their TRRA colleagues. Alongside this is the capacity of TRRA itself to use the Accord to its advantage in terms of holding government to account for its delivery. These outcomes are hindered by some senior staff who stick closely to existing modes of operation and lines of authority and do not seem willing to work innovatively and trust Aboriginal people or respond adequately to their genuine concerns. The extent to which government departmental cultures and vertical lines of accountability affect this must also be considered.

Question 5: Does the Local Decision Making model and the state Accord-making process facilitate equal access to local and regional data and information to support decision making and Indigenous data sovereignty? How might this commitment be realised?

Very little data has been shared with TRRA. The best data provision has been by the AHO and DCJ in relation to housing. This was valuable as it became apparent that some of the data held by government did not match the reality in communities. Some initial data was provided by Education relating to seven schools in the footprint with highest Aboriginal suspensions, but has not been updated in subsequent years. Other data has been very limited and privacy requirements may have been used to avoid providing non-identifiable data. A Service Mapping Project is underway as this evaluation is being conducted which may provide further information about services in the footprint to assist decision making, but overall the extent of data provision has been disappointing for TRRA. Government indicates it will be working on data sharing in the new CTG implementation plan[11]. The experience in Local Decision Making indicates that it is important to find out what data TRRA wants and to provide it in a timely, meaningful and consistent way so that changes in service provision or outcomes can be tracked over time and this can inform decision making. Interpreting complex data may also require some explanation and meaningful presentation.

[11] Although the focus of a data project pilot is in Western Sydney, there remains a broad theme of strengthening data access and capability in Aboriginal organisations and communities (NSW Government & NSW CAPO, 2021, p. 36).

Question 6: What were the expectations of all those involved in delivering the Accord agreements of each other in the partnership (roles, responsibilities, actions) and processes of implementation? How did each understand 'working in partnership' and how realistic were the expectations? What opportunities are there to build the relationship further?

There were only vague ideas about what 'working in partnership' would entail, and in some parts of government it was perhaps assumed that this would occur while operating a 'business as usual' approach. TRRA believed that the signed Accord meant that government would act on it, and at least initially did not expect to have to advocate further or be expected to lead (other than developing cultural protocols for each community or where so designated). However, not all government staff were clear about how the partnership should operate and which party should lead. In other areas, notably Health, and particularly during the COVID-19 pandemic, the partnership between government and TRRA and its communities worked exceptionally well and this seems to have changed the dynamic considerably. It is clear that working in partnership depends very much on the quality of the relationships and communication between the partners, and has matured over time. Government expectations of TRRA's capacity to partner with it in many different areas with the resources they had were unrealistic, particularly when they were operating with only a voluntary Chair in 2019, but even with only two paid staff from 2020. TRRA's expectations of government were at times more than it could deliver, particularly in the first year it was still reorganising itself, and sometimes its staff were overloaded as well. Having more senior Aboriginal staff in government is likely to strengthen partnership approaches, as well as greater delegation and flexibility for regional and local decision making to enhance responsiveness.

Question 7: What processes were used to communicate and implement the commitments made in the Accord within government and TRRA communities (including TRRA/government arrangements, reporting systems, and levels of participation to achieve TRRA goals)?

Government used its Regional Executive Team which established the TRRA Task Group to oversee implementation of Accord commitments, but each department was responsible for action. Quarterly reporting to the Task Group was the main mechanism for tracking implementation. The Traffic Light Report (the template used for departments to report progress) did not focus on outcomes, rather on tasks completed. There was no escalation of issues when reporting showed no progress and there was non-attendance of Department Leads at Task Group meetings.

Where the government officer responsible for negotiating the Accord was also responsible for implementation, there was more clarity about the actions required. In other departments, different staff sometimes failed to understand what was required or even why certain clauses had been agreed which were not in line with departmental policies. The RIBA Steering Committee worked relatively well to advance the health workforce objectives, even though the Aboriginal community-controlled health services were not active participants.

Communication within the TRRA footprint initially involved a booklet about the Accord, and later involved the website, and the Facebook page. TRRA distributed minutes of its meetings to delegates, and the Secretariat provided extensive information by email, most notably during the COVID-19 pandemic, including to the Koori Interagency and the CWP in Dubbo. Despite these efforts, many people in the community were unaware of Local Decision Making, or TRRA, though in the final year TRRA was becoming better known due to the vigorous efforts of the staff which were greatly appreciated. Where delegates gave regular reports on TRRA's work to their organisation, Aboriginal community members had a better understanding of the Accord. Elsewhere,

community members reported knowing very little about the Accord or progress against its objectives. Some communities also have complex social dynamics in which to communicate and this may have contributed to this situation. Overall there was only a limited communication strategy within government and in the wider Aboriginal community about the Accord.

Question 8: What are the outcomes and successes of the Accord and what has enabled those, including unforeseen positive outcomes?

There have undoubtedly been successful achievements arising from the Accord. From government and TRRA perspectives, the formation of strong relationships has been the central success. This is enabling TRRA to engage with government in an effective way on behalf of its constituency. But for Aboriginal community members what matters most is what has changed at community level as a result of the Accord. As one community report noted:

> *Some of the priorities have been addressed, such as having local health and housing workshops to find out what our needs are. The issue is that nothing seems to have happened since then. Once again we give our information and knowledge and nothing changes. Housing is still a major issue in our community.*

Some of the successes are in relation to commitments made in the Accord, while others have occurred in addition to these commitments. In the case of the unforeseen COVID-19 pandemic, the way government worked with TRRA was extremely valuable to a successful response in the TRRA footprint. This section provides a brief summary of the status of achievements (successes) as well as areas of the Accord that were not progressed until the last year or last few months. More discussion of the important issues of relationships and the COVID-19 period are elaborated later, along with other successes which were unforeseen. Some community members felt that government, having signed the Accord, would have been more accountable and more would have been achieved by 2022, but others recognised the achievements listed below.

Health

Health moved early and conducted the agreed community consultations in 2019 and expects to complete development of local health action plans, after a lengthy disruption due to drought and then the COVID-19 pandemic. Two Health Career Expos (technically part of the Economic Development section of the Accord) were held and scholarships were provided for students studying health-related courses, to assist them with essential materials and requirements. Overall Health has almost doubled its Aboriginal workforce in the last five years. Of the 11 Health KPIs, 8 are completed and only 3 are pending.

Housing

For a number of reasons (discussed earlier) departments associated with the Housing section of the Accord were much slower to take forward the actions they were expected to undertake. Housing consultations only commenced in the first quarter of 2021 and were completed in 2022. However, these were seen to have been a considerable success in that many issues were identified as needing clarification, government discovered that its data was not an accurate reflection of the actual housing situation in the community, and community members appreciated that senior officials travelled to their communities and met them in person, so they now have a relationship with them. Some important changes have also been made in various housing operations to make them fairer and more accessible for Aboriginal people. However, houses have been transferred to Aboriginal ownership in a poor state of repair and more housing is needed. Of 13 KPIs in Housing, 7 had commenced, 3 were completed and 3 pending.

Education

Some progress has been made in Education, particularly with a successful special program in two schools, and in terms of engagements and conversations between TRRA and directors and school principals regarding cultural safety. However, there have also been major sticking points related to commitments made in the Accord which were not consistent with NSW Education Department policy and its Closing the Gap framework. These issues related to student suspensions, TRRA's role in recruitment of Aboriginal staff, and Aboriginal Education Committees which seem not to exist despite being named in the Accord. In particular, community members and TRRA delegates remain very concerned at the continuing high rates of school suspensions, and the failure to enable in-school suspensions. The Department also struggled with accommodating TRRA's Accord expectations along with its partnership arrangements with AECG, although those issues seem to have been somewhat resolved over time, and particularly in Dubbo. Some specific aspects of the Education commitments have not been met, although in the last few months, some positive initiatives have led to improved relationships between school principals and TRRA. Of 19 KPIs in Education, 4 were commenced, 10 were on track and 5 completed.

Economic development

The greatest successes in this area were two successful Health Career Expos for Years 9–12 students in Bathurst and Orange, the scholarships and assistance to students to support them in their studies, and two training sessions conducted by Training NSW to prepare people for expected job opportunities, which in many cases led to trainees getting jobs.[12]

A community report which recognised many of the successes so far said, 'TRRA scholarships have been great and helped a number of people across a variety of professions immensely'.

However, in implementing this area of the Accord more generally, government has found it difficult to identify exactly what it can do to achieve the outcomes TRRA is seeking. Government has established a RIBA Working Group to progress employment and training in the health area, but has relied on the Aboriginal Procurement Policy to stimulate other Aboriginal business and employment. While the RIBA has been moderately successful, other areas are not delivering the outcomes that TRRA expects, perhaps because government has less control over some of its levers than in earlier times due to outsourcing. Both TRRA and the NSW Government have had some difficulty determining what further steps are possible to achieve greater Aboriginal business and employment in the footprint. Of 12 KPIs, 2 have not yet commenced, 2 are pending, 5 have commenced, 2 are on track, and 1 is completed.

Governance

This area of the Accord included commitments by government to provide various resources (people, funds, training) to TRRA, most of which has occurred. The proposed Young and Emerging Leaders program was held in late June 2022, having been greatly delayed by COVID-19. However, very successful men's and women's gatherings were held in early 2022 and community members would like these to occur more often. There were some suggestions that the men's gathering should be more open (five people per town were able to attend) and there was some disappointment expressed that a few sessions of the women's gathering had to be cancelled. Despite these comments these gatherings were viewed as very valuable and rare opportunities[13] to bring people together across the region. Work on cultural competency training for all public sector staff has recently

[12] 13 or 15 trainees in the initial course obtained jobs, but data on the number from the second program was not available. The duration of their employment was also not clear.
[13] For example, the LALCs within TRRA's region are not all in the same NSW Aboriginal Land Council Zone, so they do not get together regularly.

commenced. A communications strategy about the Accord, which should have been undertaken early in the Accord's life to create awareness about it, has recently been designated completed on the basis that use of TRRA's regular communication channels to its member organisations was the strategy. TRRA's Facebook page and provision of information to TRRA members and others was seen as very positive by many, although there are some suggestions for future communication between TRRA and its local communities. Of 12 KPIs, 5 have been completed, 5 commenced, 1 is pending, and 1 has not commenced.

Other

Cultural protocols have been completed for six communities that wished to do this and are available on TRRA's website, and Aboriginal flags and artworks have been provided for hospitals. The website itself is also noted as a success. The trauma training which was meant to be provided to TRRA delegates and staff was not completed.

Overall it is notable that government officials often believed there had been greater achievements than TRRA or community members did, perhaps reflecting differing interpretations and expectations of what the Accord might deliver. Government tends to focus on the inputs and commitments made and delivered, whereas TRRA members tend to focus on outcomes, or the difference these inputs/commitments made to communities. For example, some interviewees said they couldn't see the impact. They thought the Accord was tokenistic, or they could not see any extra service delivery or changes on the ground. They wanted accountability and visibility about what had not been achieved.

In some cases, the impact of the commitments may not be felt until after the Accord concludes (e.g. following implementation of action plans developed in Health, and Housing plans being implemented once complete). Community members valued these consultations, but noted that Health has not returned to the communities since to share the action plans, and Housing's plans are not yet developed, due to the delay in the consultations.

Question 9: What were challenges of Accord implementation in the TRRA footprint (including as government policy, personnel and structures changed)? How, and to what extent, did the Local Decision Making model and TRRA Accord shift decision making about funding of services across the TRRA footprint?

COVID-19 was a major challenge, but it was turned into an outstanding opportunity for government to genuinely partner with TRRA for a very successful response in the Aboriginal community. Other challenges may be summarised as: a slow start to Accord implementation because of structural and staff changes within government and TRRA initially having only a voluntary Chair; limited resourcing of TRRA to partner on implementation across all areas of the Accord; inertia or push-back on what had been signed and agreed from some areas of government, including that the Accord included commitments that were in conflict with certain areas of government policy in Education and where government outsourcing/contracting meant it had less direct control over outcomes. Failure of parties to the Accord to use an escalation mechanism in the Accord to bring the Education Department to account when its Traffic Light Report showed no progress over several reporting periods, did not address the challenge that was evident.

Question 10: What lessons have been learnt, including what is required to improve outcomes? What would be needed to make the Local Decision Making regional governance approach sustainable?

The lessons learned were that relationships are key and Local Decision Making has helped strengthen them considerably, but there remains a lot more to do if they are to meet the expectations of Aboriginal people. They remain a long way from shared decision making, yet when that occurred (e.g. during the COVID-19 emergency response) the outcome was very successful. In the next period, Local Decision Making needs to work in tandem with state-wide CTG policies to ensure truth testing occurs on the ground about whether and how well services are delivered, and a focus must remain on achieving the priority outcomes that the Aboriginal communities in the TRRA footprint want to see. Senior leadership within government should wherever possible be Aboriginal as Aboriginal staff are more likely to be able to listen well and form strong relationships, and they need the authority to make responsive decisions. Government also needs to listen to the advice of all its Aboriginal staff and recognise their value in communicating with community members, whatever their level. Finally, building relationships with local governments in future planning would enhance opportunities to achieve outcomes.

Part 4: Discussion

Over the last six months there has been a significant effort, including additional staff provided to TRRA by two departments, to enable a majority of the commitments in the Accord to be completed by June 30, 2022. This has substantially increased TRRA's capacity to a level whereby it can more effectively partner with the range of government departments the Accord engages.

Both government officers and TRRA value the Local Decision Making policy and believe that its operation in the TRRA region is worthwhile and is starting to make a difference. For TRRA, the value of the Accord is that TRRA can hold government to account. As TRRA Chair said,

> *…people in community are starting to understand the opportunity that we've got and that's where TRRA is different to all the other organisations in the community, is that we've got a signed accord with government, so there's priorities and there's commitments and KPIs all in there, written in black and white, that we can enforce and we can challenge the government leads now in the different areas to – our Accord's been signed off by the Minister for Aboriginal Affairs at the time… so that's an opportunity that we can really enforce what's in our Accord.*

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

Equally, government officers saw that the initiative was valuable and was beginning to work. One government officer said,

> *I think we're on the right path and I think we've taken some significant steps moving forward. So what I would not want to see is a complete rethink of 'is this effective or not?' because for whatever it's worth, take it from me, I think it's working. I think we stay the course at the moment that we're on right now.*

Another stated that the Local Decision Making model with TRRA was ‘Absolutely worth continuing’, adding that ‘listening to the voice of our Aboriginal communities is absolutely essential in us achieving what needs to be achieved. I absolutely believe in the power of it’, while acknowledging that the Accord could be refined the second time around**.**

These comments suggest that Local Decision Making is a policy worth pursuing and strengthening, even though there are many improvements that could have been made to the TRRA Accord and its implementation.

Part 5: Conclusion

One hundred years on from William Ferguson’s activism for self-determination, the Aboriginal peoples of the TRRA footprint are still hoping that their right to self-determination will be recognised in practice. Local Decision Making was designed as a three-phase policy process towards this possibility, and the signing of the first Accord by TRRA in 2018 was only the beginning of that process. This evaluation has illustrated that TRRA has developed considerable capacity to partner with government over the last 2–3 years. The relationship between government and TRRA has improved, though improved relationships with TRRA’s communities will likely depend on more concrete outcomes on the matters that most concern them. Aboriginal delegates to TRRA have put a lot of time into the negotiation and implementation of the Accord over more than seven years, and outcomes are still limited. However, Local Decision Making has given Aboriginal people some hope and a greater voice and this is making small, but valuable change, where government is responsive. Through TRRA, Aboriginal people have a strong mechanism to have input to government on matters that affect them, and the value of Local Decision Making in this regard is undeniable. The quality, determination and sheer hard work of TRRA staff and volunteers has been a big factor in TRRA’s achievements. This is not the time for government to step back from the Local Decision Making policy which has support within as well as outside government. Rather, government needs to align better this regional governance arrangement with its CTG commitments to ensure that local priorities and concerns inform the implementation in each region and local community, and government officers work within a more joined-up policy framework. The growing capacity of TRRA could be invaluable in ensuring that ‘gaps’ really close in regional areas and that the strengths and knowledge of Aboriginal communities are recognised and built on over coming years.

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Appendix A Timeline for the co-design process and implementation of the evaluation

November 2019	Research team meet with TRRA in Mudgee
December 2019	Research team meet with TRRA in Orange, provide summary of previous TRRA Accord evaluation requested and summary of overall Evaluation
Early 2020	TRRA Chair and Project Officer appointed
March 2020	First COVID-19 lockdown in ACT/NSW March–July 2020
Late 2020	Initial Zoom meetings with NCARA and subsequently with Paul Carr TRRA
December 2020	Research team meet with TRRA in Dubbo re co-design process, agreed to meet again in February 2021, but meeting agenda too full
April 2021	Research team meetings (April 8, 13) with Chair and Project Officer of TRRA to decide how to conduct co-design; agreed small meetings in each town
May 2021	As small meetings weren't possible, research team and TRRA Chair agreed on a workshop in June for TRRA delegates
June 2021	On June 7, held a 4-hour workshop in Dubbo with TRRA delegates to co-design the evaluation; 13 people attended
	June 7–21, meetings (mostly by Zoom) conducted with relevant NSW Government officials to obtain their input to the co-design
	June 21 – Draft plan for the evaluation discussed with TRRA Chair and Project Officer, prior to June 28 TRRA meeting at which it was to be presented
June 21, 2021	COVID-19 outbreak and lockdown in NSW, particularly affecting Orange, Dubbo and surrounding regions.
August 2021	ACT COVID-19 lockdown affected research team until November
December 2021	December 6 – Research team met with TRRA in Dubbo to approve the co-designed evaluation plan and agree next steps.
Jan/Feb 2022	Recruitment of Community Based Researchers for the evaluation
March 2022	Training and preparation of Community Based Researchers
	March 23–May 10 – Zoom interviews of government officers conducted
April/May 2022	Community Based Researchers conducted interviews and workshops of community members
June 2022	Reports from community interviews received, draft report shared with research team for feedback

July 2022	Draft Report finalised and presented to TRRA at July 26 meeting
October 2022	Draft Report presented to *OCHRE* Evaluation Steering Committee
February 2023	Feedback from AANSW received
May 2023	Revised Report circulated to TRRA and AANSW
June 2023	Further feedback received from AANSW
August 2023	Report finalised and approved by TRRA Chair

Appendix B Findings in relation to the evaluation questions

Local Decision Making (LDM) evaluation question	Assessment	Success stories – enabling factors	Impediments
1. To what extent does the LDM model and the state Accord-making process empower Aboriginal communities to share decision-making authority with governments to progress their aspirations? What is enabling and impeding this?	There is not yet shared decision making across the board, but there is increased and growing influence on decision making particularly in health and housing, and to a lesser extent in economic development and education. Even within these areas there are areas of greater influence than others. TRRA is a suitable vehicle to advance the aspirational agendas of the regional Aboriginal community. TRRA's capacity to know how and where to influence particular decisions has grown significantly in the last 2 years. 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. Funding for TRRA was not sufficient from the outset, and though it grew, only since March 2022 was it really adequate. TRRA is only in the first phase of what was originally designed as a three-phase process, so this is a good start; it has developed capacity and could move toa greater level of decision making if sustained.	The successful response to COVID-19 involved TRRA in shared decision making, with TRRA at senior emergency decision making table and government working in genuine partnership with them, guided by them. Consultations carried out 'over the levee bank' with government officials attending was valuable. It enabled people to have a say at very local levels and to form relationships. The RIBA Committee and work with Health enabled some strong TRRA input to decisions. Regular 1:1 meetings between TRRA Chair and some government Leads. Aboriginal voices are at tables and in places they were not heard before.	Aboriginal voices are not equal to, or hold as much weight as senior position holders in relation to decisions; there is inequality of resourcing, inequality of power and control, and inequality in access to data and service information. The slow start to Accord implementation, except by Health, followed by COVID-19 lockdowns in 2020 and 2021, reduced opportunities for shared decision making; reasons for the slow start were changing personnel and department structures; lack of clarity about leadership in relation to the Accord; Accord difficult to interpret in some places. Inadequate funding until early 2022 meant that TRRA staff were very stretched and unable to give the required attention to all areas consistently. TRRA delegates were volunteers often with many other demands and responsibilities; greater support to them to communicate about LDM, TRRA and the Accord with the wider community would have been valuable. Aboriginal communities are complex and consultation and engagement has to be with various different groupings and organisations within any community. Community members may need support to express their real needs, not just what they think they can get from government. Shared centralised decision making is not the same as local decision making. Local shared decision making is required.

Local Decision Making (LDM) evaluation question	Assessment	Success stories – enabling factors	Impediments
			1–2 towns with weaker local organisation did not participate actively in TRRA.
2. Have the LDM model and the State Accord-making process transferred ownership of service delivery programs to the Aboriginal community-controlled sector in NSW, and if yes, to what degree? What factors have contributed to or blocked this?	The TRRA Accord did not prioritise shifting ownership of service delivery to the Aboriginal community-controlled sector, so this is not a criterion relevant to LDM in TRRA footprint, except where government decisions to shift services to community control are made, and these are relevant to the Accord, in which case TRRA should have input.	The men's and women's camps were organised by TRRA and were very successful. Special cultural program at an Orange high school had strong community design/leadership.	A decision in 2022 to shift housing management service delivery in two towns in the TRRA footprint to the community-controlled sector ran counter to local decision making as it was made centrally against the advice of local officers and without the prior knowledge of TRRA; it went to out-of-area organisations when a local organisation had capacity.
3. In what ways do the LDM model and the state Accord operate as mechanisms to change the working relationship between Aboriginal communities and the NSW Government and officials? What is enabling and impeding this?	The working relationship between TRRA and the NSW Government has improved considerably over the last 2–3 years and this was reported widely by government as well as TRRA. The quality of the relationship varied across different departments. TRRA now knows who to approach in government when issues arise. The LDM model is providing a positive mechanism for improved relationships.	Relationships are particularly good with senior Aboriginal staff in government. When government staff meet face-to-face with people in communities it breaks down barriers in communication. Some government staff are very approachable.	TRRA delegates still express some frustrations that they are not listened to enough by government and their issues not responded to adequately. Policy made at central level which does not respond to local concerns can impede good relationships.
4. In what ways are the NSW Government organisations responding to the LDM model and the state Accord-making process by strengthening their accountability, cultural competence and responsiveness to Aboriginal needs and aspirations? What is enabling and impeding systemic and structural transformations?	The Accord is pushing government departments to deliver on agreements made, as far as possible, though progress has been slow, in part due to COVID-19, but also due to other factors. There is evidence of responsiveness in some areas, but some inertia or push-back remains from particular areas of government. Cultural competency training in government only began in 2022 so it is too early to assess its impact.	TRRA believes that an Accord is unique as it enables TRRA to hold government to account for delivery of what is agreed because it is signed by the Minister. Despite this, not all commitments have been delivered, though most will have been, in some form, by end June 2022. Housing responded by changing some operational policies to better meet Aboriginal needs. LDM enables community to 'truth test' the nature/quality of services	Responsiveness to concerns such as school suspensions is impeded directly by departmental policy. TRRA and community do not understand why commitments signed by a Minister are not implemented. Good relationships at local level can overcome some of the difficulties caused by multiple policy frameworks (e.g. in Health and Education) where there is willingness, flexibility and good, trusting relationships. But these structural problems cannot always be overcome where government

Local Decision Making (LDM) evaluation question	Assessment	Success stories – enabling factors	Impediments
	It has been difficult for TRRA to obtain information on resource allocation by mainstream organisations in relation to dedicated Aboriginal and Torres Strait Islander service delivery, but community is able to identify whether services are being delivered if they are given information on what services are supposed to be provided.	government has contracted other organisations to deliver in communities.	staff do not trust Aboriginal people or cannot move outside business as usual approaches. The Education Department was working in a Closing the Gap framework and in partnership with the Aboriginal Education Consultative Group (AECG) and did not share the LDM Accord commitments with school principals. For economic development, reliance on contractors and the Aboriginal Procurement Policy is not sufficient. Direct government procurement and extending RIBA beyond Health may overcome some obstacles. Contractors and sub-contractors should be seen as stakeholders in co-design and accountability to Regional Alliances/Assemblies, together with government organisations. Regional Alliances/Assemblies could also play a valuable role in verifying whether local companies are in fact Aboriginal in relation to the Aboriginal Procurement Policy. Service Mapping is occurring only at the very end of the Accord period and is not yet available.
5. Does the LDM model and the state Accord-making process facilitate equal access to local and regional data, and information to support decision making and Indigenous data sovereignty? How might this commitment be realised?	There has been very limited access to data through the Accord, and what data has been provided has, in some cases, revealed the inaccuracy of government-held data compared to the lived reality.	Data provided by Housing to communities for consultations revealed information inaccuracies and illustrated to communities why data matters if services are to be provided. Data initially provided by Education highlighted where school suspensions were worst in the TRRA footprint.	However, this Education data has not been systematically tracked and fed back to TRRA over the 3.5 years of implementation to assess whether outcomes have improved. Privacy requirements may have been used to avoid providing non-identifiable data.

Local Decision Making (LDM) evaluation question	Assessment	Success stories – enabling factors	Impediments
		TRRA has engaged consultants to undertake a service audit to provide it with more data on services in thefootprint.	Data may have been provided, but its interpretation may require explanation for non-specialists.
6. Expectations of all those involved in delivering the Accord agreements of each other in the partnership (roles, responsibilities, actions) and processes of implementation; how did each understand 'working in partnership' and how realistic were the expectations? What opportunities are there to build the relationship further?	TRRA believed that the signed Accord meant that government would act on it, and did not expect to have to advocate further or be expected to lead (other than developing cultural protocols for each community or where indicated). Not all government staff were initially clear about how the partnership should operate, and which party should lead. The partnership has matured over the past two years, and is particularly good where there are senior Aboriginal staff.	During the COVID-19 pandemic, the partnership between government and TRRA and its communities worked exceptionally well. Working in partnership depends very much on the quality of the relationships and communication between the partners.	Government expectations of TRRA's capacity to partner with it in many different areas with the resources they had were unrealistic. TRRA's expectations of government were at times more than it could deliver, particularly in the first year it was still reorganising itself; and at times its staff were overloaded.
7. Processes used to communicate and implement the commitments made in the Accord within government and TRRA communities, (including TRRA/Government arrangements, reporting systems, and levels of participation to achieve TRRA goals).	Government used its Regional Executive Team and the TRRA Task Group as well as the RIBA Steering Committee to oversee Accord implementation. Each department was responsible for implementation and reporting to the Task Group quarterly on agreed indicators established by the Task Group (the 'Traffic Light Report'). TRRA used a website, Facebook page, booklet about the Accord and face-to-face meetings (where possible), to share information about the Accord and wider opportunities in the footprint. TRRA used emails to delegates to share information about meetings and progress.	Where the government officer responsible for implementation was the person who had negotiated the Accord, there was more clarity about actions required. RIBA worked relatively well to advance health sector workforce development. Where delegates gave regular reports on TRRA's work to their organisation, community members were better informed about the Accord. TRRA staff provided a lot of information e.g. to the Koori Inter-Agency and the Community Working Party in Dubbo.	Traffic Light Report did not focus on outcomes; rather on tasks completed. There was no escalation of issues when reporting showed no progress, or there was non-attendance of department leads at Task Group meetings. There was only a limited communication strategy within government and in community. Most community members knew very little, if anything, about the Accord or its achievements. Not all delegates from member organisations shared information adequately with their member organisations and/or local communities. Social dynamics in some communities may mean that only certain sections of the community are engaged/informed.

Local Decision Making (LDM) evaluation question	Assessment	Success stories – enabling factors	Impediments
8. Outcomes and successes of the Accord and what has enabled those, including unforeseen positive outcomes.	The most important outcome was that relationships have been developed enabling TRRA to engage with government in an effective way on behalf of its constituency.	**Health:** consultations leading to local action plans. **Housing:** consultations led to some changes in processes, and awareness of data gaps. **Education**: programs in 2 schools with high suspensions and conversations with principals regarding cultural safety. **Economic Development:** Health career Expos and scholarships for students studying for health-related employment. Two training sessions to prepare people for job opportunities. **Governance:** TRRA resourced and held successful Men's, Women's and Young Leader gatherings. **Other:** Flags and artworks provided for hospitals. Cultural protocols completed for 6 communities. There were unforeseen opportunities that were valuable: e.g. Education Working Group in Dubbo; relationship with the Professional & Ethics Standards in NSW Education – 2 Aboriginal positions created; presentation to Western Health District Board; relationship with Dubbo Regional Council; membership of Regional Rail and Regional Energy Zone Working Groups.	COVID-19 response delayed development and implementation of the Health Action Plans. Housing transferred to Aboriginal ownership often in poor state. These programs have been initiated largely by community members. Department of Education's relationship with AECG and its Closing the Gap framework took priority over TRRA and LDM. Government reliance on the Aboriginal Procurement Policy and training provision has delivered only a small number of non-health jobs. Not all communities were able to work on cultural protocols with TRRA.
9. Challenges of Accord implementation in the TRRA footprint, (including as government policy, personnel and structures changed). How and to what extent the LDM and	A slow start because of structural and staff changes within government and TRRA initially having only voluntary Chair.	COVID-19 was a major challenge, but it was turned into an outstanding opportunity for government to genuinely	The Accord included commitments that were in conflict with certain areas of government policy in Education.

Local Decision Making (LDM) evaluation question	Assessment	Success stories – enabling factors	Impediments
TRRA Accord shifted decision making about funding of services across the TRRA footprint.	Limited resourcing of TRRA to partner on implementation across all areas of the Accord. COVID-19 lockdown impacts. Inertia or push-back from some areas of government, particularly where policy was in conflict with Accord agreements or where government outsourcing/contracting meant it believed it had less direct control over outcomes.	partner with TRRA for a very successful response in the Aboriginal community.	Failure to use an escalation mechanism in the Accord when the Education Department's Traffic Light Report showed no progress over several reporting periods.
10. Lessons learned, including what's required to improve outcomes. What would be needed to make the LDM regional governance approach sustainable?	Relationships are key and LDM has helped strengthen them considerably – but there remains a lot more to do if they are to be where Aboriginal people want them to be. In the next period, LDM needs to work in tandem with state-wide CTG policies to ensure truth testing occurs on the ground about whether and how well services are delivered; focus must remain on achieving the priority outcomes that Aboriginal communities in the TRRA footprint want to see. TRRA requires ongoing and increased funding to sustain its regional governance role with greater effect.	Senior leadership within government should wherever possible be Aboriginal as Aboriginal staff are more likely to be able to listen well and form strong relationships, and they need the authority to make responsive decisions. Government also needs to listen to the advice of all its Aboriginal staff and recognise their value in communicating with community members, whatever their level.	Building relationships with local governments into future planning would enhance opportunities to achieve outcomes. Resourcing needs to be greater for TRRA and there is a need for greater support to its delegates/member organisations to communicate with their communities. Any future Accord, and the NSW Aboriginal Procurement Policy, should include local government.

LOCAL DECISION MAKING

THREE RIVERS LOCAL DECISION MAKING ACCORD

Signed on

Monday 10 December 2018

NSW GOVERNMENT

NSW GOVERNMENT Aboriginal Affairs

OCHRE

Opportunity, Choice, Healing, Responsibility, Empowerment

Local Decision Making

1. CONTENTS

2. PREAMBLE

2.1. The Three Rivers Regional Assembly and the State of NSW acknowledge that Aboriginal communities in the Three Rivers region continue to suffer from the effects of historical dispossession, and controlling practices caused by the past policies of government and there is a need to heal, and regain confidence and capacity.

2.2. The Three Rivers region covers the traditional lands of a number of Aboriginal clans and language groups, however is predominately located within the north-west of the Wiradjuri nation and extends into the Weilwan and Wongaibon nations.

2.3. Three Rivers Regional Assembly gets its name from the Wiradjuri nation area description. The Wiradjuri peoples were known as the peoples of the three rivers: bordered by the Wambuul (Macquarie River), the Kalari (Lachlan River) and the Murrumbidjeri (Murrumbidgee River). Also including the Murray, Little River, Bell River, Cudgegong River, Bogan River, Turine River and a portion of the Castlereagh River.

2.4. Three Rivers Regional Assembly is the regional Aboriginal governance body for the Three Rivers region representing the interest of Aboriginal peoples across NSW Central West. Three Rivers Regional Assembly membership consists of community organisations that are either an authentic Aboriginal Working Party or a Local Aboriginal Land Council that works in and represents the interest of Aboriginal peoples within the Three Rivers Regional Assembly footprint. The Assembly region extends from Lithgow in the east, to Nyngan in the west.

2.5. Three Rivers Regional Assembly is currently representative of twelve (12) communities: Bathurst, Dubbo, Gilgandra, Mudgee, Narromine, Nyngan, Orange, Parkes, Peak Hill, Trangie, Warren and Wellington.

2.6. Three Rivers Regional Assembly operates in accordance with its Terms of Reference (ToR) incorporating the key principles and values of Honesty, Integrity, Accountability to our communities, Transparency, Selflessness, Professionalism, Commitment, Leadership and Confidentiality and in accordance with the cultural protocols of Aboriginal peoples across the region.

2.7. Three Rivers Regional Assembly asserts the right of its member Aboriginal communities to improved and more efficient service delivery. Three Rivers Regional Assembly also recognises and respects cultural authority within the region and does not make decisions that would impinge on cultural authority and autonomy.

2.8. The State of NSW acknowledges the aspirations of Three Rivers Regional Assembly to participate more fully in the economic, political, cultural and social life of the region in a way that preserves and enhances Aboriginal cultures and identities of the Three Rivers Regional Assembly footprint and increases the control, self-sufficiency and sustainability of its member communities.

2.9. Three Rivers Regional Assembly and the State of NSW are committed to continuing their relationship and to strengthening a new aboriginal governance body and government partnership, based on mutual respect and cooperation.

2.10. This document is the mechanism through which Three Rivers Regional Assembly and the State of NSW will move beyond goodwill to a formal commitment that compels real action to improve the lives of Aboriginal peoples, elevating Aboriginal peoples to an equal footing with non-Aboriginal people across the Three Rivers Regional Assembly footprint.

3. KEY PRINCIPLES

3.1. This Accord is underpinned by the following principles set out in the Local Decision Making Policy and Operational Framework and the Three Rivers Accord Negotiation Principles;

3.1.1. *"Yindyamarra"* Wiradjuri word meaning commitment to respectful engagement, to honour and be courteous.

3.1.2. Aboriginal peoples and communities have a spiritual, social, cultural and economic relationship with Country and/or place.

3.1.3. Aboriginal leaders and Elders understand their own community needs. They have the drive and ability to develop their own solutions.

3.1.4. Open acknowledgement of the injury, hurt and trauma caused by past government policies and assistance with healing.

3.1.5. Respectful consultation and negotiation between government and Aboriginal communities, with the free, prior and informed consent of those communities.

3.1.6. Regional and local solutions for regional and local problems, with ideas and help from outside when and where required.

3.1.7. Responsibility, accountability and transparency in decision-making.

3.1.8. Continuous improvement and adjustment when needed.

3.1.9. Participation of Aboriginal peoples residing in the region.

3.2. This Accord recognises Three Rivers Regional Assembly as a legitimate regional Aboriginal governance body in the Three Rivers Regional Assembly footprint.

3.3. The State of NSW acknowledges that this Accord is binding on the NSW Government and its agencies and can be relied on by Three Rivers Regional Assembly as the State of NSW's commitment.

3.4. Three Rivers Regional Assembly acknowledges that this Accord is binding and can be relied on by the State of NSW as Three Rivers Regional Assembly's commitment.

4. PARTIES TO THE ACCORD

4.1. The State of NSW.

4.1.1. The State of NSW acknowledges that the matters dealt with in this Accord are binding on the NSW Government and its agencies. The State of NSW authorises NSW Government agencies to participate to meet the terms of the Accord.

4.2. The Three Rivers Regional Assembly.

4.2.1. Three Rivers Regional Assembly, the legitimate regional Aboriginal governance body, enters into this Accord on behalf of its member communities and in partnership with the NSW Government and agrees to participate to meet the terms of this Accord.

5. ROLE OF THE THREE RIVERS REGIONAL ASSEMBLY

5.1. Under this Accord, Three Rivers Regional Assembly will:

5.1.1. Support further development of governance capacity in member Aboriginal communities.

5.1.2. Promote intergenerational skills transfer, responsibility in leadership and in particular youth leadership.

5.1.3. Advise government on ways to direct the service system to operate effectively and respond to the priorities of Aboriginal communities in the region and establish mutually agreed service outcomes with the NSW Government.

5.1.4. Provide a strong and representative regional governance structure for Aboriginal communities to raise issues with the NSW Government.

5.1.5. Act as a catalyst and driver in regional initiatives important to communities within the Three Rivers Regional Assembly footprint.

5.2. Three Rivers Regional Assembly acknowledges the rights of member communities to pursue initiatives for the betterment of their own community and recognises that these initiatives may be negotiated at a local community level outside this Accord.

6. ROLE OF NSW GOVERNMENT

6.1. Under this Accord, NSW Government agencies will:

6.1.1. Consult Three Rivers Regional Assembly on Accord activities and negotiate , in a timely, open and honest manner;

6.1.2. Deliver the agreed actions, programs and investment which they are responsible for, as negotiated through this Accord;

6.1.3. Share information with Three Rivers Regional Assembly including all necessary data on relevant service funding (including Aboriginal-specific and mainstream programs) in the region with the exception of private or confidential information; and

6.1.4. Report on and be accountable for outcomes.

6.2. NSW Government agencies identified in this Accord will collaborate with Three Rivers Regional Assembly to seek solutions and achieve tangible outcomes and to foster partnerships between NSW Government agencies.

6.3. NSW Government agencies will operate consistently within the principles of Local Decision Making and ensure the Aboriginal cultural awareness of their staff to improve the quality of services delivered, and to better respond to the needs of Aboriginal communities in a culturally sensitive and appropriate manner.

7. PARTIES DECISION MAKING AND OPERATIONS

7.1. Three Rivers Regional Assembly and the NSW Government, as parties to this Accord, agree to make decisions and operate with integrity, honesty and respect.

7.2. The Three Rivers Regional Assembly will:

7.2.1. Make decisions in accordance with its Terms of Reference and Aboriginal cultural decision making principles.

7.2.2. Legitimately represent the views of its member Aboriginal communities.

7.2.3. Work with member Aboriginal communities to ensure that they meet their responsibilities in supporting the implementation of initiatives established under this Accord.

7.2.4. Meet normal community standards and requirements of probity and good governance, in the handling and expenditure of public money.

7.2.5. Note the NSW Government's right under this Accord, via the Chair of Three Rivers Regional Assembly, to ensure that the Assembly is working as a constructive partner and maintaining appropriate and proper community representation to meet their responsibilities under this Accord.

7.2.6. Work towards the principles of good governance set out in the Local Decision Making Operational Framework, recognising that Three Rivers Regional Assembly's progression to the planning delegation under Local Decision Making will be dependent on the demonstration of the following principles:

a. strategic direction - a long-term perspective on social, economic and cultural development and what is needed for such development;

b. participation and voice - how member Aboriginal communities are involved in regional alliance decision-making; and

c. Accountability - internal and external including, the control of corruption and political lobbying.

7.3. The NSW Government will:

7.3.1. Ensure regular and senior representation at Implementation Task Group and other sub-committee meetings as identified in this Accord.

7.3.2. Allocate resources as agreed to complete the matters set out in the Schedules to this Accord.

7.3.3. Work with Three Rivers Regional Assembly to resolve issues at the local and regional level through Implementation Task Group meetings and Accord processes.

7.3.4. Recognise the right of the Three Rivers Regional Assembly under this Accord (via the Head of Aboriginal Affairs) to seek Secretaries support to ensure that NSW Government agencies meet their responsibilities set out in this Accord.

7.3.5. Recognise the right of the Three Rivers Regional Assembly, failing action under section 6.3.3. and 6.3.4, to escalate concerns about NSW Government agencies meeting their responsibilities under this Accord to the Minister for Aboriginal Affairs.

7.3.6. Complete actions identified in this Accord, and further:

a. Accept the legitimacy of Aboriginal decision making processes and honour the role of community and regional Aboriginal governance bodies as the "domain" of Aboriginal peoples. Require its agencies to honour the Three Rivers Regional Assembly's Terms of Reference when working with Three Rivers Regional Assembly.

b. Commit to building the cultural competency of NSW Government staff engaged in work under the terms of this Accord who are working with Aboriginal peoples in the region.

c. Work to support Three Rivers Regional Assembly to meet principles required to progress to the planning delegation under Local Decision Making, including to establish appropriate mechanisms to support this progression.

d. Commit to ensuring that Three Rivers Regional Assembly are consulted in a timely manner, in regard to policy changes that may impact on operations of this accord.

7.4. Principal Agencies of NSW Government

7.4.1. Department of Premier and Cabinet will work with NSW Government agencies to establish an open and flexible framework for engaging with Three Rivers Regional Assembly under this Accord.

7.4.2. NSW Government agencies working in partnership with Three Rivers Regional Assembly will lead the delivery and implementation of Accord commitments as specified in the Schedules.

7.4.3. Aboriginal Affairs will work with Three Rivers Regional Assembly to implement capacity strengthening strategies and identify resources to ensure Three Rivers Regional Assembly is able to operate in accordance with the principles of good governance.

8. ACCORD GOVERNANCE

8.1. Three Rivers Regional Assembly and the NSW Government, as parties to this Accord, agree that the Implementation Task Group (pre-existing group), in accordance with its Terms of Reference, will:

8.1.1. Be co-chaired by the NSW Government and the Three Rivers Regional Assembly.

8.1.2. Comprise senior representatives of each of the parties, including but not limited to, NSW Government representatives at no lower than Director level from the NSW Department of Premier and Cabinet, the NSW Department of Family and Community Services, the NSW Department of Education, the NSW Ministry of Health, Aboriginal Affairs NSW, and Three Rivers Regional Assembly representatives including the Chair of Three Rivers Regional Assembly or a nominated delegate. Additional representatives of the parties may attend meetings as required.

8.1.3. Meet in Dubbo on a quarterly basis, where possible, coinciding with Three Rivers Regional Assembly meetings.

8.1.4. Report on a quarterly basis to relevant Regional Leadership Executive/s and the Three Rivers Regional Assembly.

8.1.5. Communicate and share information to support effective decision making and the delivery of this Accord and actions set out in the Schedules.

8.1.6. Work with the Commonwealth Government, Local Government, Non-Government Organisations and other stakeholders to assist with the implementation of this Accord.

8.1.7. Make rapid decisions at short-notice or out-of-session where circumstances require urgent responses.

9. MONITORING AND REPORTING

9.1. Parties will develop a reporting and monitoring framework and an implementation plan for the Schedules to this Accord, including timeframes, indicators and outcomes within six months of Accord commencement.

9.2. The reporting and monitoring frameworks will become a Schedule to this Accord.

9.3. Through the Implementation Task Group, the parties will jointly monitor and evaluate progress against the timeframes and performance indicators outlined in the reporting and monitoring framework.

9.4. The parties will provide sufficient information to the Implementation Task Group for that purpose.

10. DISPUTE RESOLUTION AND LOSS OF FAITH

10.1. Parties agree to the dispute resolution process as set out in the Local Decision Making Dispute Resolution and Loss of Faith Policy, which includes, but is not limited to:

10.1.1. Where a dispute or conflict arises out of, or in connection with this Accord and the parties will first attempt to resolve disputes through the Implementation Task group.

10.1.2. Where disputes and conflicts requires formal resolution parties should refer to the Local Decision Making Dispute Resolution and Loss of Faith Policy and follow the formal resolution process.

10.1.3. A dispute resolution panel, comprising of a contact officer from Aboriginal Affairs, as well as representative from TRRA and the Department of Premier and Cabinet, will be responsible for ensuring that disputes and conflicts are addressed in a timely, thorough and fair manner, consistent with the Dispute Resolution and Loss of Faith Policy.

10.1.4. The contact officer will be responsible for briefing both parties and the Head of Aboriginal Affairs on disputes and/or conflicts and may recommend that issues are escalated to Secretaries where required.

10.1.5. Where this process fails to adequately address an issue both parties reserve the right to lodge a loss of faith. If a loss of faith is lodged, Aboriginal Affairs will

meet with both parties to negotiate a mitigation strategy and timeline for resolution.

10.1.6. The Three Rivers Regional Assembly also reserves the right to escalate issues to:

a. The Head of Aboriginal Affairs who may declare a solution brokerage issue in accordance with the NSW Government Solution Brokerage Policy & Operational Framework;

b. Independent mediation; and /or

c. Deputy Ombudsman, Aboriginal Programs (alliance option only).

11. DURATION, REVIEW AND AMENDMENT

11.1. The Accord commences once it is ratified by:

11.1.1. The Minister for Aboriginal Affairs on behalf of the NSW Government; and

11.1.2. The Chair of the Three Rivers Regional Assembly on behalf of the Three Rivers Regional Assembly.

11.2. The Accord will continue in force for three (3) years from the date it is ratified, or until all of the parties agree to terminate the Accord or prepare another document that replaces this Accord.

11.3. This Accord and the attached Schedules can be amended by agreement of both parties. Any amendments to the Accord must be approved by:

11.3.1. the Secretaries of relevant NSW Government clusters on behalf of the NSW Government; and

11.3.2. vote at a Three Rivers Regional Assembly meeting.

11.4. An annual review of this Accord will be conducted to ensure both parties the opportunity to evaluate progress thus far and make subsequent decisions about any required changes or key issues with the Accord.

11.4.1. Review Process

The Chair of Three Rivers Regional Assembly along with nominated members, officers from Aboriginal Affairs and the NSW Department of Premier and Cabinet will meet to discuss and agree upon the process for the review.

11.4.2. Review Scope

The review should include the following:

a. Stock-take of Accord commitments and deliverables

b. Check-in on the governance capacity of government and the regional alliance as well as the strength of the partnership.

c. Gap analysis to map gaps identified through stock-take and check-in.

d. Recommendations on progressing the outcomes of the review, which could include either:

- Amendments to the existing Phase 1 Accord;

- Renegotiation of a Phase 1 Accord; or
- Negotiation of a Phase 2 Accord.

11.4.3. If parties wish to negotiate a Phase 2 (Planning Delegation) Accord, they must demonstrate the governance principles for Phase 1 (Advisory Delegation) and Phase 2 (Planning Delegation) as set out in the OCHRE Good Governance Guidelines and agreed through this Accord.

12. OBJECTIVES AND OUTCOMES

12.1. Together the Three Rivers Regional Assembly and the NSW Government under this Accord have agreed to work on the following key priority areas and objectives. Three Rivers Regional Assembly and the NSW Government recognise that these objectives and the commitments outlined in Schedule A of this Accord have the potential to improve outcomes for Aboriginal peoples in the Three Rivers footprint.

12.1.1. Health

The Three Rivers Regional Assembly and the NSW Government will work in partnership through this Accord to substantially strengthen the health of Aboriginal peoples within the Three Rivers footprint.

12.1.2. Housing

The Three Rivers Regional Assembly and the NSW Government will work in partnership through this Accord to implement an Aboriginal Housing Strategy that focuses on improving housing for Aboriginal peoples in the Three Rivers footprint.

12.1.3. Education

The Three Rivers Regional Assembly and the NSW Government will work in partnership through this Accord to substantially strengthen the access, participation and educational achievement for Aboriginal peoples within the Three Rivers footprint.

12.1.4. Economic Development

The Three Rivers Regional Assembly and the NSW Government will work in partnership through this Accord to substantially strengthen the economic opportunity and participation for Aboriginal peoples within the Three Rivers footprint.

12.1.5. Governance and Capacity

The Three Rivers Regional Assembly and the NSW Government agree to invest in their governance and capacity to deliver the Phase 1 Accord by 2021.

12.1.6. Actions to be completed

The Three Rivers Regional Assembly and the NSW Government, through the Implementation Task Group, agree to address these actions.

13. ACRONYMS

AA Aboriginal Affairs

AEC Aboriginal Education Committees

APP Aboriginal Procurement Policy

EPA Environment Protection Authority

FaCS Family and Community Services

KPI Key Performance Indicator

LAHC Land and Housing Corporation

LALC Local Aboriginal Land Council

LDM Local Decision Making

NSW New South Wales

WNSWLHD Western NSW Local Health District

NSWALC New South Wales Aboriginal Land Council

DPC Department of Premier and Cabinet

SLSO Student Learning Support Officer

RPL Recognition of Prior Learning

AHO Aboriginal Housing Office

RIBA Regional Industry Based Agreement

AECG Aboriginal Education Consultative Group

AMS Aboriginal Medical Service

TRRA Three Rivers Regional Assembly

APIC Aboriginal Participation in Construction

IBA Indigenous Business Australia

AEO Aboriginal Education Officer

This Accord commences on **Monday 10 December 2018.**

Signed for and on behalf of the **Three Rivers Regional Assembly** by:

wney

Chair of Three Rivers gional Assembly

Signed for and on behalf of the **State of NSW** by:

Sarah Mitchell

The

Minister for Aboriginal Affairs

SCHEDULE A – NEGOTIATED COMMITMENTS

1. HEALTH

HEALTH OBJECTIVE

The Three Rivers Regional Assembly and the NSW Government will work in partnership through this Accord to substantially strengthen the health of Aboriginal peoples within the Three Rivers Regional Assembly footprint.

All engagement will be conducted, in accordance with local cultural protocols as identified in Governance and Capacity Commitment 5.3.

HEALTH COMMITMENTS	RESPONSIBILITY
1.1. Three Rivers Regional Assembly and the NSW Government commit to establishing a Partnership Agreement between the Three Rivers Regional Assembly, Primary Health Network, Bila Muuji Aboriginal Corporation Health Services and other Aboriginal Medical Services (AMS) within the Three Rivers Regional Assembly footprint and Western NSW Local Health District. The partnership will be responsible for Implementation, Monitoring and Reporting on agreed health priority areas across the Three Rivers Regional Assembly footprint.	**Lead:** Western NSW Local Health District Three Rivers Regional Assembly (TRRA)
1.2. Three Rivers Regional Assembly and the NSW Government commit to, through the Partnership Agreement, facilitating local community conversations to identify and determine Aboriginal health needs and priorities for each of the twelve (12) Three Rivers Regional Assembly communities. **1.2.1.** Three Rivers Regional Assembly and the NSW Government commit to facilitating local community meetings to identify and determine what Aboriginal health presence is required at each location as identified by the community. These discussions will include the following topics, but not be limited to; healing, health related employment, procurement opportunities, health related transport, drug and alcohol abuse and chronic disease, culturally safe practices across primary, secondary, tertiary health. **1.2.2.** Three Rivers Regional Assembly and the NSW Government commit to ensuring the Chair of Three Rivers Regional Assembly or delegated representative be present at all conversations.	**Other Stakeholders:** Primary Health Network Bila Muuji Aboriginal Corporation Health Services Aboriginal Medical Services (AMSs)
1.3. Following the community conversations (1.2.), Three Rivers Regional Assembly and the NSW Government commit to: **1.3.1.** Review and collate the evidence collected; **1.3.2.** Learn from models that are both working effectively and not working in the Three Rivers Regional Assembly footprint and other regions; and **1.3.3.** Review and agree on the health priority areas and actions for each of the twelve (12) Three Rivers Regional Assembly communities.	

HEALTH COMMITMENTS	RESPONSIBILITY
1.4. Three Rivers Regional Assembly and the NSW Government, in partnership and following the completion of 1.1, 1.2 and 1.3, commit to delivering Aboriginal local community health implementation plans for each of the twelve (12) communities in the Three Rivers Regional Assembly footprint. **1.4.1.** The governance workshops to include, but not be limited to determining conflict and grievance resolutions and mechanisms for identifying areas that may have been missed in initial conversations.	**Lead:** Western NSW Local Health District TRRA **Other Stakeholders:** Primary Health Network Bila Muuji AMSs
1.5. Three Rivers Regional Assembly and the NSW Government commit, following the completion of the Aboriginal local community health implementation plans, to: **a)** Review the advice; and **b)** Review, reflect and agree on the reappropriation or realignment of funding to deliver the agreed outcomes.	
1.6. The NSW government commits to overseeing the above commitments and assisting with the implementation of Aboriginal local community health implementation plans through the Western NSW Local Health District, Aboriginal Health Leadership Team.	**Lead:** Western NSW Local Health District **Other Stakeholders:**

2. HOUSING

HOUSING OBJECTIVE

The Three Rivers Regional Assembly and the NSW Government will work in partnership through this Accord to implement an Aboriginal Housing Strategy that focuses on improving housing for Aboriginal peoples in the TRRA footprint.

All engagement will be conducted, in accordance with local cultural protocols as identified in Governance and Capacity Commitment 5.3.

HOUSING COMMITMENTS	RESPONSIBILITY
2.1. The Three Rivers Regional Assembly and the NSW Government commit to developing an Aboriginal Housing Strategy, informed by TRRA which includes the four commitments outlined below (2.2, 2.3, 2.4, 2.5). **2.1.1.** The Three Rivers Regional Assembly and the NSW Government commit to holding individual community conversations, guided by TRRA, at community agreed pace, to help inform the development of the Aboriginal Housing Strategy. **2.1.2.** The NSW Government commits to funding the resources required to engage an Independent Facilitator to undertake the recording of these conversations.	**Lead:** Family and Community Services (FaCS) Aboriginal Housing Office (AHO) Land and Housing Corporation (LAHC) TRRA **Other Stakeholders:**
2.2. The NSW Government commits to promoting home ownership in the the Three Rivers Regional Assembly footprint across a range of domains and through a range of stakeholders.	
2.3. The NSW Government commits to undertake research in partnership with the Three Rivers Regional Assembly, FaCS, AHO and LAHC into the feasibility of a Rent to Buy scheme from a regional perspective. **2.3.1.** The Three Rivers Regional Assembly to provide support and guidance of where research should be focused.	
2.4. The NSW Government commits to explore the further development of information sharing mechanisms for tenancy rights and responsibilities – which is not complicated or lengthy – through a range of mediums and domains of communication to keep people housed.	
2.5. The NSW Government commits to holding annual planning workshops in the Three Rivers Regional Assembly footprint in partnership with the LAHC the AHO, FaCS and the Three Rivers Regional Assembly.	

3. EDUCATION

EDUCATION OBJECTIVE

The Three Rivers Regional Assembly and the NSW Government will work in partnership through this Accord to substantially strengthen the access, participation and educational achievement for Aboriginal peoples within the TRRA footprint.

All engagement will be conducted, in accordance with local cultural protocols as identified in Governance and Capacity Commitment 5.3.

EDUCATION COMMITMENTS		RESPONSIBILITY
3.1.	The Three Rivers Regional Assembly and the NSW Government commit to identifying schools and school specific policy to prevent repeat suspension and to re-engage students in the TRRA footprint. The specific policies may include, but will not be limited to restorative practices and engagement centres.	**Lead:** NSW Department of Education TRRA **Other Stakeholders:** NSW Aboriginal Education Consultative Group (AECG) Aboriginal Education Committees (AECs)
3.2.	The Three Rivers Regional Assembly and the NSW Government commit to engaging Three Rivers Regional Assembly members to play an advisory, supporting and facilitation role in consultations between the Principals and community/families through the Aboriginal Education Committees.	
3.2.1.	The Three Rivers Regional Assembly to identify and nominate members, acknowledging that this is inclusive of existing relationships in place such as with AECG.	
3.2.2.	The Three Rivers Regional Assembly and the NSW Government commit to, through Aboriginal Education Committees (AEC), implementing measures to improve Aboriginal parent/carer involvement in schools within the Three Rivers Regional Assembly footprint.	
3.3.	The Three Rivers Regional Assembly and the NSW Government commit to jointly examining each school in the Three Rivers Regional Assembly footprint to identify the capacity of the schools to engage meaningfully with its Aboriginal community.	**Lead:** NSW Department of Education TRRA **Other Stakeholders:** AEO ACLO ASLO
3.3.1.	The Three Rivers Regional Assembly and the NSW Government commit to identifying and implementing strategies for improving effective communication and consultation based upon the outcomes of 3.3.	
3.4.	The Three Rivers Regional Assembly and the NSW Government commit to identifying how Education and Cultural Advocates[1] can support the Three Rivers Regional Assembly and the NSW Government to co-design the 3 year school plans including annual updates.	

[1] *Education and Cultural Advocates are peoples identified by TRRA*

EDUCATION COMMITMENTS	RESPONSIBILITY
3.5. The Three Rivers Regional Assembly must be involved in the selection process of identified Aboriginal positions in the Three Rivers Regional Assembly footprint, including; • Aboriginal Education and Engagement Officers (AEO) • Aboriginal Community Liaison Officers (ACLO); • Aboriginal Student Liaison Officers (ASLO), and • any future Aboriginal Identified positions	**Lead:** NSW Department of Education TRRA **Other Stakeholders:** SLSO AEO ACLO ASLO
3.6. The Three Rivers Regional Assembly to play a key role in re-defining the position descriptions, when next reviewed and during any subsequent reviews, for any Aboriginal identified positions, in schools within the Three Rivers Regional Assembly footprint. Including for • Student Learning Support Officers (SLSO); • Aboriginal Education and Engagement Officers (AEO); • Aboriginal Community Liaison Officers (ACLO); • Aboriginal Student Liaison Officers (ASLO), and • any future Aboriginal Identified positions	
3.7. The NSW Government, on behalf of public schools in the Three Rivers Regional Assembly footprint, commits to where trained community accepted and endorsed Aboriginal language teachers are available, the second language to be taught in schools is the local Aboriginal Language. **3.7.1.** The NSW Government commits to ensuring that Aboriginal language teachers to be culturally appropriate, qualified to teach the local language and be paid for service from within existing school budgets.	
3.8. The Three Rivers Regional Assembly and the NSW Government commit to jointly scoping the resources required to support both in school and out of school suspensions, for non-violent suspensions, broadly across the schools in the Three Rivers Regional Assembly footprint. **3.8.1.** This would involve, but not be limited to staffing, resources, physical assets and strategies required for the successful delivery of a program of this nature.	**Lead:** NSW Department of Education TRRA

4. ECONOMIC DEVELOPMENT

ECONOMIC DEVELOPMENT OBJECTIVE

The Three Rivers Regional Assembly and the NSW Government will work in partnership through this Accord to substantially strengthen the economic opportunity and participation for Aboriginal peoples within the TRRA footprint.

All engagement will be conducted, in accordance with local cultural protocols as identified in Governance and Capacity Commitment 5.3.

ECONOMIC DEVELOPMENT COMMITMENTS	RESPONSIBILITY
4.1. The Three Rivers Regional Assembly and the NSW Government commit to a Regional Industry Based Agreement (RIBA) for the Health sector within the Three Rivers Regional Assembly footprint, focusing on employment outcomes, access to culturally appropriate services and procurement opportunities. **4.1.1.** The Three Rivers Regional Assembly and the NSW Government commit to forming a working party to deliver the above commitment (Commitment 4.1.). Stakeholders to be involved should include, but not be limited to: Training Services NSW, Health, AMSs, Bila Muuji. **4.1.2.** The NSW Government commits to contributing $150,000 to deliver Commitment 4.1. Aboriginal Affairs will negotiate directly with the Three Rivers Regional Assembly regarding the allocation and spending of the funds. **4.1.2.1.** The money is to be utilised by the Three Rivers Regional Assembly to support their resourcing and capacity needs, not to deliver on existing or new NSW Government responsibilities.	**Lead:** Aboriginal Affairs NSW Ministry of Health Western NSW Local Health District TRRA **Other Stakeholders:** Training Services NSW, Department of Industry Office of Regional Development Bila Muuji, AMSs
4.2. The NSW Government commits to, in accordance with the Local Decision Making Premier's Memorandum and the Aboriginal Procurement Policy (APP), that when an Aboriginal Participation Strategy is developed by any NSW Government Agency commissioning capital works in the Three Rivers Regional Assembly footprint, the Assembly must be consulted.	**Lead:** Department of Industry Office of Regional Development Contracting NSW Government agencies TRRA **Other Stakeholders:** Implementation Taskgroup Aboriginal Affairs
4.3. The NSW government commits to trialling the process for contracting agencies to develop processes that maximise and support the Three Rivers Regional Assembly's meaningful engagement on contracts under both the Aboriginal Procurement Policy (APP) and the Aboriginal Participation in Construction (APIC) Policy. The trial is to be regionally focused within the Three Rivers Regional Assembly footprint.	

ECONOMIC DEVELOPMENT COMMITMENTS	RESPONSIBILITY
4.4. The NSW Government commits to trialling the development of a compliance and enforcement plan regarding contracts under the APP and APIC Policy. This will include trialling regular compliance reporting mechanisms to the Three Rivers Regional Assembly. The trial is to be regionally focused within the Three Rivers Regional Assembly footprint.	**Lead:** Department of Industry Office of Regional Development Contracting NSW Government agencies TRRA **Other Stakeholders:** Implementation Taskgroup Aboriginal Affairs
4.5. The NSW Government commits to working in partnership with the Three Rivers Regional Assembly throughout the life of the Accord to establish how the alliance will be included within service delivery design and procurement processes for service delivery within the Three Rivers Regional Assembly footprint. This work will: - Identify which particular services sectors and contracts are of most importance to the Three Rivers Regional Assembly to prioritise co-design opportunities. - Identify the resourcing and capability necessary to support the Three Rivers Regional Assembly in participating in intensive co-design work with the NSW government. - Identify what changes are necessary to government processes, policy and legislation to enable the Three Rivers Regional Assembly's participation in intensive co-design. - Promote and acknowledge thee Three Rivers Regional Assembly's role as a legitimate community voice on matters relating to service delivery. - Secure the commitment of relevant agencies to proactively engage the Three Rivers Regional Assembly in co-design work within the identified priority service delivery areas.	**Lead:** Implementation Task group TRRA Office of Regional Development **Other Stakeholders:** Aboriginal Affairs Department of Industry

5. GOVERNANCE AND CAPACITY

GOVERNANCE AND CAPACITY OBJECTIVE
The Three Rivers Regional Assembly and the NSW Government agree to invest in their governance and capacity to deliver the Phase 1 Accord by 2021. All engagement will be conducted, in accordance with local cultural protocols as identified in Governance and Capacity Commitment 5.3.

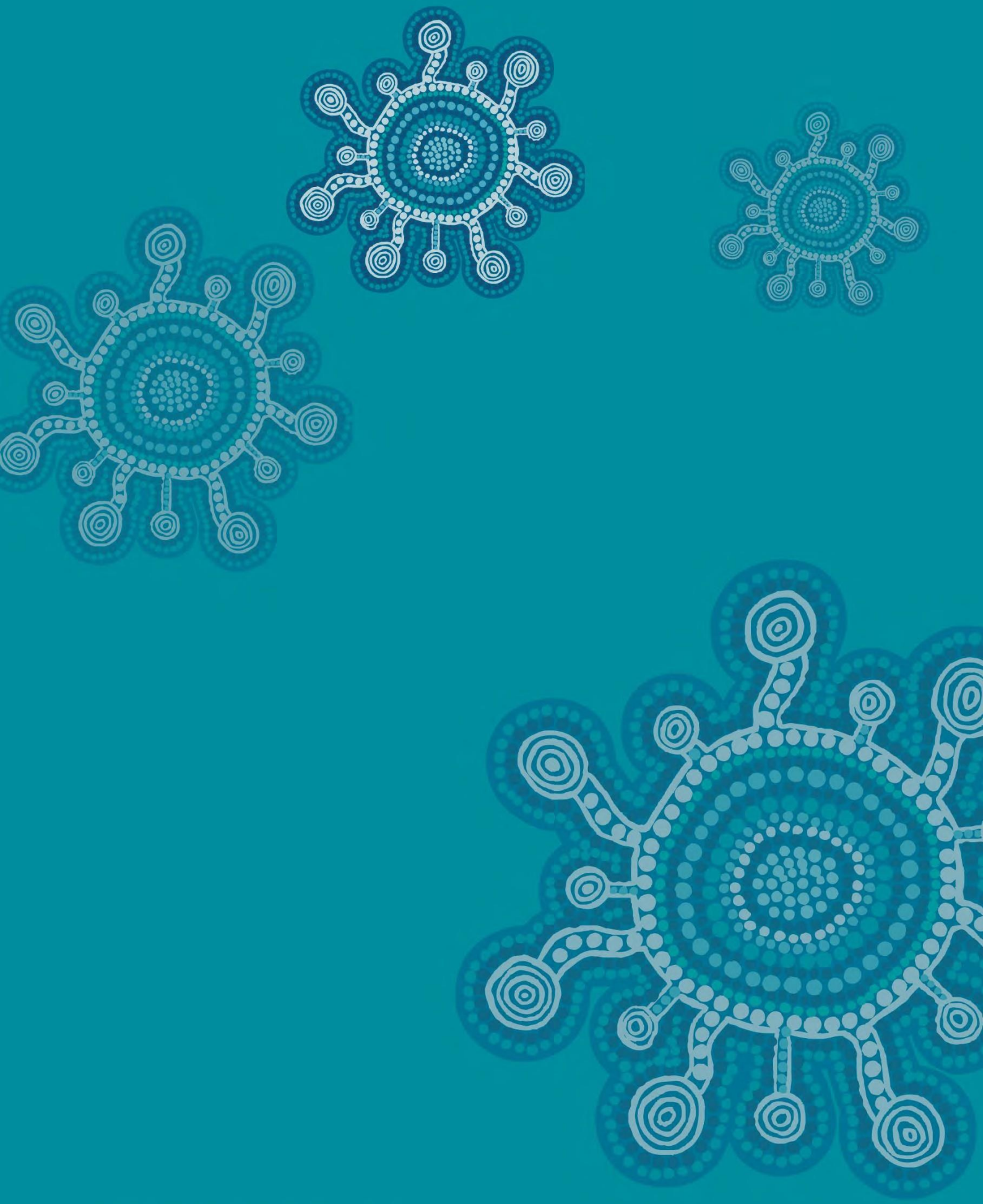
GOVERNANCE AND CAPACITY COMMITMENTS	RESPONSIBILITY
5.1. The NSW Government commits to resourcing a full time Project Officer (Clerk Grade 7/8) up to the amount of $40,000 to provide operational and strategic support to the Assembly to effectively engage in the implementation of the Accord.	**Lead:** All Implementation Task group **Other Stakeholders:** Three Rivers Regional Assembly Aboriginal Affairs
5.2. The NSW Government commits to resourcing a part time 11/12 equivalent position to represent Three Rivers Regional Assembly at the 12 Health and 12 Housing community conversations related to the Aboriginal local community health implementation plans (Commitment 1.4) and the Aboriginal Housing Strategy (Commitment 2.1).	**Lead:** Health Housing Implementation Task group **Other Stakeholders:** Three Rivers Regional Assembly
5.3. Three Rivers Regional Assembly commits to developing a Cultural Engagement Protocol document to guide government staff and contractors on the protocols to follow when visiting/working within the Three Rivers Regional Assembly footprint.	**Lead:** Three Rivers Regional Assembly **Other Stakeholders:** Implementation Task group
5.4. The NSW Government commits to providing $20,000 in the 2017/18 financial year to resource the establishment of a Three Rivers Young and Emerging Leaders Program, inclusive of a project proposal, succession planning and coordination of a Three Rivers Young and Emerging Leaders Forum.	**Lead:** Aboriginal Affairs Implementation Task group Three Rivers Regional Assembly **Other Stakeholders**:

GOVERNANCE AND CAPACITY COMMITMENTS	RESPONSIBILITY
5.5. The NSW Government commits to providing the funding for Three Rivers Regional Assembly delegates to undertake two sessions of trauma and vicarious trauma training. The funding will cover the costs of the training only (e.g. facilitator and training documents), not training sitting fees for Three Rivers Regional Assembly delegates.	**Lead:** Education Aboriginal Affairs Three Rivers Regional Assembly **Other Stakeholders:**
5.6. The NSW Government commits to providing the funding for Three Rivers Regional Assembly delegates to undertake training in the Efforts to Outcomes (ETO) software. The funding will cover the costs of the training only (e.g. facilitator and training documents), not training sitting fees for Three Rivers Regional Assembly delegates.	**Lead:** Aboriginal Affairs **Other Stakeholders:** DPC Three Rivers Regional Assembly
5.7. The NSW Government commits to providing the resources to develop a Three Rivers Accord communications strategy to assist with the communications associated with the Accord signing and implementation.	**Lead:** Aboriginal Affairs DPC Three Rivers Regional Assembly **Other Stakeholders:** Department of Education Communications
5.8. The NSW Government commits to resourcing and coordinating Three Rivers Regional Assembly approved Cultural Competency training for all Public Sector agency staff based within the Three Rivers Regional Assembly footprint. This commitment to be address by the Implementation Task Group.	**Lead:** Implementation Task group Aboriginal Affairs DPC Three Rivers Regional Assembly **Other Stakeholders:** Three Rivers Regional Assembly

6. ACTIONS TO BE COMPLETED

ACTIONS TO BE COMPLETED OBJECTIVE
The Three Rivers Regional Assembly and the NSW Government, through the Implementation Task Group, agree to address these actions during implementation of the Accord.

ACTIONS TO BE COMPLETED	RESPONSIBILITY	STATUS
6.1. Aboriginal identified positions given priority for reception roles for NSW Government service providers in the Three Rivers Regional Assembly footprint (e.g. hospitals, schools etc.)	**Lead:** All **Other Stakeholders:**	
6.2. Hospitals in the Three Rivers Regional Assembly footprint to be provided with new Aboriginal flags	**Lead:** Health **Other Stakeholders:**	
6.3. Three Rivers Regional Assembly to play a role in the review of the NSW Teachers Employment policy.	**Lead:** Education Three Rivers Regional Assembly **Other Stakeholders:**	
6.4. Recognition of prior learning (RPL) to be considered in relation to Education Commitment 3.6.	**Lead:** Education **Other Stakeholders:**	
6.5. The Rivers Regional Assembly to play a role in the review of the School Uniforms in NSW Government Schools policy.	**Lead:** Education Three Rivers Regional Assembly **Other Stakeholders:**	
6.6. School staff in the Three Rivers Regional Assembly footprint to be educated in Welcome to Country and acknowledgment of Country protocols, in accordance with local cultural protocols as identified in Governance and Capacity Commitment 5.3.	**Lead:** Education Three Rivers Regional Assembly **Other Stakeholders:**	
6.7. Three Rivers Regional Assembly to play a role in school NAIDOC events across the Three Rivers Regional Assembly footprint.	**Lead:** Education Three Rivers Regional Assembly **Other Stakeholders:**	
6.8. Three Rivers Regional Assembly to be play an advisory role in the development of a NSW Government policy for recognising Aboriginality in recruitment processes.	**Lead:** All **Other Stakeholders:**	



LOCAL DECISION MAKING

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