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OCHRE LOCAL DECISION MAKING STAGE 2 ACCORDS NEGOTIATION: RIVERINA MURRAY REGIONAL ALLIANCE ACCORD NEGOTIATION EVALUATION REPORT

M. O'BRYAN AND A. THOMAS

Series note

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OCHRE Local Decision Making Stage 2 Accords Negotiation: Riverina Murray Regional Alliance Accord Negotiation Evaluation Report

M. O'Bryan and A. Thomas

Abstract

This report focuses on Accord negotiations between the NSW Government and the Riverina Murray Regional Alliance (RMRA). It considers all aspects of developing the RMRA Accord, including the pre-negotiation phase, negotiations and signing of the Accord, also described as the *Ngunggiyalali*, and the subsequent negotiation of Schedules under it. As no Schedule has been signed into operation, this review has not been able to consider the implementation phase.

RMRA commenced negotiations with the NSW Government in 2019 using a distinctive case study methodology to highlight the inter-connectedness of issues across communities. Negotiations resulted in the RMRA *Ngunggiyalali* being signed on 19 August 2020. This Accord includes statements of key principles and processes which will shape the overarching structure for future negotiations. Since its signing, negotiations have centred around developing Schedules to the Accord. The first Schedule, Health, Healing and Wellbeing, was agreed by all NSW Government parties and RMRA and is awaiting sign-off from the Minister. Other Schedules will focus on Law and Justice, Housing, Governance and Community Engagement, Employment and Business Development, Education and Training, Aged Care, and Transport.

This study provides an in-depth analysis of the effectiveness of LDM Accord negotiations as a process of agreement-making. It builds on a suite of previous evaluations all of which seek to assess whether Accords-making processes are working as intended. It considers whether issues identified in previous evaluations have been mitigated and what can be done to further strengthen LDM structures in the short to medium term. Findings here are also relevant to understanding the extent to which LDM helps meet key Closing the Gap priority reform areas, and the wider NSW Government commitment to empowering Aboriginal communities.

Acknowledgments

Acronyms, Abbreviations & Terminology

AANSW	Aboriginal Affairs New South Wales
ANU	Australian National University
CAEPR	Centre for Aboriginal Economic Policy Research
CIRCA	Cultural and Indigenous Research Centre Australia
IWAAC	Illawarra Wingecarribee Alliance Aboriginal Corporation
LDM	Local Decision Making
MPRA	Murdi Paaki Regional Assembly
NCARA	NSW Coalition of Aboriginal Regional Alliances
Ngunggiyalali	Wiradjuri word meaning: habitual agreement-making, where always talking together and agreeing on the outcome is a habit. This is the name given by RMRA Accord Negotiators to the RMRA Accord. The terms *Ngunggiyalali* and Accord are used interchangeably in this report.
OCHRE	Opportunity, Choice, Healing, Responsibility, Empowerment
SPRC	Social Policy Research Centre
RMRA	Riverina Murray Regional Alliance

TRRA	Three Rivers Regional Assembly

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Executive Summary

The Centre for Aboriginal Economic Policy Research (CAEPR) at The Australian National University (ANU) is conducting the *OCHRE* LDM Stage 2 Evaluation (2019-2023). In the course of this work, Aboriginal Regional Alliances and AANSW expressed a desire for a more rapid evaluation of the process of negotiating Accords (or Agreements) between Aboriginal Regional Alliances and the NSW Government (hereafter referred to as Accord Negotiation Evaluations). Conducted within a short time frame, the objective of Accord Negotiation Evaluations was to increase understanding of LDM (Local Decision Making) Accord negotiation processes. This includes identifying the strengths of the process, the challenges encountered, strategies for addressing these challenges, and opportunities for improvement. In all, CAEPR has evaluated three Accord negotiation processes: Barang Accord negotiation (Howard-Wagner & Harrington, 2022), Riverina Murray Regional Alliance (RMRA) Accord negotiation (O'Bryan & Thomas, 2022), and Murdi Paaki Regional Alliance Accord II negotiation (O'Bryan, Markham & Harrington, 2022). CAEPR has also produced a report synthesising findings from these and previous Accords Negotiation evaluations conducted by Cultural and Indigenous Research Centre (CIRCA) in 2015 and the University of New South Wales Social and Policy Research Centre (SPRC) in 2018 (Howard-Wagner, O'Bryan & Harrington, 2022).

This report presents the findings of the RMRA Accord Negotiation. This evaluation was conducted by researchers from CAEPR, and its findings are based on their independent assessment of the data collected. This included in-depth interviews with six RMRA negotiators; seven NSW public official negotiators; three independent advisors to RMRA; and an Independent Facilitator. Minutes from meetings held as part of the Accord negotiation process were reviewed along with documents published by the NSW Government about the *OCHRE* (Opportunity, Choice, Healing, Responsibility, Empowerment) Plan, its LDM initiatives, and related policy instruments.

The findings of this report have been informed and developed through engagement with negotiating parties from both the RMRA (RMRA Accord Negotiators) and the public sector (Lead Agency Negotiators).

This is the first review of LDM initiatives in the RMRA region. While a number of findings are specific to RMRA, others closely mirror previous evaluative work conducted for AANSW in other regions of the state.

According to the *Local Decision Making Information Package* published by Aboriginal Affairs NSW (AANSW): 'The ultimate aim of Local Decision Making is to ensure Aboriginal communities have a genuine voice in determining what and how services are delivered to their communities" (AANSW, n.d.d). The same document states, "Accords are the mechanism for re-defining the relationship between the NSW Government and Aboriginal regional alliances" (AANSW, n.d.d). It is against these aims that the RMRA Accord is measured.

RMRA Accord Negotiators were unanimous and emphatic that they value LDM and the Accords as a policy approach to Aboriginal affairs. While they affirmed the NSW Government's stated commitment to ensure communities have a genuine voice in determining how and what services are delivered across the region, they also identified frustrations and shortcomings in the Accords-making process. The failure of the NSW Government to implement the Health and Wellbeing Schedule which was presented to the Minister for signing in November 2020 but remained unexecuted almost 18 months later, calls into question the government's commitment to honouring the Accords process.

RMRA Accord Negotiators identified benefits to community flowing from LDM. In particular, the formation of the Alliance had brought communities together so that their interests might be aligned, unified and strengthened. Delegates reflected on the ways in which involvement in the Accords-making process had increased their personal capacity and that of the communities they represent. At the same time, delegates working as volunteers devoted many hours to preparing for and negotiating with government at significant cost, financial and personal. They identified a fundamental imbalance of power detrimental to the Alliance and to its members.

Similarly, government negotiators reflected positively on the LDM initiative and on the benefits they derive from the Accords negotiations. Many interviewees reflected on their personal commitment to LDM. They appreciated the cultural awareness training they had received, and observed that this learning will inform how they operate in the future, even should they change position or portfolio.

Many interviewees reported that the case-study methodology adopted by RMRA had contributed to them gaining an enhanced understanding of the inter-connectedness of issues across the region, although some questioned whether this approach had made efficient use of the limited time allocated to Accords negotiations. For public servants, Accords negotiations were an 'add-on' to their job description, and some reported that this diminished their capacity and commitment to investing time and energy in the Accords negotiation process.

All parties reflected on the benefit of bringing together senior community representatives and senior staff from across departments and agencies, to devise more integrated approaches to service delivery. Equally, all parties identified much room for improvement. Many of the most vocal critics of how government processes and structures had impeded the Accords negotiations came from within government itself.

Summary of findings

A number of themes and issues have emerged from this evaluation. Understanding the implications of each is critically important to the success of Accords negotiations. The themes and issues are:

1. All parties reflected positively on the value of LDM as a policy setting. Although they identified shortcomings in the Accords negotiation process and later implementation, both RMRA and NSW Government interviewees acknowledged the benefit of a collaborative and cross-sectoral approach to identifying and resourcing priority issues in and across RMRA communities.

2. Both parties would have benefitted from more induction prior to the commencement of negotiations. In the case of RMRA, training in government policy and budgetary processes would have been helpful.

3. The degree to which negotiations were genuinely co-designed was questioned. Interviewees from within government, representatives of RMRA, and independent consultants queried how legitimately the Accords negotiation process could be described as 'co-designed', and the extent to which the process fostered innovation. Some queried the term 'negotiation', feeling this introduced an adversarial dynamic.

4. Lessons had not been learned from previous Accords. Many of the findings of this report have appeared in previous evaluations. Both RMRA and public sector interviewees suggested that there was little evidence that learnings from one region had been used to inform the approach taken in another.

5. Despite the intentions of the LDM policy, the relationship between the NSW Government and NSW Aboriginal community remained fundamentally the same. Interviewees reflected that many departments retain a fixed mindset of how the NSW Government 'does business'. Some reported a sense that the government was not bringing ideas or information to the table, and was instead relying on RMRA to generate possible new approaches to service delivery.

6. LDM overlaps with other state and federal policies. Confusion about overlapping policy frameworks was tied to a lack of understanding about the role of LDM amongst some Lead

Agency Negotiators. Several Lead Negotiators reflected that they came to the Accords negotiations with little understanding of the aims and objectives of LDM and how it articulates with other national and state Indigenous affairs policies and structures.

7. LDM is not adequately funded or resourced. This issue has been identified in every evaluation of Accords-making as a serious, contentious problem which amplifies power imbalances between the NSW Government and Regional Alliances. The lack of specific resourcing for LDM initiatives impedes the success of negotiations and constrains proper engagement of Regional Alliances as an equal partner in negotiations. The issue of resourcing was raised in a number of contexts, including the resources allocated to support RMRA's establishment, training and operations:

   a. Negotiators representing RMRA were inadequately remunerated for the work required to properly participate in Accord negotiations

   b. LDM promised 'greater flexibility in spending' (NSW Government 2013, p. 22), but this has not been evident in the negotiation of the RMRA Accord

   c. The delegation and high turn-over of negotiators has been identified as an issue across several Accords evaluations.

8. Data was not provided in a timely manner. Delegates and advisors reflected that there is no pressure on government to provide data or fulfill other undertakings. They queried the processes by which government can be held accountable. Lack of access to data in a timely manner frustrates negotiations and breaks down goodwill.

9. Signing of Schedules has taken an unexpected length of time. Although parties were generally satisfied with the time allotted to negotiate the *Ngunggiyalali* (Accord) and the first Schedule focused on Health and Wellbeing, no timeframe was applied to the implementation phase. At the time of writing this report, the agreed Schedule had not been signed off, and this meant that no change was discernible in the RMRA region.

10. The Accords-making process has had personal and professional implications for delegates and government negotiators. Personal consequences for RMRA Accord Negotiators included an increased understanding of how government works and services Aboriginal communities, but also reported the risk of burnout. Accountability for delegates is high and personal. Delegates are held responsible for apparent lack of progress or lack of change on the ground when they have no control over many issues.

11. Where government negotiators invested personally in the Accords-making process, they reported growth in their understanding of Aboriginal cultural and policy concerns. Many reflected on how much they had learned through the Accords negotiation process and the benefits they had derived from building trusted relationships with Alliance members.

Background Information

OCHRE and LDM in NSW

LDM is one of eight initiatives supported by the NSW Government's *OCHRE* Plan for Aboriginal Affairs in NSW. Through LDM, regional Aboriginal representative bodies (Aboriginal Regional Alliances) negotiate formal and binding agreements (Accords) with NSW Government agencies. AANSW is responsible for coordinating the overall implementation of LDM, including the Accord process.

LDM is premised on a commitment to partnerships, agreements, and accountability, and the Accord negotiations process is a key part of this commitment.

The Accords

Accords are a central mechanism by which the staged devolution of decision-making and accountability to the local level under LDM is negotiated. According to the NSW Government:

> *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).*

Accords set up the terms under which Regional Alliances and the NSW Government will work together to achieve the goals of LDM and *OCHRE*. Accords are intended to:

- re-define the relationship between government and LDM communities, where information and decision-making is shared;

- direct service delivery redesign and reinvestment according to the needs and priorities defined and negotiated between government and Regional Alliances; and,

- demonstrate to communities the commitment of government agencies to the aims and objectives of LDM (AANSW 2017a, p. 6; see also AANSW 2017b, pp. 2-3).

While the specific content of Accords varies from site to site, Accords generally include identified priorities, actions, outcomes, timeframes, resources, responsibilities, and measures of success. The Premier's Memorandum on Local Decision Making provides the enabling framework for LDM and requires that Accords be negotiated between Aboriginal Regional Alliances and senior government officials with sufficient delegation and authority. All parties involved in the Accord negotiation process must work respectfully, constructively, and cooperatively. Negotiations must take place in good faith, and relevant government-held data must be shared with Aboriginal Regional Alliances as part of this process.

Accord-making involves three phases of negotiation: the pre-negotiation, negotiation, and post-negotiation phases. In the pre-negotiation phase, the Aboriginal Regional Alliance and the NSW Government are briefed on LDM and the Accord-making process, and their roles and responsibilities. This leads to the negotiation phase, which includes pre-Accord workshops where both parties work together to develop shared goals and shared understandings of what success looks like. The negotiation phase also includes formal Accord negotiations, where both parties work together to establish strategies, activities, resources, and responsibilities to achieve their shared objectives. In the post-negotiation phase, agreed strategies, activities, resources, and responsibilities are recorded; indicators, measures and targets are confirmed; and accountability arrangements are negotiated. Accords are drafted.

LDM and Accord-making negotiations are currently taking place in several regions across NSW. The first Accord to be negotiated and confirmed under the LDM initiative was with Murdi Paaki Regional Assembly (MPRA), signed on 19 February 2015. Further Accords have since been negotiated and signed with at least three other Aboriginal Regional Alliances and the NSW Coalition of Aboriginal Regional Alliances (NCARA), and a second Accord has been signed with MPRA. Each region participating in this project is at a different stage in the Accord negotiation process.

Status of RMRA Accord negotiations

RMRA commenced negotiations for an Accord with the NSW Government in 2019. The RMRA *Ngunggiyalali* (Accord) was signed on 19 August 2020. It is an overarching agreement which includes statements of key principles and processes which will shape the structure of future negotiations. The *Ngunggiyalali* anticipates that substantive content will be included in a series of Schedules which are to be negotiated and approved separately. The first Schedule, on Health, Healing and Wellbeing, was agreed by all NSW Government parties and RMRA in November 2020 and as at April 2022 is still awaiting sign off from the Minister, the Hon Ben Franklin MLC (until December 2021, the Hon Don Harwin MLC). Other Schedules will focus on Law and Justice, Housing, Governance and Community Engagement, Employment and Business Development, Education and Training, Aged Care, and Transport. Each Schedule requires a whole-of-government approach, though some agencies are more involved in some areas than others.

LOCAL DECISION MAKING

ACCORD NEGOTIATION PROCESS

1 Regional Alliance demonstrates its readiness to commence Accord negotiations through a Statement of Claim.

2 NSW Government asked to demonstrate its readiness to commence Accord negotiations.

3 Accord process commences with briefings on Local Decision Making, the Accord negotiation process and the roles and responsibilities of both parties.

4 Both parties to establish and agree to negotiation protocols and principles.

5 Pre-Accord negotiations. Regional Alliance provides intent behind their Statement of Claim and allow Government to respond.

6 Both parties agree on priority objectives and define 'what success looks like'.

7 Formal Negotiations. Collaborative proposal building and problem solving. Negotiation of strategies, activities, resources and responsibilities.

8 Post Negotiations and Accord Drafting. Record strategies, activities, resources and responsibilities. Confirm indicators, measures and targets. Negotiate accountability arrangements.

Accord Sign Off

Accord Implemented

What is the purpose of an Accord?

Accords between NSW Government and regional alliances participating in Local Decision Making are a mechanism to:

- Re-define the relationship between government and Local Decision Making communities, where information and decision-making is shared.
- Direct service delivery redesign and reinvestment according to the needs and priorities defined and negotiated between government and regional alliances.
- Demonstrate to communities the commitment by government agencies to the aims and objectives of Local Decision Making.

The integrity and quality of the Accord making process will directly impact the integrity and quality of the decision or agreements made within the Accord. The Accord making process is a timely process that will have direct impact on the ongoing relationships between the NSW Government and the Local Decision Making communities that are parties to the Accord.

Regional alliances are responsible for:

- Identifying key priorities for negotiations, consistent with community aspirations and sentiments.
- Determining issues and topics that are in or out of scope.
- Establishing accountability processes and structure for reporting back to constituents.
- Nominating a Lead Negotiator and negotiation panel/s.

The NSW Government is responsible for:

- Determining what aspects of service delivery are open to Accord negotiations.
- Establishing a clear operational and accountability framework within government.
- Nominating a lead negotiator and agency negotiators.
- Ensuring the NSW Government representatives have the appropriate seniority, authority and delegation.
- Sharing data and information on Accord priorities.

NSW Education Aboriginal Affairs

OCHRE

Evaluation Aims and Objectives

The Aims and Objectives of the Evaluation of the Accord Negotiation process

The Centre for Aboriginal Economic Policy Research (CAEPR) at ANU was commissioned by AANSW to undertake the Stage 2 Evaluation of Local Decision Making (LDM). LDM is an initiative under the NSW Government's *OCHRE* Plan for Aboriginal Affairs in NSW. This co-designed, participatory evaluation is taking place over four years from 2020–2023 (including COVID related interruptions).

During this period, in discussions with Aboriginal Regional Alliances and AANSW, a desire emerged for a more rapid evaluation of a particular part of the LDM program: the process of negotiating Accords (or Agreements) between Aboriginal Regional Alliances and the NSW Government. AANSW contracted CAEPR to evaluate Accord negotiations in five LDM sites (represented by five Aboriginal Regional Alliances) over a period of five months. The main differences between the Negotiations evaluation and the LDM evaluation are that the Negotiations evaluation:

- is smaller in scale (in terms of the research team, the research sites, the number of participants, and research outputs)

- has a narrower research focus, evaluating only the Accord-making process

- is operating within a much shorter timeframe.

The research team was to focus the evaluation on the three phases of Accord negotiation outlined above: the pre-negotiation phase, the negotiation phase (including pre-Accord workshops and formal Accord negotiation), and the post-negotiation phase (including Accord implementation).

This three-phased approach was to address the aims of the evaluation, which are to build an evidence base to increase understanding of regional agreement-making processes such as the LDM Accord negotiation processes; and to identify the strengths of the process, the challenges encountered, strategies for addressing these challenges, and opportunities for improvement.

The Negotiations Evaluation has importance beyond the LDM initiative itself, arriving at an important moment in Indigenous public policy in Australia. In July 2020, all Australian governments committed to share decision-making authority with First Nations peoples through policy and place-based formal partnership arrangements in the National Agreement on Closing the Gap. Consequently, hard-won lessons from the evaluation may inform the development of place-based agreements between Australian governments and First Nations polities both within NSW and across Australia. As these agreements are a key feature of the planned process for Closing the Gap (i.e. improving Indigenous health, socio-economic and cultural outcomes), knowledge that informs the agreement making-process may have flow on benefits to other domains.

In order to support these broad aims, the Negotiations Evaluations were to respond to the following research questions. Additional research questions that ought to be answered were to be discussed with research participants prior to and/or during interviews.

1. What was the history of the Alliance and how did this impact on the operation and outcomes of the negotiations?

2. Who were the key individuals that negotiated the Accord? What was their role in the negotiations process?

3. Could both parties access the same information, and was the negotiation process transparent for both throughout the entire negotiation period?

4. Have any of the learnings from previous negotiations of Accords been applied to negotiation process, and which learnings? What was the impact?

5. What were the governance structures for the government parties in negotiating with each Alliance and vice versa? What were the strengths, weakness, and challenges and how were they overcome?

6. What was the negotiation process? What were the strengths, weaknesses, and challenges for the parties in the process, and how were these overcome?

7. To what extent did government officials and Alliance members participating in negotiations understand LDM and Accord making, including their roles and responsibilities?

8. What were the positions held by the parties to the negotiation (e.g., seniority, paid or unpaid)? How many hours of their time was spent in preparing for and participating in the Accord negotiations? What did each party do during the process and feel responsible for? What were the challenges encountered in performing this role, including power to contribute, and undertaking this role in additional to their ongoing work? Did participants feel they had the knowledge, skills, and support to actively participate in the negotiations? If not, what would assist?

9. To what extent did government officials have the delegated authority to make decisions at the negotiating table?

10. Were there any other factors that impacted on the negotiations throughout the entire process?

11. What were the personal outcomes for each party to the negotiation as a result of being involved in the negotiation? If there were personal outcomes, does the individual believe this will change their approach in similar circumstances?

12. Has the Accord negotiation process changed or influenced the relationships between parties involved and, if so, in what ways?

13. What adjustments, resources, or capabilities do the parties to the negotiation believe are required to improve the outcome, including structure, process, or roles (including administrative, policy, and/or legislative powers or processes)? Is a different structure of process needed? If yes, what would this look like?

14. Did the negotiation process meet participant expectations?

These questions came with the caveat that 'before commencing each evaluation the contractor will confirm the relevance of the questions specified in 3.11 with the parties involved' (p. 7, para 3.12). The research team has already established relationships with each Aboriginal Regional Alliance as part of the broader LDM Evaluation: either directly, with Regional Alliances that are actively participating in the LDM Evaluation (MPRA and Northern Rivers Regional Aboriginal Alliance); or indirectly, with Regional Alliances that are members of NCARA, which is actively participating in the LDM Evaluation (RMRA and Barang).

Approach

The Riverina Murray Regional Alliance Accord Negotiation rapid evaluation was undertaken by a team of two researchers from the Centre for Aboriginal Economic Policy Research (CAEPR): Dr Marnie O'Bryan and Dr Archie Thomas.

Marnie O'Bryan is a non-Indigenous Research Fellow at CAEPR. She is co-chair with Professor Tony Dreise (formerly Director of CAEPR) of the Indigenous Literacy Foundation. Her book, *Boarding and Australia's First Peoples: Understanding how residential schooling shapes lives*, was recently published by Springer-Nature as part of its Indigenous-Settler Relations in Australia and the World series.

Archie Thomas is a non-Indigenous settler researcher currently working on Gadigal land. Their work and study is motivated to challenge systemic racism and support Indigenous self-determination. They worked as Postdoctoral Research Fellow at CAEPR in 2021, and are currently working as a Research Fellow in the Indigenous Land and Justice Research Group at the University of Technology Sydney. Archie is a transgender non-binary person and was formerly known as Amy.

This rapid evaluation was informed by principles of reciprocity that are essential to undertaking research about and for Indigenous communities. This evaluation had a particularly rapid turnover time in comparison to other similar research, preventing a 'true' process of co-design with participants (see Schwab, 2021).

The research for this report was principally shaped by the Service Agreement with the NSW Government. It was guided by the list of questions listed in this agreement (see above). These questions came with the caveat that "before commencing each evaluation the contractor will confirm the relevance of the questions specified in 3.11 with the parties involved" (Services Agreement, p. 7, para 3.12). With this in mind, researchers involved in this evaluation began interviews by establishing what was most relevant to negotiating parties including government negotiators, the Independent Facilitator, and RMRA Accord Negotiators.

Although RMRA's *Ngunggiyalali* has been signed, because the Health and Wellbeing Schedule is yet to be signed or implemented, this evaluation cannot comment on implementation.

Method

Semi-structured interviews were carried out with the Independent Facilitator, six representatives of RMRA and seven officials from the NSW Government over the period from May to September 2021.Two consultants from Think Impact and two independent consultants, formerly government employees retained by RMRA, were also interviewed. These parties had worked with RMRA Accord Negotiators to provide detailed stakeholder analysis and review systemic and structural issues shaping the effectiveness of Accord negotiation as a process of developing formal partnerships and shared decision-making.

The COVID-19 pandemic and the re-emergence of restrictions and lockdowns across major cities placed limitations on face-to-face data collection, and so most interviews were undertaken by videoconference or telephone. Most interviews were individual (n = 9) although some participants selected to be interviewed with another member of their team (n=3 joint interviews). In all, 15 participants were interviewed. We gave participants access to interview transcripts on request.

In addition to interviews, the research team was invited to observe one meeting of RMRA Accord Negotiators, they also reviewed documents including minutes of Accord meetings, and other documents generated through the process of negotiations. However, access to documentation was an issue. Minutes of most recent meeting(s) and several documents were not provided. The research protocol was approved by the Human Research Ethics Committee of the Australian National University (Protocol 2020/643).

Informed Consent

The key participants in the study included Aboriginal people and organisations involved in negotiating the Accord Agreement on behalf of RMRA and public officials with responsibility for negotiating the Accord on behalf of NSW Government agencies and departments. All individuals who participated in discussion circles or semi-structured interviews were provided a project information sheet prior to in-person, Zoom or telephone meetings and all gave permission via an informed consent agreement. As the COVID-19 pandemic worsened across NSW during the evaluation, interviews were primarily conducted online.

Interview data was transcribed and analysed by members of the research team to identify recurring themes and significant insights. This was achieved through thematic coding.

We sought engagement from RMRA on terms suitable to them, and provided delegates and NSW Government negotiators with a chance to review a draft of this Report. In line with principles of data sovereignty, this report and others should be provided to the Regional Alliance for their own purposes, including public distribution.

COVID-19 related obstacles

The ongoing effects of the COVID-19 pandemic, particularly the rise in cases in NSW, which began in June and led to various levels of lock-down across NSW, prevented researchers from conducting any field visits or face-to-face interviews. While video conferencing technology compensated for this shortfall, the lack of in-person contact inhibited the further building of relationships.

Incomplete documentation

Previous Accord negotiations evaluations identified missing documentation as a problem. This remained an issue for our evaluation. For example, Smyth & Katz's 2019 report on IWAAC negotiations notes that "some documents were missing" from the tranche supplied by Aboriginal Affairs NSW, and that "no minutes from the formal Accord negotiations were provided" (p. 10).

This evaluation faced similar problems. Researchers had access to Pre-Accord meetings from March, May and July 2020, but formal Accord negotiation minutes were not provided by Aboriginal Affairs NSW despite the team's repeated requests. RMRA provided access to their minutes to meetings, and invited the research team to observe their meeting of 18 August 2021. *Think Impact*, a consulting firm which worked with RMRA Accord Negotiators in the Pre-Accord phase, provided reflections on their work with RMRA Accord Negotiators and suggestions for strengthening the Accord-making process to better support community outcomes.

Riverina Murray Regional Alliance (RMRA) Accords Negotiation

Figure 1: Approximate footprint of the Riverina Murray Regional Alliance (rmra.com.au)

About RMRA

RMRA is the most recently formed of Regional Alliances in NSW. With the reduction of government services, in particular the closure of the Aboriginal Affairs office in Wagga Wagga, concerned community members saw the need for a regional governance structure to coordinate the provision of services across the Riverina Murray region. The Alliance represents to the communities of Albury, Cummeragunja, Griffith, Leeton, Tumut, Cootamundra, Deniliquin, Hay, Narrandera and Wagga Wagga. These ten communities had not previously participated in Local Decision Making processes as a collective. One Lead Agency Negotiator observed that RMRA's formation had forced the NSW Government's hand: they noted that at the time, AANSW felt it was supporting a greater number of new Regional Alliances than it had anticipated. RMRA, however, felt that the need for local representation was too important to delay.

RMRA was established through community meetings at which RMRA's priorities were established, and representatives elected. Each of the RMRA communities should have (at least two) nominated representatives, who participate at regional alliance meetings on behalf of their communities. The Alliance meets bi-monthly, with Member communities hosting meetings. In turn, these representatives select delegates for RMRA's meetings with the NSW Government. RMRA Accord Negotiators have extensive experience of working with and for government. Between them, they represent a broad spectrum of specialist interests and expertise, holding positions in a range of representative bodies in health, housing, education, Land Councils and/or community groups. RMRA representatives are responsible for reporting back to community meetings, although some

interviewees report that prior to taking up their position at RMRA, none of the delegates had been involved in negotiating Accords.

RMRA is not an incorporated body. It is comprised of representatives of Community Working Parties (CWPs) from member communities. It is resourced by a Chair who works at 80%, and a Project Officer who works at 60% of a full-time equivalent position. RMRA receives approximately $100,000 per annum from the NSW Government to fund these positions. Whereas other RAAs receive funding under a range of Federal initiatives (for example Closing the Gap, Empowered Communities), RMRA receives no Federal funding for operations, although some specific project funding came from the Commonwealth.

RMRA was formally launched in 2016 as a regional mechanism to change the relationship between RMRA communities and government. The aim of RMRA is to ensure that member communities are given greater decision-making powers in relation to how government programs and services which impact on them are conceived, developed and implemented (AANSW, 2017a, p. 6). Membership of the Alliance ensures that member communities have a genuine voice in determining how and what services are delivered, and increases the capacity of each community to make decisions about their future.

The establishment of RMRA also provided an opportunity for Riverina Murray communities to engage with, and benefit from, the NSW Government's *OCHRE* Plan which provides a policy framework for advancing the capacity of NSW Aboriginal communities to participate in local decision-making focused on improving education, employment, service delivery and accountability outcomes. The stated aim of *OCHRE* is 'to support strong Aboriginal communities in which Aboriginal people actively influence and participate fully in social, economic and cultural life' (AANSW, n.d.a). In its Strategic Priority Plan 2016-2021, RMRA defined its role, responsibilities and aims with the overarching purpose of ensuring each local Aboriginal community has a genuine voice in determining how and what services are delivered in their communities, and increasing the capacity of each community to make decisions about their own future (RMRA Strategic Priority Plan 2016-2021, p. 11)

We the people, the grass roots people, have a say in service delivery in our communities.
Too long have we been dictated to and told this and that. We know what's best for our
people and can improve our own outcomes ourselves.
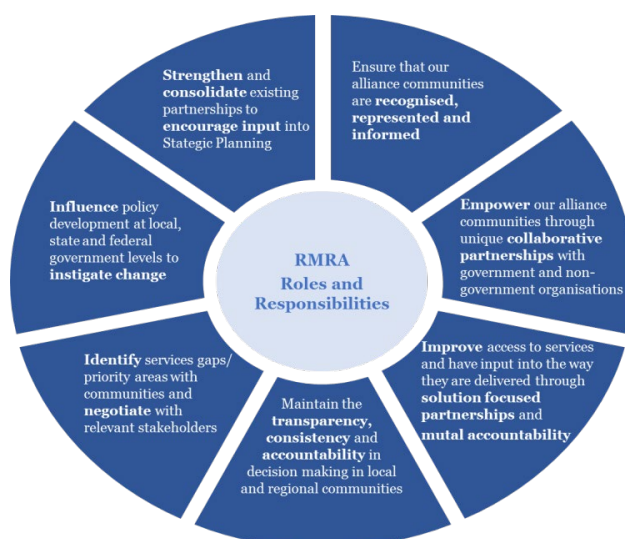*(Ruth Davys, Local Decision Making Conference, November 2016)*

Figure 2: *RMRA roles and responsibilities (RMRA Strategic Priority Plan 2018 – 2021, p. 12)*
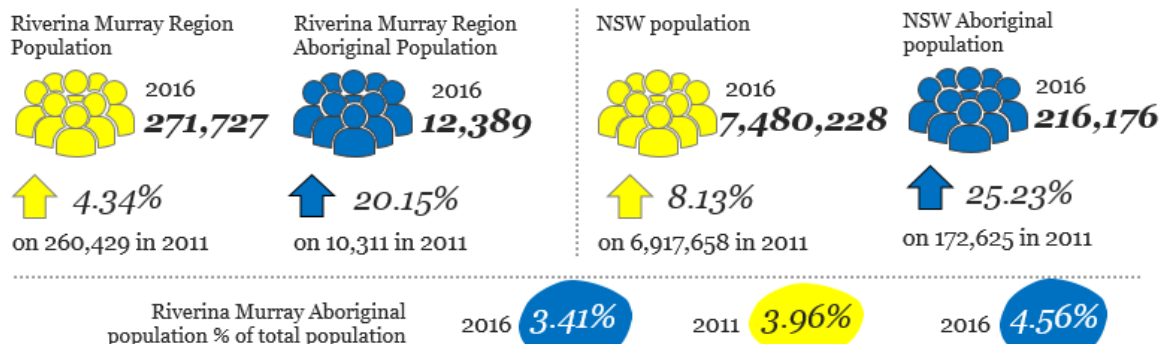
Figure 3: *RMRA's aims (RMRA Strategic Priority Plan 2018 – 2021, p. 12)*

After a series of community consultations, in 2018, RMRA published a detailed four-year plan outlining the region's strategic priorities and goals. The plan identifies the actions RMRA members and members of communities believe are required to address these priorities, the key performance indicators by which progress will be measured and the proposed timeframes for implementation. Ten strategic themes were identified: RMRA Governance & Community Engagement; Culture; Community Wellbeing; Health and Healing; Education & Training; Employment & Business Development; Housing; Law & Justice; Aged Care; Transport.

RMRA commenced negotiations with the NSW Government in 2019 using a distinctive case study methodology to highlight the inter-connectedness of issues across communities. Negotiations resulted in the RMRA *Ngunggiyalali* being signed on the 19 August 2020. This Accord includes statements of key principles and processes which will shape the overarching structure for future negotiations. Since its signing, negotiations have centred around developing Schedules to the Accord. The first Schedule, the Health, Healing and Wellbeing Scehdule, was agreed by all NSW Government parties and RMRA in November 2020, but as at April 2022 it is yet to be signed off by the Minister and was not available to be reviewed.
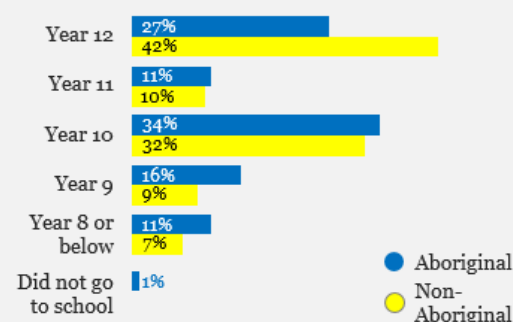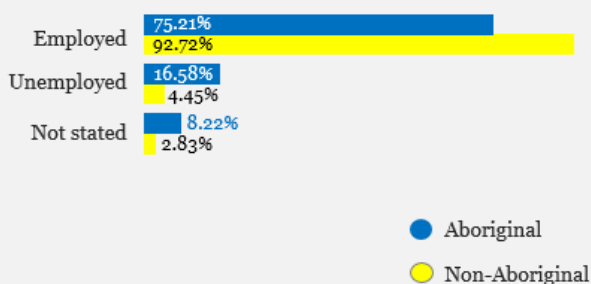
RMRA Region - statistical overview

Population

Riverina Murray Region Population

2016 **271,727**

↑ 4.34%

on 260,429 in 2011

Riverina Murray Region Aboriginal Population

2016 **12,389**

↑ 20.15%

on 10,311 in 2011

NSW population

2016 7,480,228

↑ 8.13%

on 6,917,658 in 2011

NSW Aboriginal population

2016 **216,176**

↑ 25.23%

on 172,625 in 2011

Riverina Murray Aboriginal population % of total population

2016 **3.41%**   2011 *3.96%*   2016 *4.56%*

Education

Highest year of school completed (Riverina Murray region):

	Aboriginal	Non-Aboriginal
Year 12	27%	42%
Year 11	11%	10%
Year 10	34%	32%
Year 9	16%	9%
Year 8 or below	11%	7%
Did not go to school	1%	

● Aboriginal
○ Non-Aboriginal

Employment

2011 Census data showed employment for the Riverina Murray region:

	Aboriginal	Non-Aboriginal
Employed	75.21%	92.72%
Unemployed	16.58%	4.45%
Not stated	8.22%	2.83%

● Aboriginal
○ Non-Aboriginal

Age

Average age of all people in the Riverina Murray region:

37.8 years old — 2006

39.1 years old — 2011

40.5 years old — 2016

Median Age: 38 years old | 40 years old

Income

Total Personal Income (Weekly)

	Aboriginal	Non-Aboriginal
Negative income	1%	1%
Nil income	10%	7%
$1 - $399	28%	22%
$400 - $799	27%	29%
$800 - $1,249	14%	19%
$1,250 - $1,749	6%	10%
$1,750 - $1,999	1%	3%
$2,000 - $2,999	1%	3%
$3,000 or more	1%	2%
Not stated	11%	5%
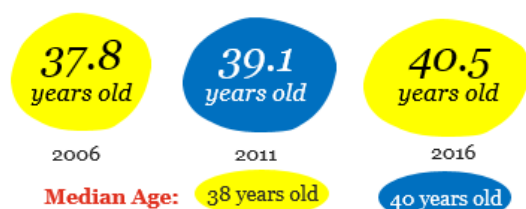
Housing

Aboriginal people in Riverina Murray region more commonly lived in:

54% Rented accommodation

13% Owning their dwellings outright

26% Owning their dwelling with a mortgage

Homeless

People within the Riverina Murray region being identified as:

588 Homeless

327 Living in crowded dwellings

86 People living in improvised dwellings

191 Being marginally housed in caravan parks

Need for care

821 Aboriginal people of the Riverina Murray region identified as having a profound or severe disability

This is 6.86% of the Aboriginal population in this region
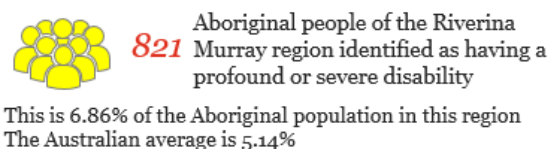The Australian average is 5.14%

Figure 4: *Statistical overview of RMRA region (RMRA Strategic Priority Plan 2018 – 2021, p. 12)*

RMRA Timeline

2015 – RMRA formed

2016 – RMRA formally launched as an LDM 2017 (November, RMRA Healing Forum)

2018 – Strategic Plan 2018-2021 developed (January), published by RMRA 2019
       Amended RMRA Terms of Reference endorsed (October

2019 – Negotiations with NSW Government commenced (February)

2020 – AANSW provides summary of NSW Government responses to RMRA request for information, Health, Healing and Wellbeing (May)

2020 – Pre-*Ngunggiyalali* Negotiations, Health Healing & Wellbeing 2020 (19 May, 20/21 July)
       Response to RMRA information request – *Strengthening our Families* (July)

2020 – *Ngunggiyalali* signed (19 August)

2020 – Health, Healing and Wellbeing Schedule endorsed by RMRA Accord Negotiators and Lead Negotiators (November 24 & 25). As at November 2021, still awaiting Secretarial endorsement.

Reflections on the Pre-Accord Negotiations

Although time-consuming, the pre-negotiation work undertaken by delegates was identified as helpful in increasing their capacity to understand the Accords-making process. Delegates worked together, and with consultants Think Impact, to determine RMRA priorities and methodology of choice.

According to one interviewee, delegates worked 'really hard' (RMRA advisor 3) to develop a case study narrative, following the experiences of a single family as members engaged with a wide range of government services. This innovative approach is unique to RMRA and was adopted with the express intention of highlighting the importance of understanding social issues within a holistic frame. It reflects delegates' sophisticated understanding of how issues interconnect and challenges government negotiators to understand how their portfolios intersect with others.

Consultants from Think Impact reflected that the experience of working with RMRA Accord Negotiators exposed a lack of understanding by AANSW of the time commitment the pre-Accords process would require. They had been retained for a half-day workshop, but it almost immediately became clear that the time allotted and objectives proscribed were inadequate:

> *People need time to tell their stories, we quickly learned that what might tick the box for government wasn't going to work for the stakeholders we were working with (RMRA advisor 3).*

Recognising the importance of this process, Think Impact provided further services to delegates on a pro bono basis.

Interviewees identified a number of shortcomings in the pre-Accords negotiation phase. These included that no investment of time and resources was given for RMRA and government negotiators to co-create or co-design a framework of priorities based on clear and evidence-based understandings of the status quo. Pre-Accords negotiations did not result in a clear set of indicators. These are necessary to identify desired outcomes in real terms and measure the extent to which service delivery is changing outcomes on the ground. Some interviewees observed that there was no 'truth testing' (RMRA advisor 3) of outcomes built into the Accord. In the words of one Lead Agency Negotiator:

NGOs all do their reports and they all continue to get funding but no one comes out to actually see what they're doing and community have identified that this can lead to a duplication of services (Lead Agency Negotiator 6).

Several interviewees identified the lack of agreed KPIs for the Accords process as a concern.

Reflections on *Ngunggiyalali* (Accord) Negotiations and outcomes

In June 2020, Accords Negotiations protocols were agreed between RMRA and the NSW Government, and the process was rebranded a *Ngunggiyalali*. This term can be translated as habitual agreement making, or an on-going conversation, where always talking together and agreeing on the outcome is a habit. RMRA participants felt this more accurately described the opportunity to share stories and build understanding of community's lived experience of government service delivery than the term 'Accord', because a commitment to conversation should precede and inform the negotiation of Schedules. The term signals the philosophical underpinning RMRA's approach to the LDM decision-making processes.

To me, it is a process and it is a journey. This is the beginning of that. I don't see this as being the end of it. I think you can learn from this and RMRA can learn from this, government can learn from this and can actually get it better for the future […] We've seen progress, but not necessarily outcomes. I have a big-picture thinking, so I'd expect everything to be done, like the language centre and holistic treatment and care would be what I'm looking for. But that's long term. So, yeah, outcomes would be both [parties] fulfilling duties, so both government and RMRA fulfilling their duties and obligations which they have agreed to and it being a mutual negotiation, with willing parties (RMRA interviewee 3).

RMRA Accord Negotiators reflected positively on re-branding Accords negotiation as a *Ngunggiyalali*.

The *Ngunggiyalali* signed on 20 August 2020 is a high-level document: an overarching agreement pursuant to which a series of Schedules with Identified Action Areas are to be developed. These Schedules will specify how the intent and objectives of RMRA's Strategic Plan will be realised. The first Schedule, the Health and Wellbeing Schedule, was agreed and endorsed by RMRA and Government Lead Negotiators in November 2020. As at mid-October 2021, this Schedule had still not been signed off by the Minister. The unexplained delay is taken by RMRA participants to reflect a lack of good faith by government. For delegates and communities, the lack of progress, combined with not seeing change on the ground, has led to cynicism. There is a sense that Accords processes are the 'same old, same old' dressed up with a new name. Delegates field the frustration of the communities they represent.

Key Findings

Finding 1: All parties see value in LDM as a policy approach.

It is important to note at the outset that despite shortcomings, both NSW Government and RMRA interviewees reflected positively on the value of LDM as a policy setting.

RMRA Accord Negotiators appreciated the access LDM gives them to high-ranking Government employees, and the relationships that has fostered. Several reported benefitting from mentoring relationships that developed over time. Several wanted to emphasise that although they had experienced frustration in working with negotiators from some government departments, they 'could not fault' the support they had received from AANSW.

All interviewees reflected on the importance of LDM in building interpersonal relationships. One RMRA advisor spoke of the role AANSW played in keeping government negotiators accountable and ensuring that negotiations are treated with gravity and professionalism. He gave the example of his experience of meeting with a Government Lead Negotiator, whose behaviour he described as 'appalling', and others who came to meetings underprepared and defensive, particularly around the provision of data. In this case, he was in a position to report the issue direct to the Secretary of the relevant department, and was assured that 'it would not happen again' (RMRA advisor 1). Having this type of relationship with high-ranking Government employees was identified as one of the most significant benefits of the Accords-making process. As he reflected on the incident, this interviewee concluded:

> What is concerning is that neither the Government Lead Negotiator or AANSW were able or willing to do what I did. As an advisor to RMRA, I don't believe it was my responsibility, but I wasn't going to do nothing - and fortunately I had the relationships to leverage. For what it's worth, the improvement in attitude of the negotiator at the most recent workshop was remarkable (RMRA advisor 1).

In the same vein, several RMRA Accord Negotiators also reported benefitting from mentoring relationships that developed over time with Government officials.

Public sector interviewees acknowledged RMRA's case study methodology as building their understanding of the lived experience of government service delivery and the inter-connectedness of issues on the ground. A number spoke of their appreciation of relationships established with RMRA Accord Negotiators through the negotiation process, and the opportunity to collaborate across departments, although they acknowledged that budgetary constraints limited the efficacy of cross-departmental cooperation.

Several government or ex-government interviewees felt that Accords negotiations should attract more investment of time and energy from departments. One Lead Negotiator spoke at some length about the history of government/community relations which meant that 'there wasn't a lot of trust in government'. He observed that establishing new working relations required more time than is currently allocated for Accords negotiations. He suggested more out-of-session contact between negotiators and RMRA Accord Negotiators would be useful, although he did not reflect on the possible implications of that for RMRA Accord Negotiators who contribute on a volunteer basis. An independent consultant and former NSW Government employee, herself now providing services to the alliance on a pro bono basis, observed:

> You know sitting at a negotiation table with the leaders is fine. But the work has got to be done somewhere else. You can't do the work at that table, it's a board group really … So, you need a longer-term view from government about how these things work with a sense of urgency and a sense of agency. So that people can make decisions and argue that cookie cutter evidence base models from Sydney or

Canada may not work … it's huge and I think you can't just expect people to turn up once every six weeks, eight weeks, ten weeks, with no work done in between (RMRA advisor 2).

RMRA Accord Negotiatiors acknowledged the benefit of a collaborative and cross-sectoral approach to identifying and resourcing priority issues in and across their communities.

Finding 2: Both RMRA and Government negotiators would have benefitted from more induction prior to commencing negotiations. In the case of RMRA, training in Government policy and budgetary processes would have been helpful.

Although both the *LDM Accord Negotiation Process* (AANSW 2017a) and the *OCHRE Good Governance Guidelines* (AANSW 2017c) detail a series of steps through which regional alliances and Government stakeholders must work prior to commencing formal negotiations, interviewees felt more should be done to ensure that Accords, and the parties who negotiate them, are set up to succeed.

Before commencing negotiations, RMRA Accord Negotiators were not offered any induction into public policy formation or specialist training in the operation of government, regardless of their prior personal or professional experience. This was described as exacerbating the imbalance of power inherent in relations between well-resourced Government departments and unpaid and untrained delegates:

In the beginning, there was a lot of hesitancy … we're very passionate grassroots people but we don't have the government terminology, we don't have a lot of the government expertise or reach for resources, either. So, I remember going, okay, we're walking into this meeting but where's our support? Have we got some support that can back us up because these guys – and power imbalance, here we go. We're talking about people who have got maybe their HSC with 20 or 30 years of working experience. These guys over here have got university qualifications and have been doing this and that forever (RMRA interviewee 3).

This was affirmed by an interviewee who was a former NSW Government employee and one of the architects of LDM:

I do think that people have lost sight of the policy intent because local decision-making was initially about building self-governance in Aboriginal communities and it was always intended that you would have to spend money on capacity building. We looked at the New Zealand [treaty] negotiation processes and when we talked to the New Zealand government, they said, in some cases we were spending hundreds of thousands of dollars on the capacity of Maori tribal groups before we'd go anywhere near the negotiation table, because when we got there, we wanted to make sure that it was a reasonably equal playing field, which meant we had to invest in their governance and their capacity and all of that. That was always the intent but as is so often the case, we invest too little and we expect too much (RMRA advisor 1).

Delegates reflected positively on this process as giving them confidence to implement an innovative and holistic storytelling approach to negotiations. At the same time, they expressed frustration that they had not been provided at the outset with sufficient data, in an accessible form, to inform their statement of claim.

Before commencing the negotiations process, public sector employees were required to undertake cultural awareness training. Interviewees spoke of the benefits they have derived from this, and the on-going impact of that learning, even when they had gone on to assume a different role or move to different department areas within government. One independent consultant observed:

All the government people felt that it was very worthwhile and opened their eyes to, if you like, the dynamics and some of the essential or foundational issues for community in terms of not only who

community were but how they thought about government and dealing with government. I would argue that government was notionally ready to engage and in fact, that readiness to engage and in fact the readiness to start the negotiations is one of the strengths of the government positioning (Independent consultant 1).

Despite this, a high level of staff turnover within the NSW Government meant that not all Lead Negotiators had benefitted from training provided by RMRA. Asked to describe the level of cultural knowledge or insight she had prior to going into negotiations, one interviewee responded:

Oh, very limited. I was learning on the job (Lead Agency Negotiator 7).

Several interviewees observed that in addition to their lack of prior exposure to Aboriginal culture, their understanding of LDM as a policy approach was also limited. The interviewee quoted here, and a number of other government interviewees, reflected that the extent of buy-in to negotiations by government staff had been subjective:

This is an area where I'm really invested. It's really important. This is front and centre of my business, our business. It's something where I do think we should, it would be an area where I think we do need to take it more seriously. We do really need to really invest and support our people who are doing the negotiation on behalf of the agency because it is really important ... [Negotiating Accords is] above and beyond your regular day job. I mean I do see it as part of my role and my duty as a leader in public service to be involved in these types of things, they're very important. I think it would really benefit from just a bit more investment in that at an agency level … there isn't anything that's provided by the department in that regard (Lead Agency Negotiator 7).

Another reflected:

It's quite a complicated process, and I had to spend a lot of time looking up other Accords, looking up what was on the website, in terms of preparation for what was ahead of me. I think there needs to be much better preparation for the government negotiators. Just not an assumption that you come to the table knowing what it's all about, because you don't. I think people just get appointed and off you go, you're thrown in there (Lead Agency Negotiator 2).

Finding 3: The degree to which Accords are co-designed, or foster innovation and accountability, is questionable.

Despite enthusiasm for the concept of LDM, a number of interviewees from within government, RMRA and independent consultants, queried how legitimately the Accords negotiation process could be described as co-designed, and the extent to which it fostered innovation. In the words of one RMRA advisor:

RMRA has asked for data. It's constantly the word 'ask' which I find really insulting for RMRA. Because RMRA isn't there to ask, it was meant to be partnership and collaboration and building solutions that work … If you got through the minutes of all the meetings, you'll see RMRA is constantly coming back to – here's the family, we would like some data to understand what's happening currently. We know what's happening isn't working and we want to build difference. They even asked for a workshop to say what does co-design [look like]– you know they're all very fashionable words but what does it look like here in the Riverina Murray and our footprint? It hasn't happened (RMRA advisor 2).

Another RMRA advisor reiterated this point, saying:

We will see a respectful negotiation when the government actually puts their priorities on the table as well. It's still very much the community coming to the table saying, here's what we want, and the

government going yes or no. It's not a meeting of minds, it's not the government coming and going, you know what, that's a priority for us as well, or actually, that's not such a priority for us but this is (RMRA advisor 1).

One participant reflected that at one point in 2020, RMRA requested a workshop on co-design, but while this was agreed to 'in writing' by government, it 'hasn't been forthcoming' (RMRA advisor 2).

In selecting their methodological approach to Accords-making, RMRA Accord Negotiators made a conscious decision to build negotiations around a detailed case study of how multiple government services were experienced within a single family. This reflected their conviction that they needed 'to try and get government to understand where they're coming from' (RMRA advisor 3). By providing a concrete example of the on-ground reality, they would be best positioned to work together to address community issues or priorities.

The logic of RMRA's methodological approach is consistent with that anticipated by the Premier's Memorandum. This required NSW Government departments to map existing service provision, to ensure negotiations would be based on shared knowledge of the status quo:

LDM regional alliances will be made aware of NSW Government services currently being delivered to their local Aboriginal community. To ensure this occurs, NSW agencies will participate in service mapping processes to identify all relevant Aboriginal-specific and mainstream service funding programs in LDM regions (New South Wales Department of Premier and Cabinet, 2015, Reviewed 2020).

In reality, the required service mapping has not been carried out, and lack of access to data (which is discussed further below) constrained the possibilities for co-design. There is currently no formal mechanism holding parties accountable for the timely fulfilment of their roles and responsibilities.

For government negotiators, time and lack of clarity around funding were identified as issues that constrained innovation and undermined the integrity of the co-design process. The Accords-making process comes on top of their other work and for some government negotiators, Accords negotiations were not a high priority. One RMRA advisor felt that RMRA's case study methodology was undermined by a dynamic where 'you've got government people flying in and flying out. It's a half day workshop and I expect to get to here by the end of that workshop, and the next time you do a workshop, oh it's somebody different' (RMRA advisor 3). Despite the obvious frustration this engendered, another RMRA advisor reflected on the patience and generosity RMRA Accord Negotiators brought to their interactions with government:

LDM is premised on a redirection of existing funding, but the lack of clarity around interdepartmental funding of new initiatives, led to a 'business as usual' approach being the default position of government. The need to show some progress means that delegates are more inclined to go for 'short term wins', and adopt a 'take what we can get', minimalist attitude to Accords negotiations (Independent consultant 1).

In terms of accountability, one RMRA advisor reflected on the pressure put on RMRA by government to measure the benefit and outcomes of initiatives they had undertaken. They reported how their delegates had suggested evaluative measures to incorporate in programs and events and the invitation they had made to Government to suggest others, but 'nothing was forthcoming' (RMRA advisor 2). This interviewee reported that 'RMRA suggested using the NSW Human Service Outcomes Framework but this was never taken up by government agencies either' (RMRA advisor 2).

Finding 4: Lessons were not learned from previous Accords.

The relatively recent formation of the RMRA created opportunities to build on learnings from other Accords negotiations, but the extent to which this has occurred is not entirely clear. Many of the findings of this report have appeared in previous evaluations, which raises the question of how little has been learned in real terms.

Government Lead Negotiators often work across different Accords, which should logically lead to cross-pollination of approaches across different regions, but this is not apparent in outcomes for RMRA. An example of this is that as long ago as 2015, in the first evaluation of the MPRA Accord Negotiation, researchers found:

> *The results suggest that LDM has 'not been sold well internally' across the NSW Government, and that more information and dialogue are needed to increase understanding of LDM, how the Accord negotiation affects NSW Government departments and agencies, and what the departments and agencies need to do before negotiations begin (CIRCA 2015, p. 6).*

The same issue was evident in the current review. One Lead Agency Negotiator reflected that the first time she really understood LDM was when she read the Participant Information Sheet prepared by CAEPR for this evaluation.

While delegates reported actively engaging with other Regional Alliances through the agency of NCARA, both RMRA and public sector interviewees suggested that there was little evidence that learnings from one region had been used to inform the approach taken in another. Indeed, some interviewees suggested that to apply learnings from other regions might undermine the agency of a Regional Alliance to prosecute an argument framed by local circumstances. This had become a live issue where some government negotiators displayed a lack of willingness to be responsive to local aspirations. Some Lead Negotiators were described as dogged about implementing existing policies, budgets, and service delivery models. The example was given of one portfolio, where interviewees across different LDM regions reported encountering difficulties with the same Lead Negotiator. The differing extent to which this person's behaviours had become problematic was attributed to the nature of their relationship with the respective Alliance negotiators:

> *Perhaps in [this region], because they were really starting from pretty well-established relationships, there weren't lots of people coming into [negotiations] that weren't unknown… I didn't get a sense that delegates were intimidated by having seen their bureaucrats come in and those sort of things. I think [the chair] particularly has been quite effective at managing how all of that runs and having a depth of relationship with people that allows that to work. A less experienced chair perhaps would create room where that becomes a problem. I have heard that some of the Accord negotiations don't go as smoothly as these ones have (Lead Agency Negotiator 9).*

While a number of government interviewees reflected on having learned a lot through the Accords process, and reported feeling passionately invested in the concept of LDM, there was no systemised approach to sharing cross-regional learning, or ensuring accountability for poor behaviours.

Finding 5: Despite the intentions of LDM policy, the relationship between Government and community remains largely unchanged.

Interviewees agreed that Accords are grounded in the strong and well-articulated policy platform laid out in the Premier's Memorandum of 2015 and subsequent LDM and Accords Making materials produced by the NSW Government. Despite this, a strong theme to emerge was a tendency for government departments to default to familiar ways of working.

The *Local Decision Making: Policy and operational framework* begins:

LDM aligns with good practice at the national and international level which shows that sovereignty and self-determination are a fundamental factor in generating sustained socio economic development and wellbeing in Aboriginal communities. Those communities that build governing institutions capable of exercising sovereignty are more likely to achieve long term, self- determined economic prosperity (AANSW, 2017b, p. 4).

Reflecting an awareness of the importance of self-determination, all parties agreed that NSW Government agencies and departments have strong and clear authority to engage in the Accords negotiations. Further, the process brings senior government figures to the table to engage with the Aboriginal sector. This was universally acknowledged as a significant and productive policy approach. Government Lead Negotiators reflected at length on how much they had learned through the Accords negotiation process. RMRA Accord Negotiators reflected on how much they appreciated the opportunity to engage with senior public servants with real decision-making power. This key element of the Accord negotiation process worked well in RMRA.

Notwithstanding these policy intentions and opportunities, interviewees from the NSW Government, RMRA and independent consultants all agreed that encouraging new ways of thinking and expectations within government was difficult. A number of interviewees from both RMRA and the public sector perceived these problems as indicating that the NSW Government's commitment to the Accords negotiation process was negligible. Others observed that while negotiating Accords helps senior public servants understand community priorities, government negotiators were unwilling or unable to drive the change to which communities aspire.

Government negotiators sometimes expected that negotiations would mirror usual ways of doing business. They reflected that RMRA's methodology, which one interviewee described as 'low level storytelling', was useful in understanding the interconnectedness of issues, but expressed their desire to negotiate in a familiar format. Some government negotiators expressed concern that where delegates 'don't understand how government works' (Lead Agency Negotiator 4), the outcomes for their Alliance would be hindered by lack of government flexibility and adaptation. A point of tension was identified, where government negotiators in some instances failed to engage meaningfully with RMRA's chosen methodology. Delegates speak of government failure to engage with stories as evidence of a fixed mind-set of how government 'does business'.

One government interviewee concluded that the Accord negotiation process was very subjective. It depends on which individuals are around the table, their level of goodwill, and the extent to which they are prepared to challenge existing models of service delivery. Others felt that government remained committed to a micro-service delivery model and was unwilling to explore radically different or cross-departmental models. Some reported that there was a sense that government was not bringing ideas or information to the table, instead relying on RMRA to generate possible new approaches to service delivery:

You've got government getting a free consultancy. All the intellectual property of very knowledgeable Aboriginal people in the community is being gathered and they do not get paid for their knowledge. They take leave off their job to come to an Accord meeting for 2 days and you've got government staff sitting there on executive salaries and TA. There is no equality there. The LDM guidelines mention the Accord being an equal process, equal power. Well there is no equal power or payment [Lead Agency Negotiator 6].

Several interviewees observed that government's commitment to cross-agency cooperation fell short. Although the Accord negotiation process had worked to break down silos in the short term, the potential for this to effect change was foreclosed by the lack of sustained commitment to the holistic model of service delivery sought by RMRA Accord Negotiators. One RMRA advisor commented:

I wonder if we have missed the part about the difference between individual agencies (silos) and joined up strategic/coordinated responses. The [Accords negotiation process] is meant to have a whole of government or collaborative approach strategically and tactically is my understanding, however on the

whole there was little evidence of preparation or collaboration to bring forward a clear vision or response as a whole group (RMRA advisor 2).

A number of RMRA negotiators were disappointed at a perceived lack of commitment from government agencies to the Accord-making process. The level of government commitment to the process overall was described by one as 'disgraceful'. Another observed that there was a sense that government 'just weren't embracing it [LDM] … for the most part a lot of the agencies saw it as more an imposition than an opportunity' (RMRA advisor 2).

Finding 6: Overlapping policy frameworks and lack of understanding of LDM lead to confusion and default to 'business as usual' attitudes.

Tied to the difficulties of using the Accords process to drive substantive change, have been shifting policy priorities and issues with overlapping First Nations representative structures within and across jurisdictions. For example, the new (Federal) Closing the Gap Agreement and existing relationships with other representative bodies, for example Coalition of Aboriginal and Torres Strait Islander Peak Organisations (CAPO) and Aboriginal Education Consultative Groups (AECGs), created confusion and resistance from some government negotiators. These interviewees felt that their agency was already engaging with First Nations communities via other means, and that the Accord was duplicating this engagement. One RMRA advisor reflected on how this confusion was playing out in education:

Education's been challenging from the get-go, really. They struggle completely with their [partnership] agreement with the AECG and the idea that somehow that gets played as we're exclusively playing with the AECG, therefore we can't be at the table or if we can be at the table, we've still got some responsibility to go back through the AECG, which – I think across the board, I've had more complaints – or when I was still in government, had more complaints about education and that issue of education's lack of engagement than about any other issue (RMRA advisor 2).

Some government negotiators worried that they were being torn between the competing priorities of different First Nations representative groups. One interviewee observed:

In participating in Closing the Gap, New South Wales has a partnership agreement with the Coalition of Aboriginal People Organisations, but of course because of LDM and the fact that we've created, that these alliances have been created and that we're already working in partnership with government, that they were invited to – they wanted to have a seat at that same table in Closing the Gap. Unfortunately that has meant there's been a little bit of back and forth between CAPO and NCARA and some of the criticism levelled has been that well, this LDM process is government-run, government-led, and it's sort of in some ways that that, the fact that it was led by government has led to a questioning of the legitimisation of the alliances, where in fact I think it's funny because CAPO members and alliance members often overlap (Lead Agency Negotiator 5).

Confusion about overlapping policy frameworks was tied to a lack of understanding about the role of LDM amongst some Lead Agency Negotiatorss. Several Lead Negotiators reflected that they came to the Accords negotiations with little understanding of the aims and objectives of LDM and how it articulates with other national and state Indigenous affairs policies and structures:

What would have been good was the couple of the paragraphs that you have in the participant information sheet. [That] would have been a very nice start just in understanding the order and hierarchy within how [the Accords negotiations] came about, how they sit under OCHRE, the links with Closing the Gap and all of the rest (Lead Agency Negotiator 4).

By working directly with delegates, senior public servants reported that they gained more nuanced and in-depth understanding of how of service delivery is experienced within community. Despite this, the Independent Facilitator reported that ultimately, government negotiators fell back on a 'business as usual' approach to service delivery in the RMRA region.

Finding 7: LDM is inadequately funded and resourced.

The issue of how LDM is resourced has been identified in every evaluation of Accords-making as a serious, contentious problem that amplifies power imbalances between the NSW Government and Regional Alliances. In particular, the lack of specific resourcing for LDM initiatives impedes the success of negotiations and constrains proper engagement of Regional Alliances as an equal partner in negotiations. The issue of resourcing was raised in a number of contexts, including in relation to the resources allocated to support RMRA's establishment, training and operations.

i.   **Negotiators representing the RMRA Alliance were inadequately remunerated for the work required to properly participate in Accord negotiations.**

The history of RAs and length of engagement with government result in different RAs having significantly different financial capacities and ability to engage in capacity building activities. Cross-regional inequalities are evident and RMRA was at a clear disadvantage relative to other RAs because it had not yet had any opportunity to access additional sources of funding (for example through Closing the Gap or Empowered Communities)[1].

Interviewees from both AANSW and the alliance reported that RMRA Accord Negotiators were not adequately remunerated for the amount of work required of them as negotiators. RMRA Accord Negotiators felt that this lack of funding significantly impacted on their ability to do the work required of them. RMRA Accord Negotiators bring a high level of consistency of representation and personal commitment to Accords negotiations, however they are generally unpaid volunteers. Per diem payments made by AANSW did not adequately compensate for the time invested in the lead-up to negotiations or the leave entitlements sacrificed by delegates to enable their involvement in the Accord making process:

Community gave the example of saying, 'We sit here in no shoes, you're sitting here in Italian shoes and you tell us that we're here as equals at the tables. We're not being paid, you're being paid' (Lead Agency Negotiator 6):

> *So, it's the old rations. Government will feed community, give community a cup of tea, put community up for the night, but government wants all community's knowledge to fix what government has stuffed up in the first place (Lead Agency Negotiator 6).*

As noted, RMRA Accord Negotiators represented a broad spectrum of specialist expertise but had little previous experience negotiating with government. One government negotiator reflected:

> *It was written in the Accord process about building the capacity, but it was just lip service. There's nothing being done, nothing serious to enable the capacity or provide the opportunity of learning or to resource*

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[1] Although Deniliquin is an Empowered Community, delegates reported that this did not produce any appreciable benefits to the Accords process.

the people to give up their day jobs to actually do the sophisticated work that is being asked of them (Lead Agency Negotiator 6).

More recently, a number of delegates reported that those who are employed in the public service are entitled to treat time spent in negotiations as part of their job. This was described as a relief, but even despite the lack of financial compensation, RMRA Accord Negotiators reported feeling that involvement in Accords negotiations was a worthwhile investment of their time:

Most definitely, yep. So, initially, since I'm a teacher, I took long service leave to attend the meetings. So, that's a fair commitment from me. This year, my principal has decided that she's willing to support my participation and attendance. So, I no longer have to take long service leave, which is fantastic. Not only has it helped the community, it's also helped me within my role in the school as well, because I'm further aware of programs and initiatives and things that are happening that we can use to support children, all children within the school (RMRA delegate 4).

Similarly, many of the support services provided to build capacity for RMRA have been provided on a pro bono basis. For example, Think Impact was paid by AANSW for one half-day to develop a results framework but reflected:

It became apparent very quickly that was impossible to do, there was such a limited engagement. So we committed a fair bit of our own time to go into the communities the day before to run some preparatory sessions, to get to know the participants and then start to work on actually developing ways of understanding, ways of knowing that progress might be being made in the community (RMRA advisor 3).

Two other independent advisors, former senior public servants, worked as advisors to RMRA. One received no remuneration for their time, and the other worked for RMRA at reduced rates.

RMRA has two paid employees, both on short term contracts. For other RMRA Accord Negotiators, their obligations to RMRA come on top of the demands of their paid work. The failure to provide RMRA with ongoing funding limits the Alliance's capacity to plan or to hold government to account. A number of delegates reflected that having more paid employees at RMRA would help to share the load.

ii. Accords are underfunded, and the failure to provide any clarity around budget hampers negotiations.

LDM promised 'greater flexibility in spending' (NSW Government 2013, p. 22), but this has not been evident in this review. No new specific funds were set aside to deliver initiatives under LDM. Agencies and departments were expected to draw from their existing budget allocations to fund agreements made through negotiations. This was identified by interviewees across the board as a fundamental flaw in LDM. In the words of one Agency Lead Negotiator:

It didn't make sense that government didn't quarantine, didn't do some analysis, figure out, well how much are we actually spending in this particular region and then say okay, so we're going to quarantine off part of that. We'll start [the Accords-making] process by saying we've got this much on the table for us to prioritise, here are the programs that are being delivered. Here's how we think they're effective. Even just to trial it before they kicked off – I don't know if they tried this - but before they kicked off the whole project to actually say this is how we can be effective, here's the money on the table, here's some self-determination, let's work together in partnership to figure out where this is best directed and then let's make it happen. It's almost as if they forgot a step and now years later we still haven't gotten over that first hurdle, which is how do we get money out the door? (Lead Agency Negotiator 5).

The failure to clarify how existing budgets would be applied to cross-sectoral innovations was an area of particular concern:

> There is … very little innovation in any of these Accords from a government perspective. I will give you an example. The only innovation from NSW Government came from the lead negotiator who represents Regional NSW, who found the majority of funding to fund the Health Healing and Wellbeing Schedule activities. Health & Treasury contributed to the feasibility study for a Regional Cultural Rehabilitation & Healing Centre, but no other agency – Education, Customer Service, Transport, DCJ Justice, DCJ Communities who were all sitting around the table and contributed nothing (Lead Agency Negotiator 6).

A range of interviewees reported confusion over how cross-departmental innovations should be funded. This acted as a constraint on innovation, with busy public servants not always ready or able to grapple with already-stretched budgets to fund new initiatives. In the words of a Health Department negotiator:

> I think the problem with government agencies is that we are funded for our business as usual and with health, we're funded to do activity. We don't have discretionary budget. We don't have capital budget. So, it was very difficult for us […] It's a difficult process, because as a government agency, we might agree with something, but we can't sign off on it if we don't have the funding in our budgets (Lead Agency Negotiator 2).

Although RMRA Accord Negotiators anticipated that initiatives would be funded by the redirection of money, not new sources of funding, there was frustration that what was fiscally achievable under LDM was never made clear:

> The main reason we couldn't sign off was the amount of what they wanted. A rehabilitation facility building was what they had down as their request. It was on country, culturally appropriate, connecting. There's no way that I would have the authority, because it's capital, involves land and involves money and significant resourcing. So what I was able to sign off on was an agreement to participate in a feasibility study. But it took quite some months to then work out who was going to be able to find funding for the business case to be prepared and to engage a consultant to undertake the feasibility study. Because we're talking maybe $100,000 (Lead Agency Negotiator 2).

This issue was conflated by some interviewees with the question of what level of authority Lead Negotiators brought to the negotiations table.

iii.   Human Resources: Seniority and high turnover of Government Lead Negotiators

An issue that reoccurs across Accords reviews is the delegation and turn-over of negotiators. The LDM Accord Process states:

> Agency staff involved in Accord negotiations must have sufficient delegation and decision-making power so they have the authority to respond flexibly and innovatively to the needs and aspirations of the regional alliances (Aboriginal Affairs NSW (AANSW). (2017a), p. 20).

Despite this, two previous Accord negotiation evaluations found that NSW Government negotiators lacked the authority necessary to agree to proposals made by Regional Alliances. The CIRCA (2015) report on the Murdi Paaki Accord states that an 'opportunity for improvement' is to 'ensure that NSW Lead Agency Negotiators have adequate authority' (CIRCA, 2015, p. v) and that, 'for future Accord negotiations, steps should be taken early and resources dedicated to ensure representatives can engage fully in the negotiations right from the start.' Similarly, the SPRC's July 2018 evaluation of TRRA negotiations found that, 'despite learning that government department negotiators need to have delegated authority to make decisions this was not put into practice, and some government negotiators lacked willingness or authority

to conduct negotiations" (Katz et al., 2018, p. 5). It identified "assigning senior decision makers to the Accord negotiation process" as a "necessary adjustment' (p. 7). It must be noted, however, that the SPRC's July 2018 evaluation of the Illawarra Wingecarribee Alliance Aboriginal Corporation (IWAAC) negotiations found:

> *The first lesson for the Department of Premier & Cabinet (DPC) was the critical importance of involving senior government staff who had the authority to make decisions. This was achieved and had a positive impact on the negotiations (Smyth C, Katz I, (2019). p. 1)*

Interviewees in this evaluation also reflected on the inadequacy of negotiators' decision-making authority, although as discussed above, the constraining factor for negotiators was not seniority so much as the capacity to sign off on capital works that had not been factored into departmental budgets.

The other issue to emerge relating to the staffing of negotiations was constant change within and between departments. This leads to 'churn' of Lead Agency Negotiators, although it should be noted that some departments are committed to maintaining consistency in their negotiators. An example of this is from Treasury, where the Lead Negotiator changed roles with the department but retained responsibility for negotiating Accords under LDM. Independent consultants to RMRA observed that too many government negotiators are 'fly in fly out' and do not have sufficient understanding of issues identified as of priority to the Regional Alliance.

Finding 8: Data was not provided in a timely manner.

Delegates and advisors reflected that there is no pressure on government to act in a timely manner in the provision of data and in fulfilling other undertakings. They queried the processes by which Government can be held accountable. Lack of access to data in a timely manner frustrates negotiations and breaks down goodwill.

Delegates and RMRA advisors reflected that access to accurate and up-to-date data is a critically important resource. AANSW's *Local Decision Making: Policy and operational framework* states:

> *Regional alliances and government will have to share information and talk openly and honestly about community needs and government service delivery, so they can set the right priorities for future investment and improvement in services (AANSW 2017b, p. 17).*

RMRA Accord Negotiators described themselves as committed to an evidence-based approach to policy development and to that end sought data to inform their approach to negotiations:

> *We provided a template for government to provide their data… it was really carefully done, it was put back to government, timelines were put around it, the negotiators were aware … they agreed to it in the room and then nothing. That was six, eight months ago (RMRA advisor 3).*

Government delays in providing data resulted in a loss of faith by delegates and the communities they represented. RMRA Accord Negotiators felt that while the onus was constantly on them to justify their priorities, access to data was not forthcoming. This is an example of the imbalance of power between delegates and government negotiators:

> *I think a lot of things seem to have been thrown back on RMRA, that we're seeking that and, well, it's your responsibly to prove it. I think that the obtaining of data has been really, really muddled with protocol, as far as, oh, it has to go to this person before we can release it to you, et cetera, which under GIPA[2] we can*

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[2] The Government Information (Public Access) Act 2009

access some of the information anyway. So, I'm not sure why there's quite been this halt with it. Yeah. I think that RMRA still has eye on the prize, that's still trying to do the right thing, but I think that it's been really difficult to maintain the, you know, this is us working together, when it hasn't always been a two-sided thing (RMRA interviewee 4).

Finding 9: Signing of Schedules has taken an unexpected length of time.

Unexplained delays by government undermines the Accords process. Several interviewees reflected that Accord negotiations were simply, as one put it, 'taking too long' (nterviewee 1). The COVID-19 pandemic slowed down an already slow process.

Although parties were generally satisfied with the time allotted to negotiate the *Ngunggiyalali* and the first Schedule focused on Health and Wellbeing, no timeframe had been applied to the implementation phase. At the time of writing this report, the agreed Schedule had not been signed off, and this meant that no change was discernible in the RMRA region. Again, there is no mechanism available to hold the NSW Government accountable for this delay. The Independent Facilitator observed:

The key issue is time and unless both parties are willing to actually commit to some compressed and somewhat pressurised negotiation as well as implementation process, they're never – in my view – going to get to that point of practice […] So, what ends up happening is that both sides get tired, faces change and then when it gets down to the implementation phase – and this is what I've seen in a number of examples – most of that seems to be led from the government side and done on government terms (Independent Facilitator).

Finding 10: Negotiating Accords had personal and professional implications.

The Accords-making process has had personal and professional implications for both RMRA Accord Negotiators and government negotiators.

Personal consequences for delegates included an increased understanding of how government works, and of how existing services might benefit Aboriginal people:

So, not only has it helped the community, it's also helped me within my role in the school as well, because I'm further aware of programs and initiatives and things that are happening that we can use to support children, all children within the school (RMRA interviewee 4).

However, delegates put in long hours preparing for Accords negotiations and negotiations proper, leading to burnout. The pressure to deliver to their communities and constituents coupled with the slowness of negotiations also produced negative personal consequences. Accountability for delegates was high and personal. Delegates were held responsible for apparent lack of progress or lack of change on the ground when they have no control over many issues. Inter- and intra-community politics can generate 'lateral unkindness' (RMRA interviewee 3), although delegates from different communities reflected on how well people from different communities worked together.

Antecedent trauma carries emotional cost for some delegates. Some describe having 'baggage' from previous interactions with government, which had led to a lack of trust. Delegates reflected that this was particularly evident in working with NSW Police.

The resilience and commitment RMRA Accord Negotiators have to the Accords-making process was evident to all parties. Delegates attributed this to:

- their strong vested interest

- the lack of any better alternative approach to policy development

- their lived experience of government service delivery

- their strong community connections and shared, grassroots concerns and priorities

- the sense of agency they experience in challenging counterproductive norms.

Where Government negotiators invested personally in the Accords-making process, they reported growth in their understanding of Aboriginal cultural and policy concerns, which was not an area of expertise for many prior to this. Many reflected on how much they had learned through the Accords negotiation process and the benefits they had derived from building trusted relationships with Alliance members.

Discussion

The Riverina Murray Regional Alliance was formed as a direct consequence of the closure of the Aboriginal Affairs office in Wagga Wagga. In this context, the *OCHRE*/ LDM policy platform provided an effective mechanism to mediate the relationship between Aboriginal communities and the NSW Government. Where AANSW's *Local Decision Making: Policy and operational framework* anticipates that LDM will build on the strengths of existing Aboriginal community governance bodies (AANSW, 2017b, p. 5), RMRA was formed with the express intention of building the capacity of communities to better influence the design and delivery of services across the region.

RMRA's formation brought together ten communities that had not previously worked as a collective. Accord Negotiators reflected that working together and with consultants in the pre-Accord negotiation phase had increased both their understanding of government and their internal governance capacity. Both capabilities are essential to self-determination and delegates unanimously identify them as important benefits of the *OCHRE* strategy, LDM, and the Accord Negotiation process. In addition to relationships formed within and between communities, RMRA Accord Negotiators and Lead Agency Negotiators agree that the Accords Negotiation process has also resulted in new and productive relationships between government and community.

At a personal level, both RMRA Accord Negotiators and government negotiators also reported largely positive outcomes. The cultural awareness training they received and negotiation process itself increased government awareness of the challenges facing RMRA communities, and affirmed bureaucrats' commitment to work within their positions to address these challenges. RMRA Accord Negotiators also reported positive outcomes in terms of personal growth and leadership capabilities, but this was counterbalanced by the risk of burn-out and having to answer to community members frustrated at the lack of real change on the ground.

Several Lead Negotiators and other government interviewees reflected that the Accords process had provided an opportunity for the government to meet and learn from the people they serve, and that this had positively changed understanding and attitude to Indigenous service delivery. It was significant that the government brought senior people together at the same table as community members and all parties reflected on the importance of building relationships. However, Lead Agency Negotiators, RMRA and their advisors all felt that despite the possibilities promised by LDM's innovative model and the case study methodology adopted by RMRA Accord Negotiators, the limitations of the Accords negotiation process ultimately meant that promised outcomes fell short.

Fundamental barriers to effective negotiation also came to light in our discussions with parties involved in the negotiations. All research participants felt the intentions of Accords were positive, but many were frustrated by the lack of clear guidelines as to what could be agreed on within the Accords; the lack of funding committed to the process; and the lack of clarity around existing spending. A power imbalance between delegates and NSW

Government employees was evident, revealed by the lack of adequate resourcing or budgetary allocations, the inability or unwillingness of the NSW Government to provide access to locally relevant and disaggregated data in a timely way, and the unexplained delay in signing negotiated agreements into operation.

Our findings show that experiences of, and opinions about, the Accord negotiation process have been mixed, and that changes need to be made for the policy to reach its full potential. Government Negotiators and independent advisors acknowledged that too often, the Accords negotiation process defaulted to a 'business as usual' approach, and did not drive change in real terms. Despite this, government negotiators generally felt that the Accords negotiation had positively changed the ways in which both individuals and the agencies they represented approached issues that affected Aboriginal communities. The process allowed senior public servants an opportunity to work directly with community representatives, and this increased their understanding of the impact of their department's policies on RMRA communities. Moreover, several NSW Government negotiators stated that involvement in the Accords negotiation process allowed them to build closer relationships with their counterparts from other departments, and gave them a unique opportunity to work together on issues of mutual concern. Indeed, all negotiators, and the Independent Facilitator, felt that the Accords negotiation process had facilitated closer interaction between the parties than had previously been the case, and that this was a step in the right direction.

Despite overwhelmingly positive reactions to *OCHRE* and LDM as policy settings, this report, and those which precede it, identify major failures by government at the stage of implementation. To a large extent, the findings of this evaluation mirror earlier studies of Accords-making in NSW. Issues of inadequate access to data, under-resourcing, and implementatiaon delays reoccur across regions. It is our observation that the range of mechanisms needed to facilitate successful agreement-making between First Nations people and government were lacking in the RMRA Accord Negotiation process. However good the outcomes from Accords Negotiations, they can deliver no substantive change to communities until they are signed into operation.

Conclusion

To return to the NSW Government's stated goals of the program, self-determination and a change in relationship between government and community is at the heart of LDM:

> *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).*

> *LDM aligns with good practice at the national and international level which shows that sovereignty and self-determination are a fundamental factor in generating sustained socio- economic development and wellbeing in Aboriginal communities. Those communities that build governing institutions capable of exercising sovereignty are more likely to achieve long term, self- determined economic prosperity (AANSW 2017b, p. 4).*

Accords are intended to:

- re-define the relationship between government and Local Decision Making communities, where information and decision-making is shared

- direct service delivery redesign and reinvestment according to the needs and priorities defined and negotiated between government and regional alliances

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

No party consulted for this research criticised these policy goals. However, it is our observation that the RMRA *Ngunggiyalali* Negotiation process did not result in these intended outcomes of the LDM policy.

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