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LOCAL DECISION MAKING STAGE 2 ACCORDS NEGOTIATION: BARANG ACCORD NEGOTIATION EVALUATION REPORT

DEIRDRE HOWARD-WAGNER AND MORGAN
HARRINGTON

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Barang Accord Negotiation Evaluation Report

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Abstract

The report presents the findings of an evaluation of the Barang Regional Alliance Accord Negotiation. This evaluation was conducted by researchers from the Centre for Aboriginal Economic Policy Research (CAEPR), and its findings are based on their independent assessment of the data collected. This included a series of discussion circles with six Barang Regional Alliance Negotiators; five in-depth interviews with NSW Lead Negotiators, and one with an Independent Facilitator; minutes from meetings held as part of the Accord negotiation process; and documents published by the NSW Government about the Opportunity, Choice, Healing, Responsibility, Empowerment (*OCHRE*) and Local Decision Making (LDM) policies.

Keywords: *OCHRE* LDM Accord Negotiation.

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We wish to thank the *OCHRE* Steering Committee members, particularly Associate Professor Lynette Riley (Chair), Professor Gawaian Bodkin-Andrews, Samantha Faulkner, and Ben Barnes for their detailed consideration of and feedback on the draft versions of this report.

Acronyms, Abbreviations and Terminology

AANSW	Aboriginal Affairs New South Wales
ACCO	Aboriginal Community-Controlled Organisation
Accord	A Local Decision Making Accord defines the relationship between the government and participating Aboriginal communities. An Accord includes negotiated and agreed priorities, key actions to achieve desired outcomes, timeframes, resources, responsibilities and how success will be measured.
Alliance Accord Negotiators	Representatives of a Regional Alliance chosen to negotiate the Accord on behalf of their Regional Alliance (e.g., Barang Accord Negotiators).
ANU	Australian National University
CAEPR	Centre for Aboriginal Economic Policy Research
CIRCA	Cultural and Indigenous Research Centre Australia
DCJ	Department of Communities and Justice
GNL	Gudjagang Ngara li-dhi Aboriginal Corporation
IWAAC	Illawarra Wingecarribee Alliance Aboriginal Corporation
JDM	Joint Decision Making
Lead Agency Negotiators	NSW Government Agency representatives appointed from the NSW Lead Agencies negotiating a specific Accord with Regional Alliances.
LDM	Local Decision Making
MPRA	Murdi Paaki Regional Assembly
NAISDA	NAISDA Dance College
NCARA	NSW Coalition of Aboriginal Regional Alliances
<i>OCHRE</i>	Opportunity, Choice, Healing, Responsibility, Empowerment
OOHC	out-of-home care
SPRC	Social Policy Research Centre
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 Aboriginal Affairs New South Wales (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 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 Regional Alliance Accord negotiation, Riverina Murray Regional Alliance Accord negotiation, and Murdi Paaki Regional Assembly Accord II negotiation. 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 Social and Policy Research Centre (SPRC) at the University of New South Wales in 2018.

This report presents the findings of the Barang Regional Alliance ('Barang') 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 a series of discussion circles with six Barang negotiators; a discussion circle with CEOs of Aboriginal Community Controlled Organisations and community leaders; five in-depth interviews with NSW public official negotiators and one in-depth interview with an Independent Facilitator; minutes from meetings held as part of the Accord negotiation process; and documents published by the NSW Government about the *OCHRE* (Opportunity, Choice, Healing, Responsibility, Empowerment) Plan, its LDM (Local Decision Making) initiative and related policy instruments.

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

Under the LDM initiative, NSW Government agencies will change the way they work with Aboriginal communities. NSW Government agencies will work in partnership with participating regional alliances to build community strengths and address key priorities. With LDM, sharing decision-making between government agencies and regional alliances means changing the way agencies design, fund and implement their services and programs. Agencies and staff must respond to community needs and priorities, changing the way they work, and developing new ways of doing business. This will mean training and developing new skills for government staff as well as Aboriginal communities (AANSW, 2017b, p. 9).

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.b, p. 1). The same document states that 'Accords are the mechanism for re-defining the relationship between the NSW Government and Aboriginal regional alliances' (AANSW, n.d.b, p. x).

The LDM Policy and Operational Framework provides a clear set of principles for NSW Government agencies entering into Accord negotiations that includes sharing decision-making and working in partnership with regional alliances to respond to community needs. The Premier's Memorandum *M2015-01-Local Decision Making* provides the authorising environment for government agencies to participate in LDM (NSW Department of Premier and Cabinet, 2015).

It is against these aims that the process leading up to and the negotiation of the Barang Accord are measured.

In this evaluation report, we share examples of the significant benefits of LDM for the Central Coast region and the transformations taking place on the ground. We explain where and how LDM has facilitated the strengthening of an Aboriginal regional governance structure in this region and how that governance structure is

empowering the Central Coast as an LDM community. We explain how self-determination, Aboriginal governance, genuine voice, and improved relationships are positives of the Accord negotiation process.

We also examine the degree to which the Accord preparation, negotiation and implementation process has facilitated the objectives of LDM. We find that, while the pre-Accord negotiation phase could be better resourced, it is working well.

Regarding the Accord negotiation phase, it is our finding that the right authorising environment was not created nor did the authorising environment in place operate as an effective authorising structure to respond to the new and greater demands of LDM.

Regarding the Accord implementation phase, the Minister for Aboriginal Affairs is yet to sign the Barang Accord and its Schedules. There is no formal implementation plan or funding arrangements in place. Despite this, Barang has progressed the implementation of its Accord through its own efforts. The evaluation report describes some of those efforts, including how they have led to improvements around Aboriginal service delivery on the ground. Contextualised within our wider observations of practices on the ground, those examples are ad hoc and do not reflect systemic change.

It is our overarching finding that, while LDM's principles are sound, implementation and related aspects of the Barang Accord negotiation and implementation have fallen short. While LDM aims to transform practices within NSW Government agencies, so that they work better for Aboriginal people, NSW Government agencies are not transforming their practices in line with LDM or wider Indigenous policy agendas.

Summary of Observations and Findings

LDM means NSW Government agencies will change the way they work with Aboriginal communities. NSW Government agencies will work in partnership with participating regional alliances to build community strengths and address key priorities. With LDM, sharing decision-making between government agencies and regional alliances means changing the way agencies design, fund and implement their services and programs. Agencies and staff have to respond to community needs and priorities, changing the way they work, and developing new ways of doing business. This will mean training and developing new skills for government staff as well as Aboriginal communities (AANSW, 2017b, p. 9).

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.a, p. 1). The same document states that 'Accords are the mechanism for re-defining the relationship between the NSW Government and Aboriginal Regional Alliances' (AANSW, n.d.a, p. 2). The LDM Policy and Operational Framework provides a clear mandate and set of principles for government agencies entering into Accord negotiations that includes sharing decision-making and working in partnership with Aboriginal Regional Alliances to respond to community needs. The evaluation report discusses the Accord process: readiness, commencement, and negotiation (AANSW, 2017d), as well as Accord implementation. For example, we examine the process that Barang Regional Alliance went through to become Accord ready. That is, the process it went through to formalise its governance arrangement, engage community, and assemble preliminary data, and develop a Statement of Claim. We examine the Statement of Claim that Barang submitted to Aboriginal Affairs NSW outlining the priority issues for their community and the actions they wished to address within the Accord.

In addition to outlining our ten key findings below, we summarise observations that are pertinent to understanding the degree to which signing up to LDM and engaging in the Accord process has supported Barang Regional Alliance to achieve the objectives of LDM.

It is our observation that Barang is an exemplar of Indigenous governance and regional representation in terms of the form it takes for building the capacities of Aboriginal people living on the Central Coast and in terms of its ability to negotiate under this initiative.¹ As a conduit of regional governance, Barang sees its community-directed role as one of enabling the scaling up of Aboriginal service delivery on the Central Coast through identifying the needs of local Aboriginal people, communities, and Aboriginal Community Controlled Organisations (ACCOs), and creating an enabling Aboriginal service delivery environment. It sees its role as enabling a holistic service delivery environment for Aboriginal people on the Central Coast. Its energies are not only directed at leveraging resources and brokering services but changing the service delivery landscape on the Central Coast.

Barang demonstrates significant foresight and a capacity to align community priorities with potentially competing state and Commonwealth policy objectives including LDM, Empowered Communities, and Closing the Gap. Barang Accord Negotiators came to the Accord Negotiation extremely well prepared to negotiate important outcomes for Aboriginal people living on the Central Coast.

Barang is leading the way in community data engagement, data gathering and data governance in NSW. In August 2020, Ngiyang Wayama was formerly established by Barang. Ngiyang Wayama is the first Aboriginal-led and community-controlled Aboriginal Regional Data Network in the country, involving collaboration and support with state, federal and regional agencies (both Government and non-government), academic institutions, and think tanks, in addition to Aboriginal Community-Controlled Organisations, local services, and grass roots community members.

In accordance with arrangements under LDM, Barang entered the negotiation phase with a well-developed 18-page Statement of Claim, developed through close engagement with stakeholders, which the NSW Minister for Aboriginal Affairs signed off before the Accord negotiation phase started. As per its Statement of Claim, Barang is driving structural reform to put power into the hands of the community through greater decision-making. Barang is strategically co-ordinating and steering Aboriginal service delivery on the Central Coast to empower youth, focusing on culture, mental health, employment, education, and child protection services.

Barang wants practical Joint Decision Making (JDM) mechanisms put in place to support government-funded organisations to align government activities to communities' regional priorities and drive the Pathway to Empowerment (Barang Statement of Claim, 2018, p. 12).

Barang aspires for a "deep transformation" of the child wellbeing and protection system (discussion circle, Barang representative). Barang wants to be driving those improvements in services and supports for Aboriginal families, data collection and reporting, casework policy and practice. It wants to see out-of-home care (OOHC) and wraparound support for children and young people in the hands of local Aboriginal Community-Controlled Organisations (ACCOs). Barang wants to influence changes to care and protection legislation and practices, and to turn around the high rate of removal and overrepresentation of Aboriginal children and young people in foster care on the Central Coast. Barang is focused on restoration.

Prior to the commencement of negotiations, Barang held a cultural immersion workshop for public officials, and it developed the 13-page *Formal Accord Negotiation Principles and Protocols* (Barang Regional Alliance, 2020). Barang Regional Accord Negotiators set out to negotiate its Accord and associated Schedules at the same time. Barang Regional Accord Negotiators negotiated in good faith throughout the process, adapting to changing circumstances. For example, once the Barang Accord negotiation phase was underway, when Australian Governments and the Coalition of Peaks on Closing the Gap entered a new agreement, the *Closing the Gap in Partnership* (Australian Government, 2020), Barang Regional Accord Negotiators swiftly adapted to the change.

¹ While we were able to observe that Barang clearly improves Aboriginal representation, we are yet to examine in-depth how it engages with community in terms of communication, information transfer (in both directions), consent monitoring, and effective policy input from local Aboriginal people. The Barang LDM Evaluation currently being undertaken will provide insights on community opinions in relation to the degree to which Barang Regional Alliance represents the 'voice' of local Aboriginal people living on the Central Coast.

They set about demonstrating how Barang's Accord initiatives were matched to its Closing the Gap Target Alignments and Target Outcomes.

Despite this adaptability, it is our observation that the Barang Regional Alliance Accord Negotiators did not secure Schedules, or initiatives, that they felt would lead to meaningful change for Aboriginal people living on the Central Coast. That is, potential initiatives identified in the Statement of Claim for the Central Coast Aboriginal community differed from those agreed on under the Accord Schedules. Even though Barang Regional Alliance is one of the best resourced and most experienced Regional Alliances participating in LDM, it is our overarching finding that the capacity of the process to deliver outcomes in line with the Statement of Claim stems from limitations within the authorising environment of the NSW public sector.

It is our finding that the right authorising environment was not created nor did the authorising environment that was in place operate as an effective authorising structure to respond to the new and greater demands of LDM. LDM requires innovation in the ways in which community and government work together to address community priorities, including actions, timeframes, resources, responsibilities, and success measures. Innovation may require reform to institutional structures, such as laws, policies, practices, responsibilities, systems, and processes. Instead, a business-as-usual approach was maintained during the Barang Accord negotiation process, including around the development of the Accord Schedule, rather than agencies finding ways to remove roadblocks, generate new ways to do business, and adopt innovative approaches for addressing community priorities around service delivery. Some roadblocks, such as those arising from conflicting finance and other policies, could have been overcome with the right authorising environment and with NSW Government agency buy-in.

It is our finding that it was at the stage when Lead Agency Negotiators stepped into the process to negotiate funding around initiatives that difficulties arose. It is also our finding that limitations within the authorising environment gave rise to this outcome, in particular the lack of authority of Lead Agency Negotiators, the lack of creative, holistic, and innovative solutions, lack of integrated responses among NSW Government agencies, lack of flexibility in spending, lack of remuneration for Barang Accord Negotiators, and barriers in relation to data sharing. It is also our finding that those limitations were all counter to provisions within the Premier's Memorandum *M2015-01-Local Decision Making* (NSW Department of Premier & Cabinet, 2015) and the LDM Policy and Operational Framework (AANSW, 2017b). Lead Agency Negotiators pointed to clear barriers that hindered their capacity to adhere to the principles and achieve the overarching objectives of LDM in negotiating the Barang Accord.

Notwithstanding, it is our observation that Lead Agency Negotiators – the Public Officials who negotiated on behalf of New South Wales Government agencies – felt that the principles of LDM were broadly applied in the negotiation of the Barang Accord. Lead Agency Negotiators generally felt that the Accords negotiation process positively changed the way they approached issues that affected Aboriginal communities and allowed them a chance to work across agencies. All Lead Agency Negotiators, and the Independent Facilitator, felt that the Accords negotiation process facilitated closer interaction between the parties than was previously the case.

It is our finding though that Barang's working relationship with NSW Government agencies has improved. The importance of improved relationships between Barang, like other Regional Alliances, and NSW Government agencies, was demonstrated during COVID-19. Rapid responses on the ground were possible due to the existence of Regional Alliances and their pre-existing relationships with senior public servants. One outworking of this was that Alliance Regions, like Barang, have had close to 100 per cent vaccine take-up.

Barang has been instrumental in securing several improvements around community control over service delivery, and, on a few occasions, securing one new innovative approach in Aboriginal service delivery. Barang leveraged its relationship with a NSW Government agency, not only to establish the Aboriginal Homes Together program on the Central Coast, but to support an ACCO to take the lead in a partnership with a mainstream Not-For-Profit (NFP) community housing provider. The Central Coast Aboriginal Together Home program is the first ever Aboriginal homelessness program in the state. It is delivered as a partnership through a Memorandum of Understanding between an ACCO and a mainstream NFP, with the ACCO as the lead agency and case manager, and a mainstream community housing provider delivering housing. Here Barang, and one of its opt-

ins, achieved Closing the Gap Priority Reforms One (formal partnerships and shared decision-making) and Two (building the community-controlled sector) on the ground.

Despite Barang's Accord and Schedules remaining unsigned and its implementation plan remaining unfunded, Barang has pushed forward with its priority agenda of empowering young people on the Central Coast. Barang has leveraged its working relationships with NSW Government agencies to secure funding for many of the opt-in ACCOs for programs that work towards this end. For example, it secured funding for the Bara Barang's Dream Builders program, which is a cultural education, work education and career planning package for Aboriginal young people that promotes Year 12 completion and transition to further education and is delivered in schools, community centres, youth services, and employment agencies. As another example, the funding it secured for Bara Barang's Barranggirra Employment and Mentoring Program aims to support Aboriginal young people seeking jobs in ongoing education and training to secure employment and create employment pathways. Barang has also secured recurrent funding for five years for Gudjagang Ngara li-dhi Aboriginal Corporation, allowing it to keep its doors open and continue to deliver early intervention initiatives for babies right through to Aboriginal Elders on the Central Coast. Barang has secured funding for Yerin Eleanor Duncan Aboriginal Health service to target the empowerment of young people through a diversionary program directed at keeping young people at risk in school, while addressing the risky behaviour, building capacity around that young person, and providing that young person with support, among other examples (see below).

Overall, as the evaluation report illustrates, improved working relationships have led to improvements on the ground for ACCOs and the Central Coast Aboriginal communities. Barang's capacity to know how and where to influence decisions has grown significantly in the last two years. The capacity of its chair to leverage change for the Central Coast community and ACCOs has been significantly enhanced and has led to some real wins on the ground.

While negotiating an Accord has been a vehicle for resetting the relationship with NSW Government agencies, the relationship between NSW Government agencies and Barang Regional Alliance, ACCOs, and the Central Coast Aboriginal community is not yet at a point where decisions are shared. Barang values being regularly called on now to provide advice to NSW Government agencies. However, Barang is not yet influencing how NSW Government agency programs and services are conceived, developed, and implemented.

NSW Government agencies continue to award contracts to specific mainstream not-for-profit organisations against the advice and recommendations of Barang, its opt-in ACCOs, and its communities. The cultural authority of community leaders is all too often ignored. This finding is a critical policy insight for the NSW Closing the Gap Implementation Plan and broader objectives of the Closing the Gap 2022 policy, as well as the Indigenous Voice to Parliament initiative.

As one example, Barang's objective is to make its families and children safe, happy, strong, and functioning. It views the child and young person care and protection system through that lens. To this end, Barang aims for change to the child and young person care and protection system. As a starting point, Barang wants to tackle the high rate of children and young people in out-of-home care and shift the way the system operates in its region. Barang wants to be involved in the decision-making for keeping its families and children safe. It wants a say around the resourcing of early intervention support and services, the whole system of out-of-home care, as well as the bit in the middle with managing children at risk, including the decisions that are made around whether to move children at risk into care or move them back out. Barang wants to be involved in the elements of funded service systems, statutory decision-making, and it would like to share authority with courts. There is potential for that system to change and for Barang to share in decision-making. For that to happen, Barang needs direct access to a decision-maker who can come and work with Barang in relation to their desired changes to the system. That kind of LDM oversight does not yet exist.

It is thus our conclusion that the possibilities for systemic reform and meaningful change in the relationship between NSW Government agencies and the Central Coast Aboriginal communities are limited by some existing practices, policies, and decision-making structures. In sum, we present ten key findings that outline the

practices, policies and decision-making structure that are limiting such possibilities. Those relate mostly to a specific phase within the Accord process, Accord negotiation.

1. The development of Barang's governance arrangements under LDM and its Statement of Claim were a significant positive outcome of the Accord negotiation process
2. Negotiating parties had different expectations about the Accord negotiations
3. Lead Agency Negotiators did not have the decision-making power necessary to agree to proposals made within the Accord process
4. No budget was allocated to fund Accord schedules
5. Other NSW Government policies obstructed the negotiation of Accord schedules and the reform goals of LDM
6. Executive sponsors were largely absent for the Accords negotiation process, and the LDM policy is not well known within NSW Government Agencies.
7. Negotiators representing the Barang Regional Alliance were inadequately remunerated for the work required to properly participate in Accord negotiations.
8. The length of time invested in the Accord negotiation process, which remains unsigned, strained relationships between government and Barang Regional Alliance; and between members of the Central Coast First Nations communities.
9. The use of confidentiality agreements contradicted the LDM principle of community engagement.
10. There were issues related to the sharing of information and data.

Background

OCHRE

The *OCHRE* Plan is the NSW Government's strategy for addressing Aboriginal disadvantage. *OCHRE* was developed between 2011 and 2013 and superseded Aboriginal Affairs New South Wales' (AANSW's) Two Ways Together Plan, which was in place from 2003 to 2012. In a Performance Audit of Two Ways Together, the NSW Auditor-General found that, as at 2011, the plan 'ha[d] not delivered the improvement in overall outcomes for Aboriginal people that were intended,' and that 'the disadvantage still experienced by some of the estimated 160,000 Aboriginal people in NSW is substantial' (Audit Office of NSW, 2011, p.2). Crucially, the audit noted that Aboriginal communities were best placed to make decisions about their day-to-day lives and recommended continued support for community governance bodies (Audit Office of NSW, 2011, p. 2).

Accordingly, in 2011, a Ministerial Taskforce on Aboriginal Affairs was established by the Premier and the Minister for Aboriginal Affairs, 'to inform a new plan to improve education and employment outcomes for Aboriginal people in NSW and to enhance service delivery to support these goals' (AANSW, 2013, p. 7). The Taskforce recommended that there be 'strong Aboriginal voice in design and delivery' and 'a strong Aboriginal voice on issues fundamental to improving the lives of Aboriginal people and the need for transparent and clear reporting' (Ministerial Taskforce on Aboriginal Affairs, 2013, p. 5). To address the recommendations of the Performance Audit at the Ministerial Taskforce, *OCHRE* was developed (AANSW, n.d.a).

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, 2013, p. 5). *OCHRE* identifies six ways to achieve this aim:

1. Teach more Aboriginal languages and culture to build people's pride and identity
2. Support more Aboriginal students to stay at school
3. Support more Aboriginal young people to get fulfilling and sustainable jobs
4. Grow local Aboriginal leaders' and communities' capacity to drive their own solutions
5. Focus on creating opportunities for economic empowerment
6. Make both government and communities more accountable for the money they spend (AANSW, 2015, p. 5).

OCHRE goes beyond the idea of Aboriginal people having a place at the table and a right to be involved in making decisions. It also seeks to encourage development of Indigenous led institutions to negotiate community-led solutions that further this agenda and change the relationship between the NSW Government and Aboriginal communities.

Local Decision Making

LDM is one of eight initiatives supported by the NSW Government as part of *OCHRE*. Its stated purpose is to 'give Aboriginal community-based regional decision-making groups (regional alliances) an increased say in government service delivery' (AANSW, 2017b, p. 5).

According to the 'Local Decision Making Information Package' published by 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, p. 8). According to the 'Local Decision Making Policy and Operational Framework', LDM also aims: 'to build on the strengths of existing Aboriginal community

governance bodies; to enable Aboriginal communities to better influence the design and delivery of services to their communities; and, to achieve this LDM will not duplicate, supersede, undermine, or compete with other initiatives or partnerships' (AANSW, 2017b, p. 5)

Through LDM, Aboriginal community-based regional decision-making groups, known as Aboriginal Regional Alliances, negotiate formal and binding agreements (Accords) with NSW Government agencies that influence how and what government services are delivered to regional Aboriginal communities.

The Accords

According to the NSW Government policy document titled *Accord Process: Accord Readiness, Negotiation and Commencement*:

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

LDM and Accord 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) and was signed on 19 February 2015 (a second MPRA Accord has since been signed). Further Accords have since been negotiated and signed with at least three other Aboriginal Regional Alliances, as well as the NSW Coalition of Aboriginal Regional Alliances (NCARA). Each region participating in this project is at a different stage in the Accord negotiation process.

To enable Accord negotiations to commence, regional alliances must submit a Statement of Claim to Aboriginal Affairs outlining the priority issues for their community and the actions they would like to address within the Accord. Regional alliances need to determine:

- What are the key priorities or problems for their region?
- What outcomes are desired?
- What should change?
- What actions are needed to make that change happen?

The Statement of Claim is to be strategic and focused. As part of demonstrating good governance principles, including decision-making and self-determined regions and legitimacy, regional alliances are required to ensure their Statement of Claim is informed by the values and aspirations of their stakeholders and endorsed by their alliance members.

Prior to regional alliances submitting their Statement of Claim, it is recommended that that government engage with the alliance to discuss priority issues and provide regional alliances with the data and information they need to identify proposed actions and prepare their Statement of Claim.

The Statement of Claim is the starting point for negotiation. The NSW Government will be given an opportunity to formally respond to the Statement and may also submit their own priorities or actions for negotiation.

The development of the Accord is a negotiated decision-making process.

LOCAL DECISION MAKING

ACCORD NEGOTIATION PROCESS



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.

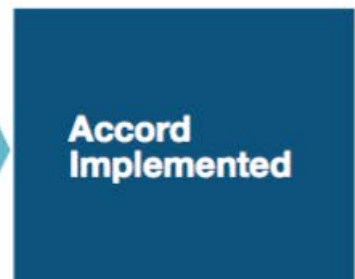


Figure 1: NSW Government document outlining the steps of an LDM Accord Negotiation

Accords establish 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 Local Decision Making communities, where information and decision-making are 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 by government agencies to the aims and objectives of Local Decision Making. (AANSW, 2017a, p. 6; see also AANSW, n.d.d).

The negotiating parties consist of Regional Alliance representatives, known as Regional Alliance Negotiators, and NSW Government Agency representatives, known as Lead Agency Negotiators (see Figure 2). The Independent Facilitator facilitates the successful negotiation of an Accord and assists to create a more level playing field (AANSW, 2017a, p. 7).

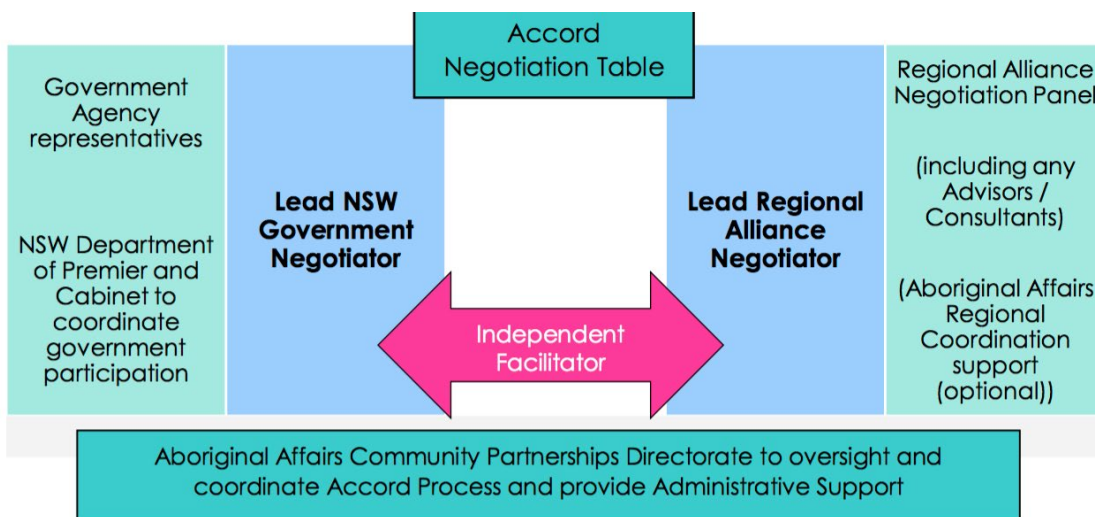


Figure 2: Accord process representatives and roles © AANSW 2017a

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 *Opportunity, Choice, Healing, Responsibility, Empowerment (OCHRE)* Plan for Aboriginal Affairs in NSW. This co-designed, participatory evaluation is taking place over four years from 2020–2023 (including COVID-19 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, including the Barang Regional Alliance) over a period of five months. In summary, the major differences between the Negotiations Evaluation and the LDM Evaluation is that the Accord 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 below: 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 Accord 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 planned process for Closing the Gap (i.e., improving Indigenous health, socio-economic and cultural outcomes), knowledge which informs the agreement making process may have flow on benefits to other domains.

In order to support these broad aims, the Accord Negotiations Evaluation was to respond to the following research questions (any additional questions 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 who 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 the negotiation processes, 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 these 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 own 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 their role, including power to contribute, and undertaking their role in addition 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, for example Murdi Paaki Regional Assembly (MPRA) and Three Rivers Regional Assembly (TRRA); or indirectly, with Regional Alliances that are members of NCARA, which is also actively participating in the LDM Evaluation, for example, Riverina Murray Regional Alliance and Barang.

Approach

The Barang Regional Alliance Accord Negotiation rapid evaluation was undertaken by a team of two researchers from CAEPR: Associate Professor Deirdre Howard-Wagner and Dr Morgan Harrington. Deirdre Howard-Wagner is a non-Indigenous woman, who has been collaborating in research with First Nations academics, people, organisations, and communities in NSW for the last 22 years. She lived on the Central Coast for ten years and has many connections to the local Aboriginal community. She has engaged in research with the Darkinjung Aboriginal Land Council (Barang member organisation), while Sean Gordon was chair, and

has been partnering with The Glen (Barang member organisation), along with other First Nations organisations in urban NSW for the last four years on an Australian Research Council Discovery Project.

Morgan Harrington is a non-Indigenous man and Research Fellow at CAEPR. He has held positions as a 'Working-on-Country' manager for the Ngaanyatjarra Land Council, as a Research Fellow at the National Library of Australia, and as a lecturer in anthropology and development studies at the ANU. As Research Manager for social research consultancy LocuSAR, Morgan participated in projects conducted with the Rirratjingu Aboriginal Corporation in East Arnhem Land, and the Barngarla Determination Aboriginal Corporation, including its native title claim to Port Augusta.

This rapid evaluation was informed by principles of reciprocity that are essential to undertaking research about and for Indigenous communities. The 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). Consent from Barang for its participation was achieved in April, and the report draft began in July, after two months of discussion circles and interviews.

Howard-Wagner's first research meeting with Barang Regional Alliance Negotiators entailed a field visit to the Central Coast and one face-to-face discussion circle at the office of Barang about the evaluation design and the relevance of the questions. We endeavoured to establish, within the framework of a more rapid evaluation what a co-designed process could look like. For Barang, it was an Indigenous-led and engaged process. While they considered the questions, and provided responses to those questions that enabled the researchers to understand the Accord negotiation process, and generated the findings of the evaluation, Barang was also interested in an evaluation that:

- determined what the Accords, and LDM more generally, are being assessed against, and establishing a clear baseline for measurement of outcomes
- determined what the cost-benefit of the LDM project is, including the cost-benefit of involvement in the project for Regional Alliances
- determined the relationship between the evaluation of the Accords negotiation process, and the broader evaluation of LDM, and establishing the benefits of these evaluations for the Regional Alliances involved
- ensured Regional Alliances retain data generated through the evaluation process (maintaining Indigenous data sovereignty).

Method

Four field visits were undertaken. Howard-Wagner conducted four separate lengthy discussion circles with six members of the Barang Regional Alliance – one in relation to discussing the rapid evaluation design and questions, as well as to collect primary data (three hours); two to collect primary data (two hours each with one via Zoom); and one to verify and discuss the findings (two hours). Semi-structured interviews were conducted with current and former Barang chairs on separate occasions. Semi-structured interviews were carried out with five public officials involved in the negotiations of the Accord, as well as with the Independent Facilitator. The COVID-19 pandemic and the re-emergence of restrictions and lockdowns across NSW placed limitations on face-to-face data collection. Most interviews were individual, but some were conducted in groups where this was deemed most suitable by participants. Participants were given access to interview transcripts and provided an opportunity for them to be corrected, where factually incorrect, or amended, where participants felt it was necessary to do so. The researchers also met with Barang Accord Negotiators to discuss the findings. The draft report was sent for comment/corrections to Barang Regional Alliance Negotiators and Lead Agency Negotiators who had participated in the evaluation.

In addition to interviews, a review of documents – including minutes of Accord meetings, NSW policy statements, and documents produced by Barang – was conducted. However, this evaluation encountered an incomplete dossier of documentation relevant to Barang due to the key staff member from the Newcastle regional office of AANSW being on secondment in another department; and the effects of the COVID-19 pandemic. In particular, while minutes from most pre-Accord meetings were provided, minutes from just one Formal Accord Negotiation meeting were initially made available. In April 2022, further minutes from Formal Accord Negotiation meetings with specific NSW Government agencies were provided. While many were subsequently provided, there were still meeting minutes missing. For example, only one set of what are titled ‘out of session’ meeting minutes were provided for discussions with the Department of Communities and Justice (DCJ) dated 22 May 2020, the Department of Health dated 3 August 2020, and the Department of Training Services dated 18 May 2020. In those minutes, two further meeting dates are identified with DCJ (Working Group 29 May 2020 and an Out of Session meeting 4 June 2020), one with the Department of Health (Out of Session meeting 3 September 2020) and one with the Department of Training Services (Working Group 1 June 2020 and Out of Session meeting 10 June 2020), but those minutes were not provided. Barang provided five documents: *Barang Regional Alliance Empowerment Principles* (Barang Regional Alliance, 2017a); *Formal Accord Negotiations Principles and Protocols* (Barang Regional Alliance, 2020); *Regional Development Agenda* (Barang Regional Alliance, n.d.b); a set of PowerPoint slides entitled *Local Decision Making Accord Agreement Implementation Funding proposal dated April 2021* (Barang Regional Alliance, 2021); and the Barang Statement of Claim.

Informed Consent

The key participants in the study included Aboriginal people and organisations involved in negotiating the Accord Agreement on behalf of Barang and the Central Coast Aboriginal communities (Barang Accord Negotiators); and public officials with responsibility for negotiating the Accord on behalf of NSW Government agencies (Lead Agency Negotiators). All individuals who participated in discussion circles or semi-structured interviews were provided a project information sheet prior to the face-to-face, Zoom or telephone meetings, and all gave permission via an informed consent agreement.

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 Regional Alliances on terms suitable to them and provided Barang Accord Negotiators and Lead Agency Negotiators with a chance to review and correct a draft of this Report. In line with principles of data sovereignty, we believe that this report and others should be provided to Regional Alliances for their own purposes, including public distribution.

COVID-19 related obstacles

While the first discussion circle with Barang Accord Negotiators was face-to-face, the ongoing effects of the COVID-19 pandemic, particularly the rise in cases in NSW, which began in June 2021 and led to various levels of lock-down across NSW and did not ease until 11 October 2021, prevented researchers from conducting any further field visits or face-to-face interviews. Video conferencing technology compensated for this shortfall.

Barang Regional Alliance pre-Accord process: Barang governance and Statement of Claim

We have seen a change of government and we have seen with that change in government the introduction and change of key funding sources to the region. What that meant was that a large proportion of the Aboriginal spend in our region was withdrawn or reallocated into avenues that didn't necessarily directly support community (Discussion circle, Barang representative).

The Central Coast of New South Wales is home to one of Australia's fastest growing populations of First Nations people (Markham and Biddle, 2017).²

² First Nations people respectfully encompass the diversity of Aboriginal and Torres Strait Islander cultures and identities in a region. In NSW policy, First Nations people and the organisations First Nations people establish, and control are referred to as Aboriginal peoples and Aboriginal Community Controlled Organisations (ACCOs).



Figure 3: Barang Region © Barang Regional Alliance

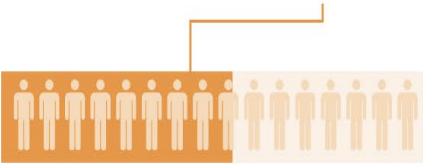
THE CENTRAL COAST COMMUNITY

THE CENTRAL COAST HAS A LARGE & GROWING ABORIGINAL COMMUNITY

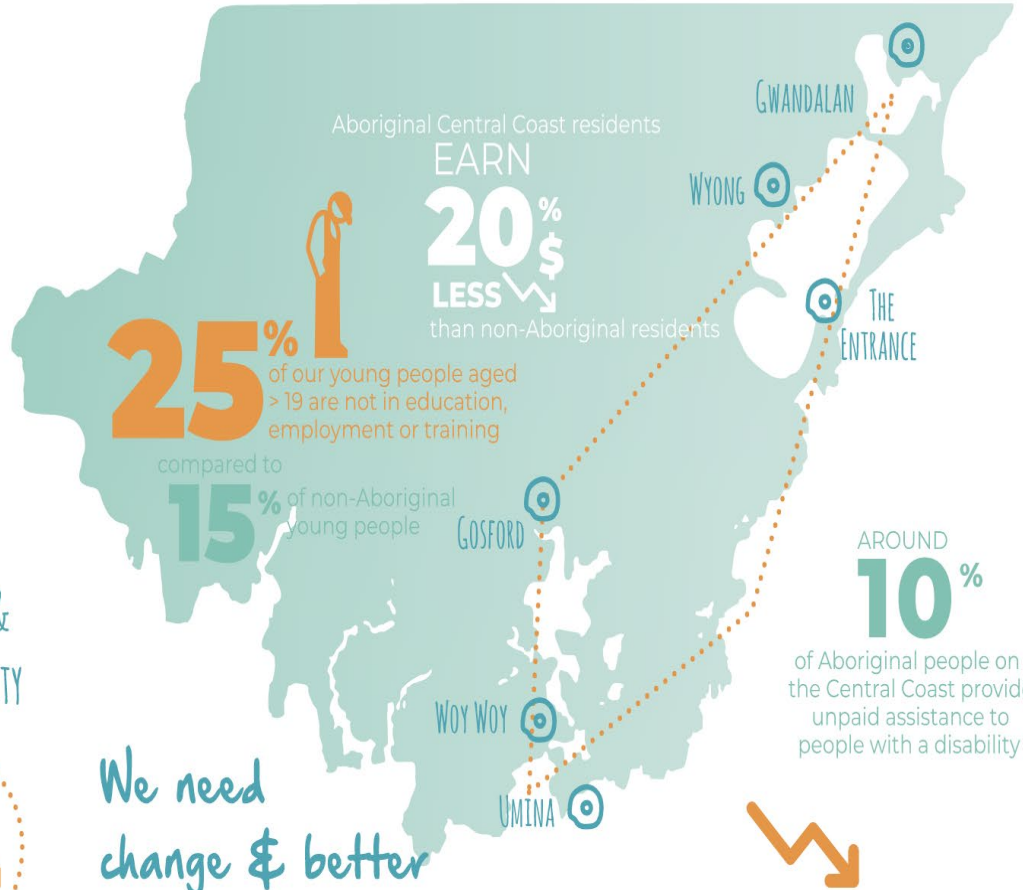
12,485 people in 2016 census

40% since 2011 census

And more than half of us are under 25



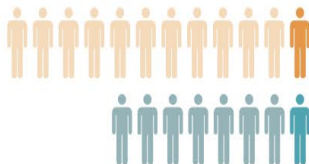
Our young people are resilient, however they face challenges.



We need change & better outcomes

Change is needed to make a difference in disparities between the Aboriginal and non-Aboriginal population for the next generation.

The unemployment rate for Aboriginal people across the Central Coast has fallen since 2011.



1 in 12 under 18s are in out of home care

1 in 8 are at risk of significant harm

Figure 4: The Central Coast Community © Barang Regional Alliance

In 2013, First Nations organisations on the Central Coast came together to formalise governance arrangements in the region. This was in response to the loss of government funding to the region that occurred between 2011 to 2013, which was due to changes in government programs and funding arrangements at state and federal levels including the introduction of the Indigenous Advancement Strategy. Prior to these changes, a loose alliance of local First Nations organisations had collaborated and supported one another to advocate on behalf of the Central Coast First Nations community. Barang was formally founded as a governance structure in 2016 to represent the First Nations peoples of the Central Coast region, which Barang recognises as Darkinjung Country.

Barang brings together seven 'opt-in' ACCOs from across the Central Coast region, with equal board representation. Barang's seven opt-in ACCOs include: Australia's premier national arts training

organisation for Aboriginal and Torres Strait Islander students; one of the wealthiest and most successful local Aboriginal Land Councils in NSW; the national leading Aboriginal alcohol and drug service; and an esteemed Aboriginal community-controlled health service.³

The CEOs of the seven 'opt-in' ACCOs explain the value of working through a centralised governance structure for them, their ACCO, and the local Central Coast Aboriginal community as follows:

For me as a Chief Executive, what's in it for me? What's in it for Yerin Eleanor Duncan Aboriginal Health Service? What's in it for my community? Barang is the lever that makes things happen. They're the structure – whatever we want to call it – that kind of corrals everyone around the issues and needs of our local community. It's like that tribal leadership or level five leadership – where you have a group of individuals – Corrie, Gary, and Vickie – they're our connectors.

I think for me, when LDM first started, I was working for another ACCO and had only just recently left government and I thought this is really innovative. This is an opportunity for my community to actually have a strong influence over where policy, funding, and those types of things could be enacted in our communities and not have to rely on peak bodies. The other thing that has happened to me over this time, I was a super huge fan of peaks because that's all I knew. If we had an issue here on the ground with child protection, AbSec was our saviour. They were the conduit between community and DCJ back in the day. What I quickly realised is that is the furthest from the truth and when I stepped into the role of CEO of Yerin, I was again a member of AHMRC and I was seeing it happen again. This is just a peak body that is a gatekeeper. Because of the caveats that stipulated in their funding and service agreements with the state government they were silenced. They couldn't lobby in the truest form, independently. That's what Barang does for me (CEO, Yerin Eleanor Duncan Aboriginal Health Service).

The same CEO went on to explain the value of Barang for ACCOs and the Central Coast Aboriginal community:

There is this holistic model of transdisciplinary care that organically happens across the opt-ins and that is all because Barang is central to that. They are our mothership. The other piece for me as an Executive of an ACCO is that it frees me up. It happens by way of our traditional practices of doing and being. I'm not a traditional CEO. If I've got to get in the trenches, I'll get in the trenches. Very rarely do you see a CEO at big white organisations or hospitals answer frontline phones. It is that high level strategy stuff that you have to orbit in between and working in the trenches. What Barang does is I can actually call on their strategic expertise to lobby, so as a CEO I have time to do the orbiting and not let strategy drop. All our other opt-in ACCO CEOs have expressed the same thing (CEO, Yerin Eleanor Duncan Aboriginal Health Service).

Barang's business is community. As a regional governance structure, the roles of staff are tailored around engagement with community and all levels of government. The role of chair is held by a community leader and is an executive leadership role. Chairs need to connect with ACCOs and the community to understand their service delivery needs. The current chair is developing strong links across all levels of government and Aboriginal leadership in Australia. This chair has been highly effective at pressing forward, leveraging her social capital, drawing on her networks to secure important outcomes, and working to change the Aboriginal service system on the Central Coast. An operations and strategy officer oversees Barang's operation and day-to-day functioning, and an engagement and partnerships officer works closely with the chair to carry out

³ One member of the Central Coast Aboriginal community said that the Barang Regional Alliance does not represent the whole Aboriginal Community because not all community organisations are members, such as Nunyara Aboriginal Health Unit. However, a representative of Nunyara was present during the Barang Accord Negotiation process.

the day-to-day functions around engagement and partnerships – following through on commitments and gathering information and data from the community. The chair and the engagement and partnerships officer have strong networks and high levels of social capital within the community. The engagement and partnerships officer spends considerable time on the ground listening to voices, views, and opinions of community. She is regularly holding community forums and conducting qualitative and quantitative surveys in community and has built significant capacity to collect and analyse community data. Gathering community data serves many purposes. Through community forums and data collection, Barang has developed an understanding of what is happening on the ground, and the needs of community. This is a critical way that Barang is supporting ACCOs.

As the Barang community engagement and partnerships officer noted in their interview:

The Aboriginal Regional Alliances understand what's happening on the ground in a really different way than service delivery organisations which then go to make up membership of peaks. We're not a service delivery organisation, we're a regional governance structure and the roles that Vickie and the rest of our leadership have allocated within the alliance, like Vickie obviously doing the executive leadership role and spanning that operations and strategy, [Gary] leading the operations like their day-to-day functioning, and then myself in engagement and partnerships.

What it's meant is that I have been able to really focus on the ground. the voices, views, and opinions of our community. and to test and retest that. So, we've done something like more than two and a half thousand one-on-one face-to-face surveys with individual community members in relation to the priorities and the changing priorities within our region. So, when Vickie says we know what's happening on the ground, that's like genuine firsthand engagement with individual community members. Our Peninsula project team has serviced in the last three months (April to June 2022) 164 individual community members in relation to community need on the Peninsula.

Now, that's individual community members, so you can see that 164 come from families. So that's a massive representation of - and that's in three months. So yeah, we really have a different understanding about the cohort of our community (Barang community engagement and partnerships officer).

The chair, the operations and strategy officer, and the engagement and partnerships officer are supported by an administrative officer and two Aboriginal youth graduate interns, who are also members of the local Aboriginal community. The two interns have recently graduated from the University of Newcastle. It is through such resourcing that Barang can do what it has been established to do effectively.

Barang's governance arrangements have been refined over time, with opt-in/opt-out opportunities now being available to all incorporated Aboriginal organisations on the Central Coast. Associate members include youth, independent Indigenous businesses, Elders, the Wollotuka Institute at the University of Newcastle, and the local community legal service. Associate members may have critical expertise and play an important advisory and expert support role. As explained in the following quote, the associate membership plays a critical role in supporting Barang:

Through the associate membership, the Central Coast Community Legal Centre is part of our membership, and that happened through LDM, and the critical piece of work that the CLC [Community Legal Centre] does across all seven of the opt-in ACCOs is DV, parking fines, child protection, natural justice rights for parents, our mob who have been locked up because of mental health issues and don't have any legal representation. So, this was all discussed as part of our Accord negotiation. The other piece is that the Community Legal Centre applied through their mechanisms to fund a solicitor who actually now sits in Yerin on site with my Yadhaba team – my mental health team – purely to work with mob

around mental health. That wouldn't have happened if Barang wasn't here. Its immeasurable. It's a busy case load (Discussion circle, Barang representative).

Barang does not simply represent the members of incorporated organisations, but also represents local Aboriginal people and communities on the Central Coast, many of whom are not members of incorporated organisations.

The involvement of community at a strategic level. The makeup of Barang now enables independent community representation that are not people associated with ACCOs and I think that is really important in terms of community accountability and transparency. So, we have Eldership. We've got independent community representation. We've got independent youth representation. Those are not otherwise aligned to the ACCOs. So, the ability to participate in community governance and regional governance without being associated with an ACCO. There is neutrality and it builds that trust in community, because it is not just individual ACCOs representing the interests of their organisations. There is independence in there where community can feel confident that they can raise an issue or say that's not the direction we should be going. It's not specific to service delivery, industries, or sectors. It's more of a holistic community organisation. For some people, especially Elders, to be able to participate in a whole of community approach – not in just land rights, not just in education, not just in health – is really different and important (Barang member).

Even if some organisations and community members choose not to engage, they have the option to do so.

Barang is an exemplar of Indigenous governance and regional representation in terms of the form it takes for building the capacities of Aboriginal people living on the Central Coast and in terms of its ability to negotiate.⁴ It has created the authorising environment around Aboriginal governance in the region.

Barang offers an authorising environment comprised of highly experienced ACCO chief executive officers (CEOs) and elected representatives. Together, Barang members have a breadth of expertise and experience across a range of Aboriginal community-controlled sectors and public sectors – education, health, housing, out-of-home care, and employment and training, for example. To illustrate, the CEO of Bara Barang, who is the former chair of Barang and a Barang Accord Negotiator, describes herself as having:

... a long background in federal public service, so what was the old Department of Social ... I was the first Aboriginal woman regional manager in Tasmania. I then came up to Gosford office and did an assistant manager role and the manager role here as well. Then I was in international education for 13 years, export, education export for a private school here on the coast and travelled overseas marketing with that

...I've been an Aboriginal businesswoman for 12 years and I work totally in the Aboriginal and Torres Strait Islander space now and have done for quite a few years. About 12 months into my own business, I did a contract as interim CEO for NACCHO... (former Barang chair).

The CEO of Yerin Eleanor Duncan Aboriginal Health, who is also on the Barang board and Barang Accord Negotiator outlined her expertise and experience as follows:

⁴ While we were able to observe that the Barang Alliance clearly improves Aboriginal representation, we did not examine in-depth through the Barang Accord Negotiation Evaluation the process of community engagement - means of communication, information transfer (in both directions), monitoring of consent, and effective policy input from local Aboriginal people.

I am a proud Wiradjuri woman, born on the lands of the Darug people of the Eora Nation, moving to the Central Coast, Darkinjung Country in 1984.

I have been chief executive officer of Yerin Eleanor Duncan since 2015. I have been a board member of the Central Coast Local Health District, NSW Aboriginal Health and Medical Research Council, Gudjagang Ngara li-dhi and a director on the Barang Regional Alliance board (the Local Decision Making direction with Aboriginal Affairs and the Empowered Communities initiatives.)

My experience includes 10 years with NSW Department of Community Services, in front line Child Protection and Out of Home Care, as well as spending 4 years with NSW Department of Education as a fully qualified classroom teacher.

I hold a degree in Bachelor of Education, Diploma in Management, and successfully completed the Australian Institute of Company Directors course and is an accredited member.

My strengths are building relationships with government and non-government agencies on behalf of the community, based on respect and a commitment to protecting the rights of the Aboriginal community.

Barang's CEO, Vickie Parry, is a proud Gomeri woman from Moree NSW, the current chair of Barang Regional Alliance, and a highly regarded community leader on the Central Coast. Yerin Eleanor Duncan Aboriginal Health Service is named after her mother. Vickie is co-chair of the New South Wales Coalition of Regional Alliances and chair of Yerin Eleanor Duncan Aboriginal Health Services, a position she has held for over 8 years. Vickie has over 14 years' experience working in NSW Housing. Vickie has a Bachelor of Education (Secondary), as well as multiple tertiary qualifications in community services. Vickie's primary focus is to empower Aboriginal people through access, education, training, employment, and participation. Vickie is a powerful advocate for Aboriginal people through her work, participation, and involvement in the local community.

Having highly regarded community leaders with community, public sector and ACCO experience engaged at this level of community is a significant positive outcome for OCHRE LDM.

Barang describes itself as a backbone organisation for the First Nations communities of the Central Coast. Today, Barang receives Commonwealth funding through the Empowered Communities program, and NSW Government funding through LDM (Barang Regional Alliance, n.d.b, p. 6).

Barang is central to supporting and building a dynamic, Aboriginal-led reform initiative for this region. It does this by:

- providing strategic guidance and leadership to build community capacity to be involved in and directing structural reform
- providing, co-ordinating and managing networks, partnerships, collaboration, and agreements with relevant government agencies and representatives, organisations and businesses for improved community led decision making, design and provision of services
- facilitating the building of community capacity as relevant to the Aboriginal community of the Central Coast.

Barang fills many roles at once within and on behalf of ACCOs and the Aboriginal community on the Central Coast.

On the one hand we are being invited to NCOSS panels or to provide submissions to Parliamentary Inquiries, etc., on the other side of it we are also receiving phone calls from Elders in our community saying I've just been told I need to be out of this house by Friday can

you help me move. So, a couple of us, in our work clothes and we help an Elder move house and then coming back and providing briefings for NCOSS (Barang Regional Negotiator 2).

Barang - Structure and Role

EMPOWERING ABORIGINAL PEOPLE THROUGH A UNITED VOICE



Barang Regional Alliance was established in 2016 to facilitate and drive the Central Coast Aboriginal communities' reforms. Our alliance is governed by a representative Board of Directors who have the authority to determine, and are responsible for, all matters relating to policy, practice, management, and compliance.

Barang's regional reform objectives are:

1. Aboriginal Community Led Decision Making
2. Regionally Designed & Tailored Services
3. Investment decisions made at a regional level
4. Accountable & Measurable Reform

Barang Regional Alliance is a backbone organisation for the Aboriginal community on the Central Coast. Barang is central to supporting and building a dynamic, Aboriginal led reform initiative for this region which is achieved by:

- providing strategic guidance and leadership to build community capacity to be involved in and directing structural reform.
- providing, co-ordinating and managing networks, partnerships, collaboration and agreements with relevant government agencies and representatives, organisations and businesses for improved community led decision making, design and provision of services.
- facilitating the building of community capacity as relevant to the Aboriginal community of the Central Coast.

For over 5 years we have provided a single point of access for government to increase their ability to engage with community.

Figure 5: Regional Governance Structure of Barang and its regional reform objectives © Barang Regional Alliance

For over five years, Barang has provided government with a key point of access for community engagement. As one interviewee put this, its 'focus is on what it can do to look at across-government collaboration' (Barang Regional Alliance Negotiator 1). As another Barang Regional Alliance Negotiator pointed out:

Barang is an Empowered Communities region, looking at Closing the Gap. Community voice is central to all of the work that Barang does. Everything has to be approved by community so that there is actual change that ultimately benefits community. Community should determine policy, not the other way around (Barang Negotiator 2).

In signing up to OCHRE LDM, Barang members believed that the work towards change that Barang had been putting into Aboriginal regional governance over the years would come to fruition:

I thought there was an authorising environment in government because we had the authorising environment on our side. I hoped that all the work that we had engaged in for all of those years was actually going to lead to massive scale reform from state government (Barang member).

The formal steps that Barang followed in negotiating an Accord are set out in Figure 6.

THE BARANG ACCORD JOURNEY SO FAR



Figure 6: Steps taken in the negotiation of the Barang Accord © Barang Regional Alliance

The Barang journey, tracking alongside the formal steps it followed in negotiating its Accord, has been set out by Barang and reproduced in Figure 7.

Barang's Journey of Empowerment

2013

Central Coast community leadership formed Empowered Communities across Australia

2014

A shared vision established between six partner organisations.

2015

Barang Regional Alliance was formed.

2016

Barang funded as one of eight regions recognised by the Australian Government as an Empowered Community and Barang selected as one of seven regions for NSW Government Local Decision Making

2017

Extensive community consultation including youth surveys and workshops to identify priority issues. Empowered Youth endorsed by Barang board as priority regional reform agenda

Healing forum, an initiative of Barang, Yerin and AANSW in collaboration with the Healing Foundation, co-facilitated by local emerging leaders to identify healing needs and develop strategies

2018

Barang board committed to seek greater decision making, with the sole purpose to lift the lives local communities. Pulled together to inform content, design, and delivery of Emerging Leaders Development Agenda

Statement of Claim formally lodged with the NSW and Australian governments, to negotiate a tripartite agreement. Issues, outcomes, and actions detailed for Leadership, Culture & Arts, Parent, Family Support & Early Intervention and Mental Health.

NSW Government declared Barang 'Accord Ready' and commenced appointment of Lead Negotiators. The first meeting held of community members interested in establishing a Regional Aboriginal Data network.

Detailed proposal for Aboriginal Community Hubs developed.

First Partnership Table called to develop Aboriginal Community Hubs.

Agency Leads from three levels of Government invited to join Barang cultural immersion.

2019

Barang commenced formal Accord negotiations with NSW Government agencies under the NSW LDM initiative.

The first Empower Youth Summit held on Darkinjung Country bringing together over 150 Aboriginal young people.

2020

The second Empower Youth Summit held, building on the success of the first summit connecting Aboriginal young people to culture, each other and their community.

The Regional Aboriginal Data Network launched as Ngilyang Wayama (meaning 'we all tell' in Darkinjung language) with an agreed Terms of Reference.

LDM Accord negotiations implementation framework workshop brought together Barang and all NSW Government negotiation partners as Accord negotiations progress towards finalisation.

2021

Ngilyang Wayama (the Regional Aboriginal Data Network) commenced data literacy training.

National Voice co-design consultation held on Darkinjung country at the Newcastle University Central Coast campus. Barang facilitated a community submission to the co-design process.

Figure 7: Barang's Journey of Empowerment © Barang Regional Alliance

Barang Statement of Claim: the Community Hub Model

Barang was advised by AANSW to outline its first priority issue identified by the Central Coast Aboriginal community to be addressed under LDM in a Statement of Claim setting out what outcomes were desired, what needed to change, and what actions were needed to make this happen.

Having access to funding from other sources meant that, beginning in 2017 and continuing to date, Barang had the capacity to conduct extensive and ongoing community engagement, surveys, and workshops, to identify regional priorities. Barang collected data from the local community that was critical to its understanding of local community needs in relation to service delivery, and that informed the development of its Statement of Claim and later its negotiation of initiatives with Lead Agencies. Barang compiled data from local organisations and peak bodies, as well as ‘hitting the ground hard and surveying the hell out of local Aboriginal people’ (Barang Accord Negotiator).

During 2017, Barang extensively surveyed the Aboriginal population on the Central Coast, attended numerous community events and conducted several strategic reviews and regional workshops to identify and confirm its community-led, first regional reform agenda priorities. Its first regional priority was identified as empowering youth.

The issues of most significance to its young people were identified from 400+ community surveys. These were culture, health and wellbeing, and education. In addition, Barang’s Aboriginal controlled community backbone organisations providing services to the Central Coast communities identified early childhood intervention and integrated parent and family support programs as having critical importance to the long-term empowerment of its youth.

Barang identified a common theme, which emerged from its community consultation and strategic review process: the need for “structural reform” that puts power into the hand of community through greater decision-making over the long term, instead of “one-off” piecemeal initiatives’ (Barang Statement of Claim, 2018, p. 8). Through its Statement of Claim, Barang sought ‘structural reform outcomes that embed community-led decision-making into the regional governance structures for core and discretionary funding programs driving service delivery in the region’ (Barang Statement of Claim, 2018, p. 8). Barang also identified service and program specific priorities under its Empowered Youth reform agenda, which were to focus on ‘culture, mental health, employment, education, and child protection services’ (Statement of Claim, 2018, p. 8).

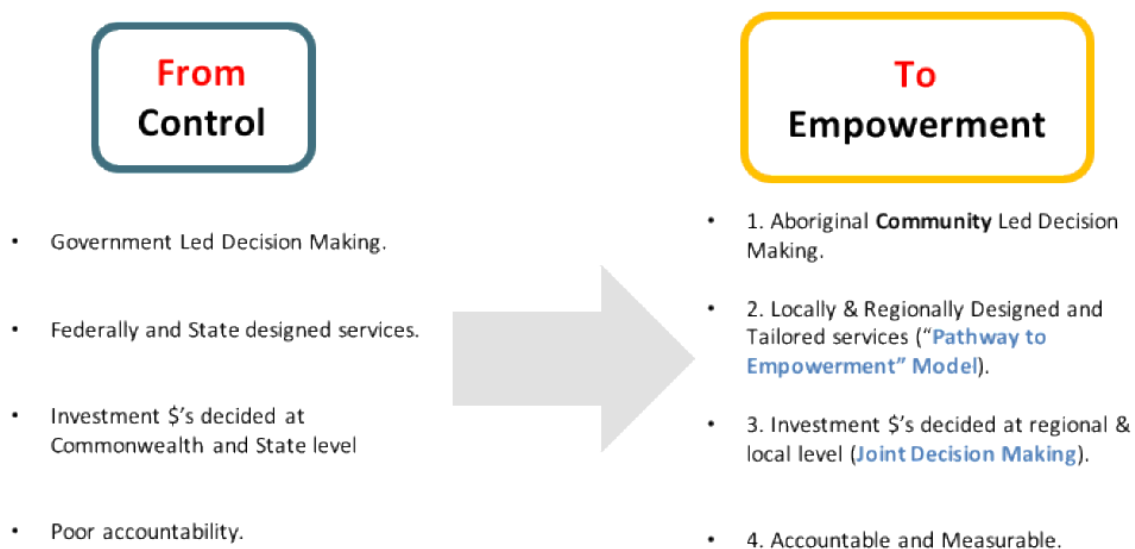


Figure 8. From control to empowerment © Barang Regional Alliance

What our Community Says...

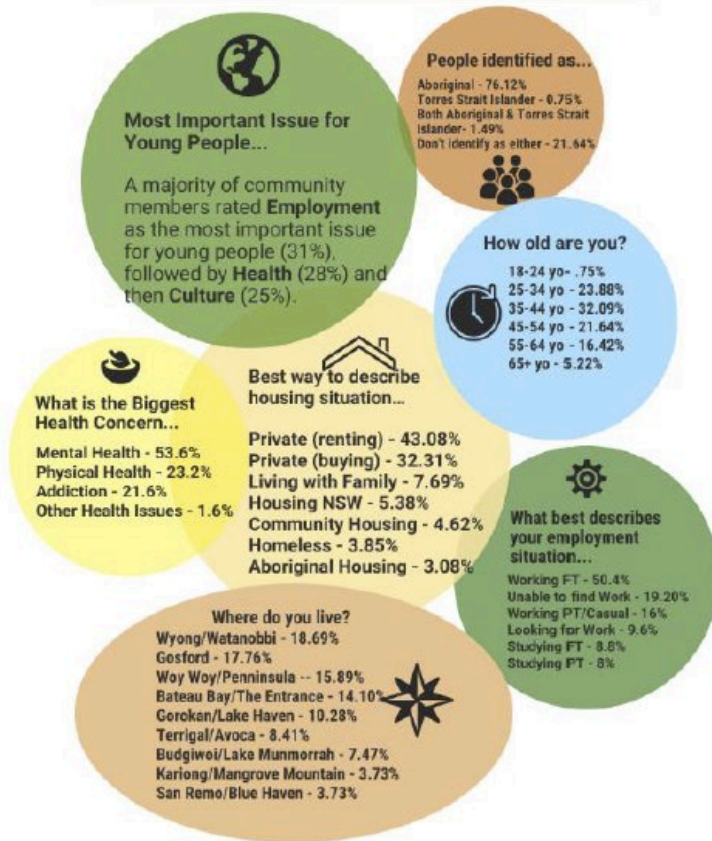


Figure 9. Summary of first community survey results © Barang Regional Alliance

What our Young People Say...

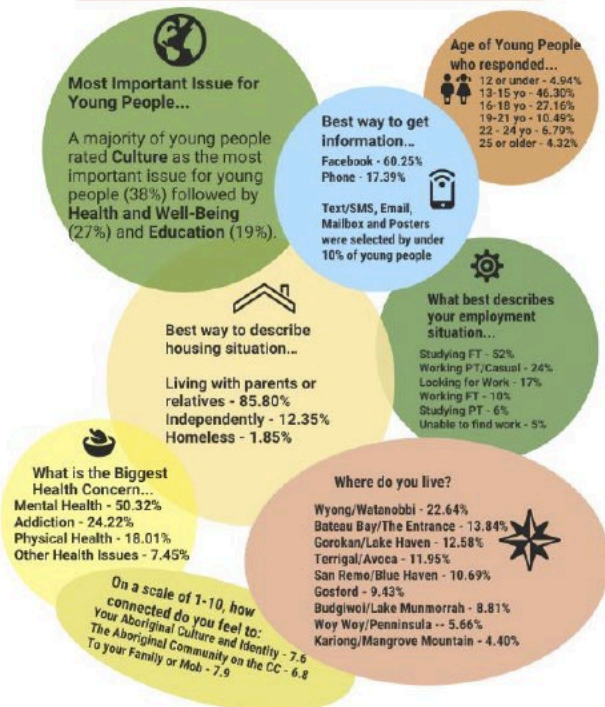


Figure 10. Summary of youth survey results © Barang Regional Alliance

Barang has been engaging community regularly for five years now. As noted above, a dedicated community engagement and partnerships officer has held this position over that period, which has been funded out of Empowered Communities. Between 2018 and 2021, Barang engaged in key activities in preparation for the development of a Statement of Claim. In 2017, Barang, in partnership with AANSW and the Healing Foundation, held a healing forum on the Central Coast, which highlighted the need for Trauma Informed Services. In February 2019, Barang hosted the first Empower Youth Summit, enabling approximately 150 local Aboriginal young people to have their voices, views and opinions amplified and included in relation to regional decision making. In March 2020, Barang hosted the second Empower Youth Summit, enabling approximately 120 local Aboriginal young people to have their voices, views and opinions again amplified and included in relation to regional decision making.

The second Empower Youth Summit also brought the needs of Aboriginal youth to the fore.

There was one young woman, who was sleeping rough. She came to the summit because she did not have anywhere, a place, to go. She is hearing impaired. All she every wanted to do was to work, but no-one would give her a go. Yerin gave her a go. We got Hearing Australia to set up things up. Anyway, Yerin trained her up. She was with them for two years after that summit. She relocated successfully to Queensland and is now teaching AUSLAN (Barang Community Engagement Officer).

In April 2020, Barang developed its Regional Youth Strategy, enabling the voices of our youth directly to Government through the process of negotiation. In August 2020, Nginyang Wayama was formerly established. Nginyang Wayama is the first Aboriginal led and community controlled Aboriginal Regional Data Network in the country, involving collaboration and support with state, federal and regional agencies (both government and non-government), academic institutions, think tanks in addition to Aboriginal Community-Controlled Organisations, local services, and grass roots community members.

During this period, Barang facilitated the fostering of a deeper relationship with government through the establishment of community panels and the roll out of JDM, through involvement in the establishment and ongoing participation in the NSW Coalition of Aboriginal Regional Alliances, and through co-ordination of the Healing Forum.

Barang entered into the Accord Negotiation with an 18-page Statement of Claim in relation to a NSW Local Decision Making Regional Accord Agreement (Barang Regional Alliance, 2018) following extensive community engagement. The Statement of Claim set out four objectives:

1. Aboriginal Community Led Decision Making
2. Tailored services based on local and regional community identified need – Pathway to Empowerment Model
3. Regionally Driven Investment
4. Regional Accountability.

Barang sought a reform process that ‘invests in building a genuine “Pathway to Empowerment”’ (Barang Statement of Claim, 2018, p. 12). Barang argued that: ‘the deficit approach of Close the Gap is too heavily weighted on the provision of basic and specialist services. Too often these services tick the boxes without building community capability or aspiration, resulting in individuals cycling through the service system again and again’ (Barang Statement of Claim, 2018, p. 12). Barang sought to adopt the Pathway to Empowerment Model developed by Inner Sydney Empowered Communities (see Figure 11).

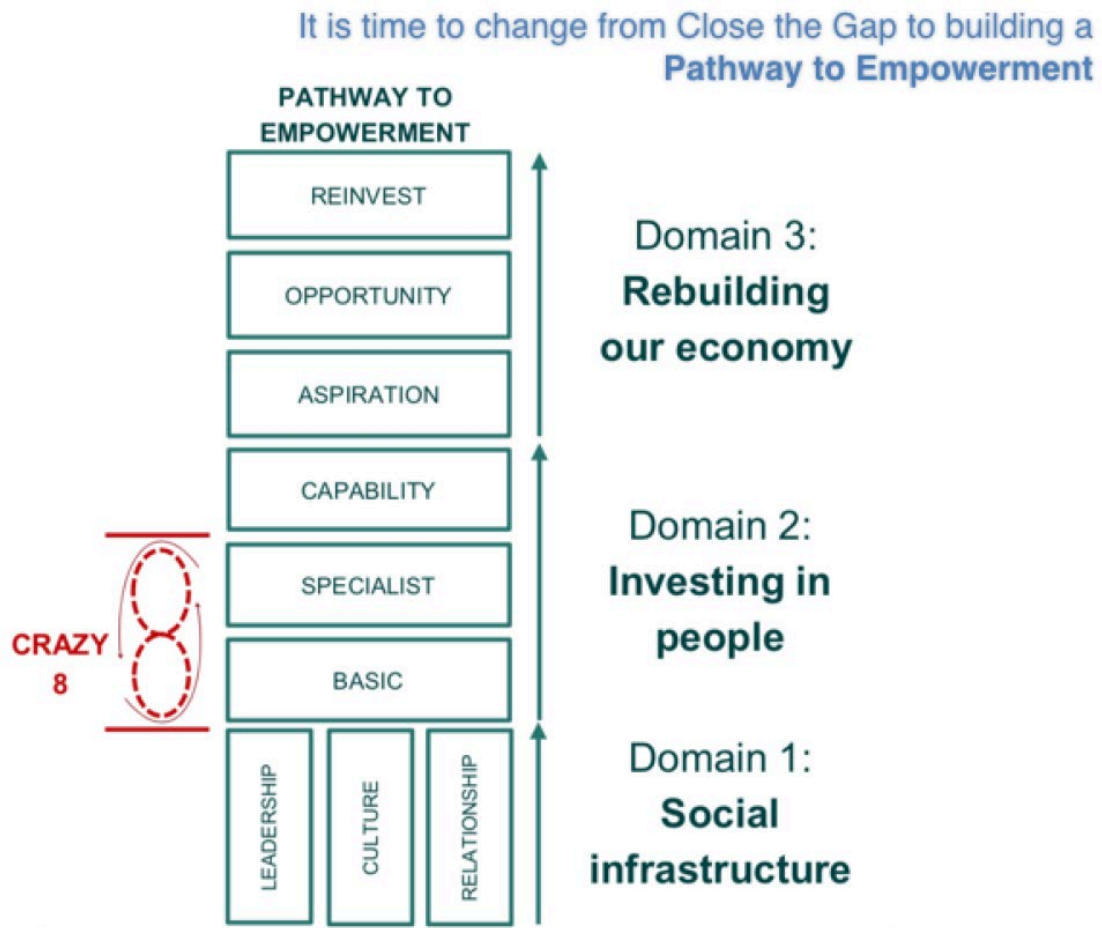


Figure 11. Pathway to Empowerment ©Barang Regional Alliance

Barang identified that there had been ‘limited community involvement in influencing how core program and discretionary government funding is allocated to Aboriginal services’ (Barang Statement of Claim, 2018, p. 12). It proposed that ‘an important step in realising our structural reform process is the establishment of practical Joint Decision Making (JDM) mechanisms to support government funded organisations to align their activities to the communities’ regional priorities and drive the Pathway to Empowerment’ (Statement of Claim, 2018, p. 12). Barang drew on an estimate of NSW Government Aboriginal expenditure for the Central Coast in 2014-15, which identified that amount to be \$103m across all state government services. Barang sought to ‘build JDM processes around a significant portion of this expenditure over time’ (Barang Statement of Claim, 2018, p. 12).

Barang’s objectives reflect an understanding of LDM as a mechanism for changing the relationship between the NSW Government and Aboriginal communities and increasing the decision-making power of Aboriginal communities. To return to the stated purpose of LDM:

Local Decision Making enables the staged devolution of decision-making and accountability to the regional level and seeks to place Aboriginal people at the centre of government service design, planning and delivery (AANSW, 2017b, p. 5).

The principles laid out in Barang’s Statement of Claim coalesced into the idea of a network of community hubs.⁵ The goal of the Barang Alliance was to secure the support from the NSW Government necessary to establish

⁵ Evidence of this can be found in the following documents:

- Minutes of the Joint Kick-off meeting November 2018 in which it is stated that Barang would like to ‘provide integrated care, bringing together all services and supports needed to assist individuals, families, and communities to enhance their physical, emotional, social, spiritual wellbeing (e.g., The Integrated Child and Family Centres initiative)’ (p. 17)
- Minutes of the Pre-Accord negotiation meetings held 6 May 2019, which state, ‘All parties agreed to undertake 1–2-day workshops to discuss scope and details of the proposed cultural hub, including setting out what co-design looks like’ (p. 6)

several regional hubs that would constitute a new model of care for members of the Central Coast Aboriginal community, at Wyong, Gosford, Bateau Bay/The Entrance, and the Peninsula region (Woy Woy/Umina/Ettalong). Hubs are not service delivery, but a model of care. As one member of the Barang Alliance said:

We came to them [the government] saying, we need investment in community hubs and these hubs look like X, Y and Z and they aren't service delivery. They are reform journeys, and they are reform because it's not doing business the same way (Barang Regional Alliance Negotiator 3).

In contrast, the Schedules set to be agreed to under the as yet unsigned Barang Accord, which are listed in Figure 4 below and current as at April 2021, are much more limited in scope, and mostly relate to service delivery (Barang Regional Alliance, 2021).

-
- Minutes of the Barang Pre-Accord Workshop, Thursday 28 June 2019, in which a key discussion point states, 'The Hub proposal is the bones of what Barang want to achieve' (p. 6)
 - The Barang Regional Alliance Regional Development Agenda, which discusses a population 'diamond' (p. 5) and discusses the hubs as part of other development agenda initiatives (p. 9).

Agreed Agency Investment	Accord Initiatives by Agency	CtG Target Alignment	Target Outcomes	Implementation Funding Sought
<ul style="list-style-type: none"> \$75k committed by Regional NSW 	 <p>CROSS AGENCY PROPOSALS Proposal #1 – Employment & Career Pathways Proposal #2 – Regional focussed investment procurement Proposal #3 – Cultural Program on Country</p>	<ul style="list-style-type: none"> Aligns to Closing the Gap Targets: #6; #7; #8; #16 	<ul style="list-style-type: none"> Training and Employment transition pathways (2+ FTE) Increased Aboriginal procurement spend Increased cultural competency in agencies 	<ul style="list-style-type: none"> \$88k Includes 0.5 FTE – Community Coordination; M&E and overheads
<ul style="list-style-type: none"> \$910k committed by DCJ (over 3yrs) 1 FTE created 	 <p>DEPT COMMUNITIES & JUSTICE PROPOSALS Proposal #4 – Aboriginal Together Homes Proposal #5 – Outreach Housing Officer Proposal #6 – Aboriginal Youth & Community Navigators Proposal #7 – Young woman’s program Proposal #8 – Pride of place Proposal #9 – In kind support proposal</p>	<ul style="list-style-type: none"> Aligns to Closing the Gap Targets: #1; #7; #9; #13; #14 	<ul style="list-style-type: none"> 8 FTE positions created across community orgs in region Increased access to housing and reduced homelessness Reduction in youth offenders and increased connections to community 	<ul style="list-style-type: none"> \$123k Includes 0.7 FTE – Community Coordination; M&E and overheads
<ul style="list-style-type: none"> 2.4 FTE committed by Education 	 <p>DEPT OF EDUCATION Proposal #10 – Educational partnerships with Gudjagang Ngara Li-dhi</p>	<ul style="list-style-type: none"> Aligns to Closing the Gap Targets: #5; #6; #7; #16 	<ul style="list-style-type: none"> Increased Yr. 12 completions 2.4 FTE committed to supporting youth programs 	<ul style="list-style-type: none"> \$35k Includes 0.2 FTE – Community Coordination; M&E and overheads
<ul style="list-style-type: none"> \$160k committed by Training Services NSW 	 <p>DEPT OF TRAINING SERVICES Proposal #11 – ACCO Capacity Building Seed Funding Proposal #12 – School Based Apprenticeships & Traineeships (SBATs) Proposal #13 – Establish Central Coast Opportunity Hub</p>	<ul style="list-style-type: none"> Aligns to Closing the Gap Targets: #6; #7; #8. 	<ul style="list-style-type: none"> 4 FTE employed at Bara Barang >50 Aboriginal young people placed in employment – with cultural mentor support Increased availability of SBATs 	<ul style="list-style-type: none"> \$52k Includes 0.3 FTE – Community Coordination, M&E and overheads
<ul style="list-style-type: none"> 2 second hand buses transferred by Transport 	 <p>DEPT OF TRANSPORT Proposal #14 – Second Life buses Proposal #15 – Procurement showcase Proposal #16 – Improving community transport Proposal #17 – Dual route naming and artwork Proposal #18 – Empowering community (transport programs)</p>	<ul style="list-style-type: none"> Aligns to Closing the Gap Targets: #1; #2; #8; #14; #15; #16 	<ul style="list-style-type: none"> Improved access to transport services 2 x Second bus assets donated to Yerin Aboriginal Health Service 	<ul style="list-style-type: none"> \$52k Includes 0.3 FTE – Community Coordination, M&E and overheads
<ul style="list-style-type: none"> Commitment to advocacy for 2FTE by Health 	 <p>DEPT OF HEALTH Proposal #19 – Hospital Liaison Officer Lobby Proposal #20 – CCLHD Recruitment panel Proposal #21 – CCLHD Workforce recruitment</p>	<ul style="list-style-type: none"> Aligns to Closing the Gap Targets: #1; #2; #8; #14; #16 	<ul style="list-style-type: none"> Target of 2 FTE placed in CC LHD 	<ul style="list-style-type: none"> \$0k

Figure 11: Accord Initiatives agreed to as part of the Barang Accord (as at April 2021)

Barang Regional Alliance - Collective community outcomes

- The individual agency investments and associated target outcomes are presented broken down by each Accord agreement above.
- However the collective outcomes and impact to the Central Coast Aboriginal community is far greater arising from the support provided to the Central Coast Aboriginal Community Controlled organisations in the region.
- This includes Barang's role facilitating capacity development within the region as the representative regional structure.

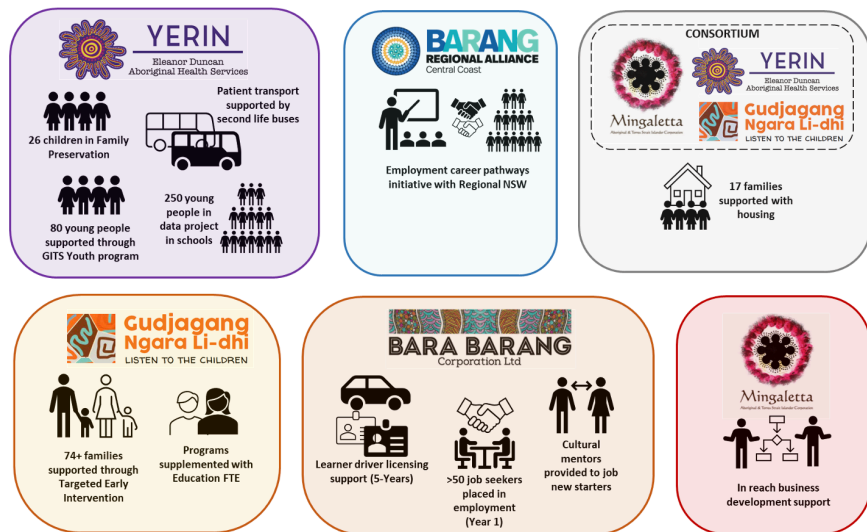


Figure 12. Individual agency investments and associated target outcomes as support to ACCOs and Aboriginal people on the Central Coast © Barang Regional Alliance

In addition to its status as an LDM Regional Alliance at the state level, Barang is the backbone organisation for the Central Coast's involvement in the federal Empowered Communities reform. Although there is overlap in the goals of these projects, they have separate governance arrangements with Barang. Nonetheless, Barang negotiators indicated that the Empowered Communities program had heavily subsidised their capacity to engage meaningfully in the LDM Accord Negotiation process. This was critical support for Barang who spent five years becoming Accord-ready, developing the Statement of Claim, and entering Accord negotiations, despite very little investment on the part of NSW Government.

Barang is a dual site that is funded 95% by the federal government. For two years, we have got \$120,000 per year from the NSW Government. At the start of the process, there was no money. Then, there was \$50,000. We used that to pay community for their involvement in LDM. Then, there was \$80,000 for quite some time, then it got bumped up a bit. So, the commitment in regard to our Accord negotiations and the lead up to our Accord negotiation, to be declared by the NSW Government to be ready to negotiate, was reliant on the volunteerism of organisations and the volunteerism of individuals in our community, because no-one was paid. So, if you want to talk about capability, we are talking about people who are paid more than \$200,000 per year sitting down with people who are not paid at all. Foster carers with their grandkids in their care sitting down for free. These are phenomenal individuals who are leaders in their community (Barang community engagement officer).

Barang is not only clear that it would not have achieved what it has achieved on the low level of investment by the NSW Government, but also points out the high levels of volunteerism on the part of Aboriginal Regional Alliances and community leaders that have gone into LDM.

While there has been little investment in the Accord negotiation process on the part of NSW Government, Barang has used its skills and competencies, knowledge, structures, and strengths to put forward a way to strengthen Aboriginal service delivery in the region in the hope of inspiring innovative approaches to service

delivery and improve the social and economic wellbeing of the Central Coast Aboriginal community. Through coming together, community leaders have built a structure and framework in Barang that can facilitate sustainable change and empower ACCOs and the Central Coast Aboriginal community to address their own concerns.

Building community capacity requires investment, including investment in community infrastructure. Investments from government agencies and other organisations provide resources, assist in the collection of data and information, and allow the remuneration of community members and position holders for their work. Regions and communities need investment to help them make their own decisions. Investment is also needed for service delivery. Resources help build social capital and social networks, and greater capacity in working relationships with government. Investments are needed to facilitate networking and information transfer, education and training for staff, and the provision of opportunities to engage communities with services and programs.

As a conduit of regional governance, Barang enables the scaling up of Aboriginal service delivery on the Central Coast through identifying the needs of local Aboriginal people, communities and ACCOs and creating an enabling Aboriginal service delivery environment.

That's the other piece of work that Barang does as well – through our monthly board meeting – at that operational level – we are able to say well that will fit with this program, and we are able to work out priority pathways. It's seamless! Our young people don't even know where something starts and finishes. I'm working with Yerin, but Bara Barang did this for me. Oh, GNL do this. I can go there on a Friday night with my Ls that I got through Bara Barang's driving program. Oh, I also just had my 751-health check at Yerin. Oh, my Buridga advocated for me to stay in school I'm having a few issues that's why I'm behaving the way I am. Advocacy in the schools. Our kids kept getting suspended. That program actually walks in alongside parents and alternative education programs. It might be some counselling. Or we find out that there is some DV in the home. We've actually helped parents and kids escape DV (Barang Regional Alliance Negotiator 5).

Barang is enabling a holistic service delivery environment for Aboriginal people on the Central Coast. Its energies are not only directed at leveraging resources and brokering services but changing the service delivery landscape. Barang sees its role as driving structural reform to put power into the hands of community through greater decision-making and strategically co-ordinating and steering Aboriginal service delivery on the Central Coast to empower youth, focusing on culture, mental health, employment, education, and child protection services.

Even still, Barang gets into the trenches of service delivery, that is, filling gaps in agency roles. In doing so, Barang demonstrates the capacity to offer support to and service the needs of Aboriginal people most in need, such as through acquiring sleeping rough bags for Aboriginal rough sleepers, delivering food hampers during COVID-19 lockdown, and running online COVID-19 workshops for those experiencing social isolation during lockdowns.

I was told about a rough sleeper sleeping outside our old premises. I spoke with Gudjagang Ngara li-dhi and found out there were rough sleepers sleeping outside a lot of our organisations. I was able to broker through Barang Regional Alliance sleeping rough bags. So, we have been able to provide sleeping rough bags to all our community who are rough sleepers. We also were able to realise the extent of rough sleeping in our community. All the ACCOs can distribute those sleeping rough bags. But at another level, Amy has brokered through the Alliance homeownership for five members of our local Aboriginal community. One of them was a single mum with four kids (Barang community engagement officer).

During COVID-19 lockdowns we realised that isolation was a huge issue in community. The second COVID-19 lockdown this year was particularly significant. The Alliance ran 20 workshops online – cooking classes, bingo, AUSLAN training, sketch note, games nights... We did so much that we had people from people outside our regions joining our online workshops... We also

delivered food hampers... Those online activities got a lot of people through, especially the second significant lockdown. Cory ran a cooking class, so we all joined in because we all know Cory. He cooked a carbonara. So, we all cooked a carbonara. We all ate together online. That kind of stuff was invaluable for our old fellas. We had salsa. We had Yerin fit and got a really good turnout for that (Barang community engagement officer).

Barang Accord Negotiation Phase

We are looking to reimagine a system that was never designed to support Aboriginal and Torres Strait Islander peoples or minority groups more broadly. While they have this homogenous view around how they can support communities, it will never succeed (Barang Regional Alliance negotiator).

Throughout our negotiations, we've been continually told we don't have everyone in the camp with us. Government expects 100% consensus across Aboriginal community-controlled organisations in relation to the activities and decisions being made. Obviously, we think that is absurd. No government has ever had 100% consensus on a decision let alone an individual community-controlled organisation, sector, or a community at large. So, I think that is part of the issue. Their risk appetite is pretty low, regardless of what the data tells them in terms of success markers. They have never been able to get beyond you do not have 100% consensus (Barang Regional Alliance negotiator).

Barang submitted its Statement of Claim to the NSW and Commonwealth governments on 18 April 2018. In August 2018, the pre-negotiation phase commenced for the negotiation of an Accord between Barang and the NSW Government under the OCHRE LDM framework. Barang marked the commencement of its collaboration with NSW and Commonwealth partners with a two-day cultural immersion workshop attended by 10 Commonwealth and state departments, Central Coast Council, Central Coast Aboriginal organisations, youth, and community members. The negotiation phase formally commenced in May 2019.

From May 2019, Barang entered into negotiations with six NSW Government agencies, namely: Central Coast Local Health District, Department of Communities and Justice, Department of Education (including Training Services), Regional NSW, and Transport for NSW. Against a backdrop of flood, fire, and COVID-19, Barang and its government colleagues have been challenged and required to adapt to new ways of working.

Unlike some other regional alliances under OCHRE, Barang set out to negotiate its Schedules at the same time as entering into an Accord with the NSW Government. Some other alliances have opted to negotiate the Accord first, and to negotiate the Schedules once the Accord has been signed.

At the time this report was written, the Barang Accord had been finalised, but remained unsigned, due to an unresolved agreement about implementation funds. Its Schedules too remain unsigned. Barang also developed a fully costed three-year implementation plan for remunerated positions and organisational costs to implement its Accord and Schedules, which it submitted to AANSW. The plan, costed at \$350,000 per annum, includes operational costs and 2 fulltime equivalent staff members to work across the areas of justice, education, transport, training, and communities. The implementation plan remains unfunded. Barang is in the process of developing an Economic Development Plan.

Post-Accord Negotiation

Even though the Barang Accord and its Schedules remain unsigned, and its implementation plan unfunded, Barang is moving forward. Barang continues to facilitate cross-sector and cross-level

planning, and to advocate to improve the outcomes for, and address the needs of, Aboriginal communities and ACCOs on the Central Coast. Barang has continued to work toward service integration strategies for holistic care, service hubs, networks, and data collection, through its project-based working groups. Barang has continued to build the working relationships it has formed with various NSW Government agencies during Accord negotiations. Barang is doing this in the belief that if it does not keep moving forward, Aboriginal communities and ACCOs will miss out.

It substantiated, in the interim, the role and function of governance structures and the substantive leadership within those governance structures. If they wanted to fund the implementation, they would have. So, for example, although LDM did not progress because of us pushing for implementation funding, it didn't stifle relationships and Barang has continued to build on that. It had to be done unfunded. But that's what our community does, because we realise, if we don't do that, our young people will miss out (Barang officer).

Barang's efforts to leverage resources for its opt-in ACCOs and broker services for Aboriginal people on the Central Coast are in line with its agenda of empowering youth.

Leveraging funding and brokering outcomes

So, while its Accord and Schedules remain unsigned and implementation unfunded, under the direction of its opt-in ACCOs, Barang is brokering outcomes and leveraging funding to progress its Statement of Claim, including the development of community hubs and empowerment of youth. Through Barang, service integration and coordination are improving for the Aboriginal communities on the Central Coast. Barang is enhancing the service system's ability to produce holistic wrap-around care for young people in the region. Through Barang, opt-in ACCOs, usually autonomous organisations, see themselves as working together for the Aboriginal community rather than just their own members. Barang has leveraged its working relationships with NSW Government agencies to develop networks and effective partnerships to integrate and improve Aboriginal service delivery on the Central Coast. The examples below illustrate how Aboriginal people, who often have complex needs and require a broad array of responses by different service providers and agencies across many systems, are the beneficiaries of this service system approach. These examples illustrate the impact of social capital and service integration on service delivery outcomes for Aboriginal people in this region. This is a significant outcome. The service system literature argues that the higher the level of social capital and the higher the level of service integration, the greater the likelihood of improved service delivery outcomes. Importantly, this is bottom-up community-led, rather than government-directed, service change.

In line with its Statement of Claim, Barang leveraged greater resources to develop a community hub on the Central Coast peninsula. So, with the support of Barang's CEO, Mingaletta has been able to secure a three-year funding agreement:

Well, let's talk about Mingaletta because one of the biggest successes of our Regional Alliance has been that through discussions at the table with local decision-making, not - and I want to make it really clear that it is not an outcome of LDM; it probably should have been, but it wasn't. But through Vickie leading conversations with DCJ, they became aware that Mingaletta was unfunded. They were getting grant-based funding to run projects as you know. We were able to negotiate to get that service funded under a funding agreement for three years, so they're paying for a coordinator.

So, DCJ independently approached Mingaletta because Vickie has raised the issue with them around the lack of funding over and over and over again and the massive need and we've backed it up with our surveys, our stats, our data from our community members and then they've individually negotiated the contract between Mingaletta and DCJ (Barang engagement and partnerships officer).

Barang has brokered funding for Mingaletta, a long-standing, but poorly funded, Aboriginal community hub and safe place for Aboriginal people in Umina on the Peninsula of the Central Coast. Mingaletta is a space for Aboriginal service providers, including health professionals and legal services, to provide outreach services to Aboriginal people living on the Peninsula. Mingaletta has existed for nearly 20 years in this capacity, and its day-to-day upkeep and management has been carried out by local community women. These women have relied on grant-based funding to run projects such as Women's Groups, Men's Groups, and Youth Groups.

CEOs from the ACCOs that have opted into Barang, such as from Bara Barang, GNL, NAISDA and Yerin Eleanor Duncan Aboriginal Health Service, explained the benefits of an Aboriginal regional governance structure. They explain how, on behalf of its opt-in ACCOs, Barang has brokered the procurement of funds to provide a range of new wrap-around services to empower youth under LDM.

For example, the Bara Barang CEO explained how Barang had secured funding for a critical program that led to employment outcomes for 30 Aboriginal young people:

It is well known that education and training are pathways to opportunity and Barang Regional Alliance is committed to making sure our young people get every chance for opportunity to secure their dreams while curating their financial futures. Barang, in partnership with our opt-in organisations, training services NSW and Bara Barang, help our young people get employment and training opportunities in a culturally appropriate way. Through its advocacy work, mainly LDM, Barang secured \$300,000 in state government funding for Bara Barang to extend its successful Dream Builders program, which provides young people with culturally appropriate mentoring, training, and learning experience designed to make the transition to work and training a success. As part of this program, Bara Barang partners with employers, training organisations and the like, to help them appreciate Aboriginal cultural identity in practice, allowing them to support Aboriginal staff and students and organisations to have a mutually beneficial outcome. This program has proven a great success with a degree of practical measures supporting Aboriginal young people allowing them to participate in work trials rather than relying on the old confronting practice of face-to-face interviews. In the six months since this started, Bara Barang has succeeded in placing 30 Aboriginal young people in jobs, while providing them with ongoing cultural and practical supports. It is a win-win situation for young people and their employers, some of whom are directly linking to Bara Barang to seek more hard-working young people who are enthusiastic employees. That's an example of LDM for our Barranggirra project. It's an outcome of LDM (CEO, Bara Barang).

In keeping with its goal of empowering youth on the Central Coast, Bara Barang's Dream Builders program is a cultural education, work education and career planning package for Aboriginal young people. It promotes Year 12 completion and transition to further education and is delivered in schools, community centres, youth services, and employment agencies. The Dream Builders program provides a range of culturally relevant and engaging activities that reach into the world of work and participation in the economy. Also, through its Barranggirra Employment and Mentoring Program, Bara Barang aims to support Aboriginal young people seeking jobs in ongoing education and training to secure employment and create employment pathways.

Barang is assisting NAISDA in procuring funds to develop its business plan for expansion; and securing funds for opt-in ACCOs to expand existing and introduce new Aboriginal service delivery initiatives on the Central Coast. The CEO of NAISDA explained how Barang had advocated for, and successfully procured, critical funding for NAISDA through LDM:

It can be very difficult to leverage meaningful systemic change for Aboriginal and Torres Strait Islander communities. One of the many strengths of Barang is that it has brought together seven First Nations organisations, creating strong connections between us all and highlighting to all tiers of government the importance of cultural significance in what we do. When it comes to positive education and career outcomes for Indigenous people, NAISDA Dance College has proudly been residing on the Central Coast and sees Barang as a true leader. The results speak for themselves with average course completion rates being 38% in equivalent vocational and education programs for non-Indigenous people and 25% for Indigenous people. NAISDA

enjoys a 75% completion rate due to the culturally rich practices of the organisation. One of the strategic business cases that Barang Regional Alliance was able to advocate and successfully procure for NAISDA was \$530,000 in government funding to complete a detailed business case to realise their \$130 million investment for the Ngudawali Ghala project. Barang saw the merit in the proposal and agreed to advocate for our negotiations around the funding allocations from NSW Government and because of that NAISDA's ministerial representation saw the benefit and have again been able to progress the business case. A direct result of being part of Barang and having Barang (Kim Walker, NAISDA).

Again, the NAISDA program is targeted at young people. NAISDA is not only accessible for young Aboriginal people on the Central Coast but is Australia's leading arts training organisation providing nationally accredited qualifications specifically for Aboriginal and Torres Strait Islander young people.

Through LDM, Barang had managed to secure funding for Gudjagang Ngara li-dhi so that it 'could keep its doors open':

An example of a success measure for Barang is Gudjagang Ngara li-dhi is an early intervention program that works with our babies right through to our Elders. Through the LDM process and direct negotiations, we were able to secure \$526,000 to run a targeted early intervention program, which is a wraparound holistic coordination care model for our families and youth. There is a family component and a youth component. That was hugely required because we don't actually have a youth funded program and most of the government funding would go to RYSS, which is Regional Youth Support Services. Great mob, located in Gosford, but it's not an ACCO. So, that \$500k was recurrent – it was just renewed for another five years. It's a pretty big investment from the Department of Communities and Justice, because it also links into our kids who are leaving care into a safe cultural space to stay connected to community. So, it's actually a beautiful model of care. The Buradir group wasn't funded through DCJ but CCC. The biggest piece of work that came out of LDM GNL was the \$500k plus. Big investment.

GNL was on the brink of having to close its doors. It was through the negotiations and its relationships developed under LDM that Barang could be brokered through LDM, particularly the Barang Regional Alliance Negotiators and the DCJ Negotiators, we were able to directly procure through changing ways of doing business to those organisations, and what that did for GNL was to firstly have an investment of dollars, but it meant that a community was able to keep its doors open and provide services to the community. I'm not an economist, but I can't imagine that the cost benefit would be anything less than amazing (GNL board member).

GNL's program is directed at empowering young people through early intervention programs. GNL was established in 2011 by a group of local Aboriginal women concerned for the growing number of Aboriginal children from the area entering out-of-home care, driven by a wish to provide care for families, children, and young people within the context of their cultural community. Gudjagang Ngara li-dhi means 'listen to the children' in Darkinjung language, and this principal is at the core of its business practices. GNL operates on the premise that Aboriginal families, children, and young people need to be connected to their community and culture and to participate and contribute to their story.

The CEO of Yerin Eleanor Duncan Aboriginal Health Service gave several examples of the value of Barang leveraging resources and brokering outcomes under LDM. Yerin Eleanor Duncan Aboriginal Health Service has seen the transfer of services across from mainstream not-for-profit organisations into its hands as an ACCO. The CEO explained the significance of this for Aboriginal people on the Central Coast:

I could give you several examples of the benefits for Yerin Eleanor Duncan Aboriginal Health Service and our community of being an opt-in to Barang Regional Alliance, but also how it's worked to put service delivery in the hands of ACCOs, which is a key priority under Closing the Gap. One example is how the Department of Community Services originally funded a program -

– *Get Kids off The Streets. It's a youth targeted program. At the time, a mainstream not-for-profit was funded. Nobody ever challenged that or even questioned it. Interestingly, the only way they could engage with young people was to have a hot desk at Yerin. I through LDM exposed that and challenged that you continue to fund these white services that just don't get the job done. We sought that Yerin be funded. That would never have happened if we didn't have LDM. Within 14 weeks, Yerin was at capacity. It was 88 young people successfully engaged in that program. That funding was not so big. It was only \$277,000, so it only funds one Aboriginal case worker, but that case worker does some pretty good family capacity building, linking in, making sure kids stay engaged in school. Its targeting a cohort of 15–19 year-olds. Young people at risk of suspension, disengagement from school, disconnected from community or the top 20 at-risk clients engaged in risk-taking behaviour. The behaviours might be risky sex, drug and alcohol, train surfing, graffiti, all of those types of behaviour. It's a diversionary program where we build parental capability and provide safety for young people. It has a case coordination component where they will be referred into more intensive services. We work closely with GNL, Bara Barang. Bara Barang helps them get their licence (CEO, Yerin Eleanor Duncan Aboriginal Health Service).*

Barang's work in securing funding for Yerin targets the empowerment of young people. It is a diversionary program directed at keeping young people at risk in school, while addressing risky behaviour, building capacity around young people, and providing young people with support.

Together, the initiatives discussed in this section furthered Barang's priority of empowering young people on the Central Coast as it set out in the Statement of Claim.

Progressing the Accord Schedules

Although the Barang Accord Schedules remains unsigned, Barang is still pushing to progress the proposals set out in its Schedules. Barang has managed to progress Proposal #4, the Aboriginal Together Home program, with DCJ, under the agreed Accord initiatives (see Figure 8 above). To achieve this, the Barang chair had to advocate and leverage her connection with the Barang Accord Negotiator in the relevant agency.

The Central Coast Aboriginal Together Home program is the first ever Aboriginal homelessness program in the state delivered as a partnership through a Memorandum of Understanding between an ACCO and a mainstream NFP with the ACCO as the lead agency doing case management.

Aboriginal Together Home program, which is an Aboriginal homelessness program born out of the COVID response. The NSW Government's COVID response. Newcastle and Sydney were only earmarked for this funding. There was no Aboriginal housing component. They were going to fund mainstream Aboriginal housing providers to deliver the program. There were no Aboriginal organisations to be funded under the program. So, we said to (name removed) flip-it. We'll be the lead agency doing case management. We will broker a relationship and develop an MOU with a housing provider. She was like – ohhh! It was all a bit hard, but then no let's do it. We were up and running within four months. We had 17 packages. They were filled within the first eight weeks, and we have an MOU with a lead not-for-profit community housing provider. They were really nervous at first because they have always been the lead agency in Newcastle. They had to let go of the reins a bit. I can tell you now hand on heart we have just been given another 30 packages. We are the only one of its kind in the state. We have successfully housed 22 mob that probably have been chronically homeless on average 10 years plus. The eligibility is sleeping in parks, sleeping in tents.

There is one fella. He got his child restored. He had been in and out of jail. Part of his probation and rules were that he had to be successfully housed. He had lived on the streets nearly all his life. We housed him. After four months, he went back to DCJ. His little fella kept voting with his feet. We said get it back into Children's Court and get this kid restored to his father. They're

both in therapy here and our Buraja. We brokered a relationship with Coast Shelter. He does cars up. He gifted that to Yerin. So, we gave it to this fella. He drives his son to school. He's now able to get himself a job. The rest is history. This fella – it's amazing (CEO, Yerin Eleanor Duncan Aboriginal Health Service).

This was an example of innovative, shared decision-making empowering a local ACCO to take the lead in a partnership between it and a mainstream NFP community housing provider. Barang and one of its opt-in ACCOs worked within Closing the Gap priority reform areas one (formal partnerships and shared decision-making) and two (building the community-controlled sector) to achieve success on the ground.

While LDM should see NSW Government agency/Aboriginal Regional Alliance relationships shifting from transactional to transformative relationships, in which they are no longer simply consulted but empowered, there are still examples of NSW Government agencies not changing the way they do business. Some agencies are not honouring their commitment to LDM. For example, Barang saw an opportunity and advocated for it to create an Aboriginal Knowledge Circle on the Central Coast. Despite having signed up to LDM and negotiated an Accord, Barang still had to lobby and advocate for this program on the Central Coast. The Aboriginal Knowledge Circle is an initiative under the NSW Government's response to the recommendations of Professor Megan Davis' independent review of Aboriginal children and young people in out-of-home care, *Families is Culture* (Davis, 2019). The difficulties Barang has experienced in gaining access to the Knowledge Circle initiative exposes some of the challenges of advancing not only LDM but also Closing the Gap priority reforms one and two in the region.

A key agenda for Barang is to turn around the high rate of removal and over-representation of Aboriginal children and young people in foster and kinship care on the Central Coast. Barang wants removals and restoration to be a key priority. It wants out-of-home care in the hands of local ACCOs. Barang's agenda dovetails with the NSW Government's policy reform agenda around Closing the Gap and the Premier's priorities around the care and protection of Aboriginal children and young people. The NSW Government has committed to working in partnership with Aboriginal communities to address the systemic recommendations made in *Families as Culture*. Yet, there remain obstacles to implementation.

Barang saw that the creation of an Aboriginal Knowledge Circle on the Central Coast would line up with all relevant agendas, allowing it to progress its aims while meeting government policy priorities and putting the voice of Aboriginal people at the heart of the NSW Government's response to the *Families as Culture* report. Yet, Barang still had to lobby and advocate for the program and felt that the cultural authority advice of community leaders was being ignored. Barang decided to discontinue its involvement in the Aboriginal Knowledge Circle, and these comments from a discussion circle explain why Barang took this stance:

The example I will give you is the Aboriginal Knowledge Circles set up as part of the Families is Culture response set up through the Department of Communities and Justice (DCJ). So, Vickie and I, on behalf of Barang, met with the DCJ District Director, who approach Barang Regional Alliance (Vickie) to see if there was appetite for the Alliance to work on the development of the Central Coast Knowledge Circle. They had gone to Newcastle. Newcastle was going to be the pilot site and they were going to set up the Knowledge Circle to get timely advice to the Directorate around child protection risks, changing behaviour around case management, etc. It was the lobbying of Barang Regional Alliance through Vickie and Belinda and the opt-in organisations that we saw the start of the Central Coast Knowledge circle. It was through the lobbying that we got a meeting again with the Executive Director responsible for the Hunter and Central Coast. We said, "Mate, you're in Local Decision Making negotiations on the Central Coast. We've been telling you that we need to be at the table to have conversations around the really acute and sensitive child protection concerns that are happening here. Our child protection rates are extraordinarily high – 12 times higher." So, because of that lobbying, we got a meeting. We got onto the Aboriginal Knowledge Circle program. We wrote the Terms of Reference for the Aboriginal Knowledge Circle. We had all these people come to the table. There was some initial agreement around the way forward I guess for us as a community, including participation in policy change around case management for Aboriginal and Torres Strait Islander

families and changes to the NSW Children and Young Persons (Care and Protection) Act and Schedule. We had the largest representation at the consultation and that was again brokered through Vickie and Barang.

So, my point is that in lieu of them as an agency recognising that Barang were wanting to participate in this conversation, Barang had to lobby, be there, and be present to have those conversations. So, if Barang didn't actually exist, there wouldn't be an Aboriginal Knowledge Circle on the Central Coast. And none of the communities, who have experience and are working in the space, would be able to speak at that senior level to Directors and Executive Directors. It is an example of we're here, and when you fund a regional governance structure, and you privilege the knowledge that they come with and the authority that they come with, decisions that have a direct impact on community can be made.

The big vision for us collectively is that we would have really good reform pieces done here: changing policy, changing decision making, our chair would be elevated to a table with Treasury, so that we could actually say well you need to change the policy around procurement, you need to change the whatever..., but we didn't see that. This man can make a decision on whether an Aboriginal child is adopted or not. Can change the trajectory of that little human's life forever. Yet, he couldn't sign off on whether they could procure money to us to run programs to keep that kid from being adopted. It blows my mind!

We've got some on the ground change, but it is not keeping pace. They didn't outdo themselves... There is this lack of appetite to look at why these big, white NGOs get all the funding... (Discussion circle 3, speakers 3 & 4).

Yet, now, we are of the opinion that we probably aren't going to continue to operate in that space, because of the failed attempt by NSW Government to actually listen to community and respond to that need through the Aboriginal Knowledge Circle.

We talked about this yesterday in relation to Aboriginal Knowledge Circles. I feel like it is a very one-sided relationship. We were asking ourselves, what are we getting out of it? The intention of the Knowledge Circle and the practical application of the Knowledge Circle are different. Our participation in the Knowledge Circle benefits DCJ. They are ticking off recommendations of Families as Culture. They are consulting extensively with community and recording that, seeing leaders from our community participate (Discussion circle 3, speaker 4).

Yerin is the only Aboriginal community out-of-home care agency on the Central Coast. We started off with 25 placements, which is not financially viable. We get block funding, but we pay our carer out of that funding and our case workers. We have had to have a limited number of case workers, overload them as such, because we only have 25 placements. We are fortunate that our organisation is quite savvy and we're very good at developing fee-for-service models and things like that, so we have been able to complement it. For us to generate a surplus in that program, we would need about 100 placements. For us to take transitions over, they have to do a contract variation and it doesn't marry up with their this and blah, blah. So, there is that component of it. The other reason we are pulling out of the Knowledge Circle is the business as usual. What we have put on the table is what we are already doing anyway around best practice data and restoration. What we are doing is wasting our time going and talking to them once a month about best practice and trying to hold them accountable. It's not our job to educate them.

This is an email I got yesterday. "Dear x, this is the most beautifully written up after care financial plan I have ever seen. To see the use of language that has meaning for x highlights the importance of children in care to be case managed by Aboriginal agencies. Congratulations to you and your team for your first financial plan for a care leaver." We have only been accredited for two years, so this is our first young person that's leaving care. My point is that this is a non-Aboriginal woman saying that Aboriginal agencies should be managing Aboriginal care. There is no appetite for it. These big white

NGOs do an injustice for our kids, who have got massive, big business model. We get \$2 million. I know that might sound like a lot, but when you've got 25 kids in care with therapies, etc. (Discussion circle 3, Yerin CEO).

We've got evidence of them disregarding what we have recommended and actually doing the complete opposite, so that is why we will no longer be complicit in that space. You've ticked the box by being advised by us, but you haven't heeded that advice and as a result you've made a decision we can't support. What that does is put us in the position that, by virtue of the fact that we have been participants in that, our community will see that we, by connection, have been supportive of that decision, and we can't be seen to do that. We cannot.

I look around this room and these are the people in our community that people go to. We are the ones who when they are on their knees and need true advocacy and support, we are the ones that they go to. So, if we are part of the bigger structure that looks like it is supporting something that they wouldn't, then we are the ones that are going to be disaffected (Discussion circle 3, Speaker 2).

In bringing community leaders and Elders together, Barang brought their cultural authority to the table through Aboriginal Knowledge Circles, anticipating positive, innovative, and constructive outcomes to result from the involvement of community leaders. Instead, those involved were disempowered. Their cultural authority was ignored. They were unable to prevent an outcome adverse to the community. As the interviewee explains, they believe their involvement in the Aboriginal Knowledge Circle had simply served the purpose of ticking a performance indicator box for the agency involved. This outcome is a failing on the part of that agency not only to facilitate the aspirations of Barang, but the aspirations of LDM, Closing the Gap and the Premier's priorities.

Barang's agenda is in line with state policies that introduce new capacity building and accreditation initiatives for bringing ACCOs into the OOH space back in the 2010s. There are now numerous examples of ACCOs transitioning successfully into the OOH space, partnering with mainstream OOH providers while they become accredited (Howard-Wagner, 2016, p. 98), but in this case an OOH ACCO already exists. Barang's agenda dovetails with the NSW Government's policy reform agenda around Closing the Gap 2020 priority reform one (shared decision-making) and three (building the community-controlled sector) and the Premier's priorities around the care and protection of Aboriginal children and young people. The creation of an Aboriginal Knowledge Circle on the Central Coast was a step in the right direction to put the voice of Aboriginal people at the heart of the NSW Government's response to *Family is Culture* review.

In bringing community leaders and Elders together, Barang brought their cultural authority to the table through Aboriginal Knowledge Circles, anticipating transformation – positive, innovative, and constructive outcomes – to result from their involvement in this program. Instead, those involved were disempowered. The Aboriginal Knowledge Circle was asked for their advice about the awarding of a contract to a large mainstream not-for-profit organisation for the management of Aboriginal children in out-of-home care on the Central Coast. Community leaders and experts reported a lack of community engagement, cultural capability, and harm on the part of the mainstream provider. While capacity exists in ACCOs to move into this space, and they tendered to do so, they were unsuccessful in this bid. This is despite this same provider operating on the Central Coast in an environment where there remain significantly higher removals of Aboriginal children and young people and where there is community capacity for ACCOs to take on this role.

In providing its advice, the Aboriginal Knowledge Circle understood this process to be a joint or shared decision-making process. Their informed preference and knowledge did not influence the decision-making of the agency. Their cultural authority was ignored. They were unable to prevent an adverse procurement outcome in which an out-of-home care NFP organisation was awarded a contract to continue to operate in the Aboriginal out-of-home care space. While capacity exists in ACCOs to move into this space, and they tendered to do so, they were unsuccessful in this bid. Mainstream not-for-profit organisations are still winning the contracts over ACCOs. This is despite this same provider operating on the Central Coast in an environment where there remain significantly higher removals of

Aboriginal children and young people, where there is community capacity for ACCOs to take on this role, and where it is a priority under LDM and Barang's Statement of Claim for this to change. It is also despite the Closing the Gap 2020 report setting out that priority reforms in Closing the Gap are shared decision-making and transfer of service delivery to ACCOs who know their communities and are best placed to deliver services to those communities. There was an opportunity here to build the capacity of an ACCO around out-of-home care. It is an ACCO with a CEO who has extensive expertise in the OOH sector and this area of the public sector. Barang Regional Alliance sees their involvement in Aboriginal Knowledge Circle as simply a 'consultative' process that served the purpose of enabling the agency and public officials to 'tick a performance indicator box'. This outcome did not even work toward building an ACCOs capability through say a partnership or Memorandum of Understanding, let alone community aspirations.

Barang perceives its involvement in this program as adverse outcome for community leaders who are accountable to the community for the decision of this agency. It is also an adverse outcome around the community's perception of LDM bringing about change. Barang has decided to discontinue its involvement in the Aboriginal Knowledge Circle because the cultural authority and advice of community leaders was ignored.

The above examples illustrate how Barang is proactively managing the capacity of community and endeavouring to bring about change in the governance of Aboriginal service delivery.

What we have seen is an elevation of our understanding of the bureaucracy that exists across state government and where and how we need to pitch things. Again, I don't think that has necessarily resulted in a great deal of investment, but where we've needed it to be in terms of acuity. We've seen a direct response. Say, for example, the Together Home project, the GNL stuff through targeted early intervention. So, there are examples of success, it's just not large scale. It hasn't been transformational.

However, as this interviewee explained, while there are examples of success, transactional relationships still prevail. Relationships between NSW Government agencies and Barang are 'not transformational' but are 'keeping pace', and examples of shared decision-making remain the exception rather than the norm. There are still mainstream non-government organisations who do not have the relationships with community organisations and communities operating in the space of Aboriginal service delivery, and NSW Government agencies still award those organisations large contracts to deliver services to Aboriginal people on the Central Coast.

This also goes to synergies between LDM and Closing the Gap, specifically the role of Regional Alliances in Closing the Gap. Regional Alliances, such as Barang, clearly have and wish to play a role. Several ACCO CEOs expressed this in a discussion circle:

I think there is a complementary function between Regional Alliances and peak bodies. If the Coalition of Peaks were willing to expand their membership and the ability to become a member, you would see some, not all, but that is the point of an opt-in/opt-out basis, you would see some Alliances join those bodies and provide real advice on those regional matters. There are things that AECG and ABSEC are doing that are wonderful, but if you had that regional presence, you would have much better outcomes. AH&MRC, again they have some really solid things they are doing around Aboriginal health, but if they privileged the regional knowledge base with what it should have you would see a real two-way progression around first of all around the role, knowledge, and function of peaks, but second their ability to deliver change in community (Discussion circle 3, speaker 1).

I agree and I think that if they brought the Regional Alliances in to do things in our own regions, you would actually fund things that would have a massive impact, like focusing on the data, and the collation of data, and the service system around that data. We have regional expertise in the regions, and we can get the work done in the regions.

We are seeing a re-emergence of what happened with the NSW Aboriginal Land Council decades ago and that was that they thought they could do everything, but then realised we actually need to get back to culture, heritage and asset management, and when they did that you saw the membership grow, you saw their members, Aboriginal Land Councils, within regions, Darkinjung being one of those, reap the reward of that, \$30 million for a development that they had establishing a housing development on the northern parts of the coast (Discussion circle 3, speaker 3).

With Closing the Gap, the Peaks aren't going to be able to tell us what is happening on the ground. They're not even out here. We have Darkinjung Local Aboriginal Land Council and Yerin Eleanor Duncan Aboriginal Health Service, and they are not getting any information or being told about the new plans or implementation. Ultimately, the situation on the ground is not changing. The reason it is not changing is that the Peaks are not reaching the regions, the ACCOs and the communities on the ground – the people that they need to reach (Discussion circle 3, speaker 2).

Where I am going with this is that we don't have a government that is willing to go there is room for both now. What we are steering away from is Barang Regional Alliance is not a Local Decision Making site, we are a regional governance structure that provides support to our opt-in base and our community on the Central Coast. You want to call it LDM, call it LDM. You want to call it Place Based Decision Making, Closing the Gap, call it that, Voice, whatever. We are not going anywhere. We are embedded in community (Discussion circle 3, speaker one).

It is our overarching finding that Barang is a highly effective authorising environment operating between government, ACCOs, and community, allowing legitimate Aboriginal community interests on the Central Coast region to be elevated. It is also highly effective at operating as a regional coordinator between ACCOs and communities with different backgrounds and agendas, strengthening collective Aboriginal decision-making in the region, and, arguably, the performance of the region in terms of the delivery of services to Aboriginal people and communities on the Central Coast. Barang continues to leverage community capacity in its attempt to solve collective problems, putting on the table 'grassroots', 'bottom-up' and sustainable solutions addressing the needs of the Central Coast Aboriginal community and communities within that community. This is despite being poorly resourced and under-funded to fulfil its role under LDM. This is also despite the deficit mentality that it often confronts in its engagement with NSW Government agencies. Those outcomes are not limited to Accord initiatives identified in Figure 11. Barang has enabled the Central Coast Aboriginal communities and ACCOs and their communities not only to become more involved with service delivery, but also to play more important roles in shaping regional service delivery processes and to become involved in policy making.

Barang is an important apparatus for strengthening regional performance and enhancing Aboriginal service delivery on the Central Coast. Barang is also a tool for improving access to service delivery funding, which has implications for improved service delivery and meeting the needs of local Aboriginal people and communities. There is evidence that Aboriginal regional governance is further fostering community development in the region. While this community development is not yet at the level that Barang Regional Alliance or its opt-in ACCOs or communities have hoped, there has been little doubt that Barang is starting to shape Aboriginal/NSW state relationships, influencing the decisions of individual NSW Government agencies, and having some effect on policy-making processes and outcomes. The creation of an effective bottom-up Aboriginal governance structure has activated these potentials.

In the case of Barang, LDM and Accord negotiations have strengthened and established better working relationship with NSW Government agencies. Barang is empowering ACCOs to engage their publics and giving voice to their communities. The examples given above demonstrate that Aboriginal/state working relationships on the Central Coast have improved because of LDM. Barang, the Aboriginal community, and opt-in ACCOs on

the Central Coast are participating in the conversation and working relationship are seeing greater investment in ACCOs in relation to service delivery.

Key findings

The objective of negotiations between Barang and the NSW Government was to reach agreement on an Accord and determine Schedules to the Accord. The Accord defines the relationship between Barang, the Central Coast Aboriginal community as a whole, and communities within it, and the NSW Government in relation to service delivery. The Schedules identify the deliverables agreed under the Accord. In this section, our key findings are discussed in detail.

It is our observation that the range of mechanisms needed to facilitate successful agreement-making between First Nations people and government were lacking from the Barang Accord Negotiation process. Fundamental barriers to effective negotiation came to light in our discussions with parties involved in the negotiation of the Barang Accord.

Finding 1: The development of Barang’s governance arrangements and Statement of Claim were a significant positive outcome of the Accord negotiation process, but this process could be strengthened via further investment on the part of NSW Government.

The Accord negotiation process is clearly achieving LDM’s aim of supporting Aboriginal governance at the regional and local levels (LDM Policy and Operational Framework, 2017, p. 8). *OCHRE* LDM is enabling communities to create their own regional models of representative governance suitable to their circumstances. This is consistent with an important feature of good agreement-making with Indigenous peoples. Barang has established a transparent governance arrangement that goes beyond membership of incorporated organisations. While not all Aboriginal organisations have opted-in, they have the choice to do so. Barang widely engaged the community during the pre-Accord negotiation phase, investing considerable resources to do so.

Barang met the key governance principles before commencing Phase 1 LDM Accord negotiations. Barang went into the Accord negotiation process with a Statement of Claim that was a local, strategic, and focused governance document, applying good governance principles that were informed by the values and aspirations of their stakeholders, strong community engagement, and other research, including the gathering of local data. Barang’s Statement of Claim was a well-framed and detailed document outlining the priority areas and actions for the Central Coast Aboriginal community(ies) to support the adoption or changes in policy to progress outcomes for LDM in the region. The Statement of Claim was endorsed by Barang’s Alliance members. It was signed by the Minister for Aboriginal Affairs on behalf of the NSW Government. The Statement of Claim was a significant starting point for negotiation.

Barang had to draw on funding from other sources to engage with its communities and collect data (i.e., engaging consultants, surveying communities, determining priorities, developing their methodologies of choice, and developing innovative approaches, and building its capacity to hold data). It is thus the first finding of this evaluation that the development of Barang’s governance arrangements and Statement of Claim were a significant positive outcome of the Accord negotiation process, but that this process could be strengthened via further investment on the part of NSW Government.

Finding 2: Negotiating parties had different expectations about the Accord negotiations.

Significant problems emerged during the negotiation of an Accord particularly the Accord Schedules. While the evaluations conducted by CAEPR researchers and past evaluations found that the development of the Statement of Claim was a key element of the process (CIRCA, 2015, p. 21), the negotiation of Accord Schedules is not facilitating outcomes aligned with the Statement of Claims endorsed and signed by the Minister for Aboriginal Affairs prior to negotiations, the legally binding Accords, or the broader Accord and LDM principles

for achieving a genuine voice and co-design. Significant compromise is occurring on the part of Regional Alliances because public officials are adopting a ‘business as usual’ approach during the negotiation of the Schedules (administrative arrangements).

Our finding in this regard is that there was an imbalance of expectations between the parties as to the objectives of the negotiations. This illustrates too the key differences between the ways in which government agencies and communities work. While the Lead Agency Negotiators felt there was a lack of clarity about what could be achieved with the Accord, Barang Accord Negotiators entered into the process with a clear mandate about redefining their relationship with government and improving service delivery for the Central Coast Aboriginal community. However, Barang Accord Negotiators came away from the negotiation process with a collective perception that the negotiations had, broadly, failed to achieve the objectives of Accord Negotiations. This perception stemmed mostly from ‘what they came to the table expecting’ and ‘what was actually on the table’.

While the documentation on the Pre-Accord process provided to CAEPR researchers by AANSW was not sufficient to draw any definite conclusion as to what took place during the nine-month Pre-Accord phase, conversations with negotiators from the Barang Alliance and Lead Agency Negotiators suggest that parties did not enter into negotiations with a clear, mutually agreed understanding of their purpose. Negotiators from both parties stated that, going into negotiations, it was unclear what was ‘on the table’. This created tension during the negotiation process, and uncertainty among some parties as to what was ultimately achieved.

As one Barang Accord negotiator stated:

What needed to happen was [for the] New South Wales Government, in order to truly respect this process, I think, in my opinion, would need to draw the line in the sand so to speak and to say this is what is actually not on the table. Then when communities enter into this process, and they get this process that has never truly been a co-design process, but in order to enter into that co-design in some capacity it actually required the New South Wales Government to say these are the sorts of things that are out of scope and anything else, let's have the conversation and see where it lands up (Discussion circle, Barang Regional Alliance Negotiator).

There are two significant points made here, which go to the imbalance of expectations around the Barang Accord Negotiation. First, Barang went into the process thinking everything was on the table and it was not. Second, Barang understood the process to be a co-design process and it was not.

With regard to the first point, as another Barang Accord Negotiator pointed out, this created an imbalance in expectations:

There needed to be parameters set on what was certainly off the table in terms of how do you actively engage in a full dialogue around reform pieces, which is Barang's remit, when the government clusters were coming to speak about service delivery. So ultimately there's an imbalance of expectation but then also of power because we come with the authority to act on behalf of our community and to engage the government on what our community has said is most important to them and government have come with a restricted amount of intel but also a restricted ability to act and make decisions effectively and/or efficiently (Discussion circle, Barang Regional Alliance Negotiator).

On the other hand, while government negotiators generally felt that they were adequately prepared going into negotiations, and understood the goals of LDM, this did not always translate into clear objectives. One Lead Agency Negotiator referred to a ‘negotiators’ handbook’, which they were given to read in preparation for their role, and, in addition to accessing publicly available documentation on OCHRE and LDM, several mentioned briefings from superiors, other public officials involved in the LDM program, and AANSW. However, some Lead Agency Negotiators wanted more guidance about what it was possible to agree to as part of the Accords, and clear guidance as to how much funding their Agency was willing to commit to schedules. One said that what was ‘realistically going to be achieved...could have been a lot clearer up front’, and another said that the

ambiguity in the purpose of LDM – ‘what it could and should result in’ – did not allow for a commonality of purpose among negotiators. One negotiator involved on behalf of government went further, stating that their department had made it clear at the start of the pre-accord process that no funding could be committed to the Accord, and that other types of contributions that did not involve the direct provision of funding had been rejected by Barang.

This ambiguity of purpose resulted in confusion between negotiating parties as to why certain things were or were not within the scope of negotiations. Negotiating possibilities consumed time, and ultimately resulted in a lack of trust in the process on the part of Barang Accord Negotiators.

Evaluations of previous Accord negotiations made similar findings. CIRCA’s evaluation of Murdi Paaki negotiations found that ‘a few stakeholders were concerned that the workshops limited the negotiation that was possible, and that in future the scope of the Accord should be made absolutely clear so that time is not spent discussing models or services that are not open for negotiation’ (CIRCA, 2015, p. 5). The SPRC’s evaluation of Illawarra Wingecarribee Alliance Aboriginal Corporation (IWAAC) negotiations states, ‘A process-relevant lesson was the importance of briefing government negotiators before key meetings to ensure that they knew what they could offer in the negotiations’ (Smyth and Katz, 2018, p. 2); and that ‘issues that were out of scope for LDM negotiations, due to being federal responsibilities, were not excluded early on’ (Smyth and Katz, 2018, p. 7).

The LDM Policy and Operational Framework defines the three phases of the Accords process. Phase 1, ‘Advisory Delegation Accord’, aims to ‘identify outcomes and expected results’ (AANSW, 2017b, p. 14). This is intended to occur during Pre-Accord negotiation workshops held ‘to discuss outcomes and expected results, review the statement of claim, and to share information and data on priority areas’ (AANSW, 2017b, p. 14). Also, in this Pre-Accord phase, ‘parties agree on priority objectives and define ‘what success will look like’ (AANSW, n.d.c). While the negotiating process was structured in a way that should have led negotiating parties to determine what was within scope of the Accords prior to their commencement, it appears that this was not the case.

Finding 3: Lead Agency Negotiators did not have the decision-making power necessary to agree to proposals made within the Accords negotiation process.

The Local Decision Making Accord Process states that ‘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’ (AANSW, 2017a, p. 20). However, this was not the case within the Barang Accord Negotiation process.

While the Lead Agency Negotiators involved in the Barang Accord changed over time (because people moved in and out of different jobs), the NSW Government was represented in the Barang Accord Negotiations by people in the following positions:

- Lead Government Negotiator (Executive Director, SE Band 2, Regional NSW)
- Lead Agency Negotiator Health (Chief Executive of the Central Coast Local Health District)
- Lead Agency Negotiator Justice (Assistant Executive Director, SE Band 2)
- Lead Agency Negotiator Industry (Executive Director)
- Lead Agency Negotiator Transport (Director)
- Lead Agency Negotiator Education (Executive Director)

Although delegated to negotiate on behalf of their respective agencies, these Lead Agency Negotiators (and the Government Lead Negotiator) lacked the authority necessary to agree to Accord Schedules or funding allocations proposed during the negotiating process. While they were the face of the government at the

negotiating table, decisions about what could be agreed upon as part of the Accords were made at more senior levels of each department. This usually meant Deputy Secretaries but, in at least one department, Ministerial approval of Accord initiatives was necessary. In the case of the Local Health District, decisions had to be taken to the board of directors. This fragmented governance structure – in which the person negotiating was not the person making the decisions – was identified as a principal obstacle to the negotiation process by negotiators from both the Barang Regional Alliance and various Lead Negotiators. It is one of the primary weaknesses of the Accords negotiation process.

This finding is not new. Two prior Accord negotiation evaluations found that NSW Government negotiators lacked the authority necessary to agree to proposals made by Regional Alliances. The CIRCA report on the MPRA Accord states that an ‘opportunity for improvement’ is to ‘ensure that NSW Government representatives have adequate authority’ 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’ (CIRCA, 2015, p. v). Similarly, the SPRC’s evaluation of TRRA Accord 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., 2018a, p. 5). It called ‘assigning senior decision makers to the Accord negotiation process [a] necessary adjustment’ (Katz et al., 2018a, p. 7). It must be noted, however, that the SPRC’s July 2018 evaluation of the IWAAC negotiations found that, ‘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 & Katz, 2018, p.1).

While this may have been a learning of IWAAC negotiations, it was not applied to Barang Negotiations, where the Lead Agency Negotiators’ lack of authority was a problem. One Lead Agency Negotiator said, ‘I felt absolutely empowered to be at the table and to develop that relationship and to really explore those conversations with Barang to work out how we can align our interests. But ... funding outside of a normal commissioning process, which is what this is, actually requires ministerial approval’ (Lead Agency Negotiator).

Barang Accord Negotiators indicated that they invested considerable time, over a period of five years (2017-2021), and resources into understanding community needs, pulling together the data, and identifying key local concerns, getting Accord-ready, only to discover that Lead Agency Negotiators did not have the appropriate delegation to approve schedules and funding. This not only illustrates the key differences between how government and community work, but also the high-level investment and commitment at the community level compared with the investment and commitment at the level of NSW Government agencies in the OCHRE LDM process.

Among 11 other stated roles, according to the NSW Government’s ‘Accord Process: Accord Readiness, Commencement and Negotiation’, ‘the primary purpose of the Lead Agency Negotiator is to have sufficient delegation and decision-making power’ (AANSW, 2017a, p. 21). This was evidently not the case in the negotiation of the Barang Accord. The lack of authority over budget allocations for Accord schedules was a related problem; this is discussed as Finding 4.

Finding 4: No budget was allocated to fund Accord schedules.

A lot of the discussion up front was [that the Accord was] not about resourcing, it was about doing things differently. But the reality is, most of the things that were put on the table, it was all about resources (Lead Agency Negotiator).

Once Accord Negotiations were underway, the issue of funding became a key obstacle to effective negotiations. No funding was specifically allocated toward the formulation of Accord Schedules or their implementation. All participants (including public officials) identified the lack of funding committed to Accords as a principal obstacle to negotiations.

Some Lead Agency Negotiators had to lobby internally to secure funding for Accord schedules. As one Lead Agency Negotiator said, ‘all the concepts we 100 per cent agreed that [they] would be of benefit, but without resourcing, I think that then creates a degree of frustration... It wasn’t anything we were doing deliberately; it was just the realities of there being no money.’ Others cited broader budget limitations, exacerbated by the COVID-19 pandemic, as an obstacle to the allocation of funding for Accord schedules.

CIRCA’s report on the Murdi Paaki LDM Accord Negotiation Evaluation noted a similar problem.

Several NSW Government representatives felt restricted in their capacity to develop innovative solutions and do things differently as no additional funding was available. This was seen as a ‘massive’ challenge: for government to do things differently requires departments and agencies to reallocate, by means of the Accord negotiations, funds that are already committed (CIRCA, 2015, p. 16).

There is evidence that established NSW procurement policies were a further impediment to the allocation of funding for proposed Accord schedules. Procurement policies were cited by some Lead Agency Negotiators as a formal mechanism that limited the amount of funding that could be allocated, although Barang Regional Alliance Accord Negotiators questioned if this was an actual or perceived impediment. Whatever the case, procurement policies prevented the allocation of funding to Accord schedules. The conflicting rationale between OCHRE/LDM and NSW procurement policies is discussed further above, as part of Finding 5.

We suggest possible ways to improve this problem could include:

- directly involving representatives from NSW Treasury, or other public officials with the necessary financial delegation in Accord Negotiations
- giving Lead Agency Negotiators the necessary financial sub-delegation via section 9.11(4) of the *NSW Government Sector Finance Act 2018* (New South Wales Government, 2018) to ensure that they have the authority to formally endorse and allocate funding to proposals agreed on during negotiations
- establishing a mechanism to ensure the goals of LDM can be accommodated within, or in exception to, other government policies, including procurement policies
- changing procurement policies so that they can accommodate the goals of LDM
- allocating departments engaged in the Accords process funding for each Regional Alliance they negotiate with
- allocating NSW Aboriginal Affairs a budget for the implementation of accords and their schedules
- allocating Regional Alliances a set amount of funding for the negotiation of schedules.

Caution is needed here though, as it is important that budgets do not determine outcomes. If, as the NSW Government states, 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) and if the stated purpose of LDM is ‘to give Aboriginal community-based regional decision-making groups (Regional Alliances) an increased say in government service delivery’ (AANSW, 2017b, p. 5), then budgets cannot be determined until community priorities have first been established through the Accords negotiation process.

The Barang Accord Schedules were ultimately funded through the reallocation of existing resources from within agency budgets. This meant that the Accord negotiation process did not result in any net gain for the Central Coast Aboriginal community, as represented by the Barang Accord Negotiators. Barang Accord Negotiators suggested that, if the Accord Negotiation process is to reach its reform goals, representatives from NSW Treasury should be part of Accord negotiations.

According to the NSW Government’s *Local Decision Making: Policy and Operational Framework*, ‘NSW Treasury will establish flexible funding arrangements for each LDM location, to enable a re-direction of government spending (if required) consistent with Accord priorities. The mechanism will be ready for

implementation in the initial communities from year two' (AANSW, 2017b, p. 20). These 'flexible fund arrangements' are to be established as part of 'Phase 2', which comes after Accord negotiations (AANSW, 2017b, p. 11). However, the budget issues encountered during the negotiation of the Barang Accord suggest that it is necessary for budgets to be reallocated earlier in the process.

Although the Barang Accord is in its final stages, the funding problem has the potential to negatively affect the implementation of the Barang Accord (if and when it is signed). The NSW Government's Lead Negotiator said that formulating a funding model for Regional Alliances to implement Accords is 'a really critical issue'. Highlighting the persistence of this problem, the Barang Alliance told researchers that, as at the time of writing, they were in the process of lobbying for funding to be allocated to cover the cost of implementing the Accords.

Finding 5: Other NSW Government policies obstructed the negotiation of Accord Schedules and the reform goals of LDM.

The problems of budget allocation and decision-making authority discussed as part of Findings 3, 4 & 5 were symptomatic of a broader governance environment in which the policy intentions of OCHRE LDM were trumped by other NSW Government policies or processes. There are two examples of how this dynamic affected the negotiation of the Barang Accord: procurement policies, and the NSW Department of Education's state-wide suspension policies.

Procurement policies

The NSW Government's Procurement Policy was cited by both Lead Agency Negotiators and Barang Accord Negotiators as an obstacle to the negotiation of Accord Schedules.

The problem appears to be that, if the amount sought for Accord schedules exceeded the amount allowable under Aboriginal Procurement Policy, it would, because of NSW Government policy, have to go to an open tender, and this would put Barang in competition with other, non-Aboriginal organisations. This would defeat LDM's stated principle of self-determination and aim of 'ensur[ing] that Aboriginal communities have a genuine voice in determining what and how services are delivered to their communities' (AANSW, n.d.b), p. 1).

I think that if we're going to do a new policy platform, or they are entertaining a policy platform at the OCHRE initiative and through Local Decision Making, then there was an ability for them to create policy change, [but] ultimately then they hid behind a procurement policy... If an organisation and/or a region or an alliance has the ability to be accepted by the New South Wales Government as ready then why are they not ready to entertain the outcomes that are associated with that, which include directly procuring services to Aboriginal community-controlled organisations where they are most appropriate.

I'm battling with this idea that the whole LDM accord negotiation is predicated on the principle of we are negotiating with you as the representative regional governance structure in accordance with the OCHRE framework Premier's principles, but don't for a moment suggest that we engage with you directly around the procurement of services. You are allowed to represent your mob on some issues (Discussion circle with Barang Regional Alliance Negotiators).

State-wide suspensions policy

The issue of school suspensions is another example where other NSW Government policy obstructed the Accord schedules proposed by Barang. Barang put forward proposals intended to reduce suspension rates among Aboriginal students on the Central Coast. However, the NSW Education Department's suspension policies are state-wide, and any changes made under the Barang Accord would have to comply with this state-wide policy. This limited what was possible to negotiate.

As one Lead Agency Negotiator said, ‘You’ve got quite rigid frameworks that agencies operate within and you need to operate within those broad state-wide frameworks to try to deliver those local outcomes, so that’s probably one of the tensions, or one of the, perhaps, limitations that the agency negotiators work within.’

This finding is not new. Previous Accord negotiation evaluations found that proposals made during Accord negotiation processes were overridden by other NSW Government policies. The state-wide suspension policy was identified as an issue in the SPRC’s evaluation of TRRA negotiations. The report states that:

Some existing policies undermine the Accord process. For example, TRRA wanted to look at school suspensions. However, the education representative felt unable to make commitments due to the Local Schools, Local Decisions policy, and Education’s relationship with NSW Aboriginal Education Consultative Group Inc (AECG). A government observer was critical that in this negotiation OCHRE Local Decision Making was being defaulted to school principals, saying ‘We can’t bring 180 principals to sit around the table (Katz et al., 2018a, p. 23).

Similarly, the SPRC’s evaluation of IWAAC negotiations identified ‘the inflexibility of policy frameworks’ as a challenge (Smyth & Katz, 2018, pp. 2-4). It found that community negotiators ‘experienced frustrations with the inflexibility of policy frameworks’, and that ‘making commitments that were undermined by other decisions made within their agencies was a challenge for government negotiators’ (Smyth and Katz 2018, pp. 2-4). Furthermore, the SPRC’s report of the TRRA negotiations notes that:

There appeared to be little flexibility to alter policies to align with TRRA positions, other than where these were already in accordance with current government policy... [and that] governance structures within government departments make it difficult to facilitate community led change. The inherent bureaucratic nature of government departments prevents them from being flexible, responsive, and able to change policy by listening to Aboriginal Peoples (Smyth and Katz, 2018, p. 5).

These learnings were not applied to the Barang Accord Negotiations, in which government policies again prevented the acceptance of proposals put forth by the Barang Accord Negotiators.

Finding 6: Executive Sponsors were largely absent for the Accords negotiation process, and the LDM policy is not well known within NSW Government departments.

According to the ‘Local Decision Making Information Package’ (AANSW, n.d.d) during the Accord process, the NSW Government is to nominate an Executive Sponsor who will:

Lead and direct the Department’s engagement in Local Decision Making working with Agency negotiators to scope and broker policy innovations and identify opportunities for co-design to significantly improve the quality of services delivered to Aboriginal communities and to ensure that Aboriginal communities are able to participate fully in decision making concerning service design and delivery.

However, our research found that Executive Sponsors were largely absent from the Accords negotiation process. Barang Accord Negotiators, Lead Agency Negotiators, and the Lead Government Negotiator stated that greater involvement by the Executive Sponsors would have aided the Accord negotiation process. Executive Sponsors have the capacity to work across departments, and their closer involvement could ensure a more consistent, transparent approach to negotiations on behalf of the NSW Government. They could potentially help solve the issues of delegated authority, budget allocation, and conflicting policies discussed above. It is our view that greater involvement of Executive Sponsors prior to the Accords negotiation process could allow government negotiations to establish what commitments and objectives were permissible within the negotiations process.

Still, Executive Sponsors appear to have played little to no role in the negotiation of the Barang Accord. Barang Accord Negotiators stated that they were unable to secure a meeting with Executive Sponsors – ‘we just could not get an audience with them.’

Executive Sponsors could also potentially play a key role in socialising, or creating awareness about, the LDM policy more broadly within NSW Government departments, which could help address the problems of authority and budgeting discussed above. Ensuring that policy goals of LDM are widely understood within government is essential if the policy is to achieve the goal of changing the way agencies work with Aboriginal communities.

Again, the key policy objective quoted in the LDM Policy and Operational Framework (AANSW, 2017b, p. 9) states:

LDM means NSW Government agencies will change the way they work with Aboriginal communities. NSW Government agencies will work in partnership with participating regional alliances to build community strengths and address key priorities. With LDM, sharing decision-making between government agencies and regional alliances means changing the way agencies design, fund and implement their services and programs. Agencies and staff have to respond to community needs and priorities, changing the way they work, and developing new ways of doing business. This will mean training and developing new skills for government staff as well as Aboriginal communities (AANSW, 2017b, p. 9).

Reaching this policy goal would require systemic change within government, and the widespread understanding of the policy’s intention within agencies beyond Lead Agency Negotiators and their immediate colleagues. Cross-agency collaboration is necessary for the achievement of LDM’s goal, and this must be underpinned by widespread appreciation for the policies and reform it seeks to engender.

As Lead Agency Negotiators frequently changed, this broader lack of awareness of LDM affected negotiations. While Lead Agency Negotiators interviewed as part of this research unanimously stated that they understood LDM policy and were properly prepared before entering negotiations, Barang Accord Negotiators expressed consternation at the frequent turnover of Lead Agency Negotiators. They felt that there was little to no handover between the original and replacement Lead Agency Negotiators with whom they interacted.

Finding 7: Negotiators representing the Barang Alliance were inadequately remunerated for the work required to properly participate in Accord negotiations.

Barang Accord Negotiators stated that their involvement in the Accords negotiation process actually *cost* their organisations (Barang and the ACCOs they worked for) money. Members were not adequately remunerated for the amount of work required of them as negotiators, and felt that this lack of funding significantly impacted on their ability to do the work required of them as negotiators. Barang Accord Negotiators highlighted the large amount of their own time they volunteered towards the negotiations process. Although Barang was able to use funding it receives from its involvement in the Empowered Communities reforms to cross-subsidise the time spent on LDM Accords, Negotiators were of the view that this should not have been the case. As one Barang Accord Negotiator stated:

I mean in an ideal world Barang would be funded by enough to be able to recuperate those costs back to those organisations by way of payment, or some sort of agreement ... The impact [was] that we are wedded to working around when those organisations [involved in negotiations] have availability to ... go without their heads of their agencies or organisations for a period of time (Discussion circle, Barang Accord Negotiator).

Yeah. My question or challenge is on the per annum funding of the alliance through the LDM. I don't know how any alliance can go through a rigorous statement of claim, application, and resource the court process, because Barang is in that position of state and federal engagement...

...with our communities and state LDM, there is infrastructure and resources here that are funded through a different program. I don't know what that would look like if you were highly dependent on the LDM funding, which I'm sure some of the alliances are in that position (Discussion circle, Barang Accord Negotiator).

According to the minutes from Barang Pre-Accord Workshop 7 (14 November 2019, p. 15) Barang received funding of \$79,000 from state government per annum from Aboriginal Affairs. In 2019, they also shared in a one-off payment of three million dollars split equally between all LDM Alliances, and received a one-off grant from Aboriginal Affairs. The minutes note that Minister for Aboriginal Affairs 'is aware of the need for continued funding'. Members of the Barang Alliance suggested that their involvement in Accord negotiations and LDM more generally should be properly costed so that there is concrete evidence to support the funding of Alliances.

Both the Independent Facilitator and the NSW Government's Lead Negotiator identified the inadequate funding provided to Barang as an obstacle to negotiations, and suggested that appropriately resourcing Barang could have improved outcomes because it would have enabled Barang to spend more time participating in the negotiating process.

In our analysis, the inadequate funding provided to Barang contributed to a power imbalance between negotiating parties. Similar problems were identified in evaluations of previous Accord negotiation processes.

The SPRC's evaluation of TRRA negotiations lists 'ensur(ing) TRRA or other assemblies are fully briefed about policy, have access to policy expertise and are resourced to participate', as a 'necessary adjustment'. The evaluation calculated that TRRA delegates did 21.9 working weeks of unpaid work (Katz et al., 2018a, p. 7).

TRRA members all contributed their time in a voluntary capacity, and unlike government representatives, were not paid for their participation in the negotiations. Aboriginal Affairs NSW estimated TRRA delegates participated in 660 hours of negotiations, excluding travel and Accord preparation (162 hours). One way to think about this is that TRRA delegates collectively volunteered 21.9 working weeks to the Accord negotiations and preparation over the three years. (Katz et al., 2018a, p. 6)

The report also highlighted the inequality between TRRA Accord Negotiators and Lead Agency Negotiators:

One government negotiator said: there were a whole multitude of things that could have been done better to stop this from being dragged out for so long. The fact that the TRRA panel sitting around the table don't get paid. We're talking about senior staff who are on upwards of \$190,000 a year sitting next to someone who's taken leave without pay to sit across from you five times. It is meant to be an equal negotiation table. It's not. (Katz et al., 2018a, p. 39)

Although not specifically about the Accords process, the SPRC's OCHRE Evaluation Synthesis Report noted a similar problem with OCHRE more generally, stating 'one concern regarding staffing is the high demand of programs (and under resourcing) and the possibility of "burn-out" – particularly for key members of staff' (Katz et al., 2018b, p. 30). It also found that 'LDM has the potential to deliver a great number of OCHRE objectives; however, the program is under-resourced' (Katz et al., 2018b, p. h), and recommended that programs be resourced appropriately and that 'reliance on good will' be reduced 'including attendance of meetings with government' (Katz et al., 2018b, p. f).

AANSW states that, 'Regional alliances are progressively delegated greater powers and budgetary control once capacity is demonstrated. There are three stages of delegation; advisory, planning and implementation, and with each stage comes a greater level of decision-making' (AANSW, n.d.c). In our analysis, Alliances must be adequately funded in all stages of the process if Accords are to achieve their stated aims.

Finding 8: The length of time invested in the Accord negotiation process, which remains unsigned, and strained relationships between government and the Barang Alliance, and between members of the Central Coast First Nations communities.

The length of time the negotiation process took created frustration for all parties involved, although for different reasons.

Many Lead Agency Negotiators expressed frustration about the unexpected, protracted length of the Accords negotiation process, and the time commitment required of them. This strained the relationships built between Barang Accord Negotiators and Lead Agency Negotiators. However, the Lead Government Negotiator recognised that ‘it’s their journey and we’re supporting them on it – and yeah, it can take a long time.’

Barang Accord Negotiators were adamant that the Accords negotiation process took the appropriate amount of time necessary to engage with members of the Central Coast Aboriginal community and ensure that negotiations were driven by community priorities. They felt that setting time limits on negotiation processes would be antithetical to the process of community engagement that is at the heart of their work as a community organisation, as well as to LDM’s aim of redefining the relationship between government and Aboriginal communities.

Nevertheless, Barang Accord Negotiators had their own concerns about the large amount of time invested in the Accord negotiation process, while it remained unsigned. They expressed concern that, unless genuine reform is achieved through the negotiation process, the time they have invested in it will have been wasted, and the relationships they have formed with community members as part of this process will be harmed. Bringing community members to the negotiating table required the formation of relationships of trust between Barang and community members. Asking for the participation of local leaders and experts in the negotiation process created the expectation of meaningful outcomes. But, as Lead Agency Negotiators were generally unable to agree to the suggested changes (for the reasons discussed above), the Barang Alliance was left to answer to community members, which harmed relationships of trust. This is contrary to LDM’s principle of ‘promot[ing] the participation of Aboriginal people residing in LDM locations’ and the objective of ‘stronger partnerships between community, leadership and government’ (AANSW, 2017b, p. 8).

In their own way, negotiators from both parties felt the large amount of time invested in the Accords negotiation process strained relationships. This is not a new problem. The SPRC’s evaluation of IWAAC negotiations found that ‘the time taken to finalise the negotiations made it difficult to maintain community engagement and eroded confidence in the process’ (Smyth and Katz, 2018, p. 1). SPRC gave six reasons for ‘for the time lag between the official end of negotiations and the signing of the Accords’ (Smyth and Katz, 2018, p. 6). At the time of writing, the Barang Accord is yet to be finalised. This suggests these lessons have not been learned.

Finding 9: The use of confidentiality agreements contradicted the LDM principle of community engagement.

Barang Accord Negotiators consulted for this evaluation said that the confidentiality agreements they were subjected to as a negotiating party created tension between themselves and the Central Coast Aboriginal community, as they were not permitted to discuss the content of the negotiations with community members.

As part of this process, Barang Accord Negotiators developed the document, *Formal Accord Negotiations Principles and Protocols: Barang Regional Alliance*. The imposition of confidentiality agreements on Barang Accord Negotiators conflicts with the official ‘stages’ of the LDM Accords process (Barang Regional Alliance, 2020). The first of five stages of the LDM Accord Process are ‘Formation’, in which ‘Aboriginal Community become a Regional Alliance’ and they ‘establish an Alliance and consult with Community’ (Barang Regional Alliance, 2020, p. 4). However, sharing information back to community, and communities within community, about Accord negotiations is then inhibited because of confidentiality agreements.

The *Formal Accord Negotiations Principles and Protocols: Barang Regional Alliance* also states that, 'parties commit to ongoing communication and engagement with community and community stakeholders on the progress of negotiations' (Barang Regional Alliance, 2020, p. 2). But, in what could present a contradiction, it also states that 'Barang and NSW Government representatives are not to distribute confidential information outside of negotiations, unless agreed to by Barang and the NSW Government' (Barang Regional Alliance, 2020, p. 7).

Evaluations of previous Accord negotiations also identified the issue confidentiality agreements posed for Regional Alliances. The SPRC's evaluation of IWAAC negotiations found that 'some stakeholders noted that the requirement for IWAAC to sign confidentiality agreements meant that community felt excluded from the process' (Smyth and Katz, 2018, p. 6). The SPRC's evaluation of TRRA negotiations found similar problems, including that, 'the confidentiality agreements signed as part of the Accord negotiations prevented TRRA delegates from keeping community members informed of progress' and that 'because of the unexpected length of the negotiations, this resulted in disengagement by communities from the LDM process' (Katz et. al., 2018a, p. 5). It went on to state that, 'the combination of the confidentiality clause and the delay in signing the Accord put pressure on TRRA delegates' (Katz et. al., 2018a, p. 29). Confidentiality clauses conflict with obligations of Aboriginal Regional Alliance members as Aboriginal community leaders around their accountability to community and, if they are perceived as failing in those obligations, this can affect the legitimacy of Aboriginal Regional Alliance members and LDM in communities.

Finding 10: There were issues related to the sharing of information and data.

As the LDM 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). Information – including in the form of accurate and meaningful data – is essential to this goal.

The Independent Facilitator stressed the importance of ensuring that Accord schedules were solutions to problems objectively identifiable in defined data, noting that 'I'm a big fan of backward mapping... the issue is data. Bring the solution to fix the data' (Independent Facilitator).

One Lead Agency Negotiator felt that each agency needed to have clearer position on data sovereignty, and that the release of government data was determined by existing departmental policy expectations.

Accord negotiations need to be informed by the best data possible. To achieve this, it is essential that Barang has access to data relevant to the Central Coast Aboriginal community prior to negotiations. Rather than regional data, obligations under the new National Agreement on Closing the Gap (Australian Government, 2020) required this to be localised, disaggregated data specific to the community. The NSW Government should work with the Aboriginal Regional Data Network, of which Barang is a member, to determine what data is most useful for informing negotiations, either through funding or partnership.

Discussion of Findings

The pre-Negotiation Phase

The evaluation found that the Barang Accord negotiation process had a number of positive attributes. First is the positive way *OCHRE* LDM accommodated Aboriginal governance arrangements in the Central Coast region. That is, *OCHRE* LDM has enabled the Central Coast communities to create their own regional model of representative governance suitable to their circumstance. In this case, this model is a mix of incorporated Aboriginal organisations and other representatives, including Youth and Elders. While not all Aboriginal organisations have opted-in as members of Barang, they have the option to do so. The establishment of Barang

has facilitated Central Coast community(ies) in having a genuine voice in determining what and how services are delivered to their community(ies). Barang Regional Negotiators reflected on the ways in which involvement in the Accords-making process increased their personal capacity and that of the communities they represent. Consequently, the formation of the Barang Regional Alliance to negotiate an Accord has brought stakeholders together and allowed them to align, unify, and strengthen their mutual interests. Such findings go to the capacity of *OCHRE* LDM to accommodate Aboriginal governance arrangements suited to a region as an important feature of good agreement-making with Indigenous peoples.

Barang worked closely with its communities in the development of its Statement of Claim, which identifies priority areas and actions to support the adoption or changes in policy to progress outcomes for the Central Coast region. A key feature of the Statement of Claim is the community hub model, which moved beyond a service delivery model to a model of care for Aboriginal people living in specific areas/communities on the Central Coast, such as Wyong, Gosford, Bateau Bay/The Entrance, and the Peninsula region. The Statement of Claim is a formal agreement between the NSW Government and the Central Coast region and signed on behalf of those respective parties by the chair of Barang and the NSW Minister for Aboriginal Affairs. While the pre-Accord Negotiation phase could be better resourced, it is working well.

The Accord Negotiation Phase

A positive attribute of the Accord Negotiations process is that all negotiators, and the Independent Facilitator, felt that the Accords negotiation process facilitated closer interaction between the parties than was previously the case, and that this was a step in the right direction. The above findings show that experiences of, and opinions about, the Accord negotiation process were mixed. But, if one positive conclusion can be drawn, it is that all negotiators, and the Independent Facilitator, felt that the Accords negotiation process facilitated closer interaction between the parties than was previously the case, and that this was a step in the right direction.

The Independent Facilitator felt that the Accords process provided an opportunity for the government to meet and learn from the people they serve, and that this has positively changed their relationship. They called it 'massive' that the NSW Government brought senior position holders from Lead Agencies together at the same table as community members. However, they felt that despite the possibilities promised by LDM's innovative model, the limitations of the Accords negotiation process ultimately became 'business as usual' (Independent Facilitator).

Barang Accord Negotiators also felt that the process resulted in 'business as usual' and did not significantly change their relationship with government. Barang Accord Negotiators stated that they would not have engaged in the Accord negotiation process if they had known upfront what the outcome was going to be. They were deeply disappointed in the outcome.

Lead Agency Negotiators generally felt that the Accords negotiation positively changed the way they approach issues that affect 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 the Central Coast Aboriginal community. Moreover, several Lead Agency 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.

Most said the intentions of the Accords was positive, and one felt that the process met and even exceeded expectations of what would be possible within broader governance and budgeting constraints. However, many were frustrated at 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 amount of time required of them as Lead Agency Negotiators.

On a personal level, Lead Agency Negotiators reported largely positive personal outcomes. Most stated that involvement in the negotiations increased their awareness of the challenges facing the Central Coast Aboriginal community, and affirmed their commitment to work within their positions to address these challenges.

The identified shortcomings concerning with Accord-negotiations process related to the phase of actual Accord Negotiation. Despite the existence of the Premier's Memorandum (2015) and the LDM Policy and Operational framework (2017), which stipulate otherwise, the Accord negotiation process encountered significant barriers, such as funding and resourcing, and were hampered by the authorising environment, in which there was a high turnover and lack of authority of Lead Agency Negotiators, and lack of integration between NSW Government agencies. It is also a finding of this evaluation that other NSW Government policies competed with and obstructed the negotiation of Barang Accord Schedules and that Barang Accord Negotiators did not have access to information and data critical to their capacity to negotiate outcomes on behalf of their community(ies). These factors worked to inhibit the Barang Accord negotiation processes from achieving the intended aims of co-designed government services, empowering Regional Alliances, and creating innovative and holistic solutions.

So, despite the Premier's Memorandum (2015) stipulating that the negotiation of LDM Accords must be open and in good faith with the objective of achieving positive outcomes and fostering innovative, creative, and holistic solutions, the evaluation found that aspects of the negotiation of the Barang Accord did not facilitate such outcomes. This led to a loss of faith and trust among Barang Accord Negotiators. What particularly led to this was the way that negotiations failed to facilitate outcomes aligned with the Barang Statement of Claim, and the Accord Schedules remaining unsigned to date.

Post Accord Negotiation

Despite the Accord and Schedules remaining unsigned, and its implementation plan unfunded, Barang has leveraged the Accord negotiation process and improved working relationships with NSW Government agencies to seek better outcomes for ACCOs and the Central Coast Aboriginal community. Yet, those formal partnerships negotiated under the Accord remain informal and ad hoc. Barang is far from achieving shared decision-making. Barang has made a significant contribution to building the Aboriginal community-controlled sector(s) on the Central Coast.

Conclusion

Beyond the question of personal experiences, and the subjective expectations of individual negotiators, the more important question is: did the Accords contribute towards the goals of the LDM policy?

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, as shown in the following excerpts from policy documents:

LDM 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 are 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 Barang Accord Negotiation process did not result in these intended outcomes of the LDM policy.

Moving forward, in line with Closing the Gap key reform 2, NSW Government agencies need to transform the way they operate and do business with Barang so that those agencies work better for Aboriginal people and communities and ACCOs on the Central Coast.

References

- Aboriginal Affairs NSW (AANSW) (2013). *OCHRE: Opportunity, Choice, Healing, Responsibility, Empowerment. NSW Government plan for Aboriginal affairs: Education, employment & accountability*. AANSW. <https://www.aboriginalaffairs.nsw.gov.au/our-agency/staying-accountable/ochre/the-ochre-plan/>
- Aboriginal Affairs NSW (AANSW). (n.d.a). *Local Decision Making: Information Package*. https://www.aboriginalaffairs.nsw.gov.au/media/website_pages/working-differently/local-decision-making/about-local-decision-making/Local-Decision-Making-Information-Package.pdf
- Aboriginal Affairs NSW (AANSW). (n.d.b). *Local Decision Making*. <https://www.aboriginalaffairs.nsw.gov.au/working-differently/local-decision-making/>
- Aboriginal Affairs NSW (AANSW). (n.d.c). *Local Decision Making: About local decision making*. <https://www.aboriginalaffairs.nsw.gov.au/working-differently/local-decision-making/about-local-decision-making/>
- Aboriginal Affairs NSW (AANSW). (2017a). *Local Decision Making: Accord processes, accord readiness, commencement, and negotiation*. AANSW, October 2017, https://www.aboriginalaffairs.nsw.gov.au/media/website_pages/working-differently/local-decision-making/accord-negotiations/LDM-Accord-Process-Document-OCTOBER-2017.pdf.
- Aboriginal Affairs NSW (AANSW). (2017b). *Local Decision Making: Policy and operational framework*. https://www.aboriginalaffairs.nsw.gov.au/media/website_pages/working-differently/local-decision-making/about-local-decision-making/LDM-POLICY-AND-OPERATIONAL-FRAMEWORK-JULY-2017.pdf. Audit Office of New South Wales. (2011, May). *Two Ways Together - NSW Aboriginal Affairs Plan*. <https://www.audit.nsw.gov.au/media-release/two-ways-together-nsw-aboriginal-affairs-plan>
- Australian Government (2020). *National Agreement on Closing the Gap*. <https://www.closingthegap.gov.au/national-agreement/national-agreement-closing-the-gap>
- Barang Regional Alliance (2018). *Statement of Claim toward a NSW Local Decision Making Regional Accord Agreement And Commonwealth Empowered Communities Regional Development Agreement*.
- Barang Regional Alliance (2020). *Formal Accord Negotiations Principles and Protocols*.
- Barang Regional Alliance (2021). *Local Decision Making Accord Agreement Implementation Funding proposal*.
- Barang Regional Alliance (n.d.a). *Barang Regional Alliance Empowerment Principles*.
- Barang Regional Alliance (n.d.b). *Regional Development Agenda*.
- Biddle, N. & Markham, F. (2017). 'Census 2016: What's changed for Indigenous Australians?', *The Conversation*, 28 June. <https://theconversation.com/census-2016-whats-changed-for-indigenous-australians-79836>
- Cultural and Indigenous Research Centre Australia (CIRCA) (2015). *NSW Government: Murdi Paaki LDM Accord negotiation evaluation*.
- Davis, M. (2019). Family is Culture Review Report: Independent Review of Aboriginal children and young people in OOHC, Sydney, https://www.familyisculture.nsw.gov.au/__data/assets/pdf_file/0011/726329/Family-Is-Culture-Review-Report.pdf
- Howard-Wagner, D. (2016) 'Child Wellbeing and Protection as a Regulatory System in the Neoliberal Age: Forms of Aboriginal Agency and Resistance Engaged to Confront the Challenges for Aboriginal People and Community-Based Aboriginal Organisations', *Australian Indigenous Law Review*, vol. 19, no. 1, pp. 88-102.

- Katz, I., Idle, J., & Jopson, W. (2018a). *OCHRE Local Decision Making Accords: Three Rivers Regional Assembly* (SPRC Report 08/19). Social Policy Research Centre, University of New South Wales. <http://doi.org/10.26190/5ca6951c34811>
- Katz, I., Bates, S., Idle, J., Jopson, W., & Barnes, M. (2018b). *OCHRE Evaluation Stage 1: Implementation and early outcomes. Synthesis Report (SPRC Report /18)*. Social Policy Research Centre, University of New South Wales. <http://doi.org/10.26190/5b42881d96051>
- New South Wales Government (2018). *Government Sector Finance Act 2018 No 55*. <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-2018-055>
- New South Wales Department of Premier and Cabinet (2015, March 3). *Local Decision Making* [Premier's Memorandum M2015-01-Local Decision Making].
- Ministerial Taskforce on Aboriginal Affairs. (2013). Ministerial Taskforce on Aboriginal Affairs Final Report, March 2013, <https://www.aboriginalaffairs.nsw.gov.au/our-agency/staying-accountable/ochre/the-ochre-plan/FINAL-Taskforce-Report-19.03.13.pdf>.
- Smyth, C., & Katz, I. (2018). *OCHRE Local Decision Making Accords: Illawarra Wingecarribee Alliance Aboriginal Corporation* (SPRC Report 10/19). Social Policy Research Centre, University of New South Wales. <http://doi.org/10.26190/5ce343832ba2c>
- Schwab, J. (2021). Co-designing recommendations to government: A literature review and case studies from the OCHRE initiatives [Aboriginal Affairs NSW Practice Paper]. Aboriginal Affairs NSW. <https://www.aboriginalaffairs.nsw.gov.au/research-and-publications/completed-research-and-evaluation/Report-Co-designing-recommendations.pdf>

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