



LOCAL DECISION MAKING

Murdi Paaki Local Decision Making Accord II

Signed on
9 September 2020



Education
Aboriginal Affairs



OCHRE





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1. PREAMBLE

- 1.1. The Murdi Paaki Regional Assembly (the Assembly) and the State of NSW acknowledge that Aboriginal communities in the Murdi Paaki Region continue to suffer from the effects of historical dispossession and controlling practices caused by the past and present policies of Government, and there is now a need to heal, and regain confidence and capacity.
- 1.2. The Assembly is the regional Aboriginal governance body for the Murdi Paaki Region representing the interest of Aboriginal and Torres Strait Islander people across Western NSW, covering an area that extends from Collarenebri in the north-east to Dareton Wentworth in the south. The Murdi Paaki Region covers the traditional lands of a number of Aboriginal nations or language groups. Many Aboriginal people in the Murdi Paaki Region trace their ancestry to Paakantji, Ngiyampaa Wangaaypuwan, Ngemba, Weilwan, Murrawari, Wangkumarra, Muti Muti, Ularai, Baranbinja, Malyangapa, Gamilaroi and other nations and language groups. The name Murdi Paaki is derived from the traditional languages of the Region “Murdi” meaning Black Man and “Paaki” meaning River. Aboriginal people have occupied the lands now referred to as the Murdi Paaki Region since time immemorial and maintain a strong connection to Country and culture within the Region.
- 1.3. The Assembly represents the mature phase of a continuous 28 year period of legitimate, responsible, representative Aboriginal governance in the Murdi Paaki Region. During this period the Assembly has developed and put in place key regional and community governance frameworks and processes, undertaken strategic planning and resource allocation. The position of the Assembly, at the apex of the representative and governance framework of 16 Community Working Parties of the Region, provides a conduit for the voices of all Aboriginal people of the Region to be heard at the highest level.
- 1.4. The Assembly operates in accordance with Murdi Paaki Regional Assembly Charter of Governance 2015 incorporating the key principles of Unity, Loyalty. In accordance with the cultural protocols of Aboriginal people across the Region.
- 1.5. The Assembly asserts the right of its member Aboriginal communities to improved and more efficient service delivery. The Assembly also recognises and respects the cultural authority of Traditional Owner groups within the Region does not make decisions that would impinge on the cultural authority and autonomy of these groups.
- 1.6. The State of NSW acknowledges the aspirations of the Assembly to participate fully in the economic, political, cultural and social life of the Region in a way that preserves and enhances Aboriginal cultures and identities of the Region and increases the decision-making autonomy, self-sufficiency and sustainability of its member communities.
- 1.7. The State of NSW expresses its commitment to a culturally informed approach to negotiations and, subsequently, to service and program design and delivery, in which Aboriginal knowledge, problem-solving approaches, historical experiences and requirements around timeframes are explored, acknowledged, respected, and incorporated.
- 1.8. The State of NSW and the Assembly are committed to continuing their relationship and to refine further the existing Government-to-Aboriginal-governance-body arrangement, based on mutual respect and cooperation.

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- 1.9. The State of NSW acknowledges that the Assembly has established Murdi Paaki Services (MPS) as its operational arm and appreciates that the Assembly has charged MPS with responsibility for undertaking strategic activities which provide the foundation for, promote and progress political, cultural, economic and social wellbeing of Aboriginal communities within the Region on behalf of the Assembly.
 - 1.10. This Accord is the second formal instrument of agreement between the State of NSW and the Assembly. It has been drafted in recognition of the limitations of the initial Accord and is the mechanism through which the State of NSW and the Assembly will commit to a full partnership arrangement recognising each other's roles and holding each other to account.
 - 1.11. This Accord has been executed with the intent not only of focussing on the substantive tasks associated with negotiating and operationalising the Schedules to this Accord but also on putting in place the established structures, resourcing and processes which permit, once and for all, a transformation in relationships both between NSW Government agencies and the Assembly, and among NSW Government agencies themselves.

2. KEY PRINCIPLES

- 2.1 This Accord is underpinned by the following principles:
 - 2.1.1. Aboriginal people and communities have a spiritual, cultural, social and economic relationship with Country and/or place.
 - 2.1.2. Aboriginal leaders and Elders understand their own community needs. They have the drive and ability to develop their own solutions.
 - 2.1.3. Open acknowledgement of the injury and hurt caused by past and present Government policies and assistance with healing.
 - 2.1.4. Respectful consultation and negotiation between Government and Aboriginal communities through the Assembly, with the free, prior and informed consent of those communities as communicated through the Community Working Party Chairpersons.
 - 2.1.5. Regional and local solutions for regional and local problems, with ideas and help from outside when, where and in the form in which the Assembly requests it.
 - 2.1.6. Responsibility, accountability and transparency in decision-making and two-way responsibility.
 - 2.1.7. Continuous improvement and adjustment when needed.
 - 2.1.8. Participation of Aboriginal people residing in the Region through the Assembly and the Community Working Parties.
 - 2.1.9. Authentic recognition and adequate resourcing of Aboriginal agency in needs identification, planning and delivery of services, programs and projects.
 - 2.1.10. A genuine commitment on the part of both parties to developing transformative rather than transactional relationships, with a renewed focus on developing innovative and holistic solutions and on considering different, more equal approaches to partnership.



- 2.1.11. Optimising returns on investment through better targeted, more efficient, effective and equitable forms of program and service delivery.
- 2.1.12. Commitment to compliance with the *Murdi Paaki Engagement Protocol*.
- 2.2 This Accord recognises the Assembly as a legitimate regional Aboriginal governance body in the Murdi Paaki Region.
- 2.3 The State of NSW acknowledges that this Accord is binding on the NSW Government and its agencies and that this Accord can be relied on by the Assembly as the State of NSW's commitment.
- 2.4 The Assembly acknowledges that this Accord is binding and can be relied on by the State of NSW as the Assembly's commitment.

3. PARTIES TO THE ACCORD

- 3.1 The State of NSW.
 - 3.1.1. The State of NSW acknowledges that the matters dealt with in this Accord are binding on the NSW Government and its agencies. The State of NSW authorises and obliges NSW Government agencies to participate in good faith and to meet the terms of the Accord.
- 3.2 The Assembly.
 - 3.2.1. The Assembly, as a legitimate regional Aboriginal governance body, enters into this Accord on behalf of its member communities and in partnership with the NSW Government and agrees to participate in good faith to meet the terms of this Accord.

4. ROLE OF THE ASSEMBLY

- 4.1 Under this Accord the Assembly will:
 - 4.1.1. Strengthen governance capacity in each of the sixteen Community Working Parties of the Murdi Paaki Region.
 - 4.1.2. Promote intergenerational skills transfer, responsibility in leadership and in particular youth leadership.
 - 4.1.3. Advise Government on ways to direct the service system to operate effectively and respond to the priorities of Aboriginal communities in the Region and establish mutually agreed service outcomes and accountability measures with the NSW Government.
 - 4.1.4. Provide a strong and representative regional governance structure to advocate for the needs of the Region as a whole, and for the needs of individual Aboriginal communities within the Region, to the NSW Government.
 - 4.1.5. Act as a catalyst and driver in Regional, sub-Regional and local initiatives important to Assembly member communities.
 - 4.1.6. Facilitate access to Community Working Parties for the purposes of negotiating local initiatives under this Accord.
- 4.2 The Assembly acknowledges the rights of member communities to pursue initiatives for the betterment of their own community and recognises that these initiatives may



be negotiated at a local community level outside this Accord in accordance with the Murdi Paaki Engagement Protocol.

5. ROLE OF NSW GOVERNMENT

- 5.1 Under this Accord NSW Government agencies will:
 - 5.1.1. Consult the Assembly on Accord activities and negotiate in good faith, in a timely, open and honest manner;
 - 5.1.2. Deliver the agreed actions, programs and investment which they are responsible for, as negotiated through this Accord;
 - 5.1.3. Share information with the Assembly including data on relevant service funding (including Aboriginal-specific and mainstream programs) in the Region with the exception of private or confidential information;
 - 5.1.4. Report on outcomes in accordance with reporting frameworks mutually agreed by the Assembly and the NSW Government;
 - 5.1.5. Recognise the *Murdi Paaki Regional Plan 2016*, and
 - 5.1.6. Collaborate with each other where responsibilities for service and program planning and delivery extend across agency boundaries.
- 5.2 Communicate to the Assembly and to relevant negotiators in NSW Government agencies the higher-order Government motivations, expectations and priorities underpinning this Accord and explicitly articulate the Government's overarching intent to focus negotiation of the Schedules to this Accord around strategic and innovative initiatives.
- 5.3 NSW Government agencies allocated responsibilities in Schedules to this Accord will collaborate with the Assembly to seek solutions and achieve tangible outcomes and to foster partnerships with each other.
- 5.4 NSW Government agencies will operate consistently within the principles of Local Decision Making and ensure the Aboriginal cultural competence of their staff to improve the quality of services delivered, and to better respond to the needs of Aboriginal communities in a culturally safe manner.

6. PARTIES' DECISION MAKING AND OPERATIONS

- 6.1 The Assembly and the NSW Government as parties to this Accord agree to make decisions and operate openly, with integrity, honesty and respect.
- 6.2 The Assembly will:
 - 6.2.1. Make decisions in accordance with Murdi Paaki Regional Assembly Charter of Governance 2015 and implementation of the *Murdi Paaki Regional Plan 2016*.
 - 6.2.2. Legitimately represent the views of its member Aboriginal communities.
 - 6.2.3. Work with member Aboriginal communities to ensure that they meet their responsibilities in supporting the implementation of initiatives established under this Accord.

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- 6.2.4. Support Community Working Parties in negotiating agreements with the NSW Government at a community level to plan for and deliver local initiatives.
 - 6.2.5. Meet legislated and regulatory requirements and act with probity, transparency, accountability and good governance, in the financial management of public resources.
 - 6.2.6. Recognise the NSW Government's right under this Accord, via the Chair of the Assembly, to verify that the Assembly is working as a constructive partner and maintaining community representation as defined in the Murdi Paaki Regional Assembly Charter of Governance 2015 and in the Murdi Paaki Engagement Protocol to meet its responsibilities under this Accord.
 - 6.2.7. Observe the principles of good governance set out in the Local Decision Making Operational Framework and in the Murdi Paaki Regional Assembly Charter of Governance 2015.
- 6.3 The NSW Government will:
- 6.3.1. In conjunction with the Assembly Chair:
 - a. establish a Monitoring and Evaluation Group, including for the purposes of monitoring and evaluating performance against Accord deliverables; and
 - b. ensure regular and senior representation of NSW Government agencies at Monitoring and Evaluation Group and other Sub-Committee meetings as identified in this Accord.
 - 6.3.2. Allocate resources as agreed to complete the matters set out in the Schedules to this Accord.
 - 6.3.3. Work with the Assembly to resolve issues relating to Accord progress and outcomes at the local and regional levels through Monitoring and Evaluation Group meetings and Accord processes.
 - 6.3.4. Recognise the Assembly's right under this Accord (via the Head of Aboriginal Affairs) to seek Secretaries' support to ensure that NSW Government agencies meet their responsibilities set out in this Accord.
 - 6.3.5. Recognise the Assembly's right, failing action under section 6.3.3. and 6.3.4, to escalate concerns about NSW Government agencies meeting their responsibilities under this Accord to the Minister for Aboriginal Affairs.
 - 6.3.6. Complete actions identified in this Accord, and further:
 - a. accept the legitimacy of Aboriginal decision making processes and honour the role of community and regional Aboriginal governance bodies as the "domain" of Aboriginal people. Require its agencies honour the Murdi Paaki Regional Assembly Charter of Governance 2015 and the Murdi Paaki Engagement Protocol when working with the Assembly and the Community Working Parties.
 - b. commit to building the cultural competency of NSW Government staff, engaged in work under the terms of this Accord and of NSW Government personnel delivering programs and services outside of this Accord who are working with Aboriginal people in the Region.
 - 6.3.7. Work in accordance with the directives set out in the M2015-01-Local Decision Making Premier's Memorandum and in accordance with the



principles of good governance set out in the Local Decision Making Policy and Operational Framework:

- a. strategic direction – how Government considers longer term social, economic and cultural development in partnership with the Assembly;
- b. participation and voice - how Government stakeholders with the appropriate delegation and authority are engaged in decision making;
- c. accountability - how Government representatives come together to work across portfolios in a flexible and innovative manner to address service delivery priorities and how they uphold their accountability to Aboriginal communities.

6.4 Principal Agencies of NSW Government

6.4.1. Regional NSW will work with NSW Government agencies to establish open and flexible frameworks for inter-agency collaboration and for engaging with the Assembly under this Accord.

6.4.2. NSW Government agencies working in partnership with the Assembly:

- a. will lead the delivery and implementation of Accord commitments as specified in the Schedules;
- b. will nominate a champion at Senior Executive Service level in each participating agency; and
- c. where two or more agencies are working in collaboration with each other, will identify a Priority Lead within the partnership to take primary responsibility for progressing the Accord commitment.

6.4.3. Aboriginal Affairs will work with the Assembly to implement further capacity strengthening strategies and identify and commit resources to assist the Assembly to continue to operate in accordance with the principles of good governance.

7. ACCORD GOVERNANCE

7.1 NSW Government and the Assembly as parties to this Accord agree that the Murdi Paaki Accord Task Group will:

7.1.1. Be co-chaired by the NSW Government and the Assembly.

7.1.2. Comprise senior representatives of each of the parties, including but not limited relevant NSW Government agencies.

7.1.3. Meet on a quarterly basis.

7.1.4. Report on a quarterly basis to relevant Leadership Executive/s and the Assembly.

7.1.5. Communicate and share information to support effective decision making and the delivery of this Accord and its Schedules.

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

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

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- 7.2 Each Government Priority Lead will:
 - 7.2.1. Coordinate and drive actions contained in the Accord and the relevant Schedule(s).
 - 7.2.2. Meet on an at-needs basis, depending on actions negotiated;
 - 7.2.3. Report to the Murdi Paaki Accord Task Group quarterly; and,
 - 7.2.4. Report to his/her Leadership Executive/s at least quarterly.

8. MONITORING AND REPORTING

- 8.1 A performance reporting and monitoring framework will be developed and endorsed by the Murdi Paaki Accord Task Group and will be included as a schedule to this Accord; it will allocate principal responsibility for monitoring and evaluation to the Monitoring and Evaluation Group. Matters for reporting will include resource allocation, timeframes, milestones, outcomes, performance measures and corrective actions for non- or under-performance, and transparent and public reporting requirements.
- 8.2 Through the Murdi Paaki Accord Task Group, the parties will jointly monitor and evaluate progress against the timeframes and performance indicators outlined in the reporting and monitoring framework and direct corrective actions for non- or under-performance.
- 8.3 The parties will provide sufficient information to the Murdi Paaki Accord Task Group for that purpose

9. DISPUTE RESOLUTION AND LOSS OF FAITH

- 9.1 Parties agree to the following dispute resolution process:
 - 9.1.1. Where a dispute or conflict arises out of, or in connection with this Accord, the parties will first attempt to resolve disputes through the Murdi Paaki Accord Task Group.
 - 9.1.2. Where disputes and conflicts require formal resolution, parties should refer to the Local Decision Making Dispute Resolution and Loss of Faith Policy for and follow the formal resolution process.
 - 9.1.3. A dispute resolution panel, comprising a contact officer from Aboriginal Affairs, the Assembly Chair, and a representative of the NSW Department of Premier and Cabinet, will be responsible for ensuring that disputes and conflicts are addressed in a timely, thorough and fair manner, consistent with the Dispute Resolution and Loss of Faith Policy.
 - 9.1.4. The contact officer will be responsible for briefing both parties and the Head of Aboriginal Affairs on disputes and/or conflicts and may recommend that disputes or conflicts be escalated to Secretaries where required.
 - 9.1.5. Where this process fails to adequately address a dispute or conflict, both parties reserve the right to lodge a loss of faith statement. If a loss of faith statement is lodged, Aboriginal Affairs will meet with both parties to negotiate a mitigation strategy and timeline for resolution.
 - 9.1.6. The Assembly also reserves the right to escalate disputes and/or conflicts to the Deputy Ombudsman, Aboriginal Programs.



10. DURATION AND AMENDMENT OF THE ACCORD

- 10.1 The Accord commences once it is ratified by:
- 10.1.1. the Minister for Aboriginal Affairs on behalf of the NSW Government; and
 - 10.1.2. the Chair of the Assembly.
- 10.2 The Accord will continue in force for three years from the date all Schedules to this Accord have been endorsed, or until the Assembly and the NSW Government are in a position to negotiate and execute a Phase 2 (Planning) Accord.
- 10.3 This Accord and the attached Schedules can be amended by agreement of both parties. Any amendments to the Accord must be approved by:
- 10.3.1. the Secretaries of relevant NSW Government clusters on behalf of the NSW Government; and
 - 10.3.2. majority vote at a formal Assembly meeting.
- 10.4 An annual review of this Accord will be conducted to provide both parties the opportunity to evaluate progress thus far and make subsequent decisions about any required changes or key issues with the Accord.
- 10.4.1. Review Process
- The Chair of the Assembly along with nominated members, officers from Aboriginal Affairs and the NSW Department of Premier and Cabinet will meet to discuss and agree upon the process for the review.
- 10.4.2. Review Scope
- The review will include the following:
- Stocktake of Accord commitments and deliverables.
 - Review of the governance capacity of Government and the Assembly and the strengths and weaknesses of the partnership.
 - Gap analysis to map gaps identified through stocktake and review.
 - Recommendations on progressing the outcomes of the review.

11. REGIONAL PLAN AND NEGOTIATED AGREEMENTS

- 11.1 The Assembly has identified a number of Action Areas to realise its intent and objectives as documented in the *Murdi Paaki Regional Plan 2016*. Initially the priority areas to be negotiated are:

Economic Development

- More Aboriginal people in the Murdi Paaki region are employed in meaningful local jobs
- Clearer pathways to jobs, Aboriginal owned businesses and industries and meaningful community participation

Law and Justice

- Reduced incarceration
- Increased trust between Aboriginal communities and people in the police and justice system

Early Childhood and School Education

- Responsible, skilled and confident parents

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- Strong culture and identity
 - Reduced # young people in out of home care
 - Increased access to quality early childhood education
 - Schools are safe and welcoming
 - More young Aboriginal people in Murdi Paaki region are passing Year 12 and feel confident and competent (no one failing)
 - Equitable and clear pathways to opportunities

Once the above Accord Priority Schedules have been negotiated, then the following areas will be addressed.

Housing and Infrastructure

Wellbeing

Heritage and Culture

Regional Resourcing and Capability

Democracy, Leadership and Citizenship

- 11.2 The Assembly exercises its claim under this Accord to negotiate Agreements with the NSW Government, to form Schedules to this Accord, on but not limited to the above Action Areas Region.
- 11.3 The primacy of Aboriginal owned and operated service organisations and enterprises based in the Region for contracting for the provision of services and programs will be recognised in planning for implementation of this Accord.
- 11.4 Funding and resources will be allocated in accordance with the Schedules of the Accord.
- 11.5 The parties acknowledge that inter-agency co-operation and collaboration will be required to deliver programs and services to respond to the action areas, and that the NSW Government will develop innovative approaches to securing multi-agency delivery.
- 11.6 These Agreements, as Schedules, will be subject to the terms of this Accord.



Signed for and on behalf of the Murdi Paaki Regional Assembly by:

Des Jones
Chairperson of the
Murdi Paaki Regional Assembly

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

The Hon. Don Harwin MLC
Minister for Aboriginal Affairs