LOCAL DECISION MAKING

Good Governance Guidelines
July 2017

Draft for Public Consultation

NSW GOVERNMENT | Education Aboriginal Affairs

OCHRE

Glossary

Capacity Strengthening Policy: The Policy has been developed to guide the negotiation of capacity strengthening strategies and to assist with identifying resources for investment.

OCHRE Good Governance Guidelines: The Guidelines provide an overview of the Good Governance Principles and a description of good governance in the context of Local Decision Making.

Local Decision Making Accord Process: The document sets out the process for commencing and negotiating an Accord.

Murdi Paaki Accord Process Review Evaluation Report: The Report documents the Murdi Paaki Accord negotiation process, including strengths and challenges, and ways it might be improved.

NSW Government Phase 1 Accord Readiness Self-Assessment: The Self-Assessment sets out the minimum level of awareness and basic understanding that NSW Government agencies and their representatives will need to participate in Phase 1 Local Decision Making Accord negotiations.

Premiers Memorandum: Local Decision Making M2015-01: The Memorandum directs NSW Government agencies to work respectfully, constructively and cooperatively with Aboriginal regional alliances, to develop Accords.

Regional Alliance Phase 1 Accord Readiness Self-Assessment: The Self-Assessment sets out the key governance principles regional alliances must meet, or have achieved substantial progress towards, before starting Phase 1 Local Decision Making Accord negotiations.

NSW Government Phase 1 Accord Readiness Self-Assessment: The Self-Assessment sets out the key governance principles the NSW Government should meet, or have achieved substantial progress towards, before starting Phase 1 Local Decision Making Accord negotiations.

Contents

Introduction to the Guidelines

The OCHRE Good Governance Guidelines (the Guidelines) have been created to help the NSW Government and Aboriginal regional alliances work together to strengthen both Aboriginal community governance capacity and public sector governance capacity.

The Guidelines explain the steps that both regional alliances and the NSW Government need to take throughout the LDM phases.

The phases are based on research undertaken by the Centre for Aboriginal Economic Policy Research (CAEPR). The Guidelines incorporate good governance principles that must be met before regional alliances can progress through each phase of LDM. They also identify the principles that NSW Government stakeholders must meet, to effectively participate in and support the process.

In addition, they provide an overview of what the principles are and descriptions of what they might look like in the context of Local Decision Making for all stakeholders.

The way regional alliances might choose to demonstrate the good governance principles is up to each alliance, however the Guidelines provide some suggestions and detail around what this could look like. Before the NSW Government can transfer greater decision-making authority to regional alliances, everyone must be satisfied that the regional alliances are working within the good governance principles.

Similarly, each NSW Government Department or stakeholder will have their own preferences and processes for demonstrating principles that are expected of *them* throughout the process. The Guidelines provide some high level ideas and expectations for how the principles can be demonstrated in a public sector context. As regional alliances progress through the phases, it is also important that they are satisfied and see how the NSW Government is demonstrating the principles appropriately.

It is important that all stakeholders are able to demonstrate the principles to help build trust and confidence in the process and build their own governance skills and capabilities.

As the process continues, all parties will aim to identify and share examples of what good practice looks like from both an Alliance and a public sector point of view.

Purpose of the Guidelines

The purpose of the Guidelines is to:

- Help with strengthening regional alliances' governance capacity and assessing how ready they are to move through each phase of LDM;

- Help with strengthening NSW Government governance capacity and assessing how ready they are to support regional alliances and the LDM process;

- Help to inform decisions about what activities and initiatives might help develop the governance capacity of all stakeholders;

- Guide whole of NSW Government resourcing and the delegation of decision making responsibility; and

- Monitor the impact that the governance environment and 'governance of government' have on regional alliances.

Importantly, Local Decision Making is a developing process and the Good Governance Guidelines will be adapted and updated regularly to reflect new learnings and ideas as the initiative rolls out.

The document could also be used as:

- a starting point for all stakeholders to consider what other training, activities or initiatives might support how the Guidelines are used in communities, government departments and more broadly;

- a reference for all stakeholders to better understand the principles and what they could and should look like in practice; and

- a prompt to share, promote and celebrate what good practice looks like in the LDM context.

Good Governance Principles

The Guidelines include the following *good governance* principles:

Principle	What this looks like
Scope of decision making	- how decisions are made as a body or group. - how decisions are made in relation to relationships with other bodies or groups such as institutions, community organisations or government.
Leadership	- how leaders and decision-makers are chosen, how their performance is monitored, how they are held accountable - how they hand over power and responsibility
Decision-making	- how decisions are made through formal or informal decision making bodies such as committees - how decisions are documented and written down - how agreed rules guide decision making
Self-determined regions and legitimacy	- how cultural values are communicated, protected and respected - how power and authority are shared - how key stakeholders (inside and outside of the organisation) influence and inform values and power
Strategic direction	- how longer term social, economic and cultural development is considered - how elements for development are considered;
Participation and voice	- how communities and relevant stakeholders are involved in decision-making - how government stakeholders may be involved in decision making
Accountability	how decisions and people are accountable to internal and external stakeholders
Resource governance	- how resources are managed - how systems are developed to manage resources
Organisational performance	- how governance structures and goals are created, monitored and reviewed - how the capacity of an organisation is developed to create and deliver policies and services - how an organisation becomes transparent, stable and innovative - how an organisation manages risk

The 'governance of government'	• how government develops capacity to create and deliver policies and services • how government develops capacity to create and manage funding systems and allow others to be accountable
The governance environment	• how relationships with many stakeholders, including internal and external stakeholders, are considered in the environment and through the process
Governance capacity development	• how processes are developed to achieve outcomes

The process acknowledges that all communities are diverse and all have their own existing governance arrangements, cultural considerations and priorities.

This means that 'good governance' might look very different in each environment and for each community or organisation. Similarly, each NSW Government stakeholder may have their own processes and preferences to support good governance in a *government* environment.

With this in mind, it is important to remember the following about the Guidelines and good governance principles:

- they are not a 'magic checklist', but an ideal to work towards;

- no society or government in the world has fully achieved them;

- they have important cultural foundations and values that will determine how they play out in communities;

- they overlap and sometimes reinforce each other;

- judgement and balance need to be used in their application;

- they require evidence both in the form of information and data and community and stakeholder views;

- Aboriginal and non-Aboriginal views and expectations need to be valued and reflected; and

- practical, simple measures to support good governance need to be identified that can be used by leaders, organisations and governments.

Good Governance in the context of Local Decision Making
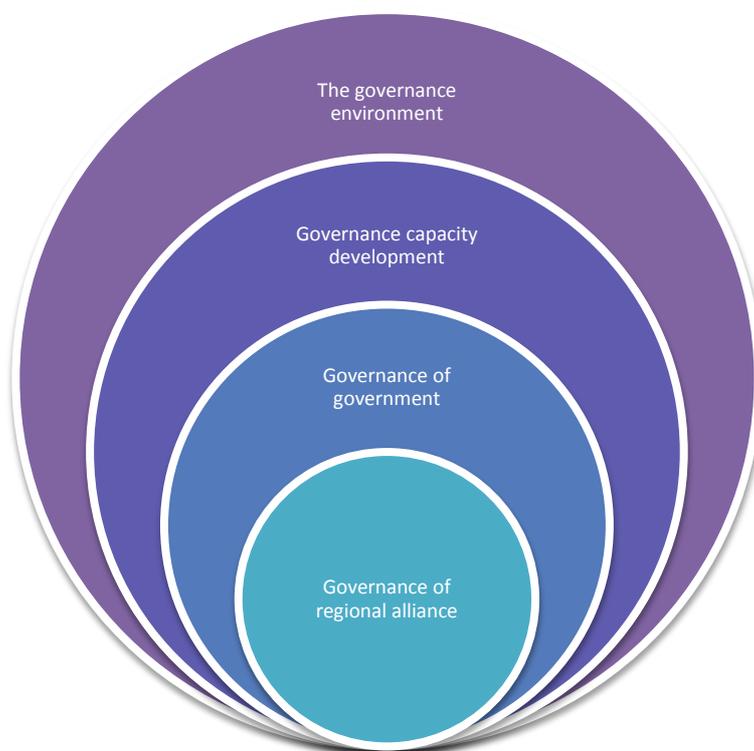
Governance of regional alliances

- **Establishment and Start Up - Advisory Delegation (Phase 1)**

Prior to Phase 1 Accord negotiations each regional alliance will need to work out how their regional alliance will run and make decisions, including how they will be accountable to the broader community. As part of this work the regional alliance will need to demonstrate *scope of decision making leadership, decision-making,* and *self-determined regions and legitimacy.*

- **Advisory Delegation (Phase 1) - Planning Delegation (Phase 2)**

If a regional alliance decides it wants to progress to Phase 2 of LDM this will need to be outlined in the Phase 1 Accord. Before they can progress to Phase 2 the regional alliance will need demonstrate *strategic direction, participation and voice,* and *accountability*.

- **Planning Delegation (Phase 2) - Implementation Delegation (Phase 3)**

If a regional alliance decides it wants to progress to the Phase 3 of LDM this will need to be outlined in the Phase 2 Accord. Before they can progress to Phase 3 the regional alliance will need to demonstrate *resource governance* and *organisational performance.*

Governance of government: the role of NSW Government

NSW Government agencies will need to continually strengthen their capacity to create policies and ways of doing business, so that they are flexible and respond to the needs of regional alliances. They must also show respect and recognition for Aboriginal leadership and decision making.

The Premiers Memorandum: Local Decision Making M2015-01 sets out the requirements and expectations for NSW Government agencies with respect to Local Decision Making. It says that departments must make sure that senior officers *with the right level of authority* should work openly, constructively and collaboratively with regional alliances to achieve positive outcomes. This includes through looking at innovative approaches and the needs and aspirations of Aboriginal communities.

To support this, the NSW Government must also complete a self-assessment tool that sets out what is expected of Government, so that they can participate in Phase 1 Accord negotiations. In addition, there are a number of organisational features the Government should establish and demonstrate.

These include developing and demonstrating:
- Trust;
- Clear and reasonable time frames;
- Strong cultural understanding and respect;
- Genuine partnerships;
- Project management processes; and
- Cost and resource management.

Before Accord negotiations start, the NSW Government will need to demonstrate its readiness to participate in the process. This includes meeting or making substantial progress towards meeting requirements set out in the *Premier's Memorandum* and the *NSW Government Phase 1 Accord: Readiness Self-Assessment,* which reflect the principles outlined in this document.

As a part of Accord negotiations, NSW Government agencies and regional alliances will need to negotiate strategies to help strengthen their capacity and also identify resources to ensure regional alliances are able to meet the necessary good governance principles.

The *Capacity Strengthening Policy* sets out an approach for defining, implementing and monitoring capacity strengthening strategies as a part of LDM. The capacity strengthening policy can be found on the Aboriginal Affairs website.

The governance environment

Regional alliances and NSW Government agencies, do not exist in isolation, but are "situated within a wider, inter-connected 'governance environment' that spreads across local, regional, state and national levels". The wider governance environment will have major, ongoing impacts on the role and effectiveness of regional alliances.

LDM includes a whole-of-government accountability framework (outlined in the *Local Decision Making Policy & Operational Framework*) designed to support change and flexibility, and ensure that government is not overly bureaucratic.

Continuum of Good Governance Principles

The diagram below outlines which governance principles need to be demonstrated at each phase of LDM. Importantly, it also shows that it is important for the principles to be embedded in the work of regional alliances and government throughout the entire process. The Guidelines require that regional alliances demonstrate specific governance principles and capacity before moving through the phases.
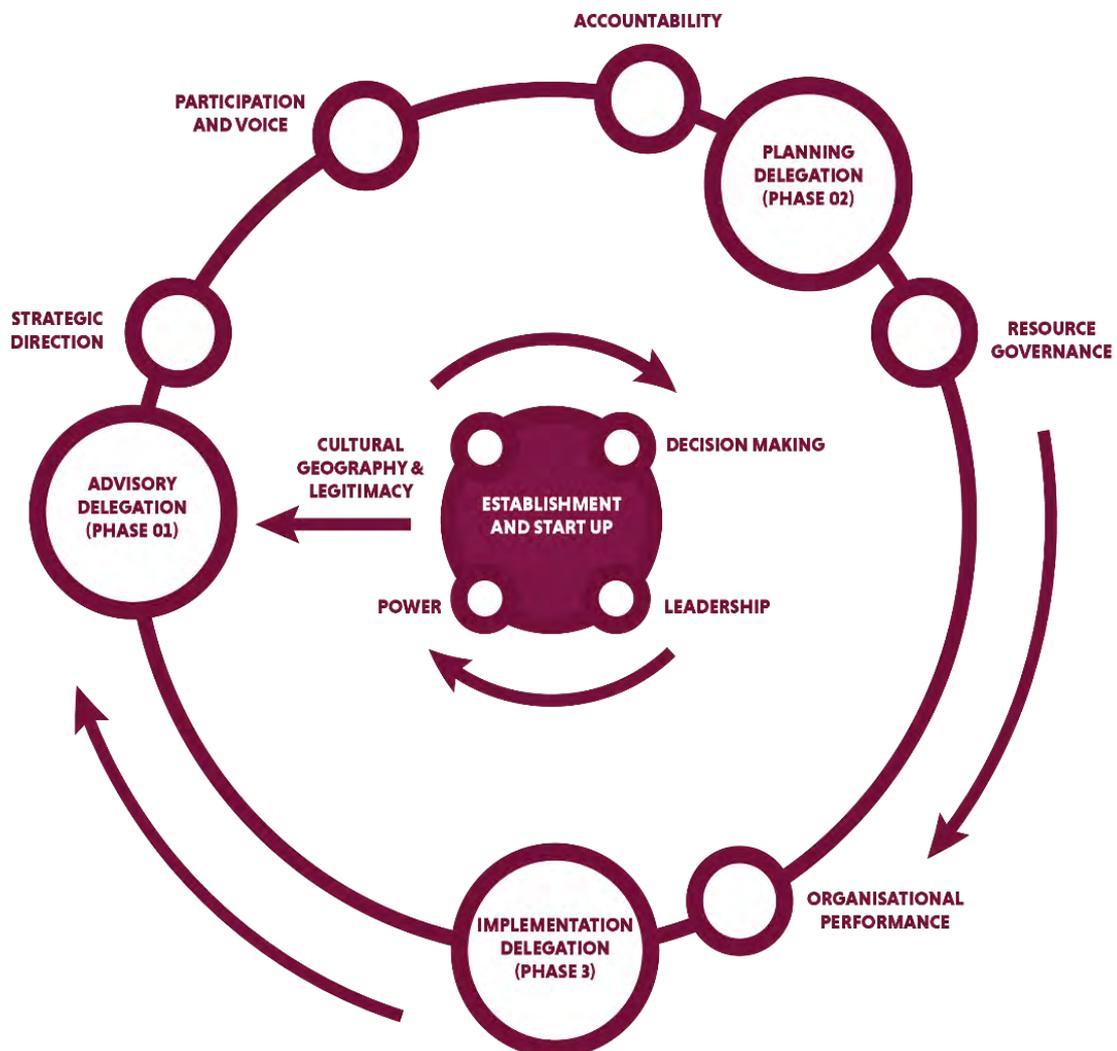
The Guidelines are designed to support both regional alliances and the NSW Government through each phase of LDM by focusing on specific governance principles, but not at the exclusion of all others.

In particular, these three elements will cut across each phase of the LDM:
- governance capacity development
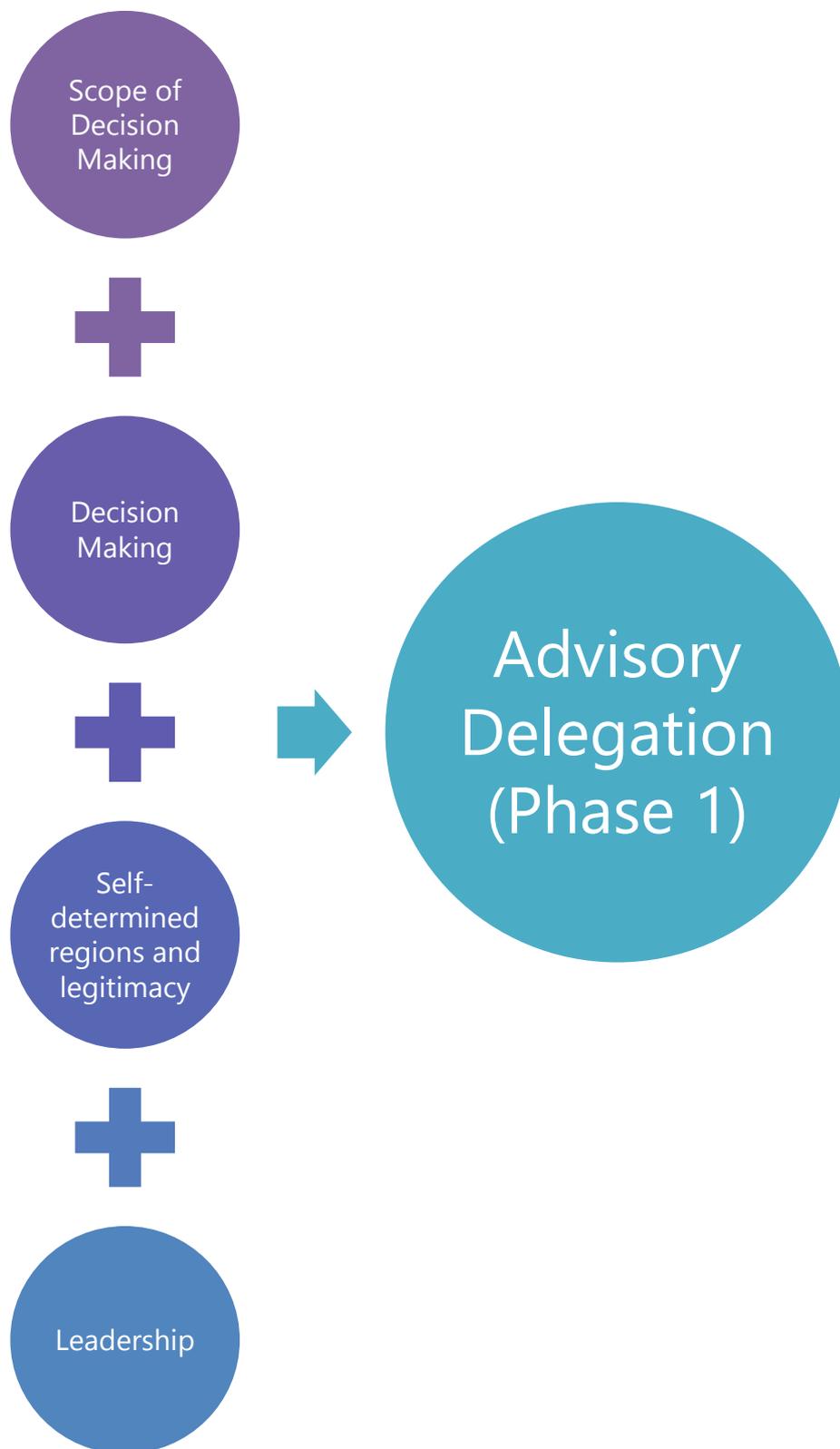- the governance environment
- the governance of government

LDM includes a whole-of-government accountability framework (outlined in the *Local Decision Making Policy & Operational Framework*), and performance standards are being developed, to ensure the governance environment, including government itself, is flexible and responsive to the needs of regional alliances, and recognises and respects Aboriginal leadership and decision-making.

MORE INFORMATION
More Information about the whole of government accountability framework, is outlined in the *Local Decision Making Policy and Operational Framework.*

Advisory Delegation (Phase 1)

Scope of Decision Making

Decision Making

Self-determined regions and legitimacy

Leadership

Advisory Delegation (Phase 1)

Principle	What is it?	How could it be reflected?
Scope of Decision Making	how decisions are made as a body or group how decisions are made in relation to relationships with other bodies or groups such as institutions, community organisations or government;	*Regional alliances and government could:* • undertake a network mapping exercise to map relationships to/with other governance bodies in the region or in the network • examine their existing arrangements and decide what's 'in' and 'out' of scope for their regional alliance or organisation • negotiate with other governance bodies/departments/key stakeholders in the region or through the network to determine who should have responsibility for different issues and how they will relate to each other
Leadership	how leaders and decision-makers are chosen, how their performance is monitored, how they are held accountable how leaders hand over power and responsibility	*Regional alliances and government could:* • Develop and share Terms of Reference or a Charter of Governance to demonstrate the principles of leadership, decision making and cultural geography and/or legitimacy.
Decision Making	how decisions are made through formal or informal decision making bodies such as committees, sub committees or specialist groups	*Regional alliances and government could:*

	how decisions are documented and written down	• Develop and share formal decision making rules and documents
	how agreed *rules* guide decision making	• Develop and share formal decision making delegations
Self determined regions and legitimacy	how cultural values are communicated, protected and respected how power and authority are shared how key stakeholders (inside and outside of the organisation or alliance) influence and inform values and aspirations	*Regional alliances and government could:* • Develop and communicate formal systems and processes for how community members can provide input and ideas into the workings of the alliance • Develop and communicate formal systems and processes for how internal government stakeholders can provide input and ideas into the governance environment

As the process progresses, all stakeholders will make efforts to identify and share *practical* examples of what these principles look like in real environments. These may be shared formally or informally throughout both the alliance and public sector networks.
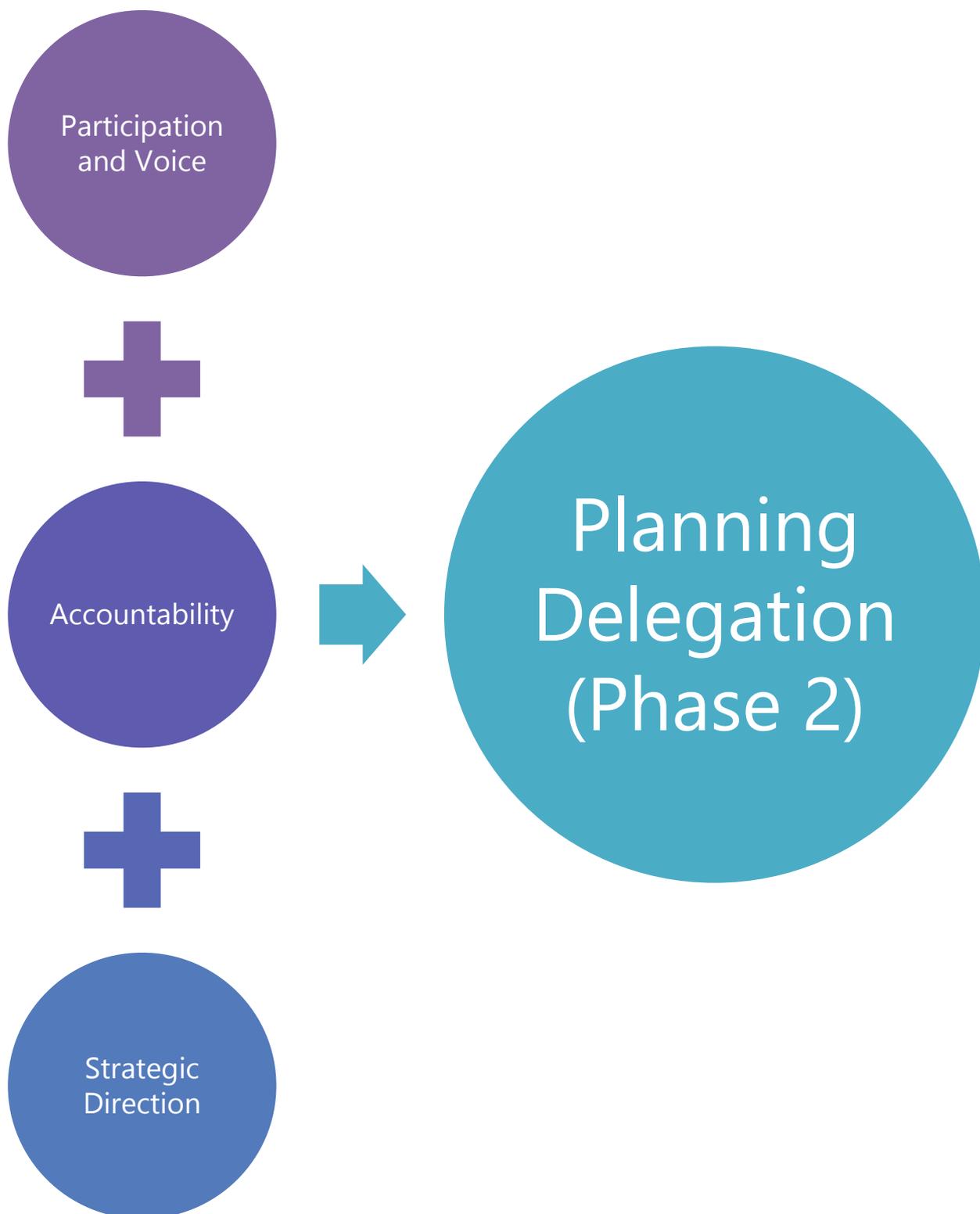
MORE INFORMATION AND/OR USEFUL TOOLS
The following tools from the Indigenous Governance Toolkit may assist regional alliances to develop documents or systems to support good governance. As the process progresses, additional resources will be continually added to better support public sector stakeholders to increase their own governance capability.

• Governance Reference Manual
• Check Up: Your Leadership Health
• Check Up: Cultural Rules and Policies
• Conflict of Interest

Principle	What is it?	How could it be reflected?

Participation and Voice	how communities and relevant community stakeholders are involved in decision-making how government stakeholders may be involved in decision making	*Regional alliances and government could:* ● Develop a communications and engagement strategy or approach, to engage with relevant communities, community members or stakeholders ● Demonstrate an approach to ensure that relevant stakeholders (including community members) are consulted on key plans and activities
Accountability	how organisations meet all the necessary requirements they need to. These may include financial, reporting, legal and behavioural how alliances and organisations show respect to members, Elders, community members and other stakeholders	*Regional alliances and government could:* • Develop regular review 'points' or periods to ensure all necessary requirements are being met • Share information with each other and stakeholders in the network, on how these requirements are being met • Develop regular feedback loops with key stakeholders to make sure requirements are being met from a respect and behavioural point of view
Strategic Direction	how longer term social, economic and cultural development is considered	*Regional alliances and government could:*

	how elements for this development are considered	• Develop and share a strategic plan for their goals and priorities

As the process progresses, all stakeholders will make efforts to identify and share *practical* examples of what these principles look like in real environments. These may be shared formally or informally throughout both the alliance and public sector networks.

MORE INFORMATION AND/OR USEFUL TOOLS
The following tools from the Indigenous Governance Toolkit may assist regional alliances to develop documents or systems to support good governance. As the process progresses, additional resources will be continually added to better support public sector stakeholders to increase their own governance capability.

MORE INFORMATION AND/OR USEFUL TOOLS:
- Good practices for governing bodies
- Check Up: Accountability
- Basic steps in strategic planning
- SWOT Analysis (optional)

Regional Alliance Phase 1 Accord Readiness Self-Assessment

Before negotiating Accords, Aboriginal regional alliances and NSW Government agencies need to demonstrate their readiness to participate in the process.

From a Regional Alliance perspective, this involves working out how their regional alliance will run and make decisions, including how they will be accountable to and respectful of the broader community. Each regional alliance will need to demonstrate power, leadership, decision-making, and cultural geography and legitimacy before commencing Advisory Delegation (Phase 1) Accord negotiations for LDM.

As outlined in the *Local Decision Making: Accord Process*, once regional alliances determine they are ready to commence Phase 1 Accord negotiations, they will need to complete this self-assessment outlining how they have met, or have achieved substantial progress towards, the good governance principles for Phase 1 Accord negotiations.

Written or other information should be included to support the self-assessment including: Terms of Reference or Constitution, operating procedures and policies.

Scope of Decision Making

☐ **Scope of decision making - local/community or regional**

Does the regional alliance have the authority to make decisions?

(Regional alliances need to be clear whether they make decisions at a local or regional level, and how they have negotiated and agreed this authority with member communities/organisations)

☐ **Issues/areas of decision making responsibility and any issues/areas where they have no decision-making responsibility**

Does the regional alliance have responsibility and authority to make decisions on these issues or in these areas?

☐ **Relationship to/with other Aboriginal governance bodies within their region who are not members of the Alliance and any informal/formal relationships with other levels of government e.g. Commonwealth and Local Government**

Is there any overlap with the work of existing groups or bodies?

Leadership

☐ **Definition of regional alliance membership/composition**

Is the regional alliance structure making sure its communities/organisations are included in its work?

Are there transparent nomination and selections processes including eligibility requirements?

Are there clear rules about what circumstances would exclude membership?

☐ **Members' roles, responsibilities, authorities and codes of conduct**

Are there clear rules about members expected roles and behaviors so that community, members and government can maintain confidence in the alliance authority?

☐ **Functions of the regional alliance including management of formal complaints and dispute resolution, monitoring, stakeholder communication and decision making**

Are there complaints management and dispute resolution processes in place?

Are there processes to keep members accountable to other members and their constituents?

Will member communities/organisations be updated about activities and be able to have input along the way?

Decision Making

☐ **Conduct of meeting rules**

Does the Terms of Reference/Charter of Governance outline rules about how meetings are run?

☐ **Decision-making rules including management of conflicts of interest**

Does the Terms of Reference/Charter of Governance outline how decisions will be made e.g. by majority rule or consensus rule?

☐ **Documentation and communication of decisions and meeting papers**

Are there processes in place for documenting and communicating meeting decisions to all relevant stakeholders?

☐ **Role and function of any sub-committees (i.e. negotiating panel or implementation groups)**

Does the Terms of Reference/Charter of Governance outline how sub-committees can form and what their role might be?

Do sub-committees have their own Terms of Reference/Charter of Governance?

Self-determined Regions and Legitimacy

☐ **Assert and protect their values**

Does the Terms of Reference/Charter of Governance reflect the culture and values of member communities/organisations?

☐ **Reflect their ideas about how power and authority should be shared**

Has the Terms of Reference/Charter of Governance been developed in consultation with member communities/organisations?

Does the Terms of Reference/Charter of Governance outline how member communities/organisations are engaged in decision making, setting priorities and strategic planning?

NSW Government Phase 1 Accord Readiness Self-Assessment

Before negotiating Accords Aboriginal regional alliances and NSW Government departments need to demonstrate their readiness to participate in the process. NSW Government departments and agencies will need to ensure that they meet their obligations, in respect to Local Decision Making, as set out in the Local Decision Making Premier's Memorandum (M2015-01) and the Good Governance Guidelines.

As outlined in the *Local Decision Making: Accord Process*, once the NSW Government is notified that a regional alliance is ready to commence Phase 1 Accord negotiations it will need to complete a self-assessment form outlining how it has met, or achieved substantial progress towards meeting its governance obligations as set out in the Local Decision Making Premier's Memorandum (M2015-01), and the Good Governance Guidelines. Written or other material should be attached to support the self-assessment, approved or endorsed by the Department Secretary or someone with equivalent authority and actively shared with stakeholders in the process.

Each department and its agency will need to demonstrate the key principles before starting Advisory Delegation (Phase 1) Accord negotiations for Local Decision Making. It is expected that NSW Government representatives who are engaging with Aboriginal regional alliances will be aware of and have current information on Aboriginal specific matters in the relevant region and understand and lead the agreed approach for engaging with Aboriginal regional alliances.

The following key principles set out the minimum level of awareness and basic understanding that NSW Government agencies and their representatives will need to participate in the Local Decision Making Accord negotiation process.

In addition, the section '***Creating a strong governance environment'*** speaks to the practices government must embed in order to be a culturally competent organisation and support regional alliances and LDM.

Scope of Decision Making

☐ **Scope of decision making - local/community or regional**

Does the department or stakeholder have a clear indication of what it is in and out of scope with respect to their decision making authority, on policy or community issues?

☐ **Issues/areas of decision making responsibility and any issues/areas where they have no decision-making responsibility**

Does the department or stakeholder have a legitimate role in making decisions on these issues or areas?

☐ **Relationship to/with other government agencies or jurisdictions**

Is there any overlap with the work of existing groups or bodies? How can this be better streamlined?

Leadership

☐ **Definition of decision making groups/leaders**

Is the decision making structure inclusive of all relevant internal government stakeholders in the process?

Are there transparent nomination and selections processes including eligibility requirements for who leads negotiations and who represents government?

Is there an agreed delegation *level* and is this communicated to regional alliances?

☐ **Clear roles, responsibilities, authorities and codes of conduct**

Are there clear rules about expected roles, delegations and behaviors so that regional alliances can maintain confidence in the government?

Are these embedded in Government practice and is this communicated to regional alliances and internally?

☐ **Functions of the NSW Government including monitoring, stakeholder communication and decision making**

Are there processes to keep representatives accountable to their leadership and other internal stakeholders, including the relevant Departmental Secretary?

Will internal government stakeholders be appropriately updated about activities and be able to have input along the way?

Decision Making

☐ **Conduct of meeting rules**

Is the government clear about their role and conduct in the process, including at regional alliance meetings?

☐ **Decision-making rules including management of conflicts of interest**

Are there systems in place to ensure to ensure that decision making follows appropriate procedures and protocols?

☐ **Documentation and communication of decisions and meeting papers**

Are there processes in place for documenting and communicating relevant meeting decisions or decisions more broadly, including to relevant internal stakeholders and alliances?

☐ **Role and function of any sub-committees (i.e. negotiating panel or implementation groups)**

Are there any internal governance systems or bodies that need to be consulted, considered or engaged in the process?

Creating a Strong Governance Environment

In addition to demonstrating the required principles in readiness for the Phase 1 Accord, Government must also commit to creating a strong governance environment that enables them to actively participate in and support regional alliances and LDM.

The following list identifies practices and commitments that must be embedded into the way Government does its business. It will also be important to demonstrate these practices and commitments within the government environment and also to the regional alliance networks.

As identified in the document, as the process progresses, it will be important for public sector stakeholders to continue to learn and share examples and models of good practice in demonstrating principles, practices and commitments within this environment.

Building Trust

Trust is a common Aboriginal theme. It is tied in with the history of the colonisation of Australia and the resultant life experiences of Aboriginal Australians and their place in Australian society. Developing a trusting relationship between Aboriginal regional alliances and the NSW Government is critical to ensure that a long term, respectful, robust and mutually beneficial relationship is established between each group.

☐ **Observe appropriate cultural and decision making protocols**

Observing appropriate cultural and decision making protocols when working with Aboriginal Australians and their communities is critical to establishing positive and respectful relationships.

Negotiating with Aboriginal regional alliances should always be seen as a two-way process, with both parties learning together and from each other.

☐ **Ensure sufficient delegation and authority**

NSW Government engagement with Aboriginal regional alliances is to be conducted by senior officers with sufficient delegation and authority. Agencies will need to identify who is going to be at the negotiation table on their behalf.

NSW Government representatives must:

• have the seniority, authority and delegation of their agency to negotiate outcomes.

• be clear on their delegation and their agency "negotiation envelope".

• be available and willingly to invest time and energy in the negotiation process

• be informed and understand the intent and purpose of Local Decision Making and the Accord, and their obligations under the Premier's Memorandum

• have their due diligence processes sorted in terms of reporting back with their respective agencies/cluster as the negotiations progress.

☐ **Provide Aboriginal regional alliances with sufficient information and data**

In the early stages of the Accord negotiation process it is important to explore issues or ideas and this means sharing information and data with Aboriginal regional alliances. Agencies hold a wealth of information and data, and Aboriginal regional alliances find this particularly helpful in developing an understanding of how programs are funded and managed, and what services are available and where.

Agencies need to come prepared to share information and be open to being questioned and challenged. If NSW Government agencies cannot share information and data, representatives must be able to explain why.

☐ **Provide Aboriginal regional alliances with the opportunity to become an involved and equal partner**

Providing Aboriginal regional alliances with the opportunity to become involved in the Accord process will give authenticity to local and regional Aboriginal perspectives.

NSW Government representatives will also benefit from encouraging Aboriginal people to share their knowledge and life stories – particularly where this may relate to something which has occurred directly within an agency's service delivery area.

NSW Government agencies and representatives should come to the table and see Aboriginal regional alliances as equivalent and equal parties.

Time Frames

It is important to understand that members of Aboriginal regional alliances who are invited to participate in the Accord process may have a number of other responsibilities they are already committed to. One of the major failings of consultation processes involving Aboriginal communities is not allowing sufficient time for a consultation to occur.

☐ **Set realistic timelines for the Accord negotiation process**

NSW Government representatives must recognise that members of Aboriginal regional alliances often have competing priorities and should ensure that sufficient time is set aside to account for this.

Together the NSW Government and Aboriginal regional alliances will need to agree on a timeline for the Accord negotiation process.

☐ **Afford Aboriginal regional alliances sufficient opportunities to engage**

NSW Government representatives must also ensure that members of Aboriginal regional alliances are afforded sufficient opportunities to engage in the Accord process.

Together the NSW Government and Aboriginal regional alliances will need to agree on a negotiation process, including what, where and when and then commit to turning up.

Understanding Aboriginal Ways

A major issue for Aboriginal regional alliances is the effort it takes to explain or answer all of the questions that may be asked during the negotiation process about Aboriginal culture, values, beliefs and lifestyles.

☐ **Knowledge of the circumstances and factors impacting on Aboriginal community members and stakeholders in the relevant location**

It is critically important that people participating in the Accord negotiation process have some knowledge of the circumstances and factors impacting Aboriginal community members and stakeholders who they are negotiating with.

Non-Aboriginal people participating in the Accord process should, as a minimum, have participated in an Aboriginal Cultural Awareness Training session as a starting point.

☐ **Understanding of Aboriginal regional alliances priority areas**

NSW Government representatives need to read and understand the Statements of Claim, prepared by Aboriginal regional alliances, and come prepared in terms of information and proposals. This includes consulting and liaising with key people within the agency, and other agencies if necessary, before negotiations commence.

Partnerships and Project Management

A key outcome from the Accord negotiations is to ensure there is transparency in the process. It is important to ensure there are clearly defined and agreed partnership opportunities to add value to and build on the negotiated Accord commitments.

☐ **Ensure partnership opportunities are clearly defined and agreed**

It is important to ensure that the Accord process includes opportunities for the Aboriginal regional alliance to have input into decision making and to come together with the NSW Government as an equal partner.

The NSW Government and Aboriginal regional alliances will together select and engage an independent facilitator to facilitate opportunities for partnership throughout the Accord negotiation process.

☐ **Nominate a key contact/lead for the NSW Government**

It is useful in the negotiations to have a lead negotiator or a lead contact for each party. This simplifies communication and decision-making in terms of small issues and allows for a single point of contact.

☐ **Adopt and implement agreed negotiation principles**

It is important that negotiation principles are negotiated and agreed between both the NSW Government and Aboriginal regional alliances at the commencement of the Accord negotiation process.

☐ **Explore different options and new ways of doing business**

NSW Government representatives must be willingly to explore options and reach positive outcomes. Accord negotiations are not the place to simply rehash what work agencies are already doing – it is the opportunity to be innovative. The Accord process is about exploring new ideas and different ways of doing business.

Managing Costs

One of the common assumptions made in consultation processes is that Aboriginal people will give freely of their time to be involved in a project interview, workshop or conference. In many instances, an Aboriginal person will have to consider what the financial cost is to them personally to provide input into or set aside time to be involved in a consultation process.

☐ **Factor in costs associated with the negotiation process for Aboriginal regional alliances**

Costs that should be considered include travel costs parking fees, catering costs, equipment and materials.

Resources

Below is a list of documents and resources that may assist regional alliances to strengthen their governance arrangements and processes. AS the process progress, additional resources will be added to support government to increase their governance capacity and skills.

In addition and as noted in the document, all stakeholders will make an effort to identity, share and promote **_practical examples_** of the principles and their demonstration through both formal and informal channels.

Factsheet:

Title
Complaints & Dispute Resolution

Check-up:

Title
Effective legitimate governance
An overall governance health check
The qualities of effective leaders
Your leadership health
When is there a conflict of interest?
Are your processes accountable?
How do we manage change?
Our governance policies and rules
Signs of management problems in your organisation
Our dispute resolution processes

What can we do?

Title
Mapping community assets for governance
Strengthening community governance
Organisational governance
Seven steps to evaluation
Mapping your governance history
Strategies for succession planning
Good practices for governing bodies

Template:
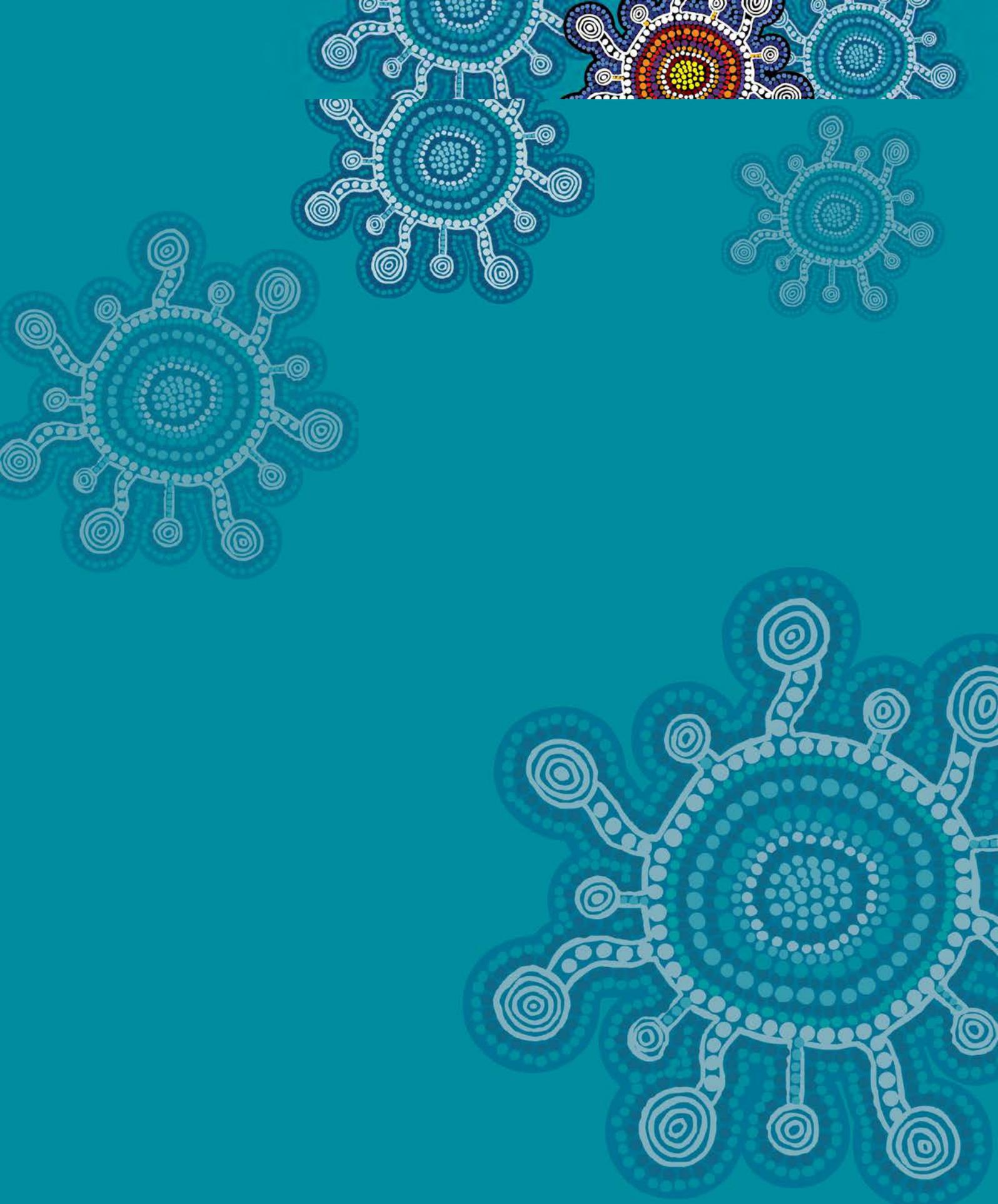
References

Hunt. J. & and Smith. D. E. (2005) "Strengthening Indigenous Community Governance: A step towards advancing Reconciliation in Australia", Centre for Aboriginal Economic Policy Research, Topical Issue No.04, <http://caepr.anu.edu.au/sites/default/files/Publications/topical/Hunt_Smith_Governance.pdf>.

Smith. D.E. (2005) "Researching Australian Indigenous Governance: A Methodological and Conceptual Framework", Centre for Aboriginal Economic Policy Research, Working Paper No.29, <http://caepr.anu.edu.au/sites/default/files/Publications/WP/CAEPRWP29.pdf>.

The Australian Indigenous Governance Institute, Indigenous Governance Toolkit, <http://www.reconciliation.org.au/governance/>.

LOCAL DECISION
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