



LOCAL DECISION MAKING

Good Governance Guidelines
September 2017



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.

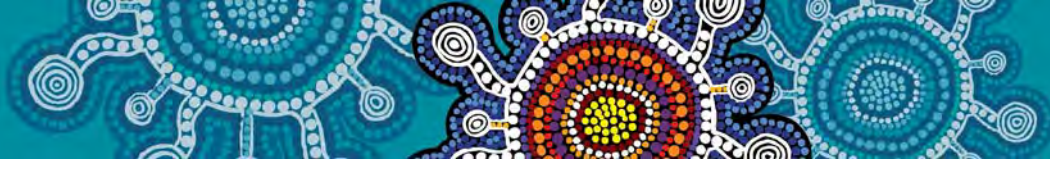
Murdi Paaki Accord Process Review Evaluation Report: The Report documents the Murdi Paaki Accord negotiation process, including strengths and challenges, and ways it might be improved.

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.



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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 and public sector governance capacity. The Guidelines explain the steps that both regional alliances and the NSW Government need to take throughout the various phases of Local Decision Making..

The Guidelines incorporate good governance principles that must be met before regional alliances can progress through each phase of Local Decision Making. They also identify the principles that NSW Government stakeholders must meet, to effectively participate in and support the process. These governance principles are based on research undertaken by the Centre for Aboriginal Economic Policy Research (CAEPR) as part of the Indigenous Community Governance Project (2004-2008).

The Guidelines 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 operating in accordance with the good governance principles.

Similarly, each NSW Government department or agency 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 a regional alliance and NSW Government perspective.



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 Local Decision Making;
- Help with strengthening NSW Government governance capacity and assessing how ready they are to support regional alliances and the Local Decision Making 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:

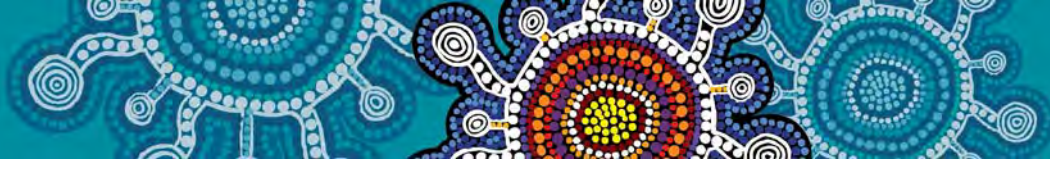
- a starting point for all stakeholders to consider what other training, activities or initiatives might support how the Guidelines are used in communities, government departments and more broadly;
- a reference for all stakeholders to better understand the principles and what they could and should look like in practice; and
- a prompt to share, promote and celebrate what good practice looks like in the Local Decision Making context.



Good Governance Principles

The Guidelines include the following *good governance* principles:

Principle	What this looks like
Scope of decision-making	<ul style="list-style-type: none"> • how decisions are made as a body or group. • relationships with other bodies or groups such as institutions, community organisations or government.
Leadership	<ul style="list-style-type: none"> • how leaders and decision-makers are chosen, how their performance is monitored and how they are held accountable. • how they hand over power and responsibility.
Decision-making	<ul style="list-style-type: none"> • how decisions are made through formal or informal decision-making bodies such as committees. • how decisions are documented and written down. • how decision making rules are agreed and guide decision-making.
Self-determined regions and legitimacy	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • how longer term social, economic and cultural development is considered. • how elements for development are considered.
Participation and voice	<ul style="list-style-type: none"> • how communities and relevant stakeholders are involved in decision-making. • how government stakeholders may be involved in decision making.
Accountability	<ul style="list-style-type: none"> • how decision makers are accountable to internal and external stakeholders.
Resource governance	<ul style="list-style-type: none"> • how resources are managed. • how systems are developed to manage resources.
Organisational performance	<ul style="list-style-type: none"> • how governance structures and goals are developed, monitored and reviewed. • how the capacity of an organisation is developed to create and deliver policies and services. • how an organisation ensures it is transparent, stable and innovative. • how an organisation manages risk.



The 'governance of government'	<ul style="list-style-type: none">• how government develops capacity to create and deliver policies and services.• how government develops and implements flexible funding arrangements and allows others to be accountable.
The governance environment	<ul style="list-style-type: none">• how relationships with stakeholders, including internal and external stakeholders, are managed.• how the wider regional, state and national context impacts and influences the process, and how it is managed.
Governance capacity development	<ul style="list-style-type: none">• how government and regional alliances develop the capacity to perform specific functions, solve problems, and set and achieve goals.

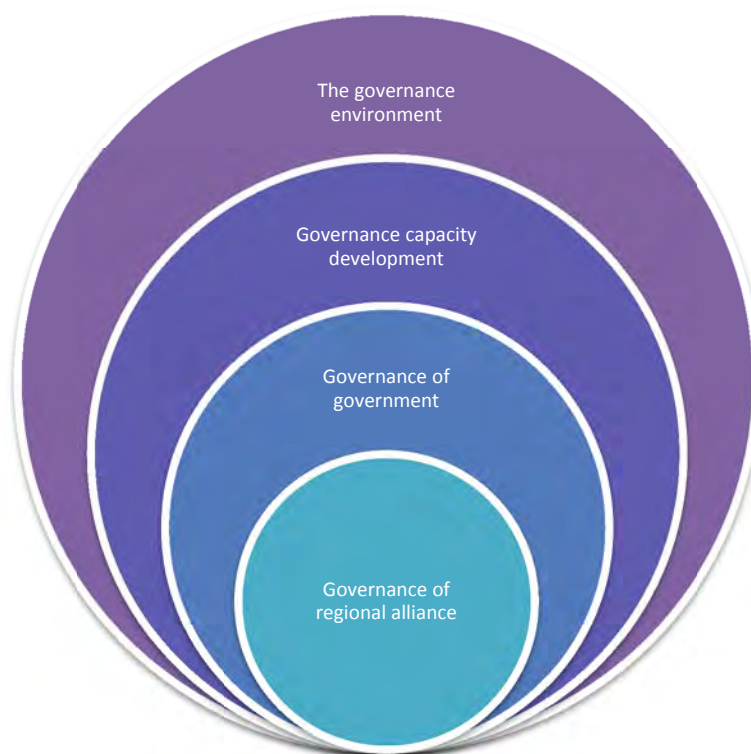
The Guidelines acknowledge that all communities are diverse and all have their own existing governance arrangements, cultural considerations and priorities. This means that 'good governance' might look very different in each environment and for each Aboriginal community or organisation.

Similarly, each NSW Government department and/or agency may have their own processes and own governance arrangements, cultural considerations and priorities.

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

As regional alliances progress through Local Decision Making they will need to invest in their governance and capacity so that they are able to remain accountable to their stakeholders, and demonstrate to government that they have the skills and capability needed to take on greater decision-making responsibilities.

During establishment and start up each regional alliance will need to develop key governance processes, including how their regional alliance will run and make decisions, and how they will be accountable to the broader community.

Before Accord negotiations start, regional alliances will need to demonstrate their readiness to participate in the process. Regional alliances must demonstrate readiness against the *Regional Alliance Phase 1 Accord: Readiness Self-Assessment* and develop a list of priority issues they would like to deal with in the Accord, usually called a Statement of Claim. 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?



It is important that the Statement of Claim is strategic and focused. As part of demonstrating good governance principles, including decision-making and cultural geography and legitimacy, regional alliances should ensure their Statement of Claim is informed by the values and aspirations of their stakeholders.

- **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 Local Decision Making this will need to be outlined in the Phase 1 Accord. Before they can progress to Phase 2 the regional alliance will need to work out how members and stakeholders can participate in decision making, how they will communicate back to community, and how they will meet any financial, legal or behavioural obligations. They will also need to develop a strategic direction for their region with input from relevant stakeholders, including Elders and community members. As part of this work the regional alliance will need to demonstrate *participation and voice, accountability and strategic direction*.

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

If a regional alliance decides it wants to progress to Phase 3 of Local Decision Making this will need to be outlined in the Phase 2 Accord. Before they can progress to Phase 3 the regional alliance will need to work out how they will manage budgets, allocate resources and report on expenditure, how they will build the governance capacity of members and constituent organisations/communities, how they will manage, and report on their performance in accordance with their governance charter/terms of reference and strategic direction. As a part of this work 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 work with Aboriginal people and communities and collaborate across government so that they are flexible and can respond to the needs of regional alliances. This also requires that they 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 ensure that senior officers *with the sufficient delegation and authority* work openly, constructively and collaboratively with regional alliances to achieve positive outcomes. This includes looking at innovative approaches to meet the needs and aspirations of Aboriginal communities.

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.

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

Prior to Phase 1 Accord negotiations the NSW Government will need to nominate negotiators with the appropriate authority and delegation to negotiate on behalf of the NSW Government. NSW Government negotiators with the support of the NSW Department of Premier and Cabinet will need to clarify what is in and out of scope for negotiation, confirm roles, responsibilities, authorities and codes of conduct, and processes for scoping and confirming commitments. In addition to this, government negotiators are expected to demonstrate cultural competency and observe appropriate cultural and decision-making protocols, as well as a willingness to explore new ideas and different ways of doing business in order to achieve outcomes. As part of this work the NSW Government will need to demonstrate *scope of decision-making, leadership and decision-making*.

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

In order for the NSW Government to progress to Phase 2 of Local Decision Making this will need to be outlined in the Phase 1 Accord. Prior to Phase 2 Accord negotiations the NSW Government will need to develop a communication strategy to engage relevant representatives from across government to work with regional alliances, develop and establish mechanisms to devolve decision-making responsibility to regional alliances (including flexible funding), establish joint governance and accountability arrangements with regional alliances, commit to regularly reviewing and reporting on performance, and work with regional alliances to ensure they have the support they need to achieve their long term social, economic and cultural aspirations. As part of this work the NSW Government will need to demonstrate *strategic direction, participation and voice, and accountability*.

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

For the NSW Government to progress to Phase 3 of Local Decision Making this will need to be outlined in the Phase 2 Accord. Prior to Phase 3 Accord negotiations the NSW Government will need to develop

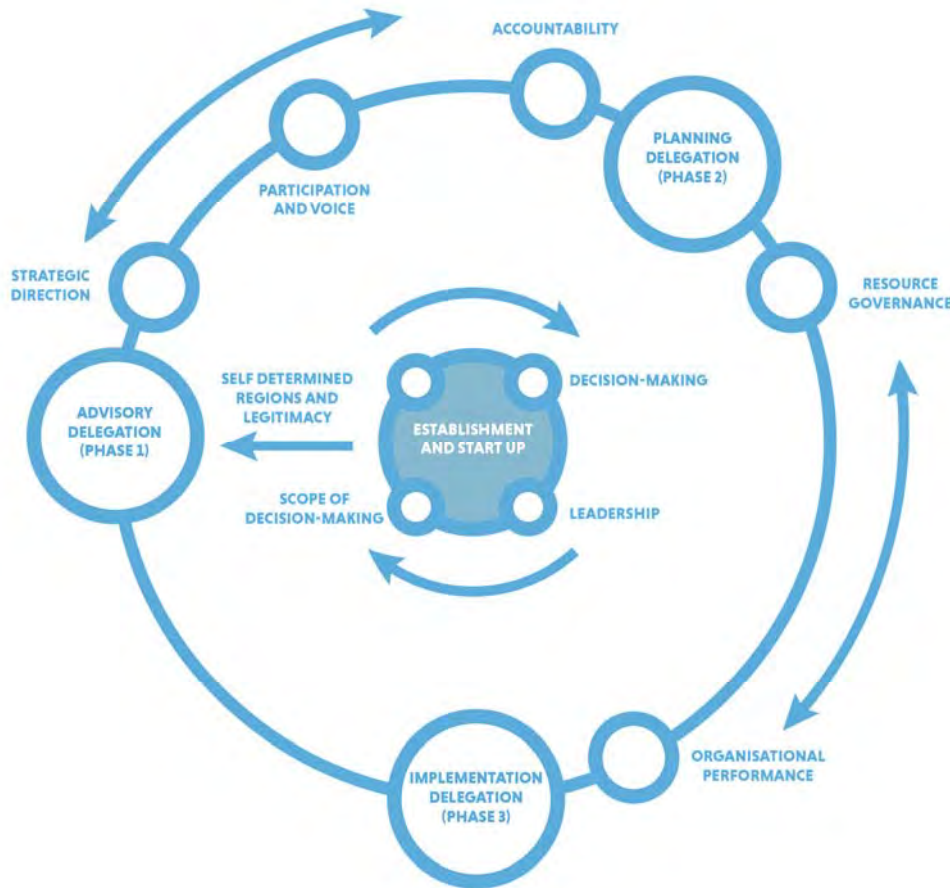


the accountability and decision-making frameworks needed to devolve budget and resource allocation decisions to regional alliances, work with regional alliances to develop a plan to build the capacity of communities and government departments/agencies to support the implementation of their strategic direction, implement an evaluation process that assesses their own performance, ensuring regular reporting to relevant government departments and regional alliances. As part of this work the NSW Government will need to demonstrate *resource governance* and *organisational performance*.



Continuum of good governance principles

The diagram below outlines which governance principles need to be demonstrated at each phase of Local Decision Making. 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 regional alliances and the NSW Government to 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 Local Decision Making by focusing on specific governance principles, but not at the exclusion of all others.

In particular, these two elements will cut across each phase of Local Decision Making:

- the governance environment; and
- governance capacity development.



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.

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

To provide the scope for Aboriginal communities’ to legitimately exercise their self-determination and to significantly improve the quality of services delivered to Aboriginal communities, governments must also reform the governance environment. This includes the development of internal institutional arrangements, including flexible funding and downwards accountability mechanisms, which can facilitate the devolution of decision-making.

The NSW Government continues to strengthen the policies and frameworks that underpin Local Decision Making in an effort to build institutional arrangements necessary to achieve the objectives of Local Decision Making.

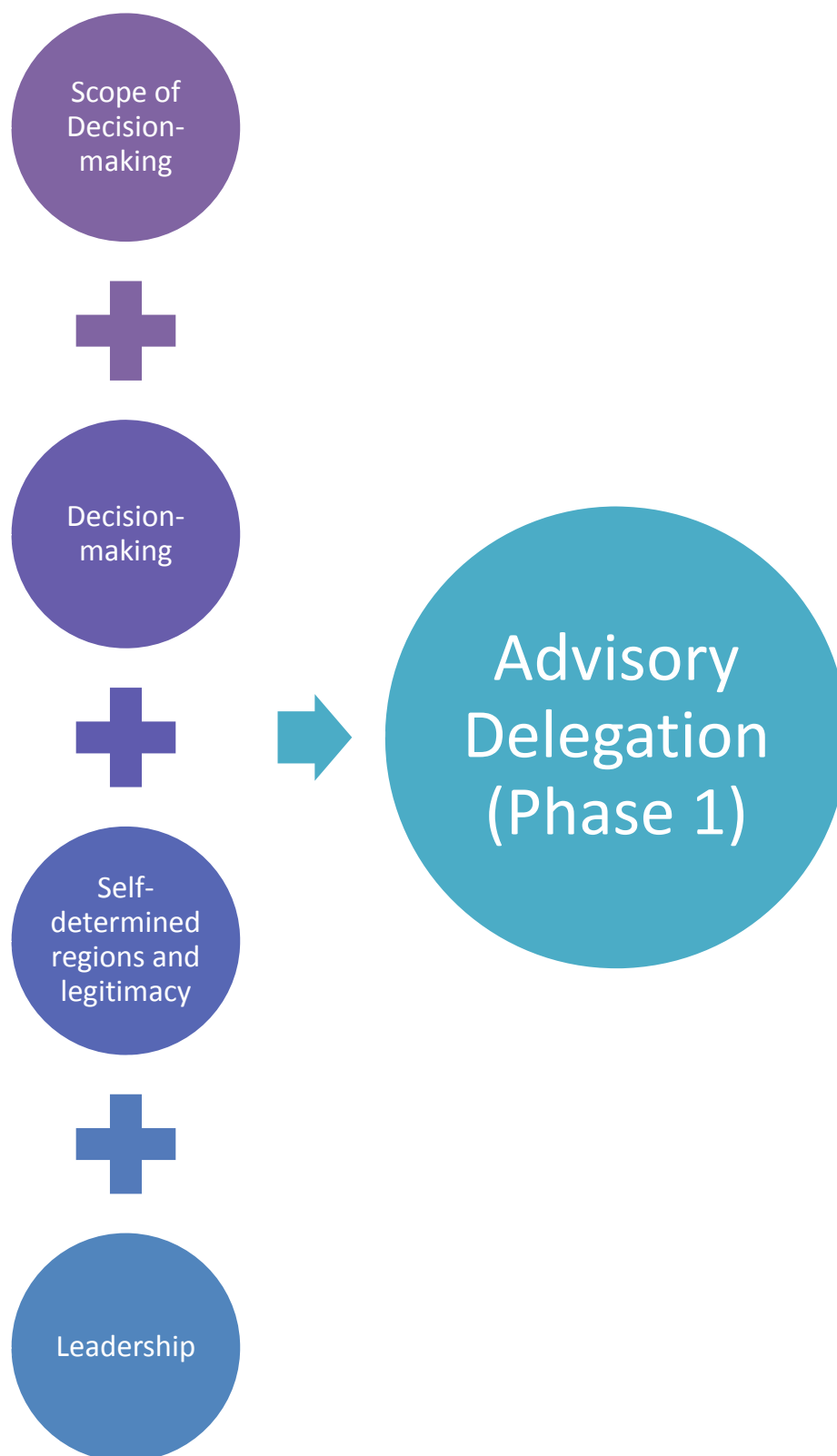
Governance capacity development

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 they are able to meet the necessary good governance principles for each phase of Local Decision Making.

The NSW Government must invest in the skills and cultural competency of government negotiators to work in partnership with Aboriginal communities. Similarly, regional alliances must invest in their capacity to negotiate with government and to maintain their accountability to their constituent communities and organisations.

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

Advisory Delegation (Phase 1)





Principle	What is it?	How could it be reflected for Government	How could it be reflected for Alliances
Scope of decision-making	<p>Scope of decision-making; local/community, regional and national.</p> <p>Issues/areas of decision-making responsibility.</p> <p>Relationship to/with other Aboriginal governance bodies and Australian governments and institutions (Commonwealth, State and Local).</p>	<ul style="list-style-type: none"> • Undertake a mapping exercise to detail working relationships amongst relevant government departments that reflect regional priorities. • Examine existing service delivery arrangements and identify priority issues, alongside issues that may be 'out of scope' for negotiations. • Determine who should have responsibility for different issues and how they will relate to each other. 	<ul style="list-style-type: none"> • Undertake a network mapping exercise to map relationships to/with other governance bodies in the region or in the network. • Examine existing arrangements and decide what's 'in' and 'out' of scope for the 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	<p>How decisions are made as a body or group.</p> <p>How decisions are made in relation to relationships with other bodies or groups such as institutions, community organisations or government.</p> <p>How leaders and decision-makers are chosen, how their performance is monitored and how they are held accountable.</p> <p>How leaders hand over power and responsibility.</p>	<ul style="list-style-type: none"> • Nominate and confirm who will represent the NSW Government in negotiations and who will be responsible for managing the implementation of Accord commitments. 	<ul style="list-style-type: none"> • Develop a Terms of Reference or a Charter of Governance to demonstrate the principles of leadership, decision-making and self-determined regions and legitimacy.



<p>Decision-making</p>	<p>How decisions are made through formal or informal decision making bodies such as committees, sub committees or specialist groups.</p> <p>How decisions are documented and written down.</p> <p>How agreed rules guide decision-making.</p>	<ul style="list-style-type: none"> • Confirm that government negotiators have the appropriate delegation and authority to negotiate and make decisions. • Develop formal processes for engaging with alliances through regular meetings, systems and processes. 	<ul style="list-style-type: none"> • Develop and clearly set out decision making rules in a Terms of Reference or a Charter of Governance.
<p>Self-determined regions and legitimacy</p>	<p>How power and authority are shared.</p> <p>How key stakeholders (inside and outside of the organisation or alliance) influence and inform values and aspirations.</p> <p>How cultural values are communicated, protected and respected.</p>	<ul style="list-style-type: none"> • Demonstrate respect for cultural values of alliances by undertaking cultural competency training, establishing cultural protocols and making efforts to understand cultural nuances within the region. 	<ul style="list-style-type: none"> • Consult and engage Aboriginal community members and constituent organisations to develop a Terms of Reference or a Charter of Governance. • Develop and clearly set out formal and informal systems and processes for community members to provide input into key plans and activities.

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.

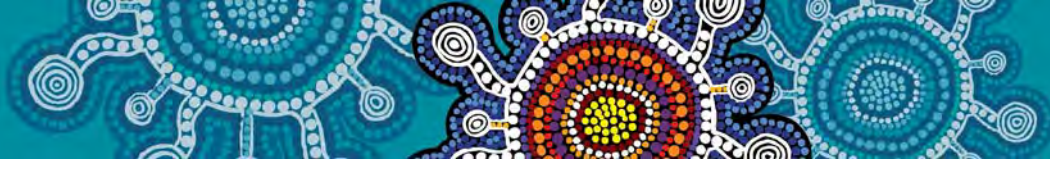


Planning Delegation (Phase 2)





Principle	What is it?	How could it be reflected for Government	How could it be reflected for Alliances
<p>Participation and voice</p>	<p>How communities and relevant community stakeholders are involved in decision-making.</p> <p>How government stakeholders may devolve and share decision-making.</p>	<ul style="list-style-type: none"> • Develop an internal communications and engagement strategy or approach, to engage with relevant government departments and agencies implicated by alliance priorities. • Demonstrate that processes are in place to ensure key stakeholders (senior executives + cross agencies) are consulted on key plans and activities. • Develop and establish arrangements needed to devolve decision-making to regional alliances, including: <ul style="list-style-type: none"> - Flexible funding; and - Performance indicators on cultural competency and cross-government collaboration. 	<ul style="list-style-type: none"> • Develop a communications and engagement strategy or approach, to engage with relevant communities, community members and stakeholders. • Demonstrate that processes are in place to ensure that relevant stakeholders (including community members) are consulted on key plans and activities.
<p>Accountability</p>	<p>How organisations meet all the necessary requirements they need to.</p> <p>These may include financial, reporting, legal and behavioural.</p> <p>How alliances and organisations show respect to members, Elders, community members and other stakeholders.</p>	<ul style="list-style-type: none"> • Negotiate and implement joint-governance arrangements with regional alliances to track and monitor performance. • Provide regular reports to the regional alliance and government stakeholders on performance and how these requirements are being met. 	<ul style="list-style-type: none"> • Develop and establish appropriate accountability arrangements to participate in service delivery planning, including: <ul style="list-style-type: none"> - Code of conduct; - Complaints handling procedures; - Conflict of interest declaration process; - Circulating minutes and outcomes to constituents;

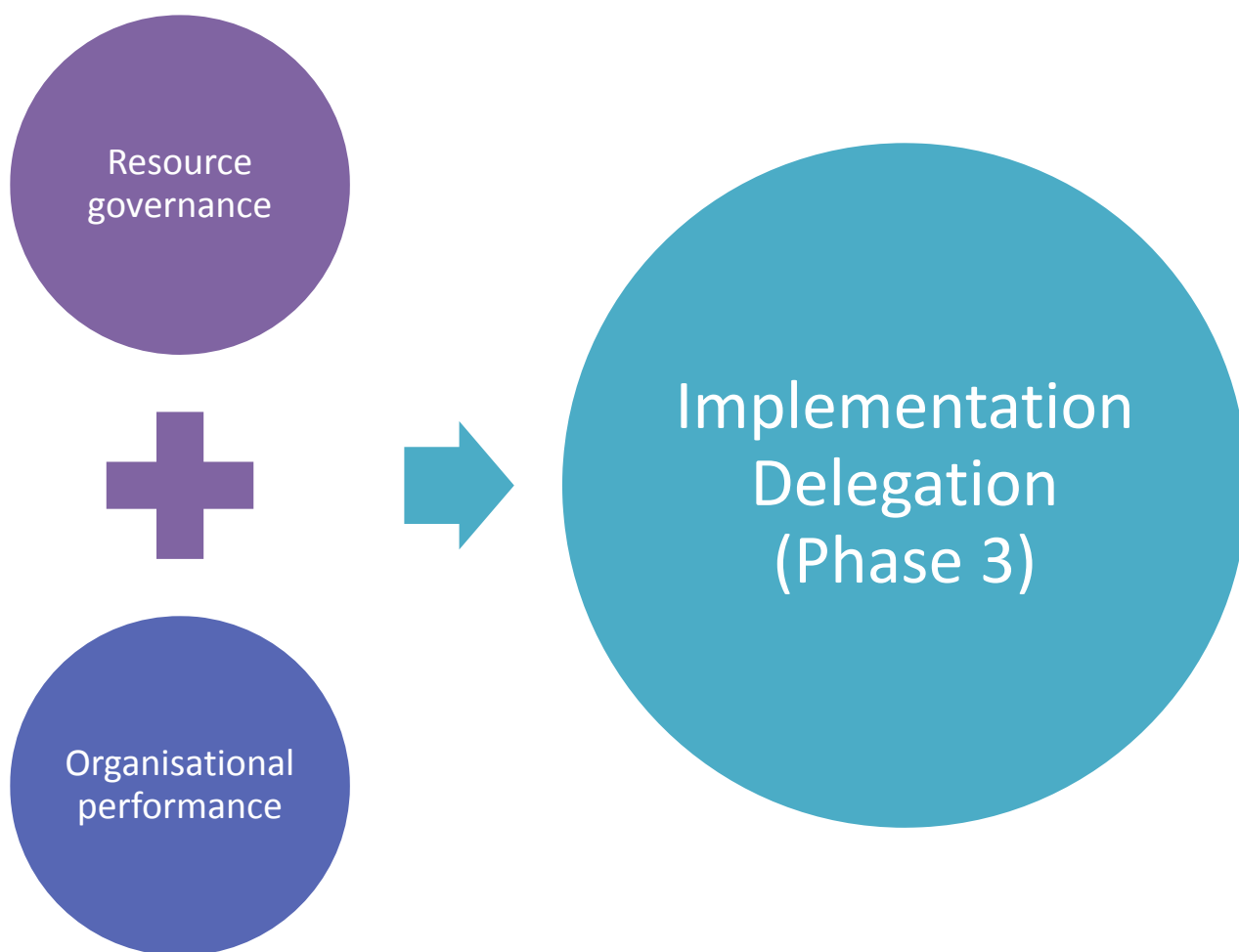


	<p>How government agencies and representatives are held accountable for the commitments they make.</p>		<ul style="list-style-type: none"> - Financial reports; and - Communiques. • Negotiate and implement joint-governance arrangements with government to track and monitor performance. • Provide regular reports to government and community stakeholders in the network on performance and how these requirements are being met
<p>Strategic direction</p>	<p>How longer term social, economic and cultural development is considered.</p> <p>How elements for this development are considered.</p>	<ul style="list-style-type: none"> • Work with regional alliances to scope resources needed to achieve their long term social, economic and cultural aspirations. • Establish mechanisms to directly support and considers the strategic direction of regional alliances when making decisions about service delivery which would impact communities and/or the region. 	<ul style="list-style-type: none"> • Develop a Strategic Direction which is informed by communities, including: <ul style="list-style-type: none"> - Context/region; - Values; - Objectives; - Short, medium and long term goals; - How they will be accomplished; - What resources are required; - What the risks are and how they will be mitigated; - Key stakeholders; and - General scheme of how the regional alliance will work.

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.



Implementation Delegation (Phase 3)





Principle	What is it?	How could it be reflected for Government	How could it be reflected for Alliances
Resource governance	<p>How organisations and regional alliances manage resources in order to meet their respective commitments.</p> <p>How organisations and regional alliances plan to build capacity within communities to support the implementation of their strategic direction and to maintain accountability back to community and government.</p> <p>How government share resources to enable flexible and innovative service delivery responses.</p>	<ul style="list-style-type: none"> • Develop accountability and decision-making frameworks needed to devolve budget and resource allocation decisions to regional alliances. • Develop a plan, in partnership with the alliance, to build the capacity required in communities and government to support the implementation of their strategic direction. 	<ul style="list-style-type: none"> • Develop a plan to build capacity required in communities to support the implementation of the strategic direction • Develop a plan to resource implementation from both an administrative and service delivery perspective in the short, medium and long term
Organisational performance	<p>How organisations, alliances and government have performed in meeting their stated commitments and strategic objectives.</p>	<ul style="list-style-type: none"> • Implement a regular evaluation process that assesses government performance and identifies areas for improvement. • Share findings with each other and commit to a model of continuous improvement that supports implementation. 	<ul style="list-style-type: none"> • Implement a regular evaluation process that assesses alliance performance and identifies areas for improvement. • Share findings with each other and stakeholders in the network and commit to a model of continuous improvement that supports implementation.

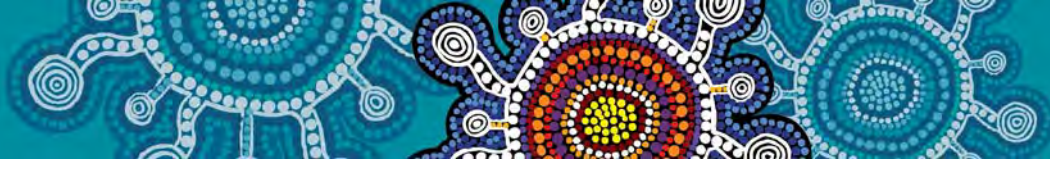


Accord Readiness Self-Assessments

Before negotiating a Phase 1 (Advisory Delegation), Phase 2 (Planning Delegation) or Phase 3 (Implementation Delegation) Accord, Aboriginal regional alliances and NSW Government agencies need to demonstrate their readiness to participate in the process.

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

Written or other information should be included to support the self-assessment as outlined in the attached Self-Assessments.



Regional Alliance Phase 1 Accord Readiness Self-Assessment

Before negotiating a Phase 1 (Advisory Delegation) Accord, 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 scope of decision-making, leadership, decision-making, and self-determined regions and legitimacy before commencing Advisory Delegation (Phase 1) Accord negotiations for Local Decision Making.

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: their Terms of Reference or Constitution, operating procedures and policies, and the details of any consultations undertaken with members and communities which have informed the alliances governance structure and arrangements.

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**
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.

In addition to ensuring that they meet their obligations as set out in the *Local Decision Making Premier's Memorandum (M2015-01)*, NSW Government departments and agencies will need to determine what is in and out of scope for negotiation, collate data and information on existing services and programs that align with the regional alliances priorities, ensure that suitable representatives are at the table and that they have the appropriate delegation and authority to negotiate on behalf of their agencies/departments, that representatives understand the intent and purpose of Local Decision Making and the Accord, and their obligations under the *Premier's Memorandum*, that they are clear about their roles and responsibilities throughout the process.

In addition to this, government representatives are expected to demonstrate cultural competency and observe appropriate cultural and decision-making protocols, and a willingness to explore new ideas and different ways of doing business in order to achieve outcomes.

As outlined in the *Local Decision Making: Accord Process*, once regional alliances demonstrate readiness to commence Phase 1 Accord negotiations, the NSW Government 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: information on nominated negotiators, including details of their delegation and authority, details of any proposed training intended to prepare representatives for negotiation and to strengthen their cultural competency, and a description of the proposed approach/method for ensuring a whole of government response to regional alliance priorities. The NSW Government is also encouraged to identify resources (direct or in-kind) which may assist the regional alliance to come to the table as an equal partner.

Scope of Decision-making

- Scope of decision-making**
Does the department or agency 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 agency have a legitimate role in making decisions on these issues or areas? Are there other department or agency representatives that need to be at the table?
- 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**
Are the right government stakeholders at the table? Do they have the appropriate delegation and authority to negotiate and make decisions on behalf of their Department/Agency? Is there a key contact/lead for the NSW Government?
- Clear roles, responsibilities, authorities and codes of conduct**
Are government representatives clear about their roles, responsibilities, delegations and behaviors?



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

- Functions of the NSW Government including – cross-government collaboration and accountability**
Are government representatives informed about the intent and purpose of Local Decision Making and the Accord, and do they understand their obligations under the Premier’s Memorandum?
Are there processes in place to keep representatives accountable to their department, other government stakeholders and regional alliances?
Are there processes in place to ensure other government stakeholders and regional alliances are updated about activities and are able to have input along the way?

Decision-making

- Decision-making rules**
Are there systems in place to ensure that decision-making follows appropriate procedures and protocols?
Are government representatives willing to view issues from a whole of government level and identify opportunities for collaboration and partnership both within and across agencies in the public sector?
- Documenting and communicating decisions**
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 groups that need to be consulted, considered or engaged in the process?

Self-determined Regions and Legitimacy (Creating an Enabling Environment)

- Observe appropriate cultural and decision-making protocols**
Are government representatives culturally competent and able to observe appropriate cultural and decision making protocols when working with regional alliances and Aboriginal communities?
Do government representatives recognise that Local Decision Making is a two-way process and are they prepared to listen to and learn from regional alliances?
- Explore different options and new ways of doing business**
Are government representatives willing to explore new ideas and different ways of doing business in order to achieve outcomes?
- Provide Aboriginal regional alliances with sufficient information and data**
Are government representatives prepared to share information and data with Aboriginal regional alliances in order to explore issues or ideas?
- Factor in costs associated with the negotiation process for Aboriginal regional alliances**
Is the resourcing gap between government and regional alliances acknowledged? Is this factored in when scheduling meetings and engaging regional alliances and their members? Will government partners consider how they can assist regional alliances to come to the table as equal partners?
- Negotiate realistic timeframes**
Is government willing to set realistic timelines for the Accord negotiation process recognising that regional alliance members are often volunteers and have competing priorities?



Regional Alliance Phase 2 Accord Readiness Self-Assessment

Before negotiating a Phase 2 (Planning Delegation) Accord, 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 members and stakeholders will participate in decision-making, how they communicate back to members and stakeholders, how they meet any financial, legal or behavioural obligations, and developing a strategic direction for their region. Each regional alliance will need to demonstrate participation and voice, accountability and strategic direction before commencing Planning Delegation (Phase 2) Accord negotiations for Local Decision Making.

As outlined in the *Local Decision Making: Accord Process*, once regional alliances determine they are ready to commence Phase 2 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 2 Accord negotiations.

Written or other information should be included to support the self-assessment including: information on how members and stakeholders (elders and community members) can participate in decision-making, any communication plans or strategies, evidence of accountability arrangements and/or mechanisms for review, and a copy of their strategic direction.

Participation and Voice

- Communicate and engage stakeholders in decision-making**
Has the alliance involved relevant stakeholders (including Elders and community members) in decision-making on key plans and activities?
Has the alliance developed a strategy / plan for ongoing communication and engagement with local communities, community members and stakeholders?

Accountability

- Demonstrate accountability, openness and transparency**
Has the alliance developed policies and/or processes for monitoring adherence to accountability requirements?
Has a review of these policies and/or processes been undertaken, to ensure all requirements are being met?
Has the alliance shared the review outcomes with key stakeholders and community members in the spirit of openness and transparency?
- Demonstrate responsibility to members, Elders, community members and other stakeholders**
Has the alliance developed a mechanism to provide feedback to key stakeholders (including Elders, community members and other stakeholders) on progress on key plans and activities?



Strategic Direction

- Identify long term social, economic and cultural outcomes**
Has the alliance developed a strategic direction which considers the community's long term social, economic and cultural aspirations?

- Facilitate input from communities and stakeholders**
Has the alliance involved relevant stakeholders (including Elders and community members) in the development of the strategic direction?



NSW Government Phase 2 Accord Readiness Self-Assessment

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

In addition to ensuring that they meet their obligations as set out in the *Local Decision Making Premier's Memorandum (M2015-01)*, the NSW Government will need to develop a communication strategy to engage relevant representatives from across government to work with regional alliances, develop and establish mechanisms to devolve decision-making responsibility to regional alliances (including flexible funding), establish joint governance and accountability arrangements with regional alliances, commit to regularly reviewing and reporting on performance, consult the regional alliance on what support is needed to achieve its long term social, economic and cultural aspirations.

As outlined in the *Local Decision Making: Accord Process*, once regional alliances demonstrate readiness to commence Phase 2 Accord negotiations, the NSW Government will need to complete this self-assessment outlining how they have met, or have achieved substantial progress towards, the good governance principles for Phase 2 Accord negotiations.

Written or other information should be included to support the self-assessment including: information on cross-government communication or engagement strategies, mechanisms or arrangements in place to support the devolution of decision-making (including flexible funding), monitoring and reporting arrangements, and any resources and/or processes established to support regional alliances to achieve their strategic directions.

Participation and Voice

- Facilitate cross-government collaboration and engagement**
Has the NSW Government developed an internal communications strategy to guide engagement with relevant departments and key stakeholders for the purpose of Accord negotiation and implementation?
- Devolve decision making to the local level**
Has the NSW Government established the mechanisms needed to devolve accountability and decision-making power to regional alliances?

Accountability

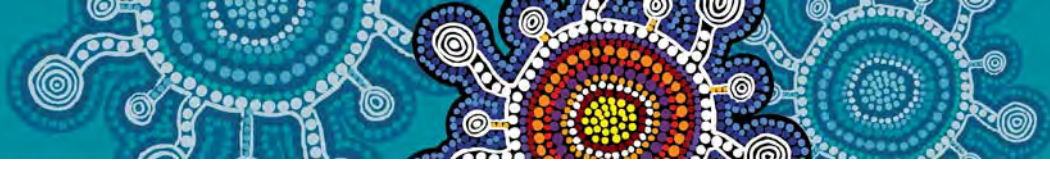
- Monitor and report on performance**
Has government negotiated and implemented joint-governance and accountability arrangements with regional alliances to track and monitor and report on performance?
Has government undertaken regular reviews to ensure all necessary requirements are being met?
Has government shared the review outcomes with key stakeholders, alliances and concerned departments, in the spirit of openness and transparency?
- Practice downwards accountability**
Has the government developed a mechanism to feedback to key stakeholders, including community members and other stakeholders, on performance and the delivery of Accord commitments?



Strategic Direction

- How elements for this development are considered**
Has government consulted with the alliance about what support is needed to achieve its long term social, economic and cultural aspirations?

- How longer term social, economic and cultural development is considered**
Has government put in place mechanisms that directly support the community's long term social, economic and cultural aspirations?
Has government established processes to ensure it considers the strategic direction of regional alliances when making decisions about service delivery which would impact communities and/or the region?



Regional Alliance Phase 3 Accord Readiness Self-Assessment

Before negotiating a Phase 3 (Implementation Delegation) Accord, 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 the alliance will manage budgets, allocate resources and report expenditure, how they will build the governance capacity of members and constituent organisations/communities, how they will manage, review and report on their performance in accordance with their governance charter/terms of reference and strategic direction.

As outlined in the *Local Decision Making: Accord Process*, once regional alliances determine they are ready to commence Phase 3 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 3 Accord negotiations.

Written or other information should be included to support the self-assessment including: information on what processes they have in place to manage budgets and resources, and report on expenditure, what investments they have made to build the governance capacity of members and constituent organisations/communities to meet their governance and accountability requirements and their strategic direction, what processes are in place to regularly review and report on performance.

Resource Governance

- Manage Budget and Resource Allocation**
Has the alliance developed a plan to resource the delivery of their strategic direction, including their administrative costs, in the short, medium and long-term?

- Build the Governance Capability of Members and Communities**
Has the alliance developed a plan to build the capacity required in communities to support the implementation of their strategic direction?

Organisational Performance

- Manage performance to deliver commitments and strategic objectives**
Has the alliance implemented a regular review process to assess their performance against their governance charter/terms of reference and strategic direction, and identified areas for improvement?
Has the alliance shared these findings with government and community members?
Has the alliance demonstrated a commitment to a model of continuous improvement in a way that supports implementation?



NSW Government Phase 3 Accord Readiness Self-Assessment

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

In addition to ensuring that they meet their obligations as set out in the *Local Decision Making Premier's Memorandum (M2015-01)*, the NSW Government will need to develop accountability and decision making frameworks needed to devolve budget and resource allocation decisions to regional alliances, work with the alliance to develop a plan to build the capacity of communities and government departments/agencies to support the implementation of their strategic direction, implement an evaluation process that assesses their own performance, including regular reports to relevant government departments and regional alliances.

As outlined in the *Local Decision Making: Accord Process*, once regional alliances demonstrate readiness to commence Phase 3 Accord negotiations, the NSW Government will need to complete this self-assessment outlining how they have met, or have achieved substantial progress towards, the good governance principles for Phase 3 Accord negotiations.

Written or other information should be included to support the self-assessment including: information on any frameworks/processes established to support devolved decision making, capacity building strategies, evaluations and reports on government progress and performance as part of Local Decision Making.

Resource Governance

- Devolve decisions about Budget and Resource Allocation**
Has government developed the accountability and decision-making frameworks needed to devolve budget and resource allocation decisions to regional alliances?

- Investing in capacity to support implementation**
Has the government developed a plan, in partnership with the alliance, to build the capacity required in communities to support the implementation of the regional alliance's strategic direction?
Has the government developed a plan to build the capacity required in government to work with regional alliances and Aboriginal communities to support the implementation of their strategic direction?

Organisational Performance

- How government have performed in meeting their stated commitments and strategic objectives**
Has government implemented a regular evaluation process that assesses their own performance in meeting its obligations in the Accord and *Local Decision Making Premier's Memorandum (M2015-01)*?
Has government shared findings with key stakeholders, including concerned departments and the alliance?
Has government demonstrated a commitment to a model of continuous improvement in a way that supports implementation?



Resources

Below is a list of documents and resources available within the Indigenous Governance Toolkit that may assist regional alliances to strengthen their governance arrangements and processes. The Toolkit can be found at <http://toolkit.aigi.com.au/> . As the process progresses, 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 identify, 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
Decision making processes
The basic steps in strategic planning
Cultural legitimacy in governance rules and policies
Steps to develop effective policies
Building a strong internal culture in our organisation
A conflict analysis tool
Solving the dispute as a group
Stakeholder analysis
Improving our networking

Templates:

Title
Governance development and action plan
Decision making
SWOT Analysis
Governance development and action plan
List of contents for a governance reference manual



Meeting agenda

Decision making

Progress report on actions

Sample minutes

A policy

List of contents for a governance reference manual

Monitoring our governance environment

Our governance stakeholder influence

Mapping your governance history

Governance development and action plan

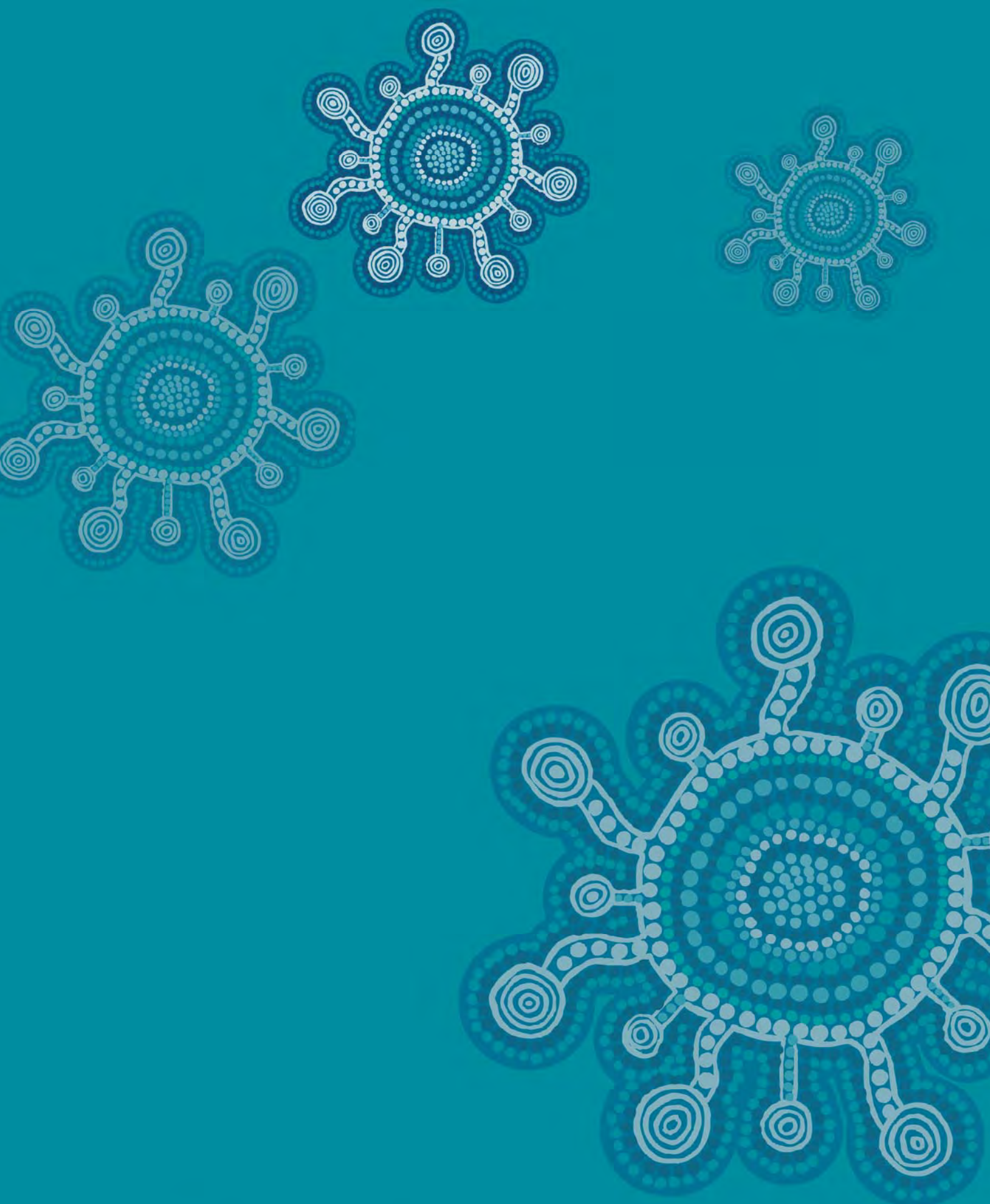


References

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
MAKING*