

OPERATIONAL GUIDELINES for NSW GOVERNMENT OFFICERS NEGOTIATING SHARED RESPONSIBILITY AGREEMENTS

The NSW government is committed to working in partnership with Aboriginal people and other governments to improve outcomes for Aboriginal communities.

Two Ways Together, the Aboriginal Affairs Plan, 2003-2012, is the Government's plan to achieve this. It works from the ground up – Aboriginal people working as equal partners with Government and deciding what needs to be done at a local and regional level to improve their lives.

NSW government officers initiating or negotiating or implementing Shared Responsibility Agreements (SRAs) should be guided by *Two Ways Together* (TWT). The *Overarching Agreement on Aboriginal Affairs* between the NSW and Commonwealth Governments recognises that TWT is part of the foundation for cooperation between the two Governments on service delivery to Aboriginal communities. Any SRA needs to be consistent with TWT and the *Overarching Agreement on Aboriginal Affairs*. These documents are available on the DAA's SRA webpage (see www.daa.nsw.gov.au).

The NSW government is committed to using whole-of-government approaches, involving both Commonwealth and State agencies, to reduce duplication and overlap in service delivery. NSW Government agencies involved in developing and implementing SRAs are encouraged to establish a strong and collaborative working relationship with both the NSW Government's Department of Aboriginal Affairs (DAA) and the Commonwealth Government's Indigenous Coordination Centres (ICC). The Council of Australian Governments has produced a *National Framework of Principles for Delivering Services to Indigenous Australians* to guide government officials working with other agencies (see DAA's SRA webpage).

What Are SRAs?

SRAs are voluntary written agreements, which set out what outcomes are to be achieved, and the agreed roles and responsibilities of Governments and Aboriginal communities in relation to particular projects or activities.

SRAs are not a new funding mechanism. They are an administrative arrangement for the implementation of projects or activities that are funded through existing agency resources. If additional agency funding support is required, it should be applied for under the approved budget process before any commitment is made to the SRA.

SRAs were introduced in NSW in 2003 through the Council of Australian Governments (COAG) trial of new ways of delivering services to Aboriginal people in the Murdi Paaki region of Western NSW. The Commonwealth Government has since expanded its use of SRAs throughout Australia, often negotiating directly with communities. To date, SRAs developed by the Commonwealth have been signed by 2 or 3 parties:

- The Aboriginal community and the Commonwealth; or
- The Aboriginal community, the Commonwealth, and the NSW Government.

The Commonwealth Government has stated that it will use SRAs for funding that it defines as 'discretionary'. I.e., something extra that will be provided in addition to services the community is already entitled to. Communities may want to enter into SRAs to gain access to these extra services and benefits. However, communities do not need to enter into an SRA to obtain funding for essential services.

NSW has the discretionary ability to enter into SRAs as a service delivery tool. As a guide, NSW will enter into SRAs under the following conditions:

- On a case-by-case basis;
- With an appropriate structure that is determined by, and representative of, Aboriginal communities;
- Where the SRA is voluntary;
- Where there are clear benefits to the Aboriginal community;
- Where the SRA has the potential to add value to state programs or the programs of associated stakeholders; and
- Where funding is provided from existing agency resources

The NSW government will not sign SRAs with individuals or families, and officers negotiating SRAs should not proceed with SRAs that propose this.

SRAs should not impede current agreements that already exist between peak Aboriginal bodies in NSW and the NSW Government. See DAA's SRA webpage for existing agreements.

SRAs should deliver a service agreed to by the community, in a manner acceptable to it. If you are concerned about an SRA, particularly if you think the SRA may not be fair or equitable, you should raise these concerns with your Regional Director, the DAA Regional Office, or the Premier's Department.

NSW agencies are not obliged to participate in, or continue with, an SRA if it appears to be unsatisfactory. If the agency withdraws from the process, the decision must take into account the impact of withdrawal on the Aboriginal community.

Principles

The NSW Government is committed to SRAs being guided by the following set of principles:

- Respect for, and recognition of, Aboriginal culture;
- A spirit of cooperation and partnership;
- All partners contribute and agree to priority setting;
- Improved outcomes for communities at the local and regional levels, including promoting self-responsibility and reducing dependency on welfare;
- Responsibilities and commitments are shared - by Governments and Aboriginal partners to achieve outcomes;
- Outcomes are measurable and agreed;
- Accountability requirements are clear; and
- Building of community capacity and strengthening of community governance.

Who Is Involved?

The main government agencies involved in developing SRAs are:

- The Commonwealth Office of Indigenous Policy Coordination (OIPC) or the Indigenous Coordination Centre (ICC) at the local/regional level;
- The NSW Department of Aboriginal Affairs (DAA);
- The NSW Premier's Department; and
- Agencies delivering the service which is the subject of the SRA.

The agency that leads negotiations from the NSW Government and ultimately signs an SRA is the 'Lead Agency'. The Lead Agency is most relevant to the delivery of the program. However, all agencies whose services are implicated in an SRA must be notified and consulted over the practicality of the proposed agreement.

Some SRAs may involve a number of different State agencies. For example, an SRA to rehabilitate a sporting oval and promote sport to local Aboriginal youth might involve the Department of Education and Training (DET), the Department of Tourism, Sport and Recreation, the Department of Juvenile Justice, and NSW Health.

Arrangements for SRAs within the Murdi Paaki COAG Trial Region

SRAs related to the COAG trial in the former ATSIC Murdi Paaki region are developed in a different manner to SRAs in other parts of the State. In the trial region, SRAs originate from, and are developed through, the Murdi Paaki Regional Assembly and/or Community Working Parties.

The lead agencies for the Murdi Paaki COAG Trial are the NSW DET (representing the NSW Government), and the Department of Education, Science and Training (DEST; representing the Commonwealth Government). The trial is being managed at the regional level with the Murdi Paaki Regional Assembly, and at the local level with 16 Community Working Parties (CWP).

Murdi Paaki COAG Trial SRAs are developed to meet priorities in Community Action Plans. The SRAs identify how Commonwealth, State and Local Governments will use their resources, in conjunction with CWP activities, to address locally identified needs.

The Lead Agency and other relevant agencies are identified at a regional level and manage the SRA in consultation with the CWP. State agency contributions are identified and approved before the SRA is endorsed by the Murdi Paaki COAG Trial Steering Committee. The CEO of DET signs the SRA on behalf of the State Government.

The key point of contact is the Project Manager, Murdi Paaki COAG Trial, based in the DET's Western NSW Regional Office in Dubbo, or the Regional Manager for DAA's Western Region, based in Bourke. See DAA's SRA webpage for a link to the Murdi Paaki Trial.

DET and DEST will not automatically be involved in SRAs elsewhere in the State unless their services are relevant to the SRA.

Engagement with Aboriginal Communities

The primary purpose of SRAs is to bring improved outcomes to Aboriginal communities. For this to occur, community structures need to be:

- Involved in negotiations; and

- Have a clear understanding of their roles, responsibilities and potential outcomes under a proposed SRA.

NSW agencies need to satisfy themselves that there has been proper community consultation in developing the SRA and that the proposed benefits to the community are realistic and achievable. For example, by checking that the community's obligations have been discussed and agreed to through appropriate and representative community structures determined by the community itself. There should be a record that agreement was reached, such as meeting minutes. If you are not sure whether this has happened, you should contact the DAA Regional Manager.

The SRA Process

SRAs should set out clearly what the community and governments are to be responsible for, what outcomes are to be achieved and what the agreed milestones are in relation to a particular activity or project. Responsibilities should be reasonable and fairly distributed between governments and communities.

SRAs are divided into the following sections:

- *Description*: details the activities for which funding/support is being provided and how the priority was determined.
- *Rationale*: details what you want out of the SRA. E.g., providing recreational facilities to keep youth out of trouble. The rationale should be clearly and logically linked to the outcomes. Activities should be linked to existing government plans and programs.
- *Responsibilities*: what each party will contribute to the agreement.
- *Outcomes*: details the things you want to happen (e.g., reduction in youth offending). The outcomes should be realistic, achievable and measurable.
- *Monitoring*: There should be clear arrangements for monitoring, including confirmation that the agency responsible for monitoring has the resources to do this and identification of performance indicators (e.g., rates of youth offending).

All SRAs must include measurable performance indicators which are linked to the rationale and the outcomes to be achieved.

SRAs should contain clear milestones and state the life of the agreement, e.g., 3 years. The life of the SRA is related to the period for which funding is being provided.

The example SRA at Attachment A will help you understand the different components of an SRA and how they fit together.

The checklist at Attachment B has been developed to assist you in being sure that you have covered all the essential points needed in the development of the SRA.

The reporting template at Attachment C has been developed to assist you in developing a reporting system for SRAs.

Approval

The DAA's Regional Offices are now co-located with the Commonwealth's ICCs. The ICC Manager will directly inform the DAA Regional Manager of the SRA proposal prior

to commencing consultation with the community – although in many cases the community may already have raised the proposed SRA with DAA, rendering this a formality. DAA will then notify the Regional Manager of the Lead Agency and the Regional Coordination Management Group (RCMG). The RCMG will notify all Regional Managers whose agencies may be implicated in the SRA. A flow-chart of the approval process is at Attachment D.

A key mechanism for negotiating SRAs at the regional level is the Regional Officer Group (ROG) established under TWT. ROGs have the following membership:

- ICC Manager;
- RCMG Chair;
- Regional Coordinator; and
- Regional Aboriginal community participation.

The consultation phase of SRAs (see Attachment D) may primarily occur via ROG meetings. However, ROG members and other government officers must be flexible and willing to meet Aboriginal representatives at locations and times preferred by the community.

For SRAs that implicate agencies without regional representatives, the Regional Manager of the Lead Agency will notify the CEO's office of that agency that the SRA has been proposed.

In some instances, NSW agencies may initiate an SRA. In such cases, the DAA or the Lead Agency would notify and negotiate with relevant agencies, the ICC, and the Aboriginal community. These same operating guidelines can then be used.

The Lead Agency will be responsible for ensuring that all relevant NSW agencies are included in the development of the SRA. Regional Managers are responsible for briefing Central Office/relevant people of the SRA's contents and cost implications.

If your agency is to be party to an SRA you will need to get approval from your CEO or the person appointed by your CEO as a delegate, such as the Regional Manager. The CEO or CEO delegate must also ensure that the SRA is funded within existing agency resources unless additional funding has been approved through the budget process.

If your agency is the NSW Lead Agency, your CEO or your CEO's delegate, signs the SRA on behalf of the NSW Government.

Once an SRA is finalised and signed, a copy of the SRA and the completed checklist should be forwarded to the DAA State office in Sydney. The DAA will keep a central registry of all SRAs.

Implementation

Throughout the life of the SRA, the NSW Lead Agency will have primary responsibility for the NSW government's contributions to the agreement. For this to occur, the Lead Agency must continuously collaborate with other stakeholders, including involving them in discussions to coordinate implementation of activities and to resolved any issues.

The Lead Agency, in collaboration with other stakeholders, will be responsible for driving the SRA from the state's perspective and managing the process so that the desired outcomes are achieved by the NSW government. This will include:

- Developing the SRA (including objectives, indicators, milestones, timeframes);
- Driving the SRA to achieve the desired outcomes of the Lead Agency;
- Working with other NSW agencies;
- Working with the Commonwealth; and
- Working with the Aboriginal community (either directly or in collaboration with DAA), to be sure that the community is happy with the outcomes being achieved.

The Lead Agency is responsible for monitoring the SRA, including coordinating input from other collaborating agencies. The Lead Agency will also be responsible for reporting to DAA every 6 months on activities under the SRA.

Monitoring and Reporting

The monitoring and evaluation framework for each SRA should be developed in partnership by all stakeholders. While each party has to report to different authorities, it is essential that reporting material is both collected at the same time and can be used by all parties for their own purposes. The objective is to reduce the workload associated with reporting and minimize duplication.

As part of the SRA development process, the Lead Agency should select measurable performance indicators that are related to the agreed outcomes. It should also ensure that it has sufficient resources available for monitoring prior to signing the SRA.

Following sign-off and the commencement of implementation, the Lead Agency monitors the SRA's progress in the same manner as for other projects, including progress against milestones, the achievement of specific outcomes, and expenditure by Commonwealth and NSW agencies.

The Lead Agency reports internally on the SRA to the Regional Manager and CEO. It also reports at 6 monthly intervals to the Aboriginal community, the RCMG and the DAA Regional Office. The purpose of this arrangement is to ensure that there is:

- No duplication between the SRA and an existing program;
- Identification and resolution of development and implementation issues;
- Information sharing at the regional level; and
- A watching brief on activities implemented under the SRA.

The Lead Agency coordinates reporting at the State level, including input by other agencies. Every 6 months the Lead Agency will collate information from other agencies and send this to DAA's central office.

The DAA in collaboration with the community will provide an assessment of the community's satisfaction with the SRA. The assessment will be sent to:

- The Lead Agency;
- Members of the ROG; and
- To the DAA's central office in conjunction with the six monthly reports.

Using information provided to it, DAA will monitor broad trends in the development of SRAs and report to the CEOs Group on Aboriginal Affairs every six months, including whether:

- These operating guidelines have been followed;
- Benefits are being delivered to Aboriginal communities;
- State objectives are being achieved;
- Implementation is occurring as planned;
- The achievement of outcomes; and
- Levels of funding and cost-sharing between the State and Commonwealth.

In its report to the CEOs Group on Aboriginal Affairs, the DAA will link the indicators for each SRA to the appropriate key indicators from the Australian Government Productivity Commission's report on *Overcoming Indigenous Disadvantage: Key Indicators 2005* (see DAA's SRA webpage for a link to the report).

Role of Agencies

A team approach is required to develop SRAs to ensure they will meet the objectives of the NSW government and bring benefits to the Aboriginal community.

The Lead Agency

To facilitate development of an SRA, the RCMG and/or the ROG identifies a NSW Lead Agency in the early stages of consultation. The Lead Agency is generally the agency most relevant to the delivery of the program/activity. For example, an SRA for a package of activities related to home care for Aboriginal Elders would be led by the Department of Aging, Disability and Home-Care.

The role of the Lead Agency is to:

- Work with the community, ICC and DAA to develop the agreement;
- Notify, and work with, other State agencies and Aboriginal peak bodies whose services are involved;
- Ensure the SRA is funded within agency Controlled Net Cost of Service and/or Asset Acquisition Program Authorisation limits;
- Clarify service implications to the State and confirm these with relevant agencies;
- Confirm that all state agencies contributing to the SRA have formal approval to proceed;
- Confirm that the NSW Government's principles and guidelines regarding SRAs have been met; and
- The Lead Agency's Regional Manager must endorse the SRA before it proceeds to the CEO for sign-off.

Department of Aboriginal Affairs

DAA is the central reference point for developing SRAs in NSW, and should be used as a resource for negotiating them. The DAA's role is to:

- Notify the Lead Agency that the SRA is being proposed;
- Provide advice on contacts with communities and Aboriginal peak bodies;
- Communicate to the RCMG that a draft SRA is being considered;
- Provide advice on the content and logic of SRAs;

- The DAA Regional Manager must approve the SRA before it proceeds to the Lead Agency's Regional Manager and CEO; and
- Store a copy of the SRA in a registry at DAA's central office in Sydney.

Premier's Regional Coordinator and the RCMG

The Premier's Department Regional Coordinator will use the RCMG to:

- Communicate to all relevant agencies that an SRA implicating their service is being considered;
- Identify and resolve implementation issues; and
- Maintain a watching brief over SRAs being developed in the region.

Other State Agencies

At times there will be more than one state agency involved in the development of the SRA. These agencies play a role additional to that of the Lead Agency:

- Work with the Lead Agency to develop the SRA;
- Make sure that their CEO, or their CEO's delegate, has approved their involvement in the SRA;
- Provide timely notification to the Lead Agency that it has formal approval to proceed;
- Ensure the SRA is funded within agency Controlled Net Cost of Service and/or Asset Acquisition Program Authorisation limits; and
- Continue implementation and monitoring commitments to the Lead Agency.

Other Stakeholders

The ICC, Local Government, and the Aboriginal community also have specific roles to play in the negotiation and implementation of the SRA. You need to talk to your counterparts in the ICC and the Aboriginal community to make sure you understand the links between your responsibilities and roles, and theirs. The SRA should clearly detail the roles and responsibilities of all parties.

Example SRA: Provision of Lighting for Basketball Courts

Attachment A

Description of Local Project	Shared Responsibilities	Outcomes	Indicators
<p>To install lighting on the basketball courts</p>	<p><u>State Government</u> will:</p> <ul style="list-style-type: none"> provide funding for installation of lights at basketball court provide skills sessions and referring opportunities/training for competition games <p><u>Commonwealth Government</u> will:</p> <ul style="list-style-type: none"> provide funding for upkeep and energy costs <p><u>Community</u> will:</p> <ul style="list-style-type: none"> encourage kids to use basketball courts in the evening provide adults to supervise the activity develop and implement a strategy to ensure lights are not damaged develop a maintenance programme for the courts including the lights provide people to support skills sessions and a basketball competition 	<p><u>Short Term</u></p> <p>Lights installed and operational</p> <p>Successful basketball competition is established</p>	<p><u>Long Term</u></p> <p>More kids regularly playing basketball</p> <p>Night-time competition established</p> <p>Reduced offending by local youth</p> <p>Lights keep working and are in good order</p>
<p>Rationale</p> <p>To provide children with a safe area to play after dark.</p> <p>To provide a sporting activity suited to hot environments where day time temperatures can be above 35°C.</p> <p>To provide an alternative activity to anti-social and risk-taking behaviours.</p>	<p>Joint Responsibilities</p> <p>Governments and the community will develop opportunities for training and employment linked to the project.</p> <p>The community and governments will establish baseline data for:</p> <ul style="list-style-type: none"> numbers of children playing basketball numbers of kids engaged in sporting activity estimated numbers of children engaged in anti-social and risky activities Progress against baseline data will be reported every 6 months 	<p>Benchmarks</p> <ol style="list-style-type: none"> I. Provision of agreed data II. Installation of lights III. Developed management plan (Lead Agency) IV. Working lights after 1 and 5 years V. Basketball competition operating 	<p>Feedback Arrangements</p> <ul style="list-style-type: none"> Community and government reps will discuss every 2 months Competition secretary and community will meet if there are any difficulties ICC/NSW/Community will establish a mechanism to track problems

Checklist for State Officers Negotiating SRAs

- | | | |
|---|-----|----|
| 1. All state agencies with services implicated in the SRA have been identified | Yes | No |
| 2. All of these agencies have been notified of the SRA's development | Yes | No |
| 3. Clear benefits to the Aboriginal community have been identified | Yes | No |
| 4. The NSW government's interests in participating in the SRA have been identified, eg, SRA will add value to existing State programs | Yes | No |
| 5. There has been broad-based community representation in negotiations with State and Commonwealth officials | Yes | No |
| 6. The community's agreement to the SRA has been documented | Yes | No |
| 7. The community has had input into drafting the agreement | Yes | No |
| 8. There is a clear link between the agreement's rationale and stated outcomes | Yes | No |
| 9. The proposed activity is linked to existing state plans and programs | Yes | No |
| 10. Arrangements for monitoring are in place | Yes | No |
| 11. The agency responsible for monitoring has the resources required to monitor the agreement | Yes | No |
| 12. Your agency has a risk management plan should the SRA not progress as planned | Yes | No |
| 13. The DAA Regional Manager has assessed and endorsed the SRA | Yes | No |
| 14. Your Regional Director (or CEO/delegate where there is no RD) has assessed and endorsed the SRA and ensured that it can be funded from existing resources | Yes | No |
| 15. The Premier's Department Regional Coordinator has assessed and endorsed the SRA | Yes | No |

If you have answered No to any of the above, the SRA is probably not ready for final signature by the relevant agencies.

**Monitoring Template for
Shared Responsibility Agreements**

Reporting Period: January 200_ July 200_

Name of SRA:

Rationale:

Intended outcome(s):

Commencement date:

Lead Agency:

Contact:

Phone:

Email:

Additional agencies:

Overall Funding Commitment:

State funding:

Commonwealth funding:

State expenditure to date:

Outcome	Indicator	Baseline data	Reporting data

Risks to implementation:

Strategies to address risks:

Is the SRA adding benefit to an existing state program? If yes, which one?

How is the SRA complementing *Two Ways Together*?

Additional Comment (eg Implementation progress, community support etc)

Sample Monitoring Report for Shared Responsibility Agreements

Reporting Period: January 2006 July 200

Name of SRA: Provision of lighting for basketball courts

Rationale: To provide: kids with a safe area to play after dark; a sporting activity for hot environments (ie, sport at night); an alternative activity to risk-taking behaviour

Intended outcome(s): 1) Installation of lights; 2) Youth playing basketball; 3) Reduced offending by youth.

Commencement date: 28 April 2004.

Lead Agency: Dept of Sport and Rec.

Contact: Mary Smith **Phone:** 7777 7777

Email: mary.smith@agency.nsw.gov.au

Additional agencies: Juvenile Justice, Police, DOCS, DET.

Overall Funding Commitment:

State funding: \$20,000 **Commonwealth funding:** \$5,000

State expenditure to date: \$15,000

Outcome	Indicator	Baseline data	Reporting period data
Installation of lights	Lights working	No lights	All lights working
Youth playing basketball	Number of youth playing basketball	20	55
Reduced offending by youth	Reduction in court appearances by juveniles	2003: 85 appearances	2004: 60 appearances

Risks to implementation: Adults stop supervising kids; Kids not interested in basketball.

Strategies to address risks: Meet with community to discuss adult involvement and why supervision doesn't occur; Meet with kids to discuss why not interested. Assess need for extra financial assistance (eg, clothing and equipment).

Is the SRA adding benefit to an existing state program? If yes, which one?

Aboriginal Justice Plan – reducing youth offending.

How is the SRA complementing *Two Ways Together*?

Whole-of-government approach. Govt responding to community's priority (bored kids)

Additional Comment (eg Implementation progress, community support etc)

Initial delay in getting equipment – problems with contractor;

More kids than expected interested in playing – need for bigger change rooms.

Flow Chart for Approval of SRAs

