

Two Ways Together Partnership

Draft Community Engagement Framework

Community Consultation Report

Prepared by
Jack Beetson*, Deborah Durnan & Bob Boughton
for
NSW Department of Aboriginal Affairs (DAA)

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***Contact details:**

Jack Beetson

Email: jbeetson@midcoast.com

Mobile: 0413711245

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1. Introduction

1.1 Purpose of consultancy

DAA commissioned the consultants to undertake a two-stage project as part of its Two Ways Together (TWT) Partnership Community program. The aim of the consultations was to seek community views on a DRAFT prepared by DAA of a Partnership Community Engagement Framework. The first stage involved nine community meetings across NSW, to seek community views on the Framework. The second stage is to provide a new draft of the Framework, based on the consultations, and the views of stakeholders on the TWT Community Engagement Working Group.

Once finalised, the Framework is intended to provide the NSW Government with a policy and process through which each Aboriginal community will have a recognised community governance body empowered to negotiate with government about the planning and delivery of services at a local community level.

1.2 Purpose of this report

This document is the report on the state-wide community consultations on the draft Framework, undertaken in July 2008. The lead consultant, Jack Beetson, gave a clear and unequivocal undertaking at the beginning of each community meeting that the consultants role was to listen and document the community's views. These views would then be reported back to the participants, to ensure the consultants are accountable, as part of a genuine consultation. This report fulfils that commitment.

1.3 Consultancy Process (Methodology)

After an initial briefing meeting with the DAA staff leading the project, and a review of the documents provided, the consultants facilitated nine community meetings across NSW, over three weeks in July 2008. Prior to the meetings, a background paper was distributed by DAA and posted on the web. The meetings were attended by over 270 people, from approximately 61 different communities. Table One, below, summarises the participation at each meeting.

Table 1. Summary of meeting participation

Location	Communities	Participants
Broken Hill	5	20
Batemans Bay	3	23
Albury	4	31
Taree	4	23
Tamworth	7	30
Lismore	14	31
Dubbo	10	35
Walgett	10	41
Sydney	5	40
	62	274

At each meeting, we attempted to follow the same process.¹ To begin with, a senior DAA officer presented an initial overview of the Two Ways Together policy. This

¹ In two places, Tamworth and Lismore, the participants chose to vary this process.

was followed by a small group exercise in which each community group was asked to comment on current arrangements in place in their community for negotiating with government about service delivery. Following a reportback, there was a brief presentation on the five principles and criteria of the proposed draft framework, copies of which had been prepared and circulated by DAA officers. Small groups then worked together again to comment on these principles and criteria, and report back. Finally, a DAA officer outlined a proposal regarding how the framework would operate once it was finalised. At every meeting, the consultants took detailed notes of the discussions, and copies of all the written material produced by the small groups. Since completing the meetings, we have reviewed all the material collected at the meetings, and held two further meetings with DAA staff including the Regional Managers and other staff who participated in the meetings to verify that we have faithfully captured all the main points that were made.

DAA has also sought input from the community through written submissions, by 8th August. These will be provided to the consultants to supplement the material collected through the community meetings. This report will be presented to the Community Engagement Working Group on 22nd August, along with any further submissions received. The Community Engagement Working Group includes DAA, other State and Federal agencies, and the Aboriginal peak bodies who have agreed to partner this consultation process.

The second stage of the consultancy will be the preparation of a new draft of the Community Engagement Framework, taking into account all the input we have received. This will be presented to the Director General on 5 September 2008. She will then make the final decision on what to recommend to the Minister for Aboriginal Affairs. DAA's objective is to finalise the Framework by 30 September 2008.

1.4 Report structure

We have documented our findings in four separate sections of the report. Firstly, there is a brief summary of the 'context' of the consultations, based on the initial presentations and written material from DAA. Secondly, we summarise the meeting outcomes which were common across most or all meetings. This section is organised around ten key themes. Thirdly, we summarise what was said in response to each of the five draft principles and criteria which were presented to the meetings; and what was said about the proposal regarding the operation of the Framework. Fourthly, for each location, we provide a 'dot point' summary of specific things which were said in that place, which are not fully covered in the preceding sections. The Report ends with a brief concluding reflection on the work to date.

2. Findings

2.1 Overview of context

As explained by DAA in its presentations and in the material distributed in print and on the web, the draft Partnership Community Engagement Framework is an important part of Two Ways Together, which is the name of the NSW Government's

Aboriginal Affairs Plan for the period 2003 – 2012. Two Ways Together (TWT), in turn, is now an integral part of the NSW State Plan 2007 – 2016. Under TWT and the NSW State Plan, the NSW government is committed to negotiating with Aboriginal people to plan improved and better coordinated service delivery at regional and local levels. The overall policy and priorities at a State level have been set, and regional bodies have been created, called Regional Engagement Groups (REGs) to coordinate planning and monitoring in the nine regions. Forty Partnership Communities, which together include just under 50% of the NSW Aboriginal population, have been selected to begin the community-level planning process, and DAA was allocated additional funding for 20 new Project Officers to work with these communities. Other communities will be brought into the program over time; and DAA expects that the new Project Officers will enable their existing regional office staff to work more closely with those communities who are not yet participating in Two Ways Together.

The Community Engagement Framework is a new policy, still in draft, which was designed to ensure that all the government and non-government agencies involved in local level service delivery work collaboratively through the one designated community governance body in each of these communities. It aims to ensure that this body is acceptable to the whole community, and that the government can have confidence that the body does speak for the whole community. The most important task of the bodies which are approved under the Framework will be to develop a community action plan for improved service delivery, working within the already existing regional plans.

In some communities, the process has already begun and DAA gave an assurance that existing bodies which are working well, such as Community Working Parties (CWPs) in some places, and Local Aboriginal Land Councils (LALCs) in others, will not be replaced. However, the Framework is intended to make it clear that the body chosen is the right one for that community. The Framework will also provide a process by which communities which currently do not have an appropriate body are enabled to set one up, with the help of the new Project Officers or other DAA staff.

The DAA background discussion papers expressed a clear preference for the LALCs eventually to become the designated body, while accepting that at present this was not appropriate in many communities, for various reasons. The NSWALC and the other peaks are partners with DAA in this process, through the Community Engagement Working Group. They all agreed to the draft being circulated for these consultations.

In the open forums and small group discussions, community participants and representatives of the peak bodies revealed greatly varying understanding of this policy context and implementation process, and many criticisms and concerns were raised, which are described more fully below. There was confusion arising from the language and terminology, because different communities have different names for the groups which are already playing this role. The term ‘community engagement group’ was not used or accepted. Different people had different parts of the overall story, which has been unfolding at least since the abolition of ATSIC and the 2005 NSW State-wide Summit on community governance, *Our Future Our Voice*. Each community had its own distinct story to tell about ways community governance and service delivery planning issues had been addressed in their location over many years. Many people were frustrated by the lack of any clear evidence that the work that was

already going in communities has been used to inform this new policy proposal. This was part of a more general sense of frustration and anger about the continued inability of government at all levels to work effectively with people at a local level to provide adequate and coordinated services, and achieve real improvements in community living standards. There was a widely-held view that all three tiers of government had failed to adhere to the basic principles which underpin Two Ways Together: collaboration, accountability and cultural appropriateness.

2.2 Thematic analysis

The following summary is organised according to ten key themes.² It aims to convey a consensus of the most commonly expressed views across most, if not all, the meetings.

a) Problems with the Consultation Process

At every meeting, people were strongly critical of DAA's approach to the consultations on the draft Framework, and of the way the Two Ways Together Plan was being implemented. At all meetings the view was expressed strongly that DAA was not engaged in a genuine dialogue, and that the process could not be trusted. The key points made were:

- The process was too top down, and disrespectful of the communities, who should have been consulted before the Draft was prepared
- The timeframe was too short for effective consultation, including time to discuss the materials in communities before coming to the meeting
- Fear that this was a 'rubber stamp' process, not a genuine consultation
- That the process did not appear to be following its own principles ie that Aboriginal people know best their own needs
- That not enough recognition was being given to the work that was already going on in communities to establish community governance bodies, especially (but not only) in the Murdi Paki region which has a nationally-recognised community governance model
- That the language of the documents was too difficult and abstract, and should have been presented in plain English and communicated in non-print forms eg radio and videodisks for people who had lower literacy skills
- That the meeting participants had very different levels of experience and understanding of the NSW government's Aboriginal Affairs policy context, making it difficult to get an informed discussion in the time available
- That the people at the meetings were not empowered to speak for their communities and the Framework should not be finalised until there had been more consultations and dialogue at a community level.³

b) In principle support for the Framework, with qualifications & conditions

With the exception of Tamworth, and despite the issues above, there was widespread support for the establishment of the Framework, because communities want all levels

² This thematic summary was a specific requirement of the consultancy brief developed by DAA and the Community Engagement Working Group (CEWG).

³ In Tamworth, the meeting decided not to give opinions on the Principles and Criteria until they had taken them back to their communities

of government to recognise and work through one community governance body. However, support for the Framework will depend on five major conditions being met:

- *Firstly*, and most importantly, communities are unwilling to agree to the Framework without a guarantee from DAA that all NSW government agencies will recognise and work through the body which is endorsed under it. Furthermore, local government, non-government agencies and the Commonwealth should agree to work through the same body. For border towns, there was the added issue of getting bi-state agreement and recognition.
- *Secondly*, communities want a genuine and equal partnership, which embodies the principle of mutual accountability. This includes a guarantee that the local community action plans which the community governance body develops with the agencies will be implemented, and will be informed by and coordinated with the plans they have already been involved in developing over many years.
- *Thirdly*, the arrangements must be ‘sustainable’ and have a long-term lifespan, which requires adequate, appropriate resourcing and bipartisan support from the NSW Parliament.
- *Fourthly*, the principles and criteria will need to be amended to take account of the views expressed at the meetings, which are described in more detail below
- *Fifthly*, a more detailed guide is required to the way the Framework will operate at a local level. This includes terms of reference, responsibilities and ‘deliverables’ for the community governance bodies; clarification as to whether they have advisory or decision-making powers and their relationship to other bodies, including LALCs and REGs; clarification of the POs roles and responsibilities; and a dispute resolution mechanism.

c) Support existing bodies, not just LALCs

There was a broad consensus that most communities had existing bodies which were already performing many of the functions of community governance and service delivery planning. These included bodies which DAA Regional Offices had helped to establish as part of the TWT program and other DAA programs, such as the COAG trial at Murdi Paki, and/or as part of an SRA led by the Indigenous Coordination Centres. It is therefore essential that the Framework does not over-ride or replace those groups with new groups, nor should it duplicate or diminish the work they had already done. In fact, the Framework should seek to strengthen and enhance the existing bodies and the work they were already doing. In every meeting except Sydney, the overwhelming view was that LALCs were not the body that could, on their own, perform the role required. In some places, LALCs could lead and work with others, and in other places LALCs would simply be one invited participant. But the idea that this function would eventually be transferred to the LALC network was not endorsed. People did not want an interim arrangement. Once a body was endorsed, it had to be sustainable and long-term, provided it continued to meet the agreed criteria.

An alternative view was put strongly at the Sydney meeting, that the NSWALC is the legitimate body to represent Aboriginal peoples views, and that the DAA proposal should therefore be absorbed into the Community Land and Business Planning process currently being undertaken by the LALCs.

d) Customise Framework to Local Conditions

There was a major concern that a state-wide Framework might not be flexible enough to accommodate local needs and differences. While the need for a state-wide policy Framework is acknowledged, it must allow for local conditions and needs. One size will not fit all communities, because every community has a different history. The overwhelming view was that final decisions about what was viable, effective and credible had to be made in consultation with each specific community. For this reason, the criteria could not be too specific. Very basic decisions, such as who is a community member, and what is a community, should be left to the community (See Principle One, below). A mechanism will need to be found so that local conditions are taken into account, including, if necessary, variations to the principles and criteria to accommodate local needs. Top-down decision making is not trusted, and will therefore not give the best outcomes. As many people pointed out, the first principle is that Aboriginal people know their own needs best, and they argued that this should be applied to the Framework itself.

e) Provide Adequate Resources and Support

An overwhelming message at every meeting was that the people in communities who are already performing the advisory, negotiating and planning functions set out in the Framework are completely under-resourced and over-stretched. Some people spoke of being ‘planned to death.’ Many talked about having two jobs, a day job to earn money, and a night job working for their community in a voluntary capacity, paying expenses out of their own pockets. Everyone said that the community governance groups would only work if they were adequately and effectively resourced. This needs to include provision for costs of transport to meetings; venues and refreshments; secretarial and administrative assistance; costs of seeking community input and regular reporting back to the community, such as ‘community engagement days’ and advertising; and governance training and capacity building for group members. People want an end to the culture of volunteerism. Some suggested a ‘fee-for-service’ arrangement, with the body and its members being reimbursed for their costs.

DAA’s proposal that the twenty new Project Officers would resource and support the community governance groups generated significant debate and discussion. It was virtually unanimous that these positions had to be identified and/or designated Aboriginal positions. Secondly, at many meetings, the view was expressed that people from the communities themselves should be employed in this role. Thirdly, many communities said that these positions should be located in a local community-controlled organization, rather than in DAA’s regional offices. Fourthly, local community people wish to be included on selection panels for these positions. Fifthly, the POs must be given training and clear terms of reference, and their roles should be to resource the community governance body and build its capacity, and to assist it to develop and negotiate its community action plan with the service delivery agencies.

f) Remove REGs from Framework Implementation Process

The proposed method of implementation, whereby the final decision to recommend a local community governance body to the Director-General was taken by the Regional Engagement Group (REG), was universally rejected. REGS, it was argued, could not speak for local communities, for a number of reasons. The common view is that REGS are dominated by non-Aboriginal government agencies and individuals; their members rarely have a direct link to communities and do not represent them; and they

are not accountable to the communities. Moreover, local priorities are not reflected in the REGs' action plans.

Various alternative models were proposed, but the most common position was that the decision must be taken in the community itself, with a recommendation from there direct to the Director-General. If communities could not agree on a body, that would mean that there was no single body which could be endorsed, and more work should be done to resolve differences. For DAA to choose one body over another would make existing conflicts worse. Where communities are highly factionalised, it may therefore take some time to build consensus to establish one body, or to review the nature of the community. But this is what is required for good community governance. On the other hand, some people were concerned that one faction refusing to participate could stop a community plan from going forward.

g) Resolve Issues Regarding Role of 'Peaks' and other Agencies

A number of other concerns were raised about the role of the peak bodies in the process. In particular, local community governance bodies needed support and advice at a local level from peak bodies in their areas of expertise, in order to deal with government. On the other hand, peak bodies should not be taking decisions at a regional or state level on behalf of communities without consultation with the recognised local community governance body. It is a concern that peaks mostly do not have representatives at a community level or a capacity to connect regularly with local communities. In some places, some peaks are not considered to have legitimacy, especially where they have no local presence or there is not an elected or representative structure by which peaks are accountable back to communities.

Similar problems were raised in relation to other NSW agencies. For example, most agencies have state-wide and regional plans which impact on local communities, and receive funding to deliver services to local communities. The Framework will need to include a way of resolving differences between local community plans and priorities and regional and state-wide plans. Local communities also want much greater accountability from agencies back to the community for how those agencies spend the funds they receive to work with Aboriginal communities. In some places, specific agencies were singled out for not consulting or reporting back, for example, police and education authorities. In other places, communities said they had well-developed plans and proposals for improved service-delivery, but these had been ignored. The Framework needs to empower local community governance bodies to insist on two way accountability, if there is to be a genuine and equal partnership between community and government.

h) Address the Problems of the 'Non- Partnership' Communities

One of the most controversial issues was the focus in the draft and the DAA background Discussion Paper on rolling out the Framework in the 40 TWT Partnership Communities. There was some confusion over whether this meant the Framework would not apply in non-partnership communities, even though they had a need for a legitimate and credible community governance body. In many cases, non-partnership communities who attended the meetings had already been working to establish such a body, and saw the draft Framework as a sign that the government was 'disengaging' from them. The Framework should make it clear that communities who are not currently designated Partnership Communities (PCs) will not be excluded

from its operation. In particular, communities which are not PCs still need to develop community governance bodies, and if they do so, or have them already, those bodies should be recognised and given legitimacy, and dealt with by government agencies on the same basis as the PCs. Moreover, it was argued, a time-frame for inclusion of the non PCs in the Partnership Community program should also be established.

i) The Whole Framework Must be Informed by Cultural Principles and Protocols

A common theme in all the meetings was the Framework needed to be clear that local community governance arrangements only have authority when they are based on local Aboriginal community cultural values, protocols and practices. Some people thought there should be a specific cultural principle, while others said that Aboriginal cultural principles and practices had to underpin the whole Framework, including every principle and the process of implementation. People said that, in order to be recognised as the legitimate voice of a community, each community governance body, including who was on it, how they were selected, and how they made decisions, would have to have the support of the Local Elders and Traditional Owners, the people who are recognised in that community as the senior cultural interpreters and custodians of country.

j) The Framework Must be Developmental & Subject to Review

For a range of reasons, many of which have been dealt with above, communities do not want the Framework and any decisions taken under it to be treated as final and fixed. This is partly because so many communities are at different stages of the process in developing effective partnerships with service delivery agencies and it is not entirely clear what the final form should be for their community governance body. Not is it clear what the best ways are to formalise the relationship between the communities and the agencies. For this reason, the Framework needs to establish a developmental process, where things can be worked out over a longer timeframe, and the process and the policy guiding it is subject to annual review. Another relevant factor the meetings raised was that the Commonwealth is also engaged in consultations on a national representative body, and the two processes need to be brought into line to avoid duplication and wasted energy.

2.3 Findings by Principle

1) Principle One & criterion

Apart from Tamworth, where no view was expressed, this Principle received full endorsement. There was a very strong view expressed that the phrase ‘live in’ should be removed and it should be up to the community, and the community alone, to decide who was an Aboriginal person, and how to define the community, according to local cultural protocols. Some communities, for example, wanted to include people who work but do not live in the community; people with family ties back to a community; and traditional owners who do not live there. Some communities also want non-Aboriginal people to be able take part in the groups meetings and discussions, as associate or non-voting members.

2) Principle Two & criterion

This principle received majority support, but generated a lot of discussion and debate. The need to be inclusive across clans, families and factions was noted. The words ‘if

relevant' in relation to families was rejected because family is always relevant. Some communities want LALCs, CWPs and peak bodies specifically mentioned in the list of groups to be included. It was also said that the Principle needed to be stronger, with a commitment from government to recognise, strengthen and enhance existing effective local community governance structures. Several meetings raised the issue of whether or not the group should be incorporated, and the almost universal view was that incorporation was not a good idea. The reasons given were that by remaining unincorporated, the body would not be responsible for holding funds, could be as inclusive as possible, could remain completely autonomous and independent from government, and could not be breached or put under administration. A recurring theme that decisions should be made on the basis of fair and equal representation eg one vote-one family; one vote – one organization; one vote – one 'special interest' group eg men, women, youth. Elders and Traditional Owners should have a special role, as described above. In relation both to this Principle and the next one, people want the Framework to be clear about the consequences for a community if factions within that community are unable to agree on one body.

3) Principle Three & criterion

The wording of this Principle was not acceptable, particularly the word 'appointed'. Transparency, accountability and diversity were accepted, but the main point, made in many different ways, was that the decision about what is acceptable as a process for determining the membership should be made at a community level. It was also said that it could take a long time to develop a fully-inclusive body, and the Framework should recognise that different communities were at different points in the process, and allow the necessary time without adversely affecting a community's access to services in the meantime (See Theme 10, above).

4) Principle Four & criterion

At almost every meeting, people found Principle Four and its criterion confusing, and lacking in clarity. This is because it describes the actual functions of the group, and also makes a point about the need to separate service delivery responsibilities and planning and setting community priorities. People agreed the community governance body should not be a service provider, and accepted the need to be clear about conflicts of interest where the group was making recommendations about funding if some of its members were involved with service providers. But they also said that the peaks and the Aboriginal-controlled service providers have the expertise which the groups will need to draw on to make good planning decisions.

The term 'community resilience initiatives' was questioned by many, and outright rejected by others. At the Sydney meeting, it was condemned as 'offensive', because it implies that the problems in communities are largely of their own making, rather than due to the history of institutional racism and neglect. The majority view was that it should not be included as a function of the community governance bodies.

There was considerable concern about a group being held responsible if its community action plan recommendations were used by government to justify defunding an existing community service provider. This could cause serious conflict within a community.

A major underlying cause for concern was the lack of clarity in the DAA draft and supporting material about the relationship between the action plans developed at this community level and the plans of regional and state bodies, and particular functional areas eg health. People wanted to know how conflicts between the plans from these different levels would be resolved; or were they simply being asked to form a local planning group to plan how to implement decisions already made? The effectiveness of the local group as a planning body was questioned, if it did not have access to good financial information, about what resources were available to implement the plans it made. This connected to the concern under Principle Five about mutual accountability.

Finally, people wanted DAA to clarify what it meant by giving the groups the responsibility to resolve conflicts over ‘corporate governance matters’.

5) Principle Five & criterion

The need for accountability to the local community was accepted, as was the need to communicate and seek local views. ‘Transparent’ conflict resolution, it was said, is not always the best way to do things culturally, and this relates to a more general point that many people made that the draft Framework does not include enough cultural content.

The two most important points made under Principle Five were about resourcing and mutual accountability. In terms of resourcing, a group could not be expected to meet this Principle if it did not have adequate resources. Consulting different groups in the community, making sure everyone has the needed information, and resolving differences and conflicts all takes time and resources. Without a commitment from government to provide such resources, the Framework would not be acceptable. However, people said that the responsibility of government in relation to the Framework went beyond just resourcing the consultations and planning. It included a guarantee of good faith, that once the groups were established, they would be the bodies that government was committed to work with. Agencies should commit to not going outside the groups if they did not get the advice they wanted. Furthermore, there would need to be some commitment that if the community did this work of consulting and planning, there would be resources to implement the action plans they made.

6) Operation of the Framework

At each meeting (except Tamworth), a DAA Officer presented a proposal about how the framework would operate, once it was finalised. A group which wanted to be recognised under the Framework would make application, with the help of a DAA Project Officer, setting out how it met the criteria under each Principle. This would be referred to the REG, which would make a recommendation to the Director-General, who would make the final decision.

As already explained, this was universally rejected, for the reasons set out above (see *Theme f*). Various alternatives were discussed. One which emerges from suggestions at a range of meetings is that the DAA Regional Manager should

- a) assess whether the evidence met the criteria;
- b) notify the applicant if more work was needed;

- c) once satisfied, the RM would then seek advice from local Elders Group that the applicant had followed appropriate processes and that the body was a legitimately constituted group with authority to speak on behalf of the local community
- d) once this endorsement had been received, the DG would formally endorse the group and notify all relevant State, Federal and local government agencies and the peak bodies.

A variation was that, having assembled its evidence with help from the Regional Manager, a community body would seek a direct community meeting with the Director-General who would be empowered to make the final decision.

While these suggestions emerged from several meetings, the main point that was made about the operation of the Framework is that it will need to be negotiated at local level with each community, to take account of different local conditions, needs and expectations. It should also be noted that some Regional Managers disagreed with the idea that they should have a central role in deciding which group was endorsed.

This ends the summary findings from the nine meetings.

2.4. Meeting-specific findings, not already covered

In this last presentation on the findings from the nine community meetings, a summary is provided of points made at each meeting which have not already been covered in the summaries above. These points are sourced from the notes taken by the consultancy team, and from the butcher's paper sheets on which the small groups recorded their views. The meetings are presented in the order in which they occurred. For each meeting, there is also a list of the communities who attended.

Broken Hill

Communities: Broken Hill, Cobar, Dareton, Ivanhoe, Wilcannia

A. Current Arrangements:

- Stop using third parties e.g. money given to another agency to do work but little left in budget to do the job by the time it gets to the community.
- Need longer timeframe for partnership and funding agreements.
- Allow us to make mistakes and fix them ourselves. This is consistent with Principle 1.
- Since the end of COAG little, if any, real commitment from all levels of government and a failure to support established bodies (LALCs) and to recognize them as community based.
- Lack of accountability by staff from government agencies to Aboriginal community for their decisions about service delivery priorities
- Government has own agenda and wants to make us work/think like white people. Government agencies do not want to collaborate with each other which means few concrete outcomes.
- Agencies should work with community strengths, support community from the bottom up, show respect for TOs and be prepared to work under community direction.

- The Murdi Paki structure of Regional Assembly and CWPs should be strengthened and LALCs need to be consolidated and assisted to fix issues (Broken Hill).
- Monthly local engagement meetings with all stakeholders slowly improves communications and relationships (Cobar).
- People need further better and fuller background knowledge so they can contribute with a proper informed understanding
- Need more time to consider draft Framework so local community can provide credible feedback. Unless DAA adopts a better process for consultation, cannot participate further in this process; require draft report before a decision is made
- Local people know best the local solutions for local needs. This needs to be reality, not just rhetoric. Government must agree to Principle One.
- Extremely short notification of consultation meeting means people are not prepared enough for their input to be effective.

B. The Framework: Principles, Criteria and Operation

- Local decision-making through CWPs will provide consistency and equity across the region – bottom up, not top down.
Success depends on good communication with everyone and having community facilitators.
- Principle 1: Is about self-determination. This needs to be acknowledged and respected by all partners.
- Principle 2: Need to support and strengthen existing Aboriginal organisations and service providers who need to prove their links and maintain them. LALC should convene a meeting of Aboriginal organizational representatives thereby using the structure protected by legislation (Wilcannia). In some areas, the preferred term for TO is “local peoples with ties to that land” (Cobar).
- Principle 3: Action plans exist but not actioned by service providers. Where is the transparency and accountability to the community by government for their work.
- Principle 4 should be driven by performance, not process. Conflict of interest can be avoided if members do not represent their organisations but attend as community members.
- Principle 5: Community group should not have sole responsibility for conflict resolution. Conflicts often exacerbated by inappropriate government interventions and not following proper processes. There needs to be MOUs for TWT partnerships.
- Principles, 3, 4 & 5 Rejected (Wilcannia).
- Two groups group rejected the DAA process to develop the Framework on the grounds it was inappropriate and disrespectful of processes already in place (Broken Hill & Wilcannia)

Batemans Bay

Communities: Illawarra, Shoalhaven, Eurobodalla

A. Current Arrangements

- Existing groups provide a good model for local, inclusive, non-factional, open membership. Groups are the voices of the grassroots; advocate with government and other agencies with a focus on investing in the community, not organisations.
- Essential to improve community solidarity.

- Building sustainable futures through long-term strategies including partnerships through MOUs, needs to be a focus of local group work.
- Non-incorporation is important but there can be problems with auspicing bodies and arrangements to undertake the work of the CWPs/CEGs etc.
- Problems arise when government agencies consult only with own Aboriginal staff and not with local communities.
- Specialist groups bring expert advice and means you only need to participate in meetings related to your own area of expertise.
- ‘Local knowledge’ can be too localized and can lead to diverting resources to own interest rather than for the community as a whole.
- CBWC clusters and sub-groups is a good model (Illawarra).
- Lack of participation by Federal government agencies with local groups is a big problem.

B. The Framework: Principles, Criteria and Operation

- Principle 1: ... “live in only” (not from); Criteria 1: ... “are Aboriginal people who have a vested interest in that community for the betterment of the community”.
- Principle 2: ... should foster and promote inclusiveness in all decision making.
- Principle 3: Replace ‘appoint’ with ‘accepted by’ ... DAA needs to clarify who will facilitate the first meeting of the group and how it will all begin, especially in non-TWT communities. Is this DAAs role?
- Principle 4: Will DAA have TORs for the role/functions of the group? Is it an advisory group or a decision making body? Who will recognize its mandate? Decision making power is vital to success.
- Principle 5: Who is the conflict being resolved with – community? Government agencies? Criteria ? ... supporting the resolution of conflicts ...
- Reject the LALC model outlined in Discussion Paper p.13 (Shoalhaven).

Albury

Communities: Balranald, Albury, Tumut/Brungle, Wagga Wagga

A. Current Arrangements:

- Improve government agency follow-up after meetings.
- Critical to engage with local employers and build support to help our mob with jobs and other opportunities.
- Must get local government to negotiate their social action plan e.g. roads, public transport.
- Some non-TWT communities feel ‘disengaged’ where problems are as serious as exist in TWT partners. Non-TWTs need urgent help. How do communities quality to become part of TWT?
- TWT partnerships work when meet together regularly and information flow and communication is open and accessible and two ways.
- CWPs must focus on priorities and plan for strategic employment in government agencies and businesses.
- Implementation of local community strategies is prevented when government agencies do not have power or delegation at local level and fail to collaborate/coordinate with each other.

- Representatives from peaks must participate in community level meetings regularly and improve communication.
- Resources and expertise and training required to assist CWPs with using the media (radio, TV, internet, newspapers) to communicate with own mob and wider community.
- Employ more people to work full-time in local organisations, government agencies and CWPs.

B. The Framework: Principles, Criteria and Operation

- DAA must explain clearly the process for how to get a group accepted as a CEG e.g. what is the application process, what evidence is needed. Without this detail, groups unable to properly consider the draft Framework
- In this resettlement area, only the local Elders Group is the cultural way to approve an application (Albury-Wodonga).
- Bad historical experience with LALCs means many communities do not have confidence in their ability
- General feeling is that DAA want to take away our groups which are working well and replace them with LALC model
- Principle 2: Local Elders and TOs who live off country must also have a say. Progress should not be held up if some groups do not want to cooperate.
- Principle 4: Need to be aware of overlapping with other organisations in terms of setting objectives for the community.
 - DAA must explain how a CEG will be accountable for funding allocations and liabilities; and where are the boundaries of functions and responsibilities?
 - Framework will be a ‘toothless dog’ unless there is a long term commitment to adequately fund its work
- Principles 4&5: Needs to be signed off by Elders representative and CEG advice needs to be in writing.

Taree

Communities: Taree, Lake Macquarie, Kempsey, Bellbrook

A. Current Arrangements

- Favouritism in allocating funds and non-indigenous agencies using money earmarked for Aboriginal programs in mainstream with no accountability requirements.
- Increasing self-determination and community empowerment by training local groups on how to access funds.
- Negative media reports need to be countered.
- An elected representative structure is used to form the local group in Lake Macquarie resulting in improved inclusive working relationships.
- Poor resourcing, especially for Secretariat of CWPs means poor time management and participation.
- Community perception that government agencies driven by statistics and not locally identified priorities.
- Critical CWPs are autonomous but work in partnerships with wider community and all levels of government.

- Factional divisions need to be addressed through a process of mediation to build trust.

B. The Framework: Principles, Criteria and Operation

- Principle 1: Amend to “members are Aboriginal people who live in or serviced by the west ward of Lake Macquarie”. Add Aboriginal to the name of the group to ensure members are Aboriginal only.
- Principle 2: Elected members must also be active in existing community networks to enhance knowledge/experience base and have direct access to quality information and services. Charter allows for future expansion.
 - Criteria: Each local group must specify local list of Aboriginal groups and organisations who need to be included but also allow individuals. Group must include representatives from all sectors but not there to represent vested interests.
- Principle 3: Members should put nominations to DAA, followed by a community ballot.
 - Criteria: Members must be available to attend meetings and there must be a diversity of members. DAA needs to provide the TORs for the CEGs.
- Principles 4&5: CWPs need to develop a code of conduct and a Charter, including membership criteria, and operational rules. Important to clarify which issues CEG will work on with government; how CEG will relate to LALCs in term of issues & roles. Need to be aware of duplication and causing conflicts.
 - Criteria: Must be required to use local media to notify meetings as well as word of mouth

Tamworth

Communities: Armidale, Tamworth, Gunnedah, Glen Innes, Bogabilla/Toomelah, Hunter, Moree

A. Current Arrangements:

- Arrangements too factionalised and youth excluded.
- Action plans exist but lack follow-up, funding and evaluation.
- Support to improve governance capacity is needed to gain better participation and knowledge.
- Governments need to adopt a sustainable approach and work with respect with local groups. Public servants do not speak for the community.
- Communities need to build greater unity.
- Northern Tablelands Elders Council provides an alternative model
- Community members are overloaded with too many government meetings with little support, follow-up – a rubber stamp approach. Smaller local forums are better for local people.
- Need formal and informal “engagements” to build bridges.
- Too often it takes a crisis before there is action by government. The reality is often different to government policy/rules.
- Community groups do not know how to make three levels of government accountable for their decisions at the local level.
- Cross-border issues are difficult and need to involve local community in resolving problems, not just high-level public servants.
- Local Aboriginal input into local council business is lacking.

- All levels of government need to coordinate services, responsibilities and accountabilities; and acknowledge we are not “one group” to be put into “one basket”.

B. The Framework: Principles, Criteria and Operation

- Chose not to engage in discussion about the draft Framework because of the poor process. It was argued that the local community people needed to discuss the proposal first. It takes time for a community to reach a decision, especially outside discrete communities. In resettlement areas, it takes a lot of time to reach agreement in a community.

Lismore

Communities: Ballina, Coraki, Tweed Heads, Yamba, Tabulum/Jubullum, Malabugilmah, Lismore, West Lake Macquarie, Casino, Nambucca, Bowraville, Grafton, Coffs Harbour, Macksville

Current Arrangements:

- In some smaller community, agencies and peaks “don’t even come – over 2 years we’ve been waiting”.
- Need to establish CWP or equivalent in all communities.
- Government agencies are selective and take easy way when talking to our communities or seek direction from non-indigenous staff who they believe know best about “their goals”.
- Policy and decisions made at state level meetings and then rolled down, expecting community to take ownership.
- Local level meetings are patronizing and gestures only. Government agencies need to work in community, at the coalface and “cut out middle man”. There is a lack of respect for local area authority and knowledge and diversity. Inappropriate engagement causes greater community division.
- DAA is dysfunctional at top-level management.
- All government agencies need to make TWT policy a “living doc” and legislate to force government departments to act together on TWT priorities and action plans over the long term.
- DAA should provide an independent office space in larger communities to coordinate the rollout of TWT.
- Strong local community body will keep governments and NGOs accountable to Aboriginal people about how they spend Aboriginal dollars against outcomes.
- All stakeholders should engage with grassroots through regular engagement days and community needs resources to hold these forums properly
- Stop band-aid solution approach by providing 5 year funding cycles for community action plans.
- Government staff positions to be localised and based in community “hubs” closer to where people are.
- Negotiations with local governments need to be improved through MOUs.

B. The Framework: Principles, Criteria and Operation

- What is lifespan of the proposed CEG?
- How will a CEG support its community?
- What are the TORs and how often will they be reviewed?

- DAA should provide an information kit on Framework in easy English and visually, e.g. DVD, to help communities set up own group.
- CEGs will need funds to develop approaches to providing feedback and gaining genuine input including DVDs, web pages, internet access, community forums and visits to take account of very poor literacy levels in community.

Dubbo

Communities: Bathurst, Cobar, Brewarina, Bourke, Murrin Bridge, Dubbo, Wellington, Nyngan, Orange, Cowra

A. Current Arrangements:

- Government agencies need to show respect for traditional ownership and protocols; and listen and act upon grassroots views, including who goes into Aboriginal jobs.
- Aboriginal people need to unite to have strength with government.
- Without commitment from local leadership, the Framework will not succeed.
- Non-Aboriginal people cannot determine Aboriginality (re REGs).
- Local differences must be recognized by governments which means working at grassroots, not regional level.
- CEG must have equal representation: family, organisations, Elders, youth, women and no proxy votes. Meetings must be inclusive, open, regular and without government agencies having a say in how meetings are run.
- Without a commitment of dollars, it is all talk. There's a lack of trust and respect by governments towards local communities. We don't need to read about it, we need to do it!
- Peaks are trying to please everyone and CWP's do not have resources to engage with them. Some peaks ignore local CWP's in some communities.
- Implementation at local level is adhoc by governments.
- Need local government to work together e.g. local government only talks with their own sub-committee which doesn't attend CWP meetings (Bathurst).
- Only 3 LALCs working effectively in MP region.
- Facilitators/POs must work for CWP's not government agencies.

B. The Framework: Principles, Criteria and Operation

- Principle 2: Members must live in community and crucial they have links to community to ensure real community input. Agencies are not the decision makers.
- Principle 3: Transparency in process is crucial. Define service providers – who?
- Principle 4: Change “advise” to “ensure plans are carried out locally”.
 - Criteria 4: Government agencies and other NGOs must also demonstrate that they seek CEG views, respond to identified priorities, and support CEG decisions.
- Principle 5: Clearly say that CWP will be responsible to the local community.

Walgett

Communities: Brewarrina, Bourke, Cobar, Colleranabri, Coonamble, Goodooga, Gulargambone Lightning Ridge, Moree, Walgett

A. Current Arrangements:

- Strong community self-governance is the key to improved planning and delivery.
- Need to improve the reach and active participation of CWP and provide long-term support for CWP to evolve.
- Need to strengthen non-indigenous input and partnerships with MOUs. Build awareness and knowledge of issues, role of CWP in the broader community e.g. police.
- Factionalism and nepotism in some Aboriginal community service organizations stops community working together.
- Some communities in surrounding regions are not supportive of TWT.
- Need more regular, ongoing, effective presence and communication by DAA and other agencies in small local and isolated communities such as Coonamble.
- Local CWP facilitators are essential to the work of the CWP and should continue. They are often first point of contact with agencies and refer them to CWP or LALCs, depending on the issue.
- Success includes engaging local shires in partnership with CWP and/or LALCs. All levels of government have their own perception of town's social issues which guides action. This perception does not always reflect the CWP perception.
- Local CWP should be open to all ages and encourage youth and under 18 as associates with parental consent
- Smaller communities depend on the larger communities to support them in getting government to recognise different needs and processes and to share costs.
- Improve selection process for DAA staff.
- Biggest obstacle is the predetermined agendas imposed by government agencies. They come with false promises and slow response times and with no accountability to the community. Buck passing is common.
- Lack of recognition by agencies that Aboriginal businesses do good business and can help governments achieve their goals.
- There is a general lack of trust by community in government and by government in community.
- Improve situation with local level service agreements for all providers with Aboriginal local governance body.
- Community requires incentives to participate (both time, knowledge and experience).

B. The Framework: Principles, Criteria and Operation

- Criteria 3: "CEG will show how members are appointed with equal representation from family groups with training provided ..." (Lightning Ridge and Goodooga). One vote per family to avoid stacking.
- Principle 4: Government agency employees must declare their conflict of interest and remove self from meeting during discussions.
- Principle 5: All documents must be accessible to all members.
- DAA needs to clearly explain how groups will demonstrate they meet criteria and to whom; and how decision will be made.

Sydney

Communities: La Perouse, Western Sydney, Newcastle/Central Coast, Redfern/Inner-Sydney/Inner West; Illawarra.

A. Current Arrangements:

- Government engagement poor, reactive, not strategic, not ‘whole of community’
- Koori Interagency (W. Sydney) works well
- Consultations on new programs only; only select people come
- Different agencies have different standards and processes
- LALCs Community Land & Business Plans (CLBPs) need to be part of this process
- LALCs should be on REGs
- Need cultural events to involve community; newsletters, community forums; informal social get togethers
- Protocols needed to recognise Sydney’s TOs
- Agencies need more Aboriginal staff employed to do outreach; each agency should have a designated person for that community
- TWT has too many decision making layers, and Aboriginal representation goes down as you move up the decision-making chain eg 40-50% at REGs, 5-8% at RCMGs, 1-2% at CEOs group
- Redfern- Waterloo Authority not accountable, except through newsletter
- Aboriginal representatives on advisory bodies should be elected
- Not all local governments in Sydney are consulting and including Aboriginal people
- Organisations who are consulted don’t have enough connection to local communities
- Young people are not getting involved because of obstructive politics
- Aboriginal people need to be elected to local government
- Service provider boundaries need review; different agencies using different boundaries
- Discrete communities hard to define in Sydney
- People want whole TWT evaluated, not just Indicators Report
- NSWALC doesn’t want unfunded consultation structures, not sustainable
- Regional Managers on REGs can’t make decisions for their agencies, don’t have power; government reps on REGs are just using them to get more funding for their own department’s priorities
- LALCs are the peoples’ organizations; LALCs should organise community forums
- LALCs need reform (Illawarra)

B. The Framework: Principles, Criteria and Operation

- **Principle One:** Total support; use metro LALC boundaries; include ‘traditional association’ as well as ‘live in’; community can include people who live externally but still belong; standard protocol needed for determining Aboriginality; should group have responsibility to question Aboriginality?
- **Principle Two:** Support with changes; list TOs first; include ‘support and enhance’ existing...’; include ‘community-controlled’ organizations & define; need to know purpose and aim before deciding membership;
- **Principle Three:** too many unanswered questions eg Who has responsibility to appoint? Who ensures legitimacy? Who oversees process? Who sets it up and

facilitates? Who is umpire or arbitrator? Concern with issue of ‘appointment’; Call it a ‘community action group’; group should develop own selection criteria and process. Criteria Three should be Criteria One

- Principle Four: Needs clarification; Defined priorities already exist & these should be incorporated into CEG plan; group needs terms of reference; people want to be assured that group will not used to get rid of organizations already working in community; develop a five-year CLBP which flows into regional plan
- Principle Five: Agreed; communication strategy needed, but where are resources going to come from to keep community informed?
- Operation: What next? Is this a DAA/NSWALC production? When will our questions be answered? When will decision be made? Should use CLBP to engage views of local area & regional needs, and direct resources to identified LALCs to assist in the development of engaged communities (Newcastle/Central Coast)

3. Conclusion

As was said at one meeting, the point of this work is to develop good local governance structures and processes at a community level, ones which are reflective and inclusive of the whole community.

In that spirit, there is a need to recognise some limitations to our study. We met in nine (9) locations with nearly three hundred (300) people, from sixty two (62) different communities. The views we heard are therefore likely to be fairly representative of the range of views within communities across NSW. But we have no way of knowing whether some views and interests have not been reflected in what we were able to record and analyse. In terms of the number of people who attended, it is important to recognise that this is probably considerably less than half the people who are playing active leadership roles in their communities. Moreover, the time allowed for the meetings was not sufficient to hear clearly from everyone present, especially as a considerable amount of time had to be spent with DAA staff explaining the context. This underlines the need for the process of discussion and debate to continue now in the individual communities, utilising this report. Any decisions made on the basis of these consultations also need to be subject to ongoing review and refinement as new evidence becomes available, especially at a local level.

A particular concern for the consultancy team was the fairly low level of participation from young people. If the Framework is to provide a long-term sustainable policy solution to the need for effective local community governance bodies, it will need the support of the next generation of community leaders, not just the current generation. The feedback from younger DAA staff who participated in the consultations was that young people were not engaging with the process, because they are wary of becoming embroiled in the deep community conflicts between families and factions. The Framework and operation process needs to address this problem, perhaps by including a provision for further separate consultations with young people, as part of the ‘developmental’ model identified as the final theme in the thematic summary.

In conclusion, the consultants wish to record their gratitude to all the participants, who, despite their misgivings, gave generously of their time and ideas, and have thereby made a major contribution to the development of a more effective policy.