



YUWAYA NGARRA-LI POLICY PAPER

Creating better futures with contracts

How to progress genuine community partnerships
and to improve access to information and participation
in government procurement and grants

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EXECUTIVE SUMMARY

The NSW and Federal Governments in 2022 have recognised that “traditional Government-led approaches haven’t worked”¹ to meaningfully Close the Gap and deliver positive outcomes for Aboriginal and Torres Strait Islander peoples. Both governments have pointed to the need for “genuine partnership with First Nations people for better outcomes”² or that the approach “needs to be done hand-in-hand with Aboriginal communities, who know best what changes need to be made to help communities thrive”³.

This paper proposes some approaches to achieve genuine partnership and changes required in the way that governments currently identify investment priorities and contract with organisations to deliver services, run programs and provide advice.

The recommendations are informed by research by Dharriwaa Elders Group’s Yuwaya Ngarra-li partnership with UNSW in collaboration with Nook Studios to understand government investment and services through procurement and grants contracts into the town of Walgett, NSW.

The research and data discovery phase was conducted in 2021 and early 2022. What could be a simple task – find out about government tenders and contracts relevant to a place and what has been delivered – is currently impossible to do.

To allow Aboriginal community controlled organisations to take the lead, be appropriately resourced, and be able to deliver the better outcomes for their communities - things need to be done differently.

It will require new avenues of funding and fundamental changes in government contracting practices, information sharing, data access and quality, and the creation of information systems designed to meet community needs.

We look forward to discussing how we might work together to make sure contracting can deliver greater community control and improved outcomes for communities.

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¹ <https://www.nsw.gov.au/media-releases/400-million-to-empower-aboriginal-communities-and-deliver-outcomes>

² <https://anthonyalbanese.com.au/my-plan/first-nations-2>

³ <https://www.nsw.gov.au/media-releases/400-million-to-empower-aboriginal-communities-and-deliver-outcomes>



THE CURRENT STATE

This research demonstrates that government data services, procurement and granting processes and systems are not currently designed to consistently and deliberately enable community access, input or leadership.

Issues include:

- Persistent failure to provide Walgett Aboriginal Community Controlled Organisations (and others from other communities) with data requested about their own communities by a range of government departments and agencies despite repeated requests over the years.
- Inadequate and inaccessible information about government spending and contracts – for example:
 - ◆ no easy way to search for and see tenders (approaches to market) and contracts in a local area or intended for specific communities
 - ◆ lack of connected and linked data on budgets, programs, tenders, contracts, results, and evaluations
 - ◆ no details on the beneficial ownership of companies receiving funds or their subcontractors
 - ◆ and in NSW, no ability to access all grants information in one place.

Data that is publicly available is hard for experts to wrangle and so it is all but impossible to access and engage with at a community level.

This research has confirmed the experiences of Walgett Aboriginal Community Controlled Organisations over many years:

- Unclear or inconsistent processes for community input into funding priorities and plans.
- Contracting critical services (for example, on youth justice or waste management) at a regional or state level limiting the ability for local organisations and enterprises to develop appropriate local solutions and approaches that are culturally grounded and sustainable, and may provide ongoing economic and employment opportunities.
- Contracting to organisations on existing and closed panels making contract management easier for the government but limiting ability to work with local or newer organisations to address long term or emerging needs.
- A history and practice of short term and inadequate funding of Aboriginal Community Controlled Organisations for project work without “paying what it takes” to do the work or enabling investment in organisational strengthening.



WHY WE EMBARKED ON THIS PROJECT

The language of partnership, community control, place-based and shared decision-making features highly in the Closing the Gap commitments from the Federal and NSW Governments.

Despite the intent of these commitments, the current practice of identifying priorities, developing plans, contracting, and delivering results is not actually reflecting the values needed for genuine partnership or community control and, in turn, for improving outcomes.

Communities do not have access to basic information about what governments are doing and spending locally to be able to assess its value and support implementation if it's considered important.

The existing government data platforms don't allow for easy analysis or for people to track commitments, spend, projects, or programs. They are not designed for communities, location specific communications, or to show place-based investments, spending or outcomes.

They don't provide access to contracts or connect tenders to contract awards, variations, and extensions to allow communities to monitor their delivery.

The intent of this paper is to raise awareness of the issues, provide the background to discussions, and propose ways to move forward.

NEXT STEPS

The Commonwealth and NSW Governments have made significant commitments in 2022 to working differently with Aboriginal communities to improve community control and long-term outcomes.

For these commitments to be meaningful, critical changes are needed in government contracting and information sharing to reveal the value of place-attached organisations and the effects of the current preference for national and regional contractors, and allow Aboriginal community controlled organisations to take the lead, be appropriately resourced, and be able to deliver the better outcomes that are possible for their communities.

This research, led by an Aboriginal community-controlled organisation in one remote town with collaborators with extensive expertise in data and procurement processes, provides recommendations for immediate action that could make a tangible difference.

The recommendations are divided into two parts, steps to take towards genuine partnership government and specific suggestions to inspire discussions about improving access to information.



PRACTICAL STEPS TOWARDS GENUINE PARTNERSHIP

The recent announcements of changes in approach and new funding for Closing the Gap initiatives are positive, however they need to be combined with new ways of working.

Shifting government practice to align with commitments to greater community control, place-based and shared decision-making would include:

1. Recognition of the authority and role of Aboriginal Community Controlled Organisations (ACCOs) in facilitating community-led and grounded work being matched by **long-term and adequate resourcing and infrastructure** for this role.
2. Enabling ACCOs to lead meaningful engagement with communities to design and lead policy, program, and service decision making and delivery, **ensuring genuine and ongoing respectful relationships**.
3. Instead of contracting short term fly-in, fly-out consultants to do consultation or design, government should be **investing in ACCOs to lead this important work at a community level or supporting local leadership groups to create holistic place-based plans and this work to be adequately resourced**.
4. **Redesign of government contracting processes** in line with social procurement and Closing the Gap priorities so that local organisations can contribute meaningfully to developing community-led approaches to a range of areas such as water management, waste management, youth justice, education and training, health, and wellbeing.
5. A real commitment and demonstration of respect for Indigenous data sovereignty and the **right of communities to access and contribute to data about them and their community**.

This should include access to useable information that connects data about government plans and priorities, budgets, contracts and grants, spending and results, including evaluations. This can be done with safeguards for privacy and anonymity.
6. Ensuring communities **receive feedback, opportunities to respond and validate as well as access to information from any government consultations, engagement, and research**, particularly where community members have contributed.
7. Providing **one repository of government reports** including consultations, research, submissions, and evaluation by place.
8. Making sure that **government staff have skills and capability** to engage in respectful and ongoing relationship with ACCOs.



RESEARCH OBJECTIVES

This research was identified by Yuwaya Ngarra-li, an initiative led by Dharriwaa Elders Group (DEG) in collaboration with the University of NSW (UNSW) and other partners to improve the wellbeing, social, built, physical environment, and life pathways of Aboriginal people in Walgett.

The Dharriwaa Elders have identified the following aims for Yuwaya Ngarra-li's work in Walgett:

1. Greater Aboriginal community control and capacity
2. Increased numbers of Aboriginal young people in education, training, and employment
3. Reduced numbers of Aboriginal people in contact with the criminal justice system
4. Improved social determinants of health and wellbeing amongst Aboriginal people
5. Increased sustainable management of water and country
6. Redirection of funding towards strengths-based, holistic, community-led initiatives

A long running concern of the Dharriwaa Elders Group around the ability to advance effective community control and capacity, has been frustrations with government approaches to contracting and an inability to access data about what is being spent in Walgett, on which priorities.

A consistent demand at community meetings is to know about the contracts and grants coming into Walgett, so that community can understand what services are meant to be available, and can track if they are being delivered and suppliers have fulfilled their contractual obligations.

Past approaches to access information have included searching government websites and reports, engaging with Ministers, bureaucrats of multiple government agencies, the NSW Deputy Ombudsman (Aboriginal Programs), and local agencies.

Despite many years of searching, this has resulted in little to no access to useful data. When asked, NSW Government Ministers have said, in some cases, they could not get this information for themselves.

The Dharriwaa Elders Group and other Aboriginal Community Controlled Organisations (ACCOs) would like to access data in the hope that it will help address systemic issues, reveal opportunities and ways to improve the wellbeing of the community.

A fundamental part of accountability to communities is to allow understanding of government spending in the community and enable meaningful community input into the programs and outcomes meant to benefit them.



WHY CONTRACTS MATTER

Government contracts are the way in which government commitments, strategies, priorities, and investments are made real – and they shape community realities and results.

The procurement and grant processes governments use determine whether or not communities can meaningfully contribute to the design of their local services and programs.

Access to contracts can either help make large corporations and organisations bigger and more powerful or **provide opportunities for diverse and community controlled organisations to genuinely contribute to major social and economic priorities.**

Government procurement and grant processes are of deep concern in Walgett, where a lack of meaningful participation around design of policies, services and programs has reinforced persistently bad outcomes for the community.

Treating this data as the essential public infrastructure it is, will also increase productivity, accountability, and integrity for all levels of governments. Improving contracting, data quality, and making this information more accessible, can have a profound and positive impact on communities.

Making it possible for people to easily find information they need and track commitments, policy, spending and contract progress can lead to better outcomes for everyone.

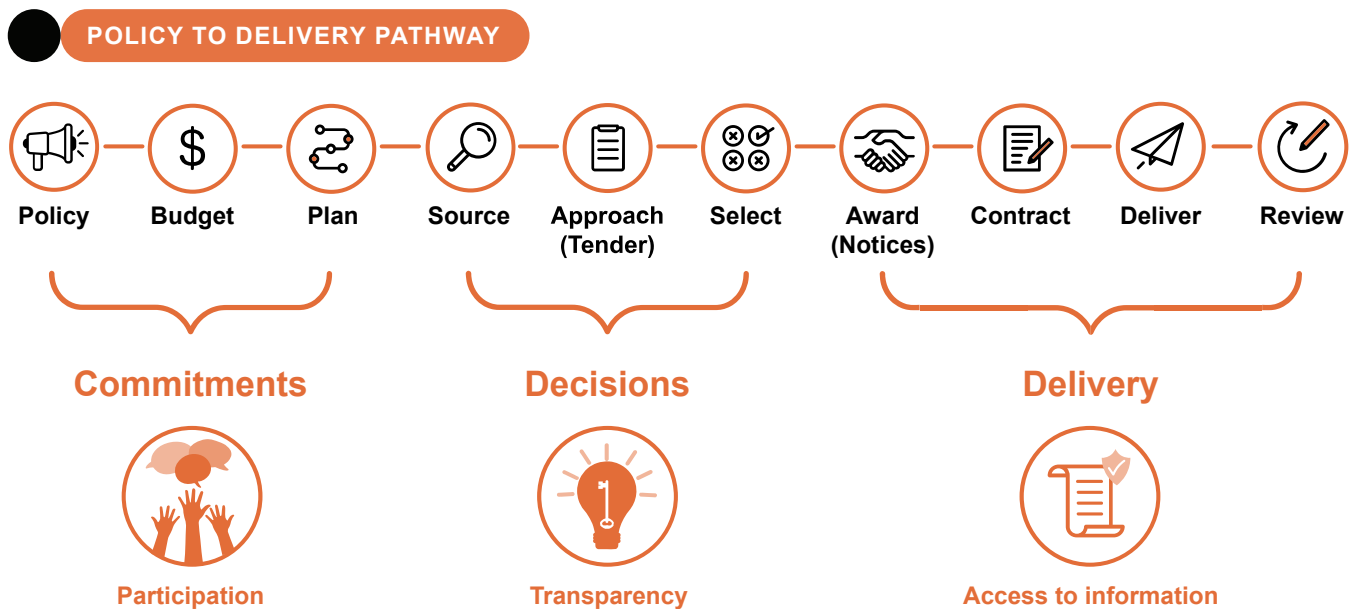


Fig 1: Policy to delivery pathway and the ideal future state of accessible and connected systems and where participation and transparency can improve outcomes.



RESEARCH SUMMARY

FINDING INFORMATION ABOUT GOVERNMENT CONTRACTS IN WALGETT

Our research objective was to understand what information could be found through the publicly available government procurement, contract, and grant data.

The data discovery phase of this project took place between August and December 2021.

We (Nook Studios) searched Federal and NSW Government open data platforms to access current and historical (archived) procurement data and federal grants data:

- Federal Government: AusTender and GrantConnect platforms
- NSW Government: eTendering and internet searches
- NSW does not have a grants platform.

The **approaches to market** (tenders) and **contract award notices** are two important data sets containing information about what goods, services, and works have gone through a tender process. They usually describe what funds have been spent, by who, with who, and when.

The existing government platforms don't allow for analysis and reporting through a supplier or community lens.

We connected with people who have created products, aggregating government data to try to provide a better user experience and offer more search and data visualisation features for deeper analysis for suppliers.

The price point for these products ranges between being free to over \$100,000 for an annual licence. Two data services, Data Ventures and Tendertrace, helped us by giving us free access to their services and sharing their experiences cleansing and using the data.

We discovered many private sector organisations find richer data sets by scraping government websites for data, rather than using the government spreadsheets or application program interfaces (APIs) provided.

No data discovery tools for community or non-technical audiences exist yet.

This is an opportunity for social impact innovation and digital transformation.

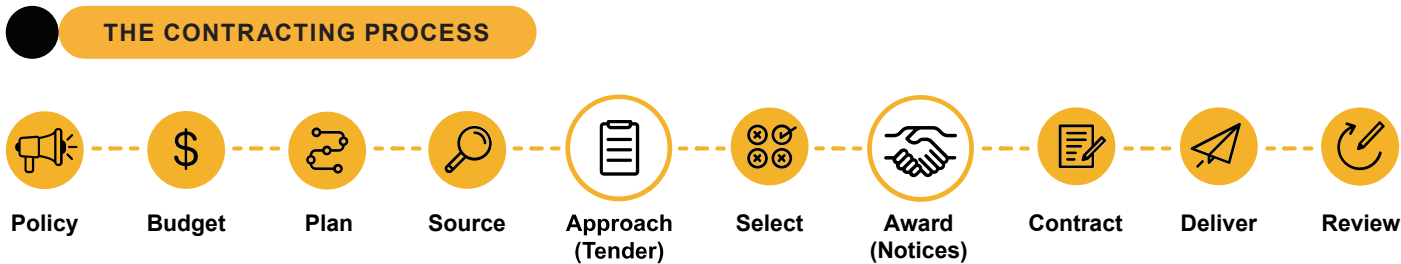


Fig 2: The contracting process: showing where in the process **approaches to market** (tenders) and **contract award notices** are.



UNDERSTANDING SPENDING AND CONTRACTS BY PLACE

It is extremely difficult to find **all** the procurement tenders, contracts or grants awarded that relate to Walgett. To try to do this would be a time intensive and manual task.

A big challenge is the *location* of works, goods and service delivery are often not entered. The data field only allows for one location so if a contract is servicing multiple sites or large areas, this information isn't captured well.

The current systems do not have a way to tag records, capture geo spatial information or present or filter this information in different ways, such as a list or map.

We found **a small set** of tenders and awards using the search term 'Walgett' and a few significant contracts by specifically searching for large suppliers (e.g. Mission Australia and Mackillop Family Services) we knew had been awarded contracts to deliver services to the Walgett Aboriginal community.

We found large organisations that held larger regional or state-wide contracts. However, it is not easy to find the details or identify what regional or state-wide contracts are for.

We found instances where tenders for delivery of services at a local level were designed to suit large organisations with existing 'capital assets' and resources, making it hard for newer community controlled organisations to be able to bid.

It is obvious that contracts and grants allocated to Walgett Shire Council will be for local services, goods or works. However, there is also no way to show contracts and grants that have been tendered or awarded for Federal or State electorates.

Through attending Indigenous Data Sovereignty discussions and engagement with some Empowered Communities participants, the Nook team connected with the **Kowa Collaboration**, who have created a grant map with Indigenous language boundaries. This is a great example of an Indigenous organisation innovating in using data as an advocacy tool, exploring shifting perspectives, and adding meaning through contextual layers.

IDENTIFYING OWNERSHIP

There is currently no field to show whether an organisation awarded a contract is an Indigenous or Aboriginal owned enterprise. We were able to find a few suppliers that use the term **Walgett, Indigenous or Aboriginal** in their name. Some are obviously community controlled organisations such as Walgett Aboriginal Medical Service.

Information about company directors is not linked. The details of beneficial or ultimate owners, the real people behind an organisation and their level of ownership and influence, is not available. This makes research and validating whether an organisation is genuinely Indigenous owned difficult.

UNDERSTANDING RESULTS

There is no easy way to find whether the contracts and grants were fulfilled, how, for how much. Or whether the outcomes proposed in the tender were delivered successfully or poorly and whether a contract (or service) transitioned to a ACCO, department or other organisation.



UNDERSTANDING WHAT IS BEING CONTRACTED

Current data makes it difficult to understand what contracts are for. Access to the actual contract or a concise breakdown of the details are not available and would be a helpful start. Some contract notices have enough detail in the contract title or description fields to explain what the contracts are for. Currently the best way to understand what contracts might be for is based on the name of the department or agency responsible for the tender. Some contract descriptions are vague and warrant further research with contract custodians, which is a time consuming task.

We were able to find values and length for contract and grant awards. For example, of the 55 grant awards found, 28 are current, due to expire in the next two years.

Amendments, variations, and contract extension options are not easy to identify and are not linked to the original contract award or approach to market.

Other gaps include:

- no details about subcontractors (if they are Aboriginal-owned), what kind of work they are delivering
- no record of how many bidders there were for open tenders and approach to markets
- no explanation for limited tenders

The government platforms don't offer much in the way of analysis. Tendertrace, a tool we used, has a simple search function for categories and visualises percentages and buyer spend, and clearly shows expiry dates which is helpful.

CHALLENGES WITH THE DATA QUALITY, ACCESS, AND ANALYSIS

As data researchers, designers, and transparency advocates, we (Nook Studios) are familiar with using data and procurement processes. During data discovery there were a range of challenges and quirks, such as data search results inexplicably changing, that led to us doubting the data and our searches.

Other issues with the data include:

- the quality of information is inconsistent
- the level of detail is insufficient
- spelling errors and overuse of acronyms leads to records not appearing in searches
- there seems to be no way to flag errors or provide feedback on specific notices
- interfaces only allow people to explore one contract notice at a time
- there is limited aggregation, reporting and data visualisation for analysis unless you extract searches to spreadsheets to connect and manipulate data from there
- it's hard to know if a contract or grant has been amended and if variations or extension options have been approved
- the only way to receive updates is as a potential bidder, selecting "business opportunities"

The quality of the data entry is beyond the control of the departments who manage the public data platforms. They can't fix incorrect information. It is the responsibility of the contract custodians at individual agencies. This diminishes the value of the open data released and undermines trust in the systems.



SEARCH RESULTS

We conducted data discovery between August and December 2021. We chose a search period of approximately 4 years across all data sets. After initial procurement searches yielded few records, we extended the time frame to try to capture more records.

Search criteria and results vary between platforms. Data is routinely archived, making it harder to find and replicate previous search results.

With no easy way to connect request for tenders/ approaches to market and contract award notices there is no certainty whether tenders and approaches to market led to a contract, and if not, an explanation as to why. No information about the number of bidders, selection process, and the terms, agreed deliverables and outcomes of a signed contract includes is available. It is very difficult to work out if, and how many, contract variations and amendments have occurred, for how much, how long, and why.

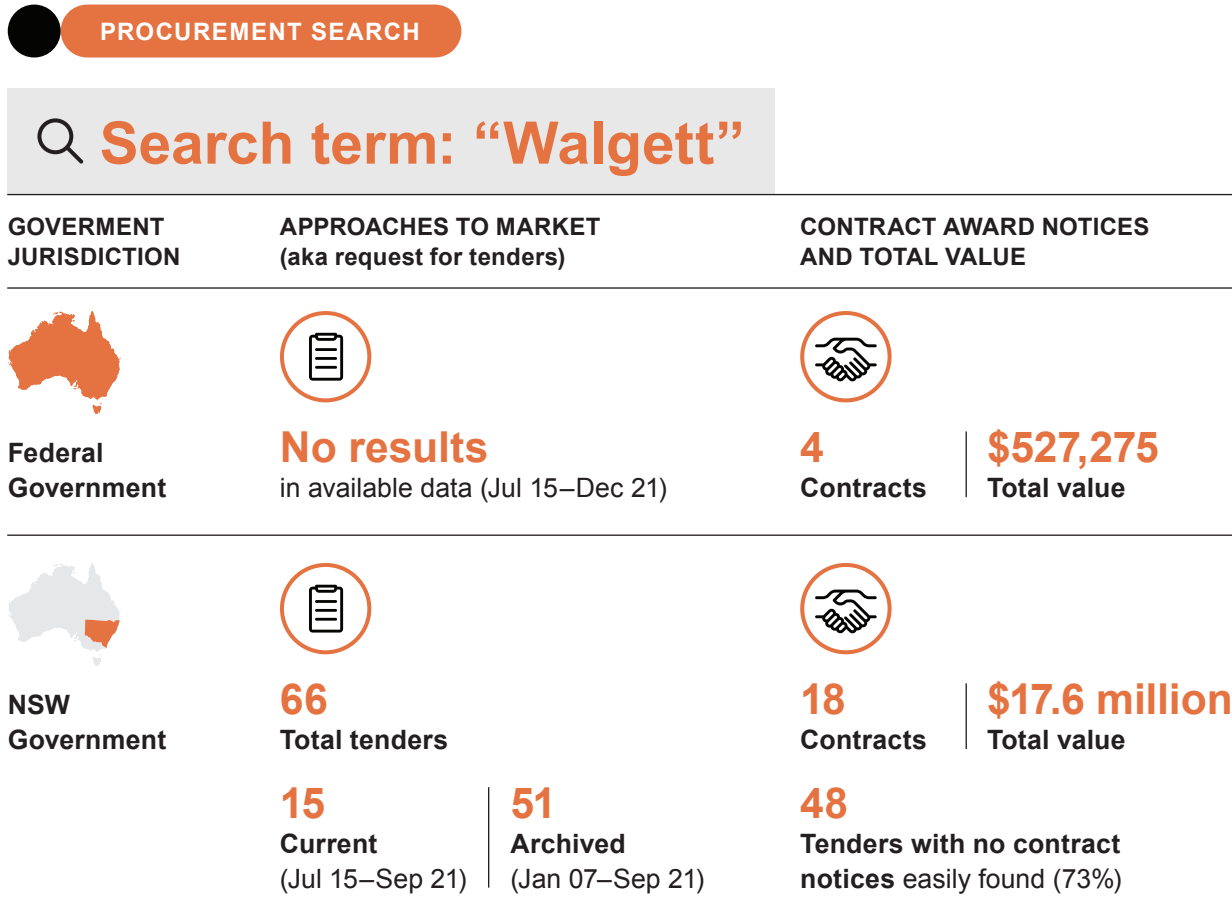


Fig 3: Procurement data search results using the search term 'Walgett'.



GRANT SEARCH

Search term: “Walgett”

GOVERNMENT JURISDICTION

GRANT NOTICES AND TOTAL VALUE



Federal Government



55 Grants

\$54 million Total value

28 Grants with expiry after Sep 21



NSW Government



There is no central platform for NSW grants.

Finding information is a time consuming task. People need to manually search individual Minister's, department or agency websites.

Fig 4: Grant data search results using the search term 'Walgett'.

OTHER SEARCH TERMS

A local language search using 'Yuwaalaraay' resulted in one record. Other search terms 'Aboriginal', 'Indigenous', 'Closing the Gap', and 'Ochre' (a NSW policy) led to fewer results than expected across both procurement and grants data platforms.

SUGGESTION

Adding fields to record the policies, program, priorities and beneficiaries related to contracts could help communities, Ministers, and policy makers access information they are seeking faster and make reporting easier.



WAYS TO IMPROVE CONTRACT INFORMATION

There may be work already in progress to improve the data, systems and processes. If there is, we look forward to hearing more.

Recommendations to improve access for Indigenous communities are:

1. Improve the consistency, quality and discoverability of relevant information.

For example, location data, add sufficient detail in contract awards, access to the contract itself, and way to filter end dates.

2. Create content to simply explain the terms, processes, and guides on how to search and apply for opportunities for community organisations, and propose new ideas.

3. Support data literacy and capability building for community organisations to engage with and successfully reuse relevant public open data. In the places data and content is published, allow people to ask questions, identify errors, provide feedback and ideas for improvement.

4. Connect relevant data to help communities see the whole picture.

This would include connecting policy/programs and budgets (for example around Closing the Gap) with approaches to market and contract awards, extensions or variations and delivered outcomes and evaluations. This information is currently disconnected and, in some cases, in inaccessible formats such as PDFs on separate departmental websites.

5. Collaborate with First Nations communities design and develop information services for community audiences (rather than just for those bidding on contracts), identify new data fields, ways to engage with, collect, share and contribute data, forming respectful, ongoing relationships and partnerships.

6. In NSW, create an online grants system where all grants information is in one place and people can track budgets, programs, opportunities, decisions, spending, outcomes, reviews and evaluations.

THE FUTURE STATE

Make it easy to access information and connect systems

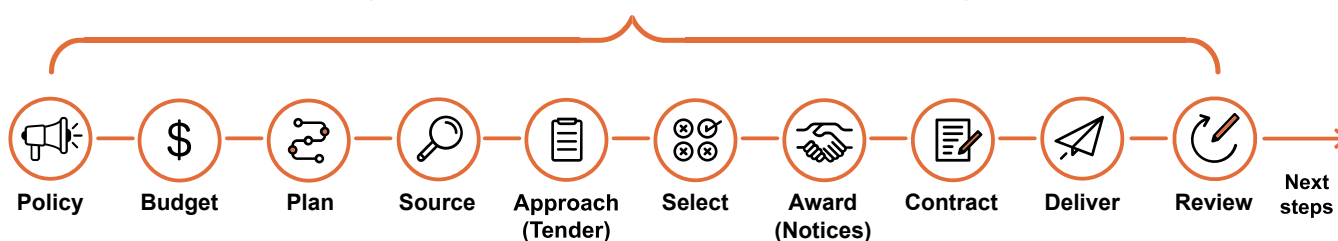


Fig 5: Designing information services that are fit for purpose requires data to be in human and machine readable formats so it can be easily **accessed**, **shared**, and **connected** across the full policy to delivery life cycle.



FEDERAL GOVERNMENT PLATFORMS



PROCUREMENT



AUSTENDER
tenders.gov.au/



AusTender is the Australian Federal Government platform for publishing tender information at or above the threshold value of \$10,000 (inc. GST.) managed by the Department of Finance.

The AusTender team gathers the information from other agencies and publishes it on their platform.

It includes:

- Planned procurements
- Approaches to market
- Contract (award) notices
- Standing Offer Notices (lists and panels of approved suppliers used by buyers)
- Senate Orders (annual reports on agency use of confidentiality provisions in contracts over \$100,000)
- Supplier details

GRANTS



GRANTCONNECT
grants.gov.au/



GrantConnect is the Federal Government platform for publishing grant information managed by the Department of Finance.

It includes:

- Forecast opportunities
- Grant opportunities
- Grants awarded



NSW GOVERNMENT PLATFORMS



PROCUREMENT



eTendering

ETENDERING

tenders.nsw.gov.au/



eTendering is the NSW Government platform for publishing tender information over \$150,000, including approaches to market and contract award notices. It is the primary source for contracts notices for NSW Government on the eTendering is managed by the NSW Treasury Procurement team. The team gathers the information from other agencies and publishes it on their platform. Details of contracts under the \$150,000 threshold are held by individual departments.

It includes:

- Tenders (approach to markets)
- Contracts (awarded)
- Procurement plans
- Schemes (prequalification scheme for suppliers)
- Standing offer notices (offers from a potential supplier to provide goods or services under set terms and conditions)
- Supplier details

GRANTS



There is currently no single platform presenting NSW grants information.

People need to manually search individual Minister's, department, or agency websites for information.



FURTHER OPPORTUNITIES

The Federal and NSW Government procurement platforms were designed some time ago by the same company. Hence, the interface and search functionality are the same for AusTender and GrantConnect. Some work has been done in recent years to try to improve reporting for internal audiences.

AusTender classic is the primary way people search. The department recently invested in designing a set of internal reports and a new public facing interface for generating high level reports.

The NSW Government has made improvements to the eTendering website interface look and feel, and content. However, the search functionality and the way the data is structured and presented remains similar.

With an ecosystem of data professionals struggling to use the information, questioning results, and duplicating efforts to clean data, what hope do people with less technical expertise, small businesses and Aboriginal communities have with accessing, understanding, and using the data?

Transforming how contracting information is captured, explained, connected, and presented and able to be analysed for a community audience can make a real difference at a local level and deliver social value.

Making more information along the policy to delivery pathway open, easily reused and shared can also lead to better outcomes for communities, and better quality public data and innovation for the public service, private and social sectors.

We welcome the opportunity to meet and discuss this research and recommendations with you.

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