



New South Wales Government

Department of Premier and Cabinet

18 MAY 2009

Mr Paul McLeay MP
Member for Heathcote
Chairperson
Legislative Assembly Public Accounts Committee

Dear Mr McLeay,

I write in relation to the Legislative Assembly Public Accounts Committee's *Report on Examination of the Auditor General's performance Audits tabled July 2006 to March 2007* (the Report).

I enclose the NSW Government response to the Report.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Phil Berry'.

Phil Berry
for John Lee
Director General

Legislative Assembly Public Accounts Committee
*Report on Examination of the Auditor-General's
performance Audits Tabled July 2006 to March 2007*

NSW Government Response

ATTRACTING, RETAINING AND MANAGING NURSES IN HOSPITALS

Recommendation 1

The Committee recommends that NSW Health develop and implement measures of the impact of nurse numbers on patient care.

Patient outcomes are impacted by a range of factors including the quality, skill mix, and experience of nurses, and the role of leadership at the ward level.

Caring Together: The Health Action Plan for NSW, the Government's response to the Special Commission of Inquiry into Acute Care services in NSW Public Hospitals, recognises the patient at the centre of the health system.

One key action in the Health Action Plan is the creation of the Nurse/Midwife in Charge to provide an identifiable leader who will ensure safe competent and compassionate care by:

- ensuring staff recognise the signs and respond immediately where the condition of the patient starts to deteriorate;
- ensuring high levels of infection control with monitoring of hygiene practices;
- being available for ward rounds with medical and other clinical staff;
- supervising work of junior staff to improve patient safety;
- ensuring the right mix of skills to support high level ongoing clinical review of patients 24 hours a day 7 days a week;
- championing efficient and productive wards through leadership.

In relation to the issue of monitoring patient outcomes and performance, as part of *Caring Together*, a new Bureau of Health Information will be established by July 2009 independent from the Department of Health. It will provide public reporting of performance for the State as a whole, as well as each Area Health Service, Hospitals and units or wards.

In addition, the Government has established an Independent Panel to monitor implementation of *Caring Together* as well as a Community and Clinicians Expert Advisory Council to support implementation. A new Cabinet Sub-Committee for Health will also provide oversight of the implementation process.

DISTRIBUTING LEGAL AID IN NEW SOUTH WALES

Recommendation 2

The Committee recommends that the Commission extends its reporting to include the number of services delivered against targets.

The NSW Government supports this Recommendation.

Legal Aid NSW will implement this recommendation, with effect from 1 July 2009.

In the Legal Aid NSW Annual Report for 2008-09, targets for service delivery in key areas will be published (linked to Corporate Plan objectives for 2009-10). Legal Aid NSW will then report on services delivered in respect of these targets in its 2009-10 Annual Report.

Recommendation 3

The Committee recommends that the Commission do a cost benefit analysis to determine whether it should measure and report the time taken to process cases.

The NSW Government does not support this Recommendation.

There are a number of factors outside the control of Legal Aid NSW that have a significant impact on the time between when a client first has contact with Legal Aid NSW and the time at which the matter is closed.

These include:

- listing and case management practices in State and Commonwealth courts and tribunals, which vary depending on the jurisdiction, location and matter type and are the major influences on the time it takes for a matter to progress through the court system;
- client decisions about the point at which he or she first makes contact with Legal Aid NSW, which may be very early in the development of a legal problem or when litigation is already underway; and
- changes in client circumstances, which might mean that a client's eligibility for legal aid changes, causing contact with Legal Aid NSW to commence or end during the course of a matter.

For these reasons, the 'time taken to process cases' is not a reliable indicator of the efficiency of Legal Aid NSW.

Recommendation 4

The Committee recommends that the Attorney General introduce amendments to the *Legal Aid Commission Act* to enable appeals from refusals of grants of legal aid to be reviewed by a panel member rather than the Legal Aid Review Committee.

The NSW Government does not support this Recommendation.

The Committee report notes that the approach it recommends may be less robust than review by a committee but indicates that committee reviews may involve 'additional costs and delays'. However, this is not the case.

Members of Legal Aid Review Committees are not remunerated. As a result, there is no difference in cost between a single-member model of review and a three-member model. In addition, Legal Aid NSW has not experienced any delays in scheduling of reviews as a result of the three-member model. There are currently five Legal Aid

Review Committees and Legal Aid NSW is able to adjust the number of Legal Aid Review Committees from time to time to respond to changes in demand. Legal Aid NSW has recently renewed appointments to Committees and it did not experience any difficulty attracting suitable nominees.

ADDRESSING THE NEEDS OF YOUNG OFFENDERS

Recommendation 5

The Committee recommends that the Department of Juvenile Justice (DJJ) include in its annual reports trends in re-offending for each young offender group, both against the State Plan target and using the one and two year follow up periods.

The NSW Government supports this recommendation.

The Department of Juvenile Justice will include in its annual reports trends in reoffending for each young offender group.

It is noted that the Department of Juvenile Justice 2007/2008 Annual Report includes the percentage of juvenile offenders receiving a subsequent conviction or conference within twelve months of the index appearance.

Recommendation 6

The Committee recommends that the NSW Police Force include in its annual reports trends in the number and proportion of young offenders diverted from the Children's Court and trends in re-offending for young offenders receiving cautions.

The NSW Government supports this recommendation in principle.

Data relating to young offenders diverted from the Children's Court will be included in the NSW Police Force Annual Report from 2008/09 onwards (so long as the data can be captured in time to meeting reporting deadlines for the 2008/09 Annual Report).

The NSW Police Force will endeavour to include in its annual reports data relating to reoffending for young offenders receiving cautions, subject to data availability.