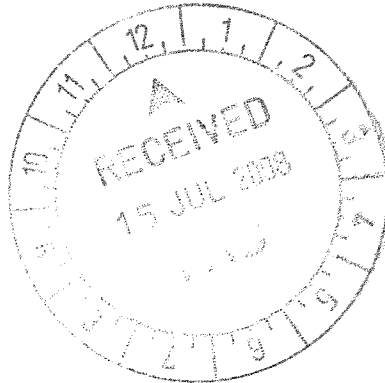


Mr Paul McLeay MP  
Chair  
Public Accounts Committee  
Legislative Assembly  
Parliament of New South Wales  
Macquarie Street  
Sydney NSW 2000



Dear Mr McLeay

Thank you for your letter of 11 June 2008 seeking Legal Aid NSW's response to the recommendations of the Report on Responding to Homelessness.

The performance audit by the NSW Audit Office, which gave rise to the Report, was tabled on 2 May 2007. The Audit Office conducted two lines of inquiry, as follows:

- Are the government's outcomes for homeless people being achieved?
- Are homeless people helped to access support services (namely health care and legal assistance)?

The Audit Office addressed the role of Legal Aid NSW in relation to the second line of inquiry. It found that Legal Aid NSW has undertaken initiatives designed to improve service delivery to homeless people.

The Audit Report acknowledges that Legal Aid NSW *'aims to find new ways to improve access by this group and has set up a 'homeless' postcode so it can collect data on this issue. A coordinating team will develop initiatives in consultation with other agencies and service providers. It is also considering including homelessness as an 'exceptional disadvantage' category within its means test. This will improve opportunities for homeless people to get legal aid'*.

The Audit Report recommended that:

- Area Health Services, Legal Aid and Local Courts, as part of service planning:
  - Review the extent to which homeless people access their service
  - Develop new ways of delivering services to the homeless

- Where homeless people are identified as a client group, Area Health Services, Legal Aid and Local Courts take homelessness into account when planning new services

Please find attached Legal Aid NSW's response. A copy of our response has been emailed to the Public Accounts Committee.

We found the Audit to be most timely and helpful in progressing our work to assist the homeless.

Legal Aid NSW also recently responded to the Commonwealth Government's Green Paper related to homelessness.

Yours sincerely



Steve O'Connor  
Acting Chief Executive Officer

11 JUL 2008

Legal Aid NSW responses (dated 11 July 2008) to

Recommendations in the Performance Audit  
Responding to Homelessness

Please complete the below table for recommendations relevant to your agency.

| Recommendations  | Accepted / Rejected | Proposed Action   |
|--|---------------------|---|
| <p>We recommend that the Department of Housing, in cooperation with other agencies:</p> <ul style="list-style-type: none"> <li>▪ develop a statewide framework that outlines the government's response to homelessness and the results it wants to achieve (page 17)</li> <li>▪ link the framework to relevant sections of the NSW State Plan and factor in community views of homelessness (page 17)</li> <li>▪ report annually against the state framework including a snapshot of key activities and results, and make this report publicly available (page 20)</li> <li>▪ examine ways to network with agencies that are not members of PAH (page 23)</li> <li>▪ set up a means to benchmark the state's performance on homelessness and spread best practice on local initiatives (page 25).</li> </ul> |                     |   |
| <p>We recommend that the Department of Housing, in cooperation with other agencies, encourage government agencies to:</p> <ul style="list-style-type: none"> <li>▪ use census data on homelessness to help them plan and deliver services (page 22)</li> <li>▪ adopt similar client identifiers to better track through their systems (page 22).</li> </ul>  |                     |   |
| <p>We recommend that Area Health Services, Legal Aid and Local Courts, as part of service planning:</p> <ul style="list-style-type: none"> <li>▪ review the extent to which homeless people access their service (page 38)</li> </ul>  | Accepted            | <ul style="list-style-type: none"> <li>• In November 2006 the Board of Legal Aid NSW formally designated homeless people as a priority client group in the delivery of legal services and considered ways in which it could enhance services provided to homeless people</li> <li>• A "homeless postcode" is used in client forms in order to collect data on this issue and monitor the provision of legal aid services on a state-</li> </ul> |

| Recommendations   | Accepted / Rejected | Proposed Action  |
|---|---------------------|--|
| <ul style="list-style-type: none"> <li>▪ develop new ways of delivering services to the homeless (page 38)</li> </ul> | Accepted            | <p>wide basis</p> <ul style="list-style-type: none"> <li>• Legal Aid NSW's Corporate Plans for 2007/08 and 2008/09 have committed it to implementing improved service delivery strategies for homeless people</li> <li>• Consideration is being given to enhancing access to legal aid policies and guidelines to homeless people particularly in civil law matters</li> <li>• In 2007/08 Legal Aid NSW employed a total of 4 additional legal officers to enhance the provision of legal services to homeless people</li> <li>• The additional staff has enabled Legal Aid NSW, in collaboration with the Homeless Persons Legal Service (auspiced by the Public Interest Advocacy Centre), to establish outreach legal clinics for homeless persons in the following locations: <ul style="list-style-type: none"> <li>a. Parramatta</li> <li>b. Penrith (based within an Aboriginal service)</li> <li>c. Nowra</li> <li>d. Wollongong (under development)</li> <li>e. Coffs Harbour</li> <li>f. Kempsey</li> <li>g. Byron Bay (under consideration)</li> <li>h. Gosford (under development)</li> <li>i. Newcastle</li> </ul> </li> </ul> <p>The aim of these outreach services is to provide legal information, advice and representation in specific areas of law, including housing, tenancy, and eviction, fines, victim's</p> |

| Recommendations | Accepted / Rejected | Proposed Action   |
|-----------------|---------------------|---|
|                 |                     | <p>compensation, debt and consumer credit, social security, mental health, community health orders, guardianship and administration, questions of identity, wills and estates, discrimination and employment law. The clinics are designed to overcome some of the fundamental barriers faced by homeless people in accessing legal services by providing face-to-face legal services in locations that are familiar and frequently visited by homeless people.</p> <p>These clinics are located in agencies that can also offer non-legal assistance (including welfare and other assistance) and encourage a holistic approach in addressing the needs of homeless clients.</p> <p>Legal Aid NSW is also working with other government departments including the State Debt Recovery Office and the NSW Local Courts in order to resolve legal issues affecting homeless people as efficiently as possible</p> <ul style="list-style-type: none"> <li>• Legal Aid NSW recently agreed to provide grants of legal aid to a specialist position within the Homeless Persons Legal Service to provide legal advocacy (criminal law) to homeless people in some local court matters. This is being undertaken on a trial basis and will also inform Legal Aid NSW as to how homeless clients can be better engaged and assisted</li> <li>• Legal Aid NSW has established an accommodation services</li> </ul> |

| Recommendations  | Accepted / Rejected | Proposed Action   |
|--|---------------------|---|
| <ul style="list-style-type: none"> <li>▪ take homelessness into account when planning new services (page 39).</li> </ul> | Accepted            | <p>database to assist homeless clients secure accommodation</p> <ul style="list-style-type: none"> <li>• Legal Aid NSW conducts community legal education and participates in expos to raise awareness of the availability of legal services for homeless people</li> <li>• Legal Aid NSW provides training to pro bono service providers in relation to legal issues affecting homeless people</li> <li>• Legal Aid NSW also participates in local homeless interagency fora in order to contribute to improving the capacity of the community and government sectors to meet the welfare and legal needs of homeless people.</li> <li>• Legal Aid NSW is responsive to reports and other research which provide intelligence on the un-met legal needs of homeless people in the development of strategies to enhance access to legal services</li> <li>• Legal Aid NSW engages in policy and law reform initiatives in relation to systemic issues affecting homeless people</li> <li>• Homeless clients are factored into service delivery initiatives across Legal Aid NSW</li> <li>• Legal Aid NSW through its special programs for homeless people is developing expertise in overcoming barriers in the provision of legal services to homeless people</li> </ul> |

| Recommendations  | Accepted / Rejected | Proposed Action |
|--|---------------------|-----------------|
|  |                     |                 |
| We recommend that the Department of Health and Area Health Services investigate ways to increase hostel caseworkers' knowledge of mental health services, including appropriate responses to mental health issues (page 36). |                     |                 |

## Monitoring and reporting on performance audit recommendations

The Audit Office regularly undertakes follow-up audits to examine whether agencies have implemented accepted recommendations from earlier performance audits and whether any changes in practice or performance have occurred in response to these audits.

A recent follow-up study found that the current review and reporting arrangements adopted by agencies provide only limited assurance that recommendations in performance audit reports are being addressed.

Agencies should consider using the better practice guide (below) to establish appropriate mechanisms to monitor progress and report on changes following a performance audit.

### Following a performance audit, agencies should:

- Assign responsibility for the implementation of recommendations accepted to a single person or branch
- Develop an action plan which includes a timetable for implementation and clearly outlines roles and responsibilities for the implementation of each recommendation accepted
- Include in the plan mechanisms to monitor and report on results against key indicators where they have been identified in the audit
- Allocate sufficient resources to implement the plan and set realistic and achievable timeframes and targets
- Have the plan endorsed by the CEO and where appropriate, the Board and the Minister
- Incorporate the plan in other planning documents such as the corporate plan, business plans or performance agreements
- Nominate or establish a committee to monitor and report on progress (some agencies use their audit committee or risk management committee to do this)
- Provide regular reports on the progress of implementation of the recommendations to the CEO and where appropriate, the Board and the Minister
- Raise staff awareness of the outcomes of the performance audit and invite feedback on how best to implement the recommendations
- Regularly review and monitor the plan and make amendments, where necessary, to maintain relevance and appropriateness
- Report progress and actions taken to address issues raised in the performance audit in the annual report (reporting progress each year until implementation is complete).