

**Submission
No 38**

**A FRAMEWORK FOR PERFORMANCE REPORTING AND DRIVING
WELLBEING OUTCOMES IN NSW**

Organisation: Community Legal Centres NSW

Date Received: 2 September 2024

August 2024

Public Accounts Committee
Parliament of NSW
Via: pac@parliament.nsw.gov.au

Re: Submission to the inquiry into *A framework for performance reporting and driving wellbeing outcomes in NSW*

Dear Committee Members,

Community Legal Centres NSW welcomes the opportunity to provide a submission to the Committee's inquiry into *A framework for performance reporting and driving wellbeing outcomes in NSW*.

Community Legal Centres NSW is the peak representative body for 41 community legal centres in NSW and represents the views of Community Legal Centres to the government and broader community. Community Legal Centres provide free information, advice and referral, casework and representation to the community, helping clients who face economic and social marginalisation and disadvantage and have nowhere else to go.

We support the development of a wellbeing framework to inform government budgeting and prioritise wellbeing in policymaking.

Both expenditure and law reform should prioritise increased social and economic wellbeing, particularly for the most marginalised and disadvantaged members of our communities. As part of a holistic approach to policymaking and public budgeting, the likely impacts of law reform on wellbeing and need for services should be accounted for.

To provide an example with direct relevance to our Centres, when a government undertakes law reform (including changes in law, policy or court procedure) that could increase demand and/or need for legal assistance, it should be accompanied by an assessment of changes in demand and/or need and an increase in funding to legal assistance services and related social and financial support.

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Submission: *A framework for performance reporting and driving wellbeing outcomes in NSW*

We provide the following, non-exhaustive comments on the framework and proposed indicators:

- Equitable and timely access to legal assistance is a human right. For many years the legal assistance sector has called for regular mapping of unmet legal need in Australia and NSW. In line with recommendation 1 of the recent Mundy review of the National Legal Assistance Partnership, such a survey should be undertaken as a matter of priority, and meeting unmet legal need should be included in Commonwealth and state wellbeing frameworks.
- There are areas of NSW where there is little or no availability of legal assistance for disadvantaged and vulnerable clients. We recommend the introduction of an indicator of complete geographic coverage of generalist and specialist free legal assistance from Community Legal Centres, Aboriginal Legal Services, Family Violence Prevention Legal Services, and Legal Aid.
- The framework currently includes the length of time before finalisation of matters before criminal, District and Local courts as ‘measures for effective caseload management and timely justice’. The framework does not include an indicator relating to the timely resolution of disputes before NCAT. This should be included.
- The framework currently includes no indicator which speaks to the wellbeing impacts of security of tenure, or a lack thereof. Being evicted or forced to move due to unaffordable rent or poor maintenance is a stressful, expensive and destabilising event in people’s lives. It can worsen financial hardship, create adverse health outcomes and present a risk of homelessness. Inclusion of indicators of decreased eviction rates, decreased rental stress and increased length of leases is recommended.
- Data should be disaggregated to demonstrate whether improved wellbeing is being enjoyed equitably by people from marginalised and disadvantaged groups and people living in urban, regional, rural and remote areas.
- Some performance indicators for the ‘communities are safe’ outcome include a reduction in the number of reports of elder abuse and abuse of adults with disability to the Ageing and Disability Commission. While we do not oppose this inclusion, we note that structural barriers to reporting abuse suppress these numbers, and that expenditure and regulatory decisions can impact the capacity of oversight bodies to effectively receive and process complaints.
- We note that the performance indicators related to safety do not include indicators of safety in institutions. A key responsibility of governments is to ensure the institutions and systems they run and regulate are safe. Such institutions include police stations, court

cells, prisons and other places of detention, schools, hospitals, mental health wards, university campuses, government workplaces, out of home care and foster placements, and group homes.

- Robust and independent monitoring and oversight of police and places of detention is not in place in NSW, making it difficult to appropriately and accurately measure exposure to and risk of abuse, and torture and other cruel, inhuman or degrading treatment or punishment as defined in international law. Implementation of the Optional Protocol to the Convention Against Torture and the establishment of an appropriately resourced and empowered National Preventive Mechanism in NSW is overdue and essential to providing reliable data about abuse and mistreatment in custody.
- We note that there are currently no agreed metrics for government progress towards realising the Priority Reforms under the Closing the Gap Agreement. Demonstrating progress towards the Priority Reforms is essential for government accountability to First Nations communities and to the Agreement.

We thank the Committee for the opportunity to provide this submission.

For further information contact:

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