



public interest
ADVOCACY CENTRE LTD

**Working together to achieve a new
direction for NSW: Submission to Public Accounts
Committee Inquiry into State Plan Reporting**

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Brenda Bailey, Policy Officer

Introduction

The Public Interest Advocacy Centre

The Public Interest Advocacy Centre (PIAC) seeks to promote a just and democratic society by making strategic interventions on public interest issues.

PIAC is an independent, non-profit law and policy organisation that identifies public interest issues and works co-operatively with other organisations to advocate for individuals and groups affected.

In making strategic interventions on public interest issues PIAC seeks to:

- expose unjust or unsafe practices, deficient laws or policies;
- promote accountable, transparent and responsive government;
- encourage, influence and inform public debate;
- promote the development of law—both statutory and common—that reflects the public interest; and
- develop community organisations to pursue the interests of the communities they represent.

Established in July 1982 as an initiative of the Law Foundation of New South Wales, with support from the NSW Legal Aid Commission, PIAC was the first, and remains the only, broadly based public interest legal centre in Australia. Financial support for PIAC comes primarily from the NSW Public Purpose Fund and the Commonwealth and State Community Legal Centre Funding Program. PIAC also receives funding from the NSW Government Department of Energy and Water for its work on utilities, and from Allens Arthur Robinson for its Indigenous Justice Program. PIAC also generates income from project and case grants, seminars, consultancy fees, donations and recovery of costs in legal actions.

The current inquiry

In response to the Public Accounts Committee call for submissions on 26 September 2007 to its inquiry into State Plan Reporting, the Public Interest Advocacy Centre provides the following comments to the:

- adequacy and appropriateness of performance measures for progress in achieving the Plan objectives; and
- the adequacy and appropriateness of audit requirements for performance measures.

General comments

In developing a response for this inquiry, PIAC assessed the targets and measures in the State Plan against a set of principles that ensure the targets and measures are clear, do not create responses inconsistent with individual components of the State Plan and useful for recording change over time.

It is important that the measures in the State Plan are not used as a way to stop discussion and exploration of solutions to emerging issues. That could occur if an emerging or overlooked issue or innovative response to a problem is not considered because is not explicitly set out in the State Plan. This can be the case even when solutions can contribute to the stated targets in the Plan. A balance between setting measurable targets and outcome-based strategies would alleviate this problem.

Principles applied to the assessment of measures in the State Plan

- **Clarity:** ensuring that what is to be measured and the intention of the measure are clearly understood and a timeframe is provided, ensuring that the indicator is set at a useful level of detail.
- **Consistency:** of definitions and measures, so that progress can be measured over time.
- **Consistency:** within the plan, so that measures do not lead to actions that contradict other areas of the plan, for example speed of car travel contradicts measures to improve safety.
- **Scope of the measures:** ensuring they allow for inclusion of social performance measures to show progress in access, equity and diversity. The measures should acknowledge that Government responsibility extends beyond financial reporting and includes the well being of the community.

Comments on current State Plan Targets

The following are examples of how particular targets or measures set out in the State Plan are inadequate because of a failure to meet the characteristics of clarity and consistency.

Rights, respect and responsibility

The targets in this section about re-offending and community disturbance encourage solutions that have the potential to damage relationships between the community and police and infringe human rights. Measures should include a requirement that human rights are observed in any legislative changes and in programs aimed at meeting these targets.

The targets tend to be simplistic law and order solutions, which adversely affect marginalised populations such as the homeless and people living with a mental illness. The current targets focus on immediate law and order outcomes rather than on measures of improvements to the circumstances that lead to offending, such as improvements in access to appropriate housing, support for young people and campaigns to counteract racism. The current targets, because they do not measure underlying changes will fail to achieve equitable outcomes. Targets in the current form individualise the problem, which has complex social and economic causes.

R3: 'Reduced problems with louts, noisy neighbours, public drunkenness and hoons'

This target also fails to be clear in defining 'problems', or to state what will be reduced by what amount. Will these indicators determine if real improvements are occurring? For example reducing the number of complaints could be achieved by simply changing the method of recording or collection, or not recording contacts as complaints.

In order to be effective in responding to specific community disadvantage, measures should include targets for all areas of the justice system, including juvenile justice.

Delivering better services

This section on health, education and transport needs to include indicators and targets that improve health inequalities, specifically for people with disabilities, Aboriginal people and those living in rural communities. The health measures, for example, could include indicators such as birth weights for Aboriginal babies and improvements to the average life expectancy. The education outcome for year 12 retention rates may be achieved if taken for the whole population, but has no affect on young people with disabilities unless a target is specified for this and other at-risk groups.

S7: 'Road fatalities continue to fall relative to distance travelled'

The target on road safety (S7) is an example of where an indicator can lead to policy distortion. The form of this target places the emphasis on use of roads by cars and ignores the fatalities of pedestrians, cyclists and other road users. It ignores, for example, the greater proportion of older pedestrians who are killed each year. An emphasis on road travel by car also contradicts other aspects of the State Plan about improving urban environments.

Indicators need to include all levels of government, such as local government and other agencies. Plans for new urban developments at a local level aim to make neighbourhoods safer by calming traffic, creating shared zones on roads and separating walking and cycling tracks from cars. There are positive performance indicators that could be used for road safety that take into account all population groups. The narrow approach currently set out in the State Plan ignores segments of road users. The use of positive performance indicators should take into account all road users and identify access issues for the whole community.

Fairness and opportunity

The majority of targets in the area of Fairness and Opportunity do not include a percentage by which access or other indicators will change over time. In fact one of the targets (F6) is simply to 'set a target', hardly inspiring of confidence that the NSW Government is focussed on the preparation of children for school.

Other examples such as 'Unnecessary hospital admissions reduced by 15% over five years' (F5) focuses on only one aspect of an efficient hospital system. This target could remove support for successful discharge planning programs, which ensure that acute services are not used as a substitute for community care.

A focus on prevention is encouraging; public health programs that assist people avoid hospitalisation are good for the individual and the health system. However, there is no corresponding target to measure indicators for post-acute care or transitioning from hospital to residential care. Programs such as Compac (post acute community care packages) have proven successful in preventing the revolving door, which results from early discharge practices.

Growing prosperity across NSW

'Reduce the regulatory burden on business' (P3) is an example where indicators for this section should be incorporated across the plan rather than isolated from other outcomes. The risk is that taking this target in isolation could reduce the protection that the general community relies upon in the areas of occupational health and safety, planning and the environment.

Environment for living

If the indicators in the area of Environment for Living are to lead to better outcomes for the most disadvantaged they need to be more specific. For example, a general reduction in greenhouse gases could be achieved by supporting those most able to achieve a reduction, while ignoring businesses and families in rural areas, people in public housing and Aboriginal communities who do not have the capacity to take advantage of government programs such as subsidies for new, more efficient equipment. A reduction may be achieved and meet various targets, but only benefit those best able to take advantage of government programs.

This section of the plan requires a greater connection with other sections of the plan by focussing on health and well-being. In a period of heightened awareness of climate change, the social and health outcomes should be integrated into environmental targets to ensure the well-being of the whole community.

Providing more land (E6) does not solve the greater problem of housing: it will not improve affordable rental stock. There is no indicator provided that will measure improved access to housing for people who rely on rental accommodation. A measure of reduction in 'housing stress' (that is, paying more than 30 percent of income in housing) would assist the working poor who are purchasing their home and those in rental accommodation.

Principles for reporting progress

Important in any planning process is the need to report against the measures and adjust for any unexpected outcomes. The Government should ensure that:

- departments and agencies use the same structure and include State Plan objectives in their annual reporting;
- timely reporting is undertaken on a regular basis;
- the Premier provides a progress report to Parliament on an annual basis as a minimum requirement;
- reporting against the plan is transparent and detailed results are available to the public, so that expenditure can easily be traced to the results;
- specific evaluations of projects, whether for ongoing or pilot projects, are released in the public domain;
- results are identified through existing data sources or a plan implemented to capture that data source (for example, better court data is needed; the outcomes of bail conditions (type and times they are changed for example) would provide data to help improve the quality of court decisions and create a more efficient court system);
- the Auditor General has a role in overseeing the reporting arrangements to ensure reports are based on accurate and current data, consistent methodology, support whole-of-government responses and do not duplicating reporting.

Conclusion

PIAC looks forward to the Inquiry resulting in identification of the need for clearer targets for many areas of the State Plan. Such targets could usefully be developed in consultation with those community and other agencies that are working on the areas of priority. The positive impact of the State Plan will best be achieved and measured through a collaborative approach to the development and implementation of the Plan.

PIAC looks forward to the opportunity to work with the NSW Government on achieving positive outcomes for all residents of NSW.