

24 September 2024

Ms Alison Buskens – Committee Manager
Public Accounts Committee
NSW Government
NSW Parliament
Macquarie Street

Delivered by email to pac@parliament.nsw.gov.au

Dear Alison

A framework for performance reporting and driving wellbeing outcomes in NSW

Thank you for the opportunity to provide follow-up to my appearance at the hearing on Thursday 12th September. Three issues were raised during the hearing that I will do my best to respond to below.

Structuring metrics

Mr Jason Li MP asked for our “...views around how we structure a set of metrics in a hierarchy or in that sort of framework...”

People with Disability Australia (PWDA) takes a human rights-based approach to our work.ⁱ In this instance the Universal Declaration of Human Rights (UDHR),ⁱⁱ the Convention on the Rights of Persons With Disabilities (CRPD),ⁱⁱⁱ and the Sustainable Development Goals (SDGs)^{iv} provide excellent guidance on the determination of a hierarchy and the structuring of metrics.

Setting the hierarchy

Whilst all human rights are important, interrelated and interdependent,^v some are considered 'fundamental' or 'non-derogable' and receive the highest priority in international law, due to the severity of the impact of breaching them. The rights considered fundamental are the ones that protect against bodily harm to a person. Examples of such rights include the Right to Life, Liberty and Security of Person (UDHR article 3), Freedom from Slavery and Servitude (UDHR art. 4), and Freedom from Torture (UDHR art. 5).^{vi}

Drawing on this model, PWDA would recommend the NSW Public Accounts Committee develop a framework for measuring wellbeing that places greatest priority on measurement and delivery of those services with greatest impact on fundamental human rights. In order to realize the fundamental human rights of people with disability, supports and services may to be provided that differ from those required by non-disabled people.

In developing the framework, co-design with people with disability and their Disability Representative Organizations (DROs) and the application of the CRPD to framework development will help identify a hierarchy of priorities that enables all people in NSW to have their fundamental human rights met. From there the framework must necessarily balance the different needs, concerns and priorities of different people and groups in NSW, but fundamental rights must take precedence.

Structuring the metrics

The UDHR and CRPD can help set the hierarchy of priorities for a measurement framework, but to develop metrics we recommend the approach taken in the Sustainable Development Goals (SDGs).^{vii} Most of the SDGs could inform the framework itself, but their methodology is instructive. The 17 SDGs each have a set of targets beneath them that need to be reached for them to be achieved. Each goal is well researched and problems are described, and publications, events and actions are reported against each one.

The Public Accounts Committee could apply a similar methodology to developing a set of metrics to measure elements of the framework, and how it is performing. Again, we would recommend including co-design with people with disability and their DRO's. This will help avoid the failure to measure those who have never been able to access a service, or who are under-represented or poorly served due to accessibility barriers.

Intersectional issues

Ms Jenny Leong MP raised the issue of measuring wellbeing where delivery of an element involves "...The intersection between different portfolios with the State Government but also Federal work..."

In my response I recommended creating opportunities to listen systematically and engage with people who are the intended beneficiaries of services. Direct engagement, consultation with people with disability and specific under-represented groups, digital and social media all offer opportunities to listen to the problems and barriers people face.

Intersectional problems are common. I gave the example during the hearing of education being the person's critical issue, but the lack of accessible transport prevents access- so two different State Government portfolios intersect. I could just as easily have explained that a person entitled to NDIS supports provided by the Federal Government, will be prevented from accessing them if they are homeless and languishing on a years long list waiting for accessible housing which is to be provided by the State Government.

Given the Federal Government has the **Measuring What Matters Framework** for wellbeing, we are confident that there will be common goals and ways to deliver against intersectional issues for everyone.

Digital inclusion

Dr David Saliba MP was specifically interested in digital inclusion and its impact on wellbeing. Earlier this year the NSW Government invited submissions against its inaugural Digital Inclusion Strategy, and I prepared one on behalf of PWDA.

I have attached a copy of to this correspondence for his information, but this recent work left me particularly mindful that a digital-first approach will necessarily exclude many in NSW. If critical health information, key services, resources and rights are only accessible digitally, the wellbeing of people unable to use digital devices will be compromised. I cautioned against the switch to digital-only approaches, as these will never be accessible and appropriate for everyone. I also called for the NSW Government to proactively audit its processes and services for accessibility- as people who have historically been excluded are unlikely to show up in complaints records.

Yours sincerely



Bastien Wallace
Senior Policy Officer
People with Disability Australia

ⁱ Australian Human Rights Commission, Human rights based approaches, last accessed 24/9/2024 <https://humanrights.gov.au/our-work/rights-and-freedoms/human-rights-based-approaches>

ⁱⁱ United Nations, Universal Declaration of Human Rights, last accesses 24/9/2024, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

ⁱⁱⁱ United Nations, Convention on the Rights of Persons With Disabilities, last accessed 24/9/2024 <https://social.desa.un.org/issues/disability/crpd/convention-on-the-rights-of-persons-with-disabilities-crpd>

^{iv} United Nations, Sustainable Development Goals, last accessed 24/9/2024, <https://sdgs.un.org/goals>

^v Quintavalla, A., & Heine, K. (2019). Priorities and human rights. *The International Journal of Human Rights*, 23(4), 679–697. <https://doi.org/10.1080/13642987.2018.1562917>

^{vi} Baab, M., & Jungk, M., The Arc of Human Rights Priorities; A New Model for Managing Business Risk, The Danish Institute for Human Rights, last accessed 24/9/2024, <https://media.business-humanrights.org/media/documents/files/media/documents/arc-human-rights-priorities-9-mar-2011.pdf>

^{vii} United Nations, Sustainable Development Goals, last accessed 24/9/2024, <https://sdgs.un.org/goals>