

Audit report of the 2021–22
annual performance statement

Attorney-General's Department



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INDEPENDENT AUDITOR'S REPORT

To the Minister for Finance

Conclusion

I have undertaken a reasonable assurance engagement of the attached 2021–22 Annual Performance Statements of the Attorney-General's Department (the Entity).

In my opinion the attached 2021–22 Annual Performance Statements of the Entity are prepared, in all material respects, in accordance with the requirements of Division 3 of Part 2-3 of the *Public, Governance, Performance and Accountability Act 2013* (the Act), including accurately presenting the Entity's performance in achieving its purposes in the reporting period.

Audit criteria

In order to assess whether the Entity's annual performance statements complied with Division 3 of Part 2-3 of the Act, including accurately presenting the Entity's performance in achieving its purposes in the reporting period, I applied the following criteria:

- whether the annual performance statements comply with Division 2 of Part 2-3 of the *Public, Governance, Performance and Accountability Rule 2014* (the Rule);
- whether the performance measures and targets in the annual performance statements are appropriate as required by Division 1 of Part 2-3 of the Rule to accurately measure the entity's performance in achieving its purposes in the reporting period; and
- whether the results reported against the performance measures in the annual performance statements and accompanying supporting analysis are accurate and complete, and supported by appropriate records.

Accountable Authority's responsibilities

As the Accountable Authority of the Entity, the Secretary is responsible under the Act for:

- the preparation and fair presentation of annual performance statements that accurately reflect the Entity's performance and comply with the Act and Rule;
- keeping records about the Entity's performance in accordance with requirements prescribed by the Act; and
- establishing such internal controls that the Accountable Authority determines is necessary to enable the preparation and presentation of the annual performance statements that are free from material misstatement, whether due to fraud or error.

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Auditor's responsibilities

My responsibility is to conduct a reasonable assurance engagement to express an independent opinion on the Entity's annual performance statements.

I conducted my audit in accordance with the Australian National Audit Office Auditing Standards, which include the relevant Standard on Assurance Engagements (ASAE) 3000 *Assurance Engagements Other than Audits or Reviews of Historical Financial Information* issued by the Auditing and Assurance Standards Board. In accordance with this standard, I plan and perform my procedures to obtain reasonable assurance about whether the performance measures and accompanying results presented in the annual performance statements of the Entity accurately reflect the Entity's performance in achieving its purpose and comply, in all material respects, with the Act and Rule.

The nature, timing and extent of audit procedures depend on my judgment, including the assessment of the risks of material misstatement, whether due to fraud or error, in the annual performance statements. In making these risk assessments, I obtain an understanding of internal control relevant to the preparation of the annual performance statements in order to design procedures that are appropriate in the circumstances.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my conclusion.

Independence and quality control

I have complied with the independence and other relevant ethical requirements relating to assurance engagements, and applied Auditing Standard ASQC 1 *Quality Control for Firms that Perform Audits and Reviews of Financial Reports and Other Financial Information, Other Assurance Engagements and Related Services Engagement* in undertaking this assurance engagement.

Inherent limitations

Because of inherent limitations of an assurance engagement, it is possible that fraud, error or non-compliance may occur and not be detected. An assurance engagement is not designed to detect all instances of non-compliance of the annual performance statements with the Act and Rule as it is not performed continuously throughout the period and the assurance procedures performed are undertaken on a test basis. The reasonable assurance conclusion expressed in this report has been formed on the above basis.

Australian National Audit Office



George Sotiropoulos
Group Executive Director

Delegate of the Auditor-General

Canberra
27 September 2022



Australian Government
Attorney-General's Department

Annual Report 2021–22

Part 2: Annual performance statements

Statement of preparation

As the accountable authority of the Attorney-General's Department, I present the 2021–22 annual performance statement of the Attorney-General's Department, as required under paragraph 39(1)(a) of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act). In my opinion, this annual performance statement is based on properly maintained records, accurately reflects the performance of the entity and complies with subsection 39(2) of the PGPA Act.



Katherine Jones PSM
Secretary

Performance summary

While the pandemic remained a dominant feature of our operating environment over the past year, we have worked to deliver high-quality legal services and policy advice and to support Australia's law and justice frameworks by undertaking large volumes of casework. We continued to improve justice outcomes for people through maintaining legal and policy frameworks and we improved access to justice for vulnerable people through the administration and implementation of programs and services. We also worked to improve the wellbeing and productivity of people at work. Our work to establish and support royal commissions assists them to conduct their enquiries in an effective and timely manner.

In 2021, we improved the way we measure our performance and, over this reporting year, we have made changes to our performance measures and targets. Our performance results describe our achievements this year in a way that:

- shows how each measure links to the portfolio budget statements, the corporate plan and the key activity
- specifies what the target for the measure was and the achievement against that target
- provides an analysis of the factors that contributed to the performance achieved and any other matters that may assist to explain the achievement.

All performance targets are weighted equally. Where a performance measure has more than one target, achievement of the measure is determined by reference to the number of targets achieved. The following criteria applies to assess measures with multiple targets:

- Not Achieved where 25% or less of targets are met
- Partly Achieved where 26%–74% of targets are met
- Achieved where 75% or greater of targets are met.

As outlined in the Corporate Plan 2021–25, we achieve our purposes through 5 key activities that describe the department's critical functions and activities and are not mutually exclusive. We demonstrate achievement using 15 performance measures consisting of 29 targets.

Overall, we achieved 21 targets (73%), partly achieved 3 targets (10%) while 5 targets (17%) were not achieved. In 2020–21, our results were 82% of targets achieved, 18% partly achieved and no targets not achieved.¹ Our 2021–22 results are down from those of last year. This is due, in part, to the reduction in the total number of targets under our performance measures as described in the Corporate Plan 2021–25 (pages 24–42) and the application of rigorous systems of assessment outlined in the analysis of each performance measure.

The following table provides a summary of the overall performance for 2021–22.

¹ ANAO assessed the 2020–21 annual performance statement with one target not achieved.

TABLE 3: SUMMARY OF KEY ACTIVITY RESULTS

Key activity	Performance target results
1: Provide legal services and policy advice and oversee legal services across government	1.1.1 Achieved
	1.2.1 Achieved
	1.3.1 Achieved
	1.4.1 Achieved
	1.5.1 Not Achieved
	1.5.2 Not Achieved
2: Manage casework	2.1.1 Achieved
	2.1.2 Achieved
	2.1.3 Achieved
	2.1.4 Achieved
	2.1.5 Achieved
3: Administer and advise on legal and policy frameworks	3.1.1 Partly Achieved
	3.1.2 Partly Achieved
	3.1.3 Achieved
	3.1.4 Achieved
4: Administer and implement programs and services	4.1.1 Not Achieved
	4.1.2 Not Achieved
	4.2.1 Achieved
	4.2.2 Achieved
	4.2.3 Partly Achieved
	4.3.1 Achieved
	4.4.1 Achieved
	4.4.2 Not Achieved
	4.4.3 Achieved
	4.5.1 Achieved
	4.6.1 Achieved
	4.6.2 Achieved
	4.7.1 Achieved
5: Establish and support royal commissions and other bodies	5.1.1 Achieved

Key Activity 1: Providing legal services and policy advice

We deliver high-quality legal services, provide high-quality policy advice and oversee the effective and efficient provision of legal services to the Australian Government and its entities, in order to ensure that decisions are based in law, strengthen policy outcomes and manage legal risk. We represent the Australian Government in constitutional and other disputes and assist it in resolving and managing significant and sensitive matters. We manage international dispute resolution on behalf of the Australian Government.

Performance measure 1.1: Australian Government Solicitor legal services

Legal services and support provided to the Australian Government and its entities by Australian Government Solicitor (AGS), including in relation to High Court and other significant litigation, is effective in helping to ensure that legal risk is managed and the Commonwealth's interests are protected, and to promote the fair and efficient resolution of disputes involving the Australian Government.

Performance targets	Result	2022 result	2020 result
1.1.1 Overall client satisfaction (via AGS Client Survey) greater than 75%	Achieved	85%	84%

Source:

Portfolio Budget Statements 2021–22, Outcome 1, Program 1.3, pages 31–32
Corporate Plan 2021–25, page 24

1.1.1 AGS conducts a client satisfaction survey to assess the level of client satisfaction with the legal services it provides. This is done via 2 mechanisms: a biennial online survey and, in alternate years, face-to-face client feedback meetings. This year, AGS conducted an online client satisfaction survey during March and April 2022. Results are compared with a previous survey conducted in 2020.

The result for this measure is based on a single question in the survey, asking clients to rate their overall satisfaction with their interactions with AGS, noting the survey is sent to clients who pay fee-for-service. It is a granular measure with a response range of 0 to 10, and the overall ranking is the average of all scores given.

The survey was sent to Heads of Legal, instructing officers and client contacts who have incurred fees greater than \$40,000 since the client satisfaction survey conducted in 2020. This threshold means we seek feedback from people who have a reasonable level of interaction with AGS and who have sufficient experience to make comment. Feedback from our surveys is reviewed and assessed for actions that may include reviewing processes, discussing feedback with teams or conducting training.

This year, the survey was sent to 1,467 client contacts and achieved a response rate of 22% (compared to 21% in 2020). The overall satisfaction rating from the survey was 85% (compared to 84% in 2020), which exceeded the target of 75%. Responses to the survey indicated that our service delivery remained at a high standard and we performed strongly in areas of legal expertise, quality of relationships, timeliness and understanding of the client's business.

Performance measure 1.2: International law and policy advice

International law and policy advice to the government and its entities effectively addresses the needs of clients and stakeholders and is delivered within required timeframes.

Performance targets	Result	2021–22 result	2020–21 result
1.2.1 Average performance rating from stakeholders of 75 or above out of 100 for:	Achieved		
(i) effectiveness		84ip*	90%
(ii) timeliness and responsiveness		78ip*	98%

* In 2021–22, the survey changed from a satisfaction scale to an agreement rating scale. See Appendix 2: Measuring success over time.

Source:

Portfolio Budget Statements 2021–22, Outcome 1, Program 1.2, pages 30–31
Corporate Plan 2021–25, pages 24–25

1.2.1 This target measures our effectiveness, timeliness and responsiveness (as a proxy for efficiency) as the primary international law adviser to the Australian Government. In this role, we contribute to protecting and promoting the rule of law, strengthen policy decisions and manage international legal risk. Maintaining positive stakeholder and client opinions of the quality and timeliness of our work is important in delivering this measure, and an important way to measure our success.

Respondents to the department’s stakeholder survey provided positive ratings for our effectiveness of 84 index points (90% in 2021 is equivalent to 86 index points) and our efficiency of 78 index points (98% in 2021 is equivalent to 83 index points) from a 29% survey response rate. A detailed explanation of the stakeholder survey methodology and results is at Appendix 2: Methodologies.

Overall, respondent assessments of our provision of international law and policy advice was positive. Stakeholder comments included that we were consistently collaborative, provided high-quality advice and assistance and communicated effectively and respectfully. Some respondents expressed a requirement for improved timeframes and this reflected in their rating for the timeliness of the provision of information and the appropriateness of the response timeframe as expressed by respondents.

We will continue to improve our efficiency in providing international law advice by appropriate prioritisation, good management of staff resources, maintaining and building our expertise and collaborating well with agencies to ensure our advice meets their needs.

Performance measure 1.3: Constitutional policy and related public law advice

Constitutional policy and related public law advice to the government and its entities assists them to identify and manage constitutional and related legal risks in order to support the constitutional functioning of the Commonwealth.

Performance targets	Result	2021–22 result	2020–21 result
1.3.1 Average performance rating from stakeholders of 75 or above out of 100 for:	Achieved		
(i) effectiveness		85ip*	100%
(ii) timeliness and responsiveness		86ip*	100%

* In 2021–22, the survey changed from a satisfaction scale to an agreement rating scale. See Appendix 2: Measuring success over time.

Source:

Portfolio Budget Statements 2021–22, Outcome 1, Program 1.1, pages 29–30
Corporate Plan 2021–25, page 25

1.3.1 We provide advice to the Attorney-General and across government on matters of constitutional policy development and in relation to constitutional issues that have general implications for Commonwealth and federal arrangements. We also instruct, on behalf of the Attorney-General, in litigation in the High Court and other superior courts where significant constitutional questions are at issue to ensure that the Australian Government’s constitutional policy interests are protected. This supports the effective functioning of core aspects of constitutional arrangements and system of government, which have important and enduring implications for the government and the nation. Maintaining positive stakeholder and client opinions of the effectiveness, timeliness and responsiveness (as a proxy for efficiency) of our advice is key in delivering this measure and an important way to measure success.

Respondents to the department’s stakeholder survey provided positive ratings for our effectiveness of 85 index points (100% in 2021 is equivalent to 85 index points) and our efficiency of 86 index points (100% in 2021 is equivalent to 84 index points) from a 39% survey response rate. A detailed explanation of the stakeholder survey methodology and results is at Appendix 2: Methodologies.

Respondents were positive in their assessment of our provision of constitutional policy and related public law advice to the Australian Government and its entities. Survey responses indicated that the advice and support we provided was helpful, practical, valuable and responsive. There was strong agreement that we responded in an appropriate timeframe to issues raised and that we provided information in a timely manner. Survey feedback indicated that there are opportunities for us to improve the commitment to finding solutions to problems. We can improve by increasing our focus on solutions when providing advice and assistance. We can also proactively explore novel ways to engage with stakeholders and respond to issues while protecting Commonwealth constitutional law interests.

Performance measure 1.4: Operation of Australian Government Solicitor

AGS operates as a self-funded legal services provider competing for work in the Commonwealth legal services market.

Performance targets	Result	2021–22 result	2020–21 result
1.4.1 AGS's Net Production (including lawyer utilisation) meets the annual budget target as set in most recent PBS within -5%*	Achieved	109%	108%

* This wording is different from the Corporate Plan 2021–25 (page 26) that referred to '+/- 5%'.

Source:

Portfolio Budget Statements 2021–22, Outcome 1, Program 1.3, pages 31–32
Corporate Plan 2021–25, page 26

1.4.1 Net Production is a way to measure how much of a practice's production volume is collectable (billable). It measures a fee earner's achieved revenue (billable hours multiplied by an average achieved charge-out rate) against a revenue target.

The Net Production result is the sum of all individual fee earners' net production results for the year. For 2021–22, we budgeted for an average productivity rate of 103%. The Net Production result for 2021–22 was 109%, which is marginally higher than the 108% achieved last year and a near-record result. This result reflects the considerable work hours per fee earner above expectations to meet client demand.

Performance measure 1.5: Manage significant legal issues and arrangements for Australian Government legal services

Oversight, coordination and assistance to Australian Government entities supports the effective management of legal risks and the delivery of high quality, consistent and efficient legal services across government.

Performance targets	Result	2021–22 result	2020–21 result
1.5.1 Average performance rating from stakeholders of 75 or above out of 100 for effectiveness of initiatives to support compliance with obligations under the <i>Legal Services Directions 2017</i> .	Not Achieved	74ip	N/A
1.5.2 Satisfaction of government lawyers with initiatives provided by the Australian Government Legal Service (AGLS) greater than 80%	Not Achieved	66%	32%

Source:

Portfolio Budget Statements 2021–22, Outcome 1, Program 1.1, pages 29–30
Corporate Plan 2021–25, page 27

1.5.1 Respondents to the department’s stakeholder survey provided positive ratings for our effectiveness of 74 index points. A detailed explanation of the stakeholder survey methodology and results is at Appendix 2: Methodologies.

The result is marginally lower than the target, however, the respondents assessed the effectiveness of initiatives to support compliance with obligations under the *Legal Services Directions 2017* as positive. An effectiveness rating of 74 index points was achieved from the 27% survey response rate. Survey responses showed that stakeholders valued the high level of expertise and advice we provide to support their compliance with obligations. Some respondents gave feedback that we could provide greater consistency in our advice, improved effectiveness in the management of constitutional and related legal risk as well as providing sufficient information to stakeholders. This feedback will assist us to prioritise training and other engagement with agencies regarding the *Legal Services Directions 2017*.

1.5.2 We conduct an annual survey to measure the satisfaction of government lawyers with the AGLS and its initiatives, including the AGLS website. In 2022, the survey was conducted over 2 weeks in May 2022. The survey was sent to 1,248 government lawyers who subscribed to a government lawyer contact list via the AGLS website. A total of 247 government lawyers completed the surveys (20% response rate) compared to 344 completed surveys in 2020–21.

We did not achieve this target. However, we regard the improvement in survey results as encouraging. Overall, the survey satisfaction (‘somewhat’ or ‘very satisfied’ with the AGLS and its initiatives) was 66%, compared with 32% in 2020–21. Respondents who were ‘somewhat’ or ‘very unsatisfied’ totalled 8% and 26% of respondents were ‘neutral’. Of total responses, 98% knew the AGLS existed, compared to 82% in 2020–21. This shows an improvement in both the visibility of, and growing satisfaction with, the AGLS from its inaugural year.

The survey results will assist us to devise and prioritise initiatives and adapt the AGLS to reflect the needs of government lawyers. Opportunities to improve performance include increasing government lawyer engagement via social media (10% of respondents received information about the AGLS and its initiatives from social media) and ensuring AGLS initiatives are available to all government lawyers (around 35% of respondents identified their primary workplace as outside the Australian Capital Territory and almost 5% reported their workplace was in a regional city).

Key Activity 2: Managing casework

We undertake casework relating to international crime cooperation, federal offenders, international family law, private international law and complaints under the United Nations human rights conventions in order to support Australia's law and justice frameworks.

Performance measure 2.1:

International crime cooperation, federal offender, international family law, private international law and United Nations human rights committee communications casework

International cooperation in relation to extradition, mutual assistance, international transfer of prisoners, family law, private international law matters and individual complaints to UN human rights committees is managed effectively to strengthen the rule of law and the safety of the Australian community and give effect to Australia's international obligations.

Performance targets	Result	2021–22 result	2020–21 result
2.1.1 Average performance rating from stakeholders of 75 or above out of 100 for:	Achieved		
(i) effectiveness		83ip*	100%
(ii) timeliness and responsiveness		76ip*	91%
2.1.2 950 extradition, mutual assistance, international transfer of prisoners, federal offender and international family law casework matters finalised	Achieved	1,324	1,396
2.1.3 At least 80% of extradition legal proceedings heard and determined are resolved in favour of the Commonwealth	Achieved	95.5%	95%
2.1.4 100% of assessed advice to decision-makers on extradition, mutual assistance, international transfer of prisoners, federal offender and international family law casework is rated as being timely and legally robust	Achieved	100%	75%
2.1.5 A minimum of 125 private international law casework matters finalised	Achieved	148	185

* In 2021–22, the survey changed from a satisfaction scale to an agreement rating scale. See Appendix 2: Measuring success over time.

Source:

Portfolio Budget Statements 2021–22, Outcome 1, Program 1.1, pages 29–30 and Program 1.2, pages 30–31
Corporate Plan 2021–25, pages 30–31

2.1.1 Respondents to the department's stakeholder survey provided positive ratings for our effectiveness of 83 index points (100% in 2021 is equivalent to 87 index points) and our efficiency of 76 index points (91% in 2021 is equivalent to 84 index points). A detailed explanation of the stakeholder survey methodology and results is at Appendix 2: Methodologies.

Overall, survey respondents highly rated the effectiveness of our performance from a 33% survey response rate. The feedback provided indicated that this was due to our expertise, responsiveness, high-quality and consistent advice, value-add to decision-making, collaborative engagement style, solution-driven approach, evidence-based decision-making and contribution to government priorities. Respondents also acknowledged our effective and respectful communication style. These results reflect the professionalism and dedication of the casework teams. Many survey respondents offered comments that the advice and support they received was helpful, responsive, practical and valuable.

Survey respondents rated our timeliness in responding less favourably than our effectiveness due to concerns around actioning cases. This is possibly a reflection on the growing volume of cases handled by some casework teams during this year.

2.1.2 During 2021–22, we finalised 1,306 casework matters (compared to 1,396 in 2020–21), exceeding our target of 950. The casework consisted of:

- 111 extradition requests (compared to 103 in 2020–21)
- 673 mutual assistance requests (compared to 720 in 2020–21)
- 39 international transfer of prisoner applications (compared to 33 in 2020–21)
- 382 decisions about federal offenders (compared to 351 in 2020–21)
- 101 international family law matters (compared to 177 in 2020–21).

The collated target across casework types finalised in a year provides a proxy to track efficiency, given that the number of new matters and the complexity and duration of matters varies considerably. In 2021–22, we finalised fewer matters than during 2020–21. We have worked to improve casework processes to improve efficiency and effectiveness, for example, improving processes and knowledge management systems and guidance for staff.

While the overall number of casework matters finalised is fewer, the overall number of cases has decreased following the closure of some ‘dormant’ cases. Staff turnover has also affected the number of cases we could finalise, although the number of closed cases this year is consistent with other years.

The number of cases for international transfer for prisoners has increased. Due to pandemic travel restrictions, no transfers were initiated and many closures resulted from withdrawals or applicants being released before transfer.

The number of cases finalised of international family law matters has decreased. Due to pandemic restrictions, the finalisation time and the complexity of cases resulted in longer closure times, for example, cases were open on average for 280 days in 2021–22, compared to 176 days in 2018–19.

Further statistics on international crime cooperation cases (extradition, mutual assistance and international transfer of prisoners) are available in Appendix 5: Extradition and mutual assistance.

2.1.3 During 2021–22, of the 22 extradition legal proceedings heard and determined (compared to 19 in 2020–21), 95.5% were resolved in favour of the Commonwealth (compared to 95% in 2020–21), exceeding the target of 80%. These proceedings included bail applications made to a magistrate, extradition eligibility proceedings before a magistrate under section 19 of the *Extradition Act 1988*, Federal Court proceedings seeking the review of decisions of a magistrate or the Attorney-General or minister, appeals before the Full Court of the Federal Court, and proceedings before the High Court of Australia.

2.1.4 A qualitative analysis of a randomly selected sample of work was undertaken by a panel of 3 independent legal practitioners. The sample consisted of 25 pieces of international casework advice that were assessed against a scoring template and a scoring scale. The panel rated all of the samples at or above 3 out of 5 against the scoring criteria, and considered all of the samples were legally robust and provided in a timely manner to decision-makers, hence, we achieved this target at 100%. A detailed explanation of the qualitative assessment methodology and results is at Appendix 2: Methodologies, Qualitative assessment.

The panel observed consistent high standards across the samples related to timeliness as no deadlines were missed even where requests and decisions were made close to legislative time limits. The panel determined that complex and factual situations were distilled into digestible briefs and that the application of the law was accurate and that pragmatic and well-reasoned recommendations were provided. Examination of samples confirmed that submissions were generally well-written, had distilled relevant legal obligations and had applied them to concisely communicate summaries of complex factual

scenarios. Recommendations were offered in line with law, policy and principles of good administrative decision-making. We will pursue the improvements that were suggested including reviewing the structure of submissions, that clearer referencing of delegations be included, expanding the department's reasons for recommending particular options and removing duplicative information.

2.1.5 During 2021–22, the department received 512 service and evidence requests (555 in 2020–21). Of these, 149 requests were finalised (185 in 2020–21), exceeding the target of 125. This year, 94 (117 in 2020–21) were rejected for non-compliance with requirements under the relevant convention or treaty. We use this target as a proxy for efficiency.

This result reflects the volume of casework the department received and the extent to which requests complied with requirements and could be sent to states and territories to be executed. Factors contributing to the result include the effects of pandemic restrictions on the number of requests received and the ability of state and territory courts to fulfil the request. However, it can be difficult to measure the impact of these factors (if any) as the department does not have direct insight into all causes of reductions in casework matters received.

Key Activity 3: Administer and advise on legal and policy frameworks

We design, implement, maintain, evaluate and reform legal policy frameworks to improve outcomes for people in relation to rights, justice, security, integrity and workplaces. We ensure access to fair and affordable institutions and mechanisms that promote accountability and the rule of law.

Performance measure 3.1: Administration of legal and policy frameworks

Legal and policy frameworks and regimes that the department is responsible for are effectively administered and improvements are considered and implemented.

Performance targets	Result	2021–22 result	2020–21 result
3.1.1 Average performance rating from stakeholders of 75 or above out of 100 for:	Partly Achieved		
(i) effectiveness		76ip*	N/A
(ii) timeliness and responsiveness		73ip*	N/A
3.1.2 100% of assessed policy advice to the Minister is rated as effective	Partly Achieved	97%	N/A
3.1.3 100% of assessed economic data and analysis to support the effective operation of the industrial relations system is timely	Achieved	100%	100%
3.1.4 100% of assessed legal advice on litigation to support the efficient and effective functioning of the industrial relations system is rated as effective	Achieved	100%	100%

* In 2021–22, the survey changed from a satisfaction scale to an agreement rating scale. See Appendix 2: Measuring success over time.

Source:

Portfolio Budget Statements 2021–22, Outcome 1, Program 1.1, pages 29–30; Program 1.2, pages 30–31 and Outcome 2, Program 2.1, page 37
Corporate Plan 2021–25, page 31

3.1.1 Respondents to the department’s stakeholder survey provided positive ratings for our effectiveness of 76 index points and our efficiency of 73 index points. A detailed explanation of the stakeholder survey methodology and results is at Appendix 2: Methodologies.

Overall, respondent assessments of our administration of legal and policy frameworks were favourable from a 28% survey response rate. Survey responses highlighted the respectful manner in which we engage with stakeholders and the high level of expertise and advice we provide in the administration of legal and policy frameworks. Aspects relating to timeliness of advice and the provision of information have been identified as areas for improvement.

Survey responses related to industrial relations and work health and safety matters, including work through the Office of the Federal Safety Commissioner and on labour hire showed that engagement was rated well. We will continue to improve our stakeholder engagement to meet our targets and to share knowledge across teams.

This year, work was affected by disruptions resulting from the pandemic. Work was prioritised to meet changing circumstances and, consistent with survey results from 2020–21, this led to delays in responses in some policy areas. This was exacerbated by reduced staffing levels that may have reduced the consistency we provided to stakeholders.

We will continue to improve our stakeholder engagement to meet our targets and to share knowledge across teams so that stakeholders can discuss matters with various staff and be provided with a similar

service. We have devoted time to develop new relationships on industry-specific workplace relations matters to improve our understanding of the sectors and the achieve increased engagement from industry.

3.1.2 A qualitative analysis of policy submissions taken from a random sample of work from the department’s policy groups was undertaken by a panel of 3 EL2 departmental officers. Panellists assessed the samples against assessment a scoring template and a scoring scale first individually and as a full panel to determine the final scores used to determine whether this target was achieved. A detailed explanation of the qualitative assessment methodology and results is at Appendix 2: Methodologies, Qualitative assessment.

Overall, this performance target was partially achieved. The panel reviewed a total of 35 policy submissions and rated the majority of samples at or above 3 out of 5. We achieved this target at 97% as one sample was rated at 2.5 out of 5 and did not meet the required quality standards for assessment. The panel reviewed the samples with attention to areas of ‘content, advice, analysis and action’. The panel observed that these areas were addressed to a consistent high standard across the majority of samples. Results of the qualitative analysis showed that the samples were clear in the explanation of the policy approach, sensitivities were dealt with well and that risks were identified and documented. Submissions were generally written in a logical manner that provided clear instructions and identified if the submission was providing further advice to a previous decision.

The panel indicated it would have been useful to include information on legislative agendas and alternative options for the delegate to consider. It was also noted by the panel that some samples had crucial information only in attachments, which would have benefited from being outlined in the submission as well. The panellists felt that overall readability across the samples was of a high quality however, some samples, particularly those of more of a technical nature, relied on the use of jargon that reduced readability.

3.1.3 High-quality economic advice to the government and its entities is critical to ensure these regimes are effective, efficient and accessible and respond to changing circumstances and social issues. We delivered this advice through ministerial offices and ministerial submissions.

Providing high-quality and evidence-based advice means that issues in the operation of the industrial relations system are effectively considered and addressed and that any reforms are well considered and implemented.

To determine the timeliness of the data and analysis we provide, we assess its compliance with their associated deadlines:

- The government’s submission to the Fair Work Commission’s Annual Wage Review is submitted in accordance with the timetable set by the Fair Work Commission. For 2021–22, the deadline was 1 April 2022. The government submission was available on the [Fair Work Commission website](#)² on 1 April 2022. After the election, a new submission was drafted and lodged by 3 June 2022 as per the new deadline set by the Fair Work Commission.
- Each quarterly Trends in Federal Enterprise Bargaining report is published on the [department’s website](#)³ prior to the end of the subsequent quarter. For 2021–22, quarterly reports were published on time on 30 September 2021, 31 December 2021, 31 March 2022 and 30 June 2022.

² Fair Work Commission website, www.fwc.gov.au/hearings-decisions/major-cases/annual-wage-reviews/annual-wage-review-2021-22.

³ Trend in Federal Enterprise Bargaining, www.ag.gov.au/industrial-relations/enterprise-agreements-data/trends-federal-enterprise-bargaining.

This year, 100% of economic and data analysis was provided in a timely manner. Our success in meeting this target was due to staff experience and effective forward planning. We managed possible risks of staff absenteeism and changes in government that may have had consequences for clearances.

3.1.4 A qualitative analysis of a randomly selected sample of work was undertaken by a panel of 3 legal practitioners. The sample consisted of 5 pieces of advice that were assessed against a scoring template and scoring scale. The panel determined that all of the sample work was effective, rating all of the sample at or above 4 out of 5 against the scoring criteria, hence, we achieved this target at 100%. A detailed explanation of the qualitative assessment methodology and results is at Appendix 2: Methodologies, Qualitative assessment.

Examination of samples confirmed that submissions were well-written to a very high standard and that complex legal issues were tightly summarised. These samples largely concerned litigation strategy and risk management rather than exercise of administrative power, thus there was less need to outline relevant considerations and legislative powers.

The panel indicated there were instances where additional information on the relevant legislative provisions could have been useful, however, they noted this may have been a reflection of the minister's familiarity with the relevant frameworks.

Key Activity 4: Administer and implement programs and services

We administer and implement programs and services to improve access to justice for vulnerable people, provide financial assistance to workers whose entitlements have not been paid as a result of liquidation or bankruptcy, and promote the safety, wellbeing and productivity of people at work. We also deliver programs to support regional partners to develop stronger law and justice sectors and more effective policy and legal frameworks.

Performance measure 4.1: Legal assistance

The department's roles and responsibilities under the legal assistance grant programs, the National Legal Assistance Partnership, COVID-19 and bushfires programs are delivered, in order to enable the provision of legal assistance to people facing disadvantage in accordance with program requirements.

Performance targets	Result	2021–22 result	2020–21 result
4.1.1 Average performance rating from stakeholders of 75 or above out of 100 for:	Not Achieved		
(i) effectiveness		73ip*	85%
(ii) timeliness and responsiveness		71ip*	63%
4.1.2 Provision of funding to support greater access to the justice system:	Not Achieved		
(i) 100% of payments to states and territories and legal assistance providers are made within agreed timeframes, subject to third parties meeting relevant reporting obligations and requirements and the scheduling of third-party payment processes		100%	90%
(ii) 80% of applications for assistance are assessed within agreed timeframes		<80%	80%
80% of grant payments are made within agreed timeframes, subject to third parties meeting relevant obligations and requirements		<80%	83%

* In 2021–22, the survey changed from a satisfaction scale to an agreement rating scale. See Appendix 2: Measuring success over time.

Source:

Portfolio Budget Statements 2021–22, Outcome 1, Program 1.1, pages 29–30 and Program 1.4, page 32
Corporate Plan 2021–25, page 34

4.1.1 Respondents to the department's stakeholder survey provided ratings for our effectiveness of 73 index points (85% in 2021 is equivalent to 72 index points) and our efficiency of 71 index points (63% in 2021 is equivalent to 72 index points) from a 28% survey response rate. A detailed explanation of the stakeholder survey methodology and results is at Appendix 2: Methodologies.

Overall, this target was not achieved, however, we have improved our result from last year and our legal assistance stakeholder engagement was rated positively. Survey comments indicated that many aspects of providing information and advice had improved over the year including effectiveness, levels of expertise, quality of advice, effective communication and provision of sufficient and timely information. Some feedback showed that respondents expected improvements in considering the views of stakeholders and making decisions on sound evidence. The implementation of the National Legal Assistance Partnership 2020–25 (NLAP) increased in complexity this year, which created challenges for stakeholders. While we have increased our efforts to obtain stakeholder views, the scope for change

within the parameters of existing arrangements or government decisions is often limited, which can create an impression that feedback has not been heard.

These results are generally consistent with those of 2021 even with improvement across our work areas surveyed. This was due, in part, to a smaller proportion of stakeholders reporting strongly positive sentiment (i.e. indicated 'strongly agree') to a number of areas of the survey.

We have taken steps to improve consistency in our stakeholder communication and to build and maintain expertise. Work is also underway to address some of the complexity existing in legal assistance funding arrangements.

4.1.2 These targets measure our effectiveness and efficiency in overseeing Australian Government-funded legal assistance, including through the NLAP with states and territories, under the National Strategic Framework as well as other legal financial assistance schemes. It is important that support and funding to legal assistance providers and individuals is timely to support the accessibility of the justice system and ensure services are available for people facing disadvantage.

We evaluate the timely provision of funding through grant assessments, agreement and payment records.

4.1.2 (i) In 2021–22, our target was met for all NLAP payments including 4 instances where payments were made after third parties met relevant reporting obligations and requirements. For the Community Legal Services Program, the target was met for all payments including 3 instances where payments were made after the anticipated dates due to third-party delays.

TABLE 4: ACTIVITIES UNDER NATIONAL PARTNERSHIP AGREEMENTS AND OTHER GRANT AGREEMENTS MADE WITHIN SPECIFIED TIMEFRAMES

National partnership agreements and other grant agreements	Target	Result	Achieved
National Legal Assistance Partnership 2020–25	100%	100%	Yes
Community Legal Services Program	100%	100%	Yes
Expensive Commonwealth Criminal Case Fund	100%	100%	Yes
Commonwealth Redress Scheme for Survivors of Institutional Child Sexual Abuse (knowmore)	100%	100%	Yes
Flood Project Agreement	100%	100%	Yes

4.1.2 (ii) We use this target as a proxy measure for efficiency. It is important that support and funding to legal assistance providers and individuals is timely to maintain the accessibility of the justice system and provide services for people facing disadvantage. The legal financial assistance schemes we administer are demand driven, cover a broad range of legal matters and have varying levels of expenditure. Accordingly, we use the time taken to process applications and grant payments across these schemes as an indication of our efficiency.

During 2021–22, the target of 80% assessment and approval of applications and claims was not achieved. The applications and claims approval target shortfall was due to a new grants management system being introduced but not finalised. Data migration and the system’s newness resulted in processing delays. For 2021–22, we manually confirmed that this target was not achieved and we will continue to mature the performance reporting functionality of the new system. There were also delays caused by the caretaker period⁴, the need to clarify decision-making preferences with the new Attorney-General and the funding changes that altered the processing of applications under the Native Title Respondent Funding Scheme and the Native Title Officer Scheme.

TABLE 5: ACTIVITIES UNDER LEGAL FINANCIAL ASSISTANCE SCHEMES UNDERTAKEN WITHIN SPECIFIED TIMEFRAMES

Legal financial assistance schemes	Target	Result	Achieved
Applications processed within 28 days (21 days for royal commissions)*	≥ 80%	<80%	No
Claims / Payments (all) processed within 21 days*	≥ 80%	<80%	No

*The time taken to process is determined by calculating the number of days from when the application or claim is complete to when it is approved. If the result is within the target then the measure is deemed as achieved. The dates used to calculate the time taken to process are stored in the grants management system.

⁴ Caretaker period - when a federal election is called, the House of Representatives and, usually, half the Senate are dissolved. The government enters a caretaker period and the government refrains from implementing major decisions until the election result is clear.

Performance measure 4.2: Administration of the Fair Entitlements Guarantee program

Administer the Fair Entitlements Guarantee (FEG) program, including by responding to any increase in claims resulting from the COVID-19 pandemic, to provide financial assistance for workers who have not been fully paid for work done for insolvents or bankrupts.

Performance targets	Result	2021–22 result	2020–21 result
4.2.1 95% of claim payments are correct	Achieved	99.5%	98.1%
4.2.2 Average processing time for all claims is 14 weeks	Achieved	9.3	13.4
4.2.3 Amounts recovered by the FEG Recovery Program achieve the estimated recoveries forecast to the Department of Finance	Partly Achieved	86%	53%

Source:

Portfolio Budget Statements 2021–22, Outcome 2, Program 2.1, page 37 and Program 2.2, page 38
Corporate Plan 2021–25, page 35

4.2.1 This target is a proxy for measuring our effectiveness in administering the FEG program, which provides a safety net for unpaid employment entitlements for employees affected by the liquidation or bankruptcy of their employer. It is important that payments are correct so that claimants receive payments they are entitled to, to avoid recovery of overpaid money, to manage internal business operations and to detect potential fraud.

Processing applications and claims in a timely manner is an important measure of performance. To determine whether FEG payments are correct, we randomly sample 40 claim decisions each month and test them against 23 criteria to evaluate the accuracy of the decision.

During 2021–22, we tested 480 out of 6,781 claim decisions for accuracy. This year, results showed that 99.5% of claim decisions tested were accurate (compared to 98.1% in 2020–21) and 0.5% of claim decisions tested were inaccurate.

4.2.2 This target is used as a proxy measure for efficiency. Assessing claims for FEG entitlements involves working with insolvency practitioners and reconstructing employment records. The time it takes to finalise an individual claim depends on a number of issues, including factors outside the department's control. The *Fair Entitlements Guarantee Act 2012* makes payments not payable where a dividend will be declared within 16 weeks. The 14-week average processing target reflects an internal priority to reduce the overall processing time for claims.

In 2021–22, the FEG program achieved an average processing time of 9.3 weeks (13.4 weeks in 2020–21). This performance shows FEG claims are being processed in a timely manner and high levels of accuracy and stakeholder satisfaction are being maintained. This strong result reflects the operating environment in the program, which included a lower volume of claims being received. Our administration of the Fair Entitlements Guarantee is mature.

4.2.3 This target measures our effectiveness in recovering funds from employers to offset amounts paid to FEG claimants. The amount that is recoverable depends on the circumstances of each insolvency and external factors such as the current economic conditions and banking and financial climate, including the availability of credit.

In 2021–22, estimates were provided to the Department of Finance, forecasting that the FEG Recovery Program would recover \$22.638 million. By the end of the reporting period, the FEG Recovery Program had recovered \$19.558 million, representing 86% of the anticipated forecast. The balance of the anticipated forecast is expected to be recovered in the next or subsequent financial years. The revised estimate for the timing of these recoveries was affected by the slowdown in the progress of matters before the courts and in mediations.

Performance measure 4.3: Family Relationships Services Programme

Payments to Family Law Service providers under the Family Relationships Services Programme are made in a timely way.

Performance targets	Result	2021–22 result	2020–21 result
4.3.1 100% of payments are made in accordance with milestones in funding agreements (subject to appropriate availability)	Achieved	100%	100%

Source:

Portfolio Budget Statements 2021–22, Outcome 2, Program 1.5, page 33
Corporate Plan 2021–25, page 36

4.3.1 This target is a proxy measure of our efficiency in administering Family Relationship Services Programme funding. Through the program, we provide funds to Family Law Service providers offering support, education and dispute resolution services to separated and separating families. The timely provision of funding to Family Law Service providers is important to maintain ongoing services to clients. It enables organisations to provide valuable support to separated families through information, education, counselling, dispute resolution for parenting and property disputes, and supervised contact and changeovers of children.

We monitor the timely provision of funding through regular and ongoing liaison with the Department of Social Services Community Grants Hub, which administers this program on behalf of the department. There are 2 milestone payments of funding each year as set out in the grant agreements, which are paid in July and December.

The Community Grants Hub has a Grant Payment System that captures information relating to the administration of grants and associated milestones. During 2021–22, all grants and milestone payments were made and recorded in the Grant Payment System.

Performance measure 4.4: The Office of the Federal Safety Commissioner

The legislative functions of the Office of the Federal Safety Commissioner (OFSC) are delivered efficiently and effectively, including by promoting work health and safety in relation to building work and implementing the Work Health and Safety Accreditation Scheme.

Performance targets	Result	2021–22 result	2020–21 result
4.4.1 Greater than 80% of accredited companies agree that:	Achieved		
(i) guidance, educational and promotional material is clear, easy to understand and fit-for-purpose		91%	88%
(ii) OFSC accreditation has improved their workplace safety performance		95%	93%
4.4.2 The Work Health and Safety Accreditation Scheme is effectively implemented through the completion of at least 500 onsite safety audits each financial year	Not Achieved	463	489
4.4.3 Companies accredited under the Work Health and Safety Accreditation Scheme collectively report a lower Total Injury Frequency Rate (TRIFR) than the previous calendar year	Achieved	6.88	7.24

Source:

Portfolio Budget Statements 2021–22, Outcome 2, Program 2.2, page 38
Corporate Plan 2021–25, page 37

4.4.1 We conduct an anonymous and optional census each calendar year of accredited companies (program participants) to gauge the efficiency in delivering legislative functions. The census is sent via an online survey to all program participants during September and October. Census responses are analysed and a summary report is published on the OFSC website (www.fsc.gov.au).

The 2021 census contained 41 questions covering auditing, accreditation, reporting and how we engage with accredited companies. The census was sent to 419 accredited companies listed in the OFSC data system. A total of 263 completed surveys was received.

In the 2021 census:

- 89% of respondents stated that guidance material provided was clear and easy to understand
- 92% of respondents stated that guidance material provided was fit-for-purpose (fit-for-purpose was not an aspect included for evaluation in 2020–21)
- 95% of respondents stated that accreditation has improved their workplace safety performance.

4.4.2 In 2021–22, 463 audits were undertaken against the target of 500 onsite safety audits (compared to 489 in 2020–21). As such, the target was not fully achieved.

The OFSC improves safety in the building and construction industry by undertaking onsite auditing of companies against published audit criteria. The efficiency of the OFSC can be measured, in part, through the number of onsite audits undertaken.

Audits were scheduled, however, restrictions resulting from the ongoing pandemic severely reduced the number of onsite audits that could be undertaken. Added to this was the prolonged wet weather along the east coast of Australia that prevented many audits from occurring as building sites were closed. Once these conditions eased, there was an increase in audits conducted. The OFSC also conducted some low-risk audits using virtual technology instead of attending a site physically. However, it was not possible to make up the shortfall in the balance of the year.

4.4.3 We measure the safety performance of companies accredited under the Work Health and Safety Accreditation Scheme. Safety performance is influenced by the scheme; however, other factors also affect the safety performance of companies. Accredited companies report to the OFSC twice annually on the number of safety incidents that have occurred on their sites and the number of work hours performed.

The Total Injury Frequency Rate (TRIFR) for all accredited companies is calculated by dividing the total number of safety incidents for all companies by the total number of hours worked. The result is multiplied by one million to give a TRIFR per one million work hours. The TRIFR is made up of 2 components of the Medically Treated Injury Frequency Rate and the Lost Time Injury Frequency Rate.

During 2021, the Medically Treated Injury Frequency Rate was 5.37 (compared to 5.74 in 2020). The Lost Time Injury Frequency Rate was 1.50 (compared to 1.48 in 2020). Thus, the TRIFR was 6.88, which is lower than the 2020 TRIFR of 7.24, reflecting the decrease in the Medically Treated Injury Frequency Rate. There is no specific reason for this decrease, but it is on trend with the continual improvement in safety in the building and construction industry.

Performance measure 4.5: Building counter-fraud capability across government

Leadership, guidance and capability building is provided across Australian Government departments and agencies to improve their capacity to counter fraud (through the Commonwealth Fraud Prevention Centre) and the Commonwealth Fraud Control Framework is administered effectively.

Performance targets	Result	2021–22 result	2020–21 result
4.5.1 Average performance rating from stakeholders of 75 or above out of 100 for:	Achieved		
(i) effectiveness		81ip*	94%
(ii) timeliness and responsiveness		81ip*	92%

* In 2021–22, the survey changed from a satisfaction scale to an agreement rating scale. See Appendix 2: Measuring success over time.

Source:

Portfolio Budget Statements 2021–22, Outcome 1, Program 1.2, pages 30–31
Corporate Plan 2021–25, page 38

4.5.1 The Commonwealth Fraud Prevention Centre enables, equips and empowers Australian Government entities to prevent, find and fight fraud. This assists our stakeholders across government to securely deliver government business, and ensures public funding goes to the intended recipients. Maintaining positive stakeholder opinions of the effectiveness, timeliness and responsiveness (as a proxy for efficiency), of our work is fundamental to delivering this measure and an important way to measure our success.

Respondents to the department’s stakeholder survey provided positive ratings for our effectiveness of 81 index points (94% in 2021 is equivalent to 81 index points) and our efficiency of 81 index points (92% in 2021 is equivalent to 80 index points) from a 28% survey response rate. A detailed explanation of the stakeholder survey methodology and results is at Appendix 2: Methodologies.

Overall, respondents were favourable in their assessments. Respondents indicated that we provided a high level of expertise, advice and useful resources. We have effective approaches to ensure we continuously improve our leadership, guidance and capability building to Australian Government departments. We will continue to work closely with our stakeholders to improve their capability to counter fraud.

Performance measure 4.6: Administration of the Foreign Influence Transparency Scheme and Lobbying Code of Conduct

The Foreign Influence Transparency Scheme and Lobbying Code of Conduct provide timely and accurate information to decision-makers and the public.

Performance targets	Result	2021–22 result	2020–21 result
4.6.1 The Foreign Influence Transparency Scheme Public Register is up to date, indicated by greater than 85% of registrations and updates being published within 3 weeks	Achieved	100%	97%
4.6.2 The Australian Government Register of Lobbyists is up to date, indicated by:	Achieved		
(i) greater than 85% of new registrations are published within 3 weeks		100%	100%
(ii) greater than 85% of updates are published within 5 working days		99%	99%

Source:

Portfolio Budget Statements 2021–22, Outcome 1, Program 1.2, pages 30–31
Corporate Plan 2021–25, page 39

4.6.1 Prompt publication of registrations maximises the visibility of activities being undertaken in Australia on behalf of foreign principals to influence federal governmental and political processes.

Our performance was assessed using data from the department’s internal Foreign Influence Transparency Scheme register database. We use this target as a proxy measure for efficiency. Measuring the currency of the information published to the Foreign Influence Transparency Scheme public register is consistent with the scheme’s purpose of promoting transparency.

In 2021–22, 100% of registrations and updates under the *Foreign Influence Transparency Scheme Act 2018* were published within 3 weeks (97% in 2020–21). This result was achieved due to efficiencies in publishing new registrations and updates to the public register.

This year, there was an anomaly in the number of updates due to additional requirements and stringent timeframes imposed during the election period. Registrants were required to confirm or update their details within 14 days of the issue of writs for the 2022 election and the department was required to publish election-related registrations within 48 hours. These requirements affected 49 registrants, all of whom met the deadline. This resulted in a higher number of updates being published when compared to last year.

4.6.2 The early publication of registrations and updates on the Lobbyist Register provides timely information about lobbying activity under the Lobbying Code of Conduct.

Our performance was assessed using data from the department’s internal Lobbyist Register database. We use this target as a proxy measure for efficiency. Measuring the currency of the information published to the Lobbyist Register is consistent with the Code’s intent of ensuring lobbying is conducted in accordance with public expectations of transparency, integrity and honesty.

In 2021–22, 100% of new registrations on the Lobbyist Register were published within 3 weeks (100% in 2020–21) and 99% of updates were published within 5 working days (99% in 2020–21). This result reflects our efficiency in publishing new registrations and updates to the public Lobbyists Register.

Performance measure 4.7: Pacific law and justice programs

Departmental Pacific engagement contributes to improved Pacific law and justice capacity to address law and justice issues, and collaboration on shared law and justice issues.

Performance targets	Result	2021–22 result	2020–21 result
4.7.1 Average performance rating from stakeholders of 75 or above out of 100 for:	Achieved		
(i) effectiveness		93ip*	100%
(ii) timeliness and responsiveness		89ip*	100%

* In 2021–22, the survey changed from a satisfaction scale to an agreement rating scale. See Appendix 2: Measuring success over time.

Source

Portfolio Budget Statements 2021–22, Outcome 1, Program 1.2, pages 30–31
Corporate Plan 2021–25, page 40

4.7.1 This target measures our effectiveness in contributing to effective capacity of Pacific Island countries to address law and justice issues, through collaboration and other practical measures. Maintaining positive stakeholder opinions of the effectiveness, timeliness and responsiveness (as a proxy for efficiency) of our work is key to delivering this measure and an important way to measure our success.

Respondents to the department’s stakeholder survey provided positive ratings for our effectiveness of 93 index points (100% in 2021 is equivalent to 95 index points) and our efficiency of 89 index points (100% in 2021 is equivalent to 93 index points) from a 26% survey response rate. A detailed explanation of the stakeholder survey methodology and results is at Appendix 2: Methodologies.

Survey results showed positive relationships have developed with stakeholders as indicated by the high levels of satisfaction with our provision of high-quality advice, adopting a respectful manner, communicating effectively and being responsive to requests for assistance. Respondent feedback indicated that our staff are friendly, professional, flexible, innovative and helpful in providing assistance.

These positive results reflect the level of professionalism and responsiveness of our staff to deliver law and justice programs in the Pacific that improve law and justice capacity and address law and justice issues. Our collaboration on shared law and justice issues and the strong cooperation partnerships we have built with Pacific colleagues was rated highly. Survey respondent comments showed that we performed very well in working with Pacific countries to provide assistance on legal and policy frameworks and that we had been active and helpful in strengthening the Pacific Islands Law Officers Network; creating strong positive relationships.

Key Activity 5: Establish and support royal commissions and other bodies

We establish and provide support to royal commissions and other bodies in order to assist them to commence their enquiries in a timely manner consistent with their terms of reference, uphold the rule of law and ensure strong oversight, transparency and accountability in matters of public importance. We proactively engage with royal commissions and other bodies to ensure they receive the information and evidence they need from the Commonwealth to conduct their inquiry in an informed and timely manner.

Performance measure 5.1: Support for the overarching and ongoing purpose of royal commissions

Activities that support the overarching and ongoing purpose of royal commissions are managed effectively, including by coordinating government engagement with royal commissions.

Performance targets	Result	2021–22 result	2020–21 result
5.1.1 Average performance rating from stakeholders of 75 or above out of 100 for:	Achieved		
(i) effectiveness		78ip*	85%
(ii) timeliness and responsiveness		75ip*	83%

* In 2021–22, the survey changed from a satisfaction scale to an agreement rating scale. See Appendix 2: Measuring success over time.

Source:

Portfolio Budget Statements 2021–22, Outcome 1, Program 1.1, pages 29–30
Corporate Plan 2021–25, page 42

5.1.1 This target measures the effectiveness and efficiency of our coordination of legal representation arrangements for Australian Government agencies participating in royal commission inquiries including instructing solicitors, assisting witnesses and coordinating requests for legal advice. Maintaining positive stakeholder opinions of the effectiveness, timeliness and responsiveness (as a proxy for efficiency) of our work is key to delivering this measure and an important way to measure our success.

Respondents to the department’s stakeholder survey provided positive ratings for our effectiveness of 78 index points (85% in 2021 is equivalent to 71 index points) and our efficiency of 75 index points (83% in 2021 is equivalent to 73 index points) from a 29% survey response rate. A detailed explanation of the stakeholder survey methodology and results is at Appendix 2: Methodologies.

Overall, respondents were positive in their assessment of our support of the overarching and ongoing purpose of royal commissions. Our commitment to finding solutions to problems, provision of high-quality advice and support, the respectful manner and the effectiveness of communication were aspects that were highly valued by respondents. Feedback from the survey showed that there is room to improve the timeliness of our responses to requests for assistance.

We will continue engaging with our stakeholders to improve the timeliness of our stakeholder coordination of legal representation arrangements, while maintaining the effectiveness and responsiveness of our engagement. We will do this with the aim of achieving an increased performance rating from stakeholders with regards to the effectiveness, timeliness and responsiveness of our work.