Audit report of the 2022–23 annual performance statements

Attorney-General's Department

INDEPENDENT AUDITOR'S REPORT on the 2022-23 Annual Performance Statements of the Attorney-General's Department

To the Minister for Finance

Conclusion

In my opinion the 2022-23 Annual Performance Statements of the Attorney-General's Department (AGD):

- present fairly AGD's performance in achieving its purpose for the year ended 30 June 2023; and

- 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 PGPA Act).

Audit criteria

In order to assess whether AGD's annual performance statements complied with Division 3 of Part 2-3 of the Act, I applied the following criteria:

- whether the entity's key activities, performance measures and specified targets are appropriate to measure and assess the entity's performance in achieving its purposes;

- whether the performance statements are prepared based upon appropriate records that properly record and explain the entity's performance; and

- whether the annual performance statements present fairly the entity's performance in achieving the entity's purposes in the reporting period.

Accountable Authority's responsibilities

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

- the preparation and fair presentation of annual performance statements that accurately reflect AGD's performance and comply with the Act and Public Governance, Performance and Accountability Rule 2014 (the Rule);

- keeping records about AGD'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.

Auditor's responsibilities for the audit of the performance statements

My responsibility is to conduct a reasonable assurance engagement to express an independent opinion on AGD'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 fairly presents 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.
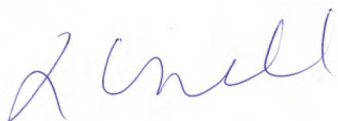
Independence and quality control

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
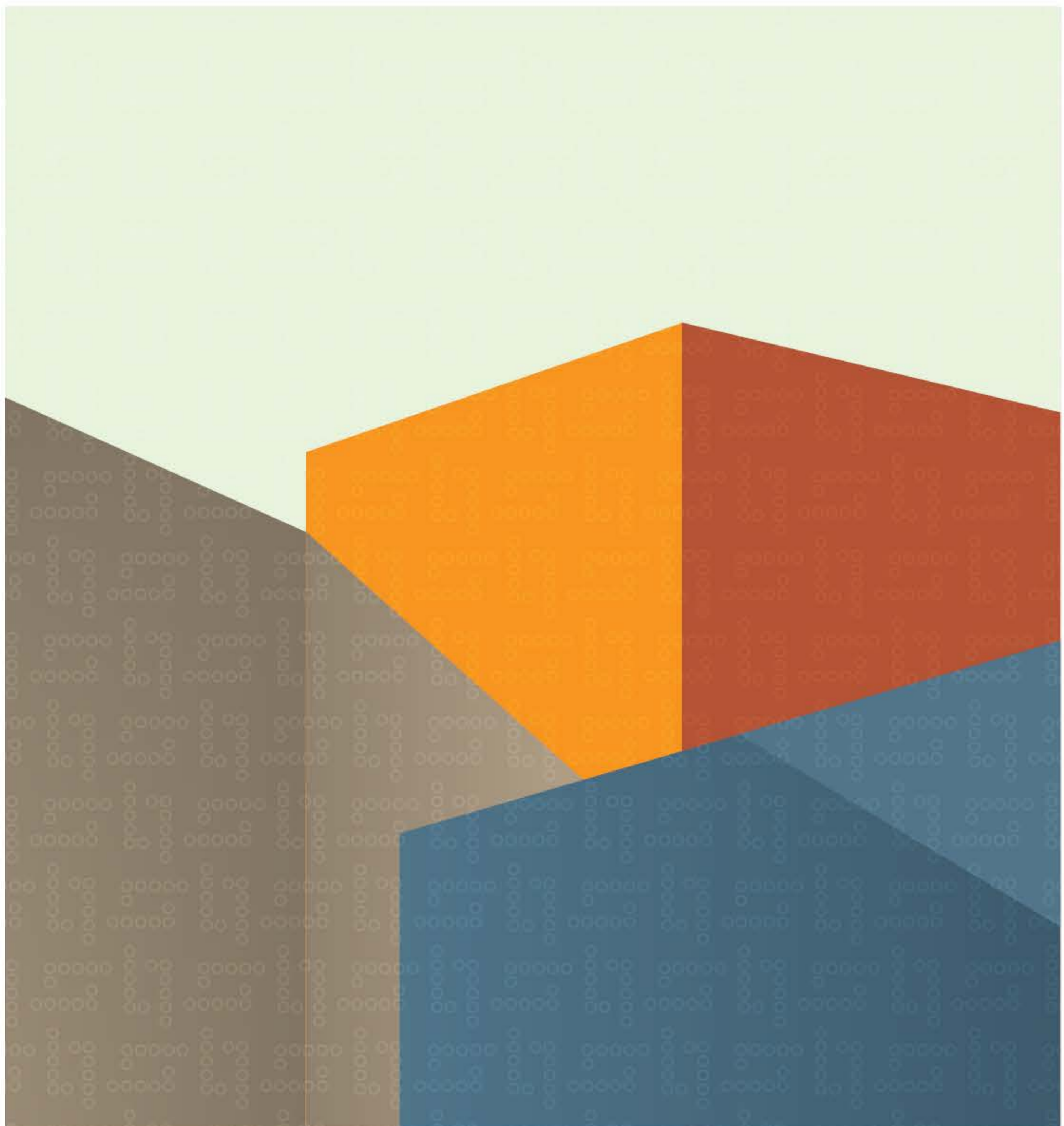
Lesa Craswell
Acting Group Executive Director

Delegate of the Auditor-General

Canberra
28 September 2023

Australian Government

Attorney-General's Department

Annual Report 2022–23

Part 2: Annual performance statements

Statement of preparation

As the accountable authority of the Attorney-General's Department, I present the 2022–23 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

Overview

In 2022–23, we worked to deliver high-quality legal services and policy advice and to support Australia's law and justice frameworks. 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. Our work to establish and support royal commissions assists them to conduct their enquiries in an effective and timely manner.

In January 2023, we reissued the corporate plan following machinery-of-government changes that resulted in a change to department functions.

Industrial relations functions were transferred from the department. The National Office for Child Safety, copyright, modern slavery policy, law enforcement and security-related functions moved into the department.

These changes resulted in the number of outcomes administered by the department reducing from two to one, and the number of programs reducing from nine to seven.

The following figure shows the updated performance framework and how it connects the portfolio budget statements, corporate plan and annual report. This is underpinned by reliable performance measures and targets.
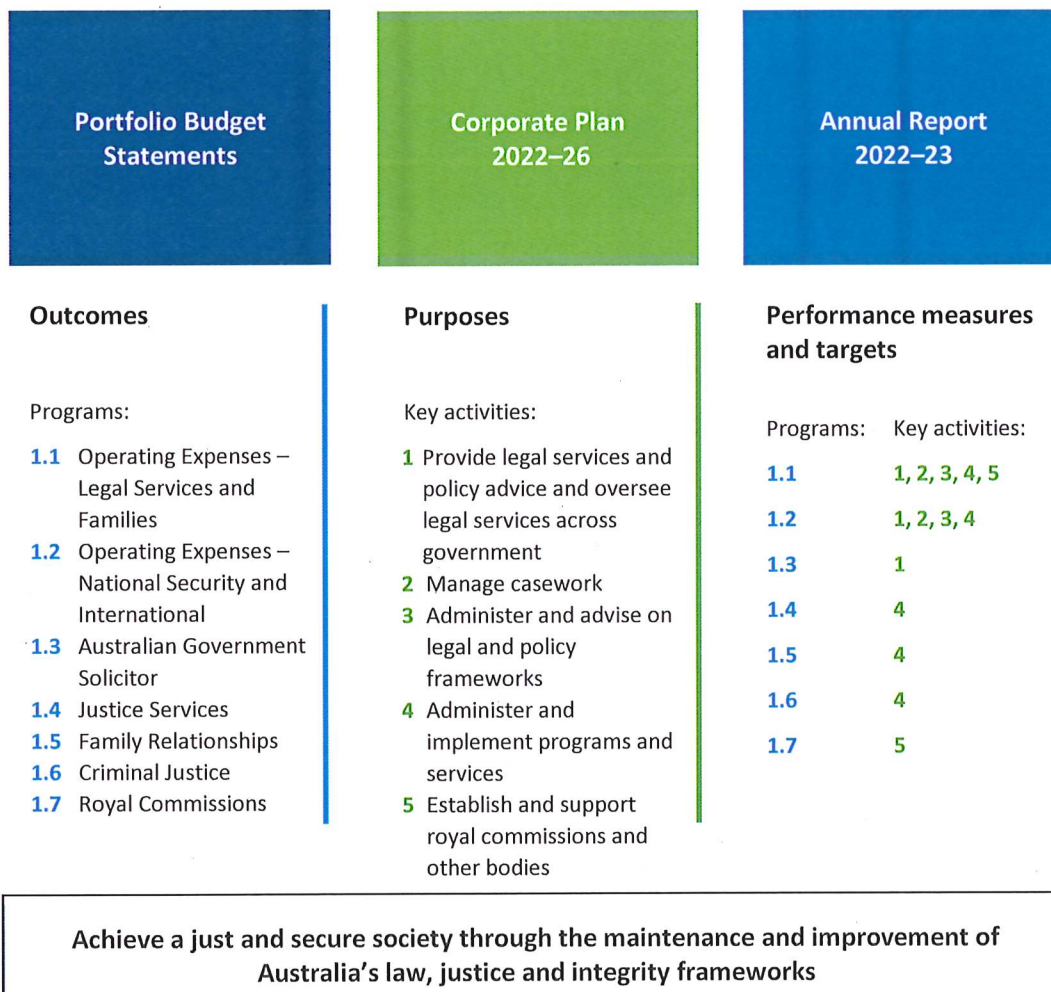
Portfolio Budget Statements	Corporate Plan 2022–26	Annual Report 2022–23

Outcomes

Programs:

1.1 Operating Expenses – Legal Services and Families
1.2 Operating Expenses – National Security and International
1.3 Australian Government Solicitor
1.4 Justice Services
1.5 Family Relationships
1.6 Criminal Justice
1.7 Royal Commissions

Purposes

Key activities:

1 Provide legal services and policy advice and oversee legal services across government
2 Manage casework
3 Administer and advise on legal and policy frameworks
4 Administer and implement programs and services
5 Establish and support royal commissions and other bodies

Performance measures and targets

Programs:	Key activities:
1.1	1, 2, 3, 4, 5
1.2	1, 2, 3, 4
1.3	1
1.4	4
1.5	4
1.6	4
1.7	5

Achieve a just and secure society through the maintenance and improvement of Australia's law, justice and integrity frameworks

FIGURE 1: ATTORNEY-GENERAL'S DEPARTMENT PERFORMANCE FRAMEWORK.

Performance summary

Our performance measures include a mix of effectiveness, output and efficiency targets, and assess how our key activities support the achievement of our purpose and outcome.

Consistent with previous years, 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 2022–26, we achieve our purpose through 5 key activities that describe the department's critical functions and activities. We demonstrate achievement using 14 performance measures consisting of 20 targets.

There have been some changes to performance measures and targets from the previous reporting period.

In 2022–23, we achieved 12 targets (60%), partly achieved 3 targets (15%) while 5 targets (25%) were not achieved. In 2021–22, our results were 73% of targets achieved, 10% partly achieved and 17% of targets were not achieved.
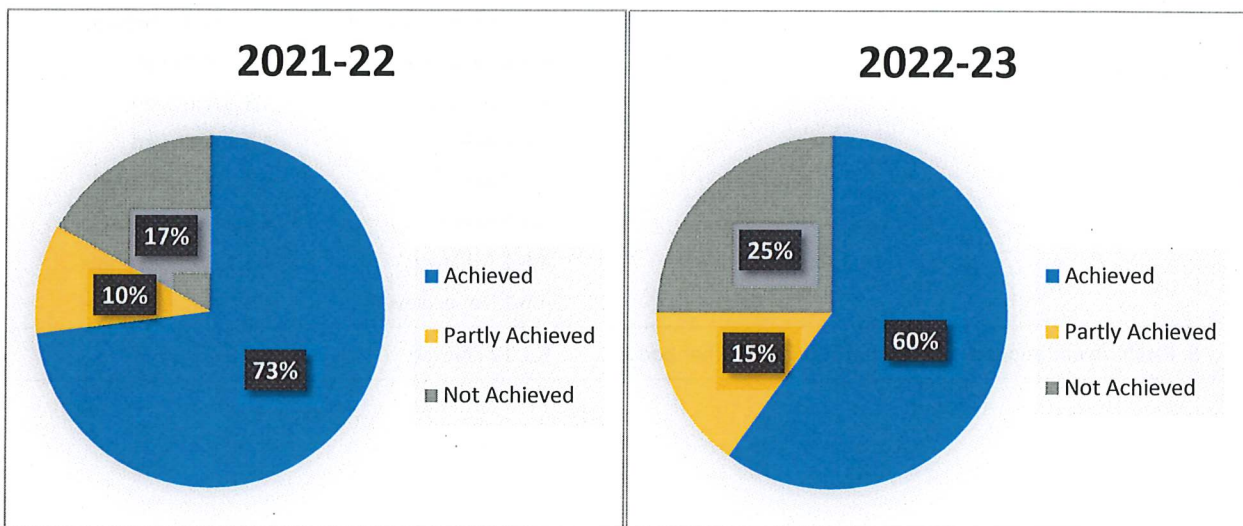

FIGURE 2: OVERALL PERFORMANCE MEASURES RESULTS

The following table provides a summary of the overall performance for 2022–23.

TABLE 1: COMPARISON OF KEY ACTIVITY RESULTS OVER REPORTING PERIODS

Key activity	Performance target results	Previous years' result[1]
1: Provide legal services and policy advice and oversee legal services across government	1.1.1 Achieved	1.1.1 Achieved
	1.2.1 Achieved	1.2.1 Achieved
	1.3.1 Partly achieved	1.3.1 Achieved
	1.4.1 Achieved	1.4.1 Achieved
	1.5.1 Not achieved	1.5.1 Not achieved
2: Manage casework	2.1.1 Not achieved	2.1.1 Not applicable
	2.1.2 Achieved	2.1.2 Achieved
	2.1.3 Achieved	2.1.3 Achieved
3: Administer and advise on legal and policy frameworks	3.1.1 Not achieved	3.1.1 Partly achieved
	3.1.2 Achieved	3.1.2 Partly achieved
4: Administer and implement programs and services	4.1.1 Not achieved	4.1.1 Not achieved
	4.1.2 Partly achieved	4.1.2 Not achieved
	4.2.1 Partly achieved	4.2.1 Not applicable
	4.3.1 Achieved	4.3.1 Achieved
	4.4.1 Achieved	4.4.1 Achieved
	4.4.2 Achieved	4.4.2 Not achieved
	4.4.3 Achieved	4.4.3 Not applicable
	4.5.1 Achieved	4.5.1 Not applicable
	4.6.1 Not achieved	4.6.1 Not applicable
5: Establish and support royal commissions and other bodies	5.1.1 Achieved	5.1.1 Achieved

[1] Previous years' performance targets that have been removed for 2022–23 have been excluded from the comparison table.

Key Activity 1: Providing legal services and policy advice and oversee legal services across government

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, are effective in helping to ensure that legal risk is managed and the government's interests are protected and to promote the fair and efficient resolution of disputes involving the Australian Government.

Performance target	Result	2023 result	2021 result
1.1.1 Overall client satisfaction (via AGS feedback process) 75% or greater	Achieved	81%	79%

Authority:
- Portfolio Budget Statements 2022–23, Outcome 1, Program 1.3, page 28
- Corporate Plan 2022–26, page 18

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 client feedback meetings from January to April 2023. Results are compared with a previous survey conducted in 2021.

The result for this measure is based on a single question, asking clients to rate their overall satisfaction with their interactions with AGS, noting the meetings are conducted with 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 client feedback meetings were conducted with heads of legal (or equivalent) at 25 agencies with 49 individuals. Feedback from these meetings is reviewed and assessed for actions that may include reviewing processes, discussing feedback with teams or conducting training.

The overall satisfaction rating of 81% (compared to 79% in 2021), which exceeded our target of 75%, indicates that our service delivery remained at a high standard and AGS performed strongly. The overall satisfaction rating was corroborated by satisfaction on 4 key service attributes – legal expertise, quality of relationship, timeliness and understanding of a client's business.

Performance measure 1.2:
International law and policy advice

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

Performance target	Result	2022–23 result	2021–22 result
1.2.1 Average performance rating from stakeholders of 76 index points or above out of 100 for:	Achieved		
(i) effectiveness		86ip	84ip
(ii) timeliness and responsiveness		78ip	78ip

Authority:
- Portfolio Budget Statements 2022–23, Outcome 1, Program 1.2, page 27
- Corporate Plan 2022–26, pages 18–19

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, strengthening policy decisions and managing international legal risk. Maintaining positive stakeholder and client opinions of the quality and timeliness of our work is important in delivering this measure and is an important way to measure success.

Respondents to the department's stakeholder survey were generally positive in their assessment of our performance in providing international law and policy advice. The rating for our effectiveness was 86 index points (84ip in 2021–22) and our efficiency of 78 index points (78ip in 2021–22) from a 24% survey response rate. A detailed explanation of the stakeholder survey methodology and results is at Appendix 2: Methodologies.

Overall, respondents noted the high quality of our international law and policy advice, as well as the expertise, professionalism and dedication of our officers. Stakeholders also appreciated our collaborative approach. Respondents were more positive in their assessment of timeliness aspects as compared to last year's survey, although some highlighted resourcing constraints and staff turnover as potential inhibitors to the provision of timely advice and to the maintenance of corporate memory, knowledge and capability.

We will continue to focus on maintaining and developing our expertise and looking for opportunities to leverage external expertise. We will manage staff resources so that our advice is timely and effectively addresses the needs of clients and stakeholders.

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 target	Result	2022–23 result	2021–22 result
1.3.1 Average performance rating from stakeholders of 76 index points or above out of 100 for:	Partly achieved	80ip	85ip
(i) effectiveness		71ip	86ip
(ii) timeliness and responsiveness			

Authority:
- Portfolio Budget Statements 2022–23, Outcome 1, Program 1.1, page 26
- Corporate Plan 2022–26, page 19

1.3.1 This target measures our effectiveness, timeliness and responsiveness (as a proxy for efficiency) in providing 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 of our advice is important in delivering this measure and an important way to measure success.

In 2022–23, we partly achieved our target. Respondents to the department's stakeholder survey provided positive ratings for our effectiveness of 80 index points (85ip in 2021–22) and rated our timeliness and responsiveness 71 index points (86ip in 2021–22) from a 27% survey response rate. A detailed explanation of the stakeholder survey methodology and results is at Appendix 2: Methodologies**Error! Reference source not found.**.

Over the reporting period, in addition to delivering constitutional policy and related public law advice, the department provided technical legal and constitutional policy advice to government on the proposal to hold a referendum to enshrine an Aboriginal and Torres Strait Islander Voice in the Constitution. We devoted significant additional resources to the provision of this advice. While additional resources were made available for the referendum, the significant additional workload for existing staff relating to the referendum may have impacted on the timeliness and responsiveness of our performance.

Only 16 stakeholders responded to questions about Performance measure 1.3. This represented the smallest volume of respondents for any performance measure. This is a small pool of respondents and whilst the response rate was sufficient for the purposes of the survey, the result is more sensitive to the views of an individual respondent than measures with greater stakeholder numbers.

Overall, the results demonstrate that while we consistently provide effective constitutional policy advice, we could improve our efficiency.

Performance measure 1.4:
Operation of Australian Government Solicitor

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

Performance target	Result	2022–23 result	2021–22 result
1.4.1 AGS Net Production (including lawyer utilisation) meets or exceeds the annual budget target	Achieved	110%	109%

Authority:
- Portfolio Budget Statements 2022–23, Outcome 1, Program 1.3, page 28
- Corporate Plan 2022–26, page 20

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 2022–23, we budgeted for an average productivity rate of 103%. The Net Production result for 2022–23 was 110%, which is marginally higher than the 109% achieved last year. This result reflects the considerable work hours per fee earner above expectations to meet client demand including demand throughout the year to support Royal Commission work.

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	2022–23 result	2021–22 result
1.5.1 Average performance rating from stakeholders of 76 index points out of 100 for effectiveness of initiatives to support compliance with obligations under the *Legal Services Directions 2017*	Not achieved	75ip	74ip
1.5.2 Satisfaction of government lawyers with initiatives provided by the Australian Government Legal Service (AGLS) greater than 80%	Not achieved	57%	66%

Authority:
- Portfolio Budget Statements 2022–23, Outcome 1, Program 1.1, page 26
- Corporate Plan 2022–26, page 21

1.5.1 Respondents to the department's stakeholder survey provided positive ratings for our effectiveness of 75 index points (74% in 2021–22) from a 25% survey response rate. A detailed explanation of the stakeholder survey methodology and results is at Appendix 2: Methodologies.

In 2022–23, the result is marginally lower than the target (76 index points). Overall feedback from stakeholders was positive. Stakeholders noted the high calibre of staff, and overall rated AGD's ability to partner and work closely with stakeholders as a positive.

There was some constructive feedback to improve our engagement with stakeholders. For example, some respondents suggested we could provide advice in a more succinct manner, take a more flexible approach to timeframes or provide transparency about internal processes. This feedback will assist us to improve our processes as well as 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 2023, the survey was conducted over 2 weeks in May 2023. The survey was sent to 1,515 government lawyers who subscribed to a government lawyer contact list via the AGLS website. It was also sent to 177 heads of legal within government agencies to forward to their government lawyers. A total of 223 government lawyers completed the survey, compared to 247 in 2021–22 and 344 in 2020–21.

We did not achieve this target. Overall, the survey satisfaction ('somewhat' or 'very satisfied' with the AGLS and its initiatives) was 57%, compared with 66% in 2021–22. Respondents who were 'somewhat' or 'very unsatisfied' totalled 11% and 32% of respondents were 'neutral'. Of total responses, 95% knew the AGLS existed, compared to 98% in 2021–22.

The survey results show that government lawyers were less satisfied with the AGLS and its initiatives, when compared to previous surveys. This indicates we need to better engage with government lawyers to understand their concerns and improve AGLS initiatives. The survey results also indicate we need to encourage more government lawyers to complete the survey in future years.

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:

- considering how we can meet the needs of more experienced government lawyers (50% of respondents had 10+ years of experience)
- ensuring AGLS initiatives are available to government lawyers nationally (41% of respondents identified their primary workplace as outside the Australian Capital Territory)
- improving the promotion of AGLS initiatives to increase awareness of and participation in these initiatives (while 95% of respondents knew the AGLS existed before the survey, the percentage of respondents who had not heard of or participated in AGLS initiatives ranged from 10% for the Foundational Government Lawyer Training program to 31% for the Legal Circles Group Mentoring program)
- increasing member engagement via communication channels (67% of respondents receive information about the AGLS and its initiatives from AGLS correspondence and only 26% receive information from the AGLS website or social media (7%)).

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

Casework in relation to extradition, mutual assistance, federal offenders, international transfer of prisoners, family law, private international law matters is managed effectively to strengthen the rule of law and the safety of the Australian community, promote accountability and give effect to Australia's international obligations.

Performance targets	Result	2022–23 result	2021–22 result
2.1.1 Average performance rating from stakeholders of 76 index points or above out of 100 for: (i) effectiveness (ii) timeliness and responsiveness	Not achieved	75ip 67ip	83ip 76ip
2.1.2 1,125 extradition, mutual assistance, international transfer of prisoners, federal offender (including high-risk terrorist offenders), international family law and private international law casework matters finalised	Achieved	1,628	1,306*
2.1.3 At least 80% of extradition legal proceedings heard and determined are resolved in favour of the Commonwealth	Achieved	94.7%	95.5%

Authority:
- Portfolio Budget Statements 2022–23, Outcome 1, Program 1.1, page 26 and Program 1.2, page 27
- Corporate Plan 2022–26, pages 22–23
* This figure was recorded as 1,324 in the Annual Report 2021–22, page 18. This figure should have been 1,306.

2.1.1 This target measures our effectiveness and efficiency in undertaking diverse casework functions, including related litigation. Each function underpins and strengthens the rule of law, through the promotion of criminal accountability and rehabilitation and the resolution of international family, international civil and commercial disputes in the appropriate legal fora.

Respondents to the department's stakeholder survey provided positive ratings for our effectiveness of 75 index points (83ip in 2021–22) and our efficiency of 67 index points (76ip 2021–22) from a 34% survey response rate. A detailed explanation of the stakeholder survey methodology and results is at Appendix 2: Methodologies.

A direct comparison of results for this year to last year's results is not recommended due to changes in the scope of this target arising from machinery-of-government changes made during the year. Continued growth in casework volume and complexity is likely impacting our efficiency and negatively influencing respondent perceptions of our effectiveness.

Overall feedback from stakeholders was positive, with particular comments on how well the department managed machinery-of-government changes and integrated new functions previously within the Department of Home Affairs. Comments were offered on the excellent work of staff in managing the

transition and highlighted the collegiate relationships that were in place. Feedback was less positive than for AGD as a whole. While the high calibre of staff was noted, many stakeholders felt that AGD's responses were often untimely. Feedback pointed to some confusion identifying area of responsibility and the need for greater coordination with state and territory stakeholders.

2.1.2 Every casework matter is different and the length of time required to process and finalise a case can be affected by a wide range of factors, many beyond our control. Given the varied and variable nature of casework, we use the number of cases finalised each year as proxies for efficiency.

During 2022–23, we finalised 1628 casework matters (compared to 1,306 in 2021–22), exceeding our target of 1,125. The casework consisted of:

- 66 extradition matters (compared to 111 in 2021–22)
- 780 mutual assistance matters (compared to 673 in 2021–22)
- 442 decisions about federal offenders decisions (compared to 382 in 2021–22)
- 25 international transfer of prisoner applications (compared to 39 in 2021–22)
- 159 international family law matters (compared to 101 in 2021–22)
- 153 private international law requests
- 3 high-risk terrorist offender matters.

In 2022–23, we finalised an additional 322 matters than during 2021–22. Of this increase, 153 of these cases are associated with the integration of private international law requests into the section (148 cases were reported under target 2.1.5 in 2021-22). This has contributed to the increase in cases finalised. Due to the additional casework areas covered by the measure this financial year, as a result of machinery-of-government changes in 2022, a direct comparison is not recommended. Nonetheless, while an additional 322 matters were finalised in 2022-23 compared to 2021-22, the number of finalised matters for two casework types was lower in 2022-23 due to the following:

- Fewer extradition matters were finalised compared with the previous financial year, where higher numbers of finalised matters had resulted from efforts to close dormant matters. This coincided with a lower number of extradition enquiries being received by the department during 2021-22, which may have been due to more limited movements of people during the pandemic period, resulting in a flow-on impact on the number of finalised matters in 2022-23.
- The number of finalised international transfer of prisoner matters was lower than the previous financial year, where most of the finalisations were as a result of applicants withdrawing their applications due to pandemic travel restrictions prohibiting prisoner transfers.

2.1.3 During 2022–23, of the 19 extradition legal proceedings heard and determined (compared to 22 in 2021–22), 18 (94.7%) were resolved in favour of the Commonwealth (compared to 95.5% in 2021–22), 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.

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 and advice 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	2022–23 result	2021–22 result
3.1.1 Average performance rating from stakeholders of 76 index points or above out of 100 for:	Not achieved		
(i) effectiveness		75ip	76ip
(ii) timeliness and responsiveness		71ip	73ip
3.1.2 100% of assessed policy advice to the Minister is rated as effective	Achieved	100%	97%

Authority:
- Portfolio Budget Statements 2022–23, Outcome 1, Program 1.1, page 26 and Program, 1.2, page 27
- Corporate Plan 2022–26, pages 24–25

3.1.1 This target measures our effectiveness, timeliness and responsiveness (as a proxy for efficiency) in providing high-quality policy, security and legal advice to the government and its entities that ensures legal frameworks and regimes are effective, efficient and accessible and respond to changing circumstances and social issues. We primarily deliver this advice to the Attorney-General through ministerial submissions. Maintaining positive stakeholder opinions of the effectiveness, timeliness and responsiveness of our work is fundamental to delivering this measure and an important way to measure success.

In 2022–23, the target was not achieved for effectiveness, timeliness and responsiveness. Respondents to the department's stakeholder survey provided positive ratings for our effectiveness of 75 index points (76ip in 2021–22) and our efficiency of 71 index points (73ip in 2021–22) from a 26% survey response rate. A detailed explanation of the stakeholder survey methodology and results is at Appendix 2: Methodologies.

Overall, respondents to the survey rated highly our administration of legal and policy frameworks. All effectiveness aspects were rated positively by 70% of respondents. The highest rated aspect remains the respectful manner in which we engage with stakeholders. Many respondents commented positively about our role as a national security partner and ability to see law reform as an opportunity to hear stakeholder views and supported the use of working groups. Respondents also indicated that, overall, the department demonstrated high levels of knowledge, collaborates well within government and demonstrates excellent organisation and clear communication.

The survey identified some areas for improvement including:

- improving our communication and timeliness of advice
- simplifying consultation requests
- expanding our consultation activities, and

- providing more clarity in the divisions of responsibilities between the Attorney-General's Department and other Commonwealth departments.

These results are broadly comparable with results from last year.

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 3 panels of 3 Executive Level 2 (EL2) officers. Panellists assessed the samples against 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.

Overall, the performance target of 100% was achieved (compared to 97% in 2021–22). The panels reviewed a total of 36 policy submissions and rated all of samples at or above 3 out of 5, successfully meeting the quality standards for assessment. The panels reviewed the samples with attention to areas of 'content, advice, analysis and action' prior to a full panel discussion and completion of the assessment criteria and agreement to an overall sample score.

Results of the qualitative analysis showed that the samples were clear in their explanation of the policy approach, sensitivities were dealt with well and that risks were generally identified and documented. Submissions were well written overall, presented in a logical manner that provided actionable advice and identified if the submission was providing further instruction to a previous decision. The panels did not identify any submission that did not meet quality standards.

The panels indicated it would have been useful to include additional information for some submissions that were difficult to assess in isolation. It was also noted that some samples had crucial information only listed in attachments, which would have benefited from being outlined in the submission. The panellists felt that, overall, readability across the samples was adequate, however, some samples, particularly those of a technical nature, relied on the use of jargon that reduced readability.

This result indicates an improvement in the overall quality of the submissions. This was achieved through standardising quality standards and careful review of the previous year's result.

Key Activity 4: Administer and implement programs and services

We administer and implement programs and services to improve access to justice for vulnerable people. 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 and the National Legal Assistance Partnership are delivered to provide legal assistance to people facing disadvantage in accordance with program requirements.

Performance targets	Result	2022–23 result	2021–22 result
4.1.1 Average performance rating from stakeholders of 76 index points or above out of 100 for:	Not achieved		
(i) effectiveness		71ip	73ip
(ii) timeliness and responsiveness		68ip	71ip
4.1.2 Provision of funding to support greater access to the justice system:	Partly 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		98%	100%
(ii) 80% of applications for assistance are assessed within agreed timeframes		72%	<80%
80% of grant payments are made within agreed timeframes, subject to third parties meeting relevant obligations and requirements		86%	<80%

Authority:
- Portfolio Budget Statements 2022–23, Outcome 1, Program 1.1, page 26 and Program 1.4, page 29
- Corporate Plan 2022–26, pages 26–27

4.1.1 These targets measure our effectiveness and efficiency in overseeing Australian Government-funded legal assistance, including through the $2.4 billion National Legal Assistance Partnership 2020–25 (NLAP) with states and territories, the Community Legal Services Program, the Expensive Commonwealth Criminal Cases Fund (ECCF), and a range of other legal financial assistance schemes.

In 2022–23, we did not achieve our target. Respondents to the department's stakeholder survey provided ratings for our effectiveness of 71 index points (73ip in 2021–22) and our efficiency of 68 index points (71ip in 2021–22) from a 30% survey response rate. A detailed explanation of the stakeholder survey methodology and results is at Appendix 2: Methodologies.

While both results have reduced since 2021–22, survey comments indicated general satisfaction with the advice and engagement received. Feedback showed our staff are approachable, responsive and flexible, and demonstrate consideration of relevant stakeholder views. We are committed to working closely with stakeholders on legal assistance policy and programs, and acknowledge the scope for change within the parameters of existing arrangements or government decisions is often limited, which can reduce our capacity to adopt stakeholder comments.

Feedback acknowledged that the implementation of the NLAP is an ongoing challenge and that engagement is made more challenging by the current economic climate.

We will continue to prioritise clear and consistent stakeholder engagement and allow maximum time for consultation processes. The NLAP Review has commenced and will potentially recommend improvements to future funding arrangements that could help to reduce the administrative burden on stakeholders.

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. In 2022–23, we partly achieved this target.

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

4.1.2 (i) In 2022–23, our target was met for all NLAP payments including four instances where payments were made after third parties met relevant reporting obligations and requirements. For the Community Legal Services Program and other grants managed by LAP, the agreed timeframes are the anticipated payment dates outlined in the grant agreements. Four payments were delayed due to third parties not meeting relevant reporting obligations and requirements. One payment was delayed by seven working days due to lower staffing over the reduced activity period, resulting in 98%.

4.1.2 (ii) 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 performance against processing timeframes set out in relevant guidelines.

During 2022–23, the target of 80% assessment and approval of claims within the timeframe was achieved (86%). The target of 80% of assessment and approval of applications was not achieved (72%). The applications approval target shortfall was primarily due to factors impacting the department's ability to process applications efficiently. This included awaiting clarification from Government on whether to process applications in light of an election commitment abolishing funding for a scheme, and complex matters requiring external consultation or extensive legal advice.

Performance measure 4.2:
Family Relationships Services Program

The Family Relationships Services Program results in the provision of appropriate family law services to the community.

Performance target	Result	2022–23 result	2021–22 result
4.2.1 100% of Family Law Service grant recipients provide services in line with their approved grant activities	Partly Achieved	97.5%	NA

Authority:
- Portfolio Budget Statements 2022–23, Outcome 1, Program 1.5, page 29
- Corporate Plan 2022–26, page 27

4.2.1 This target is a measure of our effectiveness in administering Family Relationship Services Programme funding. Through the program, we provide funds to Family Law Service providers offering appropriate support, education and dispute resolution services to separated and separating families. We apply the grant guidelines to ensure that grant expenditure maximises essential service delivery to the community.

This measure (4.3.1) in 2021-22 has been revised from assessing the timely provision of funding to assessing whether grant recipients provide services in line with their approved grant activities. The department believes this is a more meaningful measure for the reader. Consequently, comparisons of the prior year result to this result are not recommended.

Due to grant reporting timeframes, activities in the immediately concluded financial year are unable to be reviewed prior to the publication of the annual report. As a result, performance outcomes are reported with a 1-year lag. The performance result included in the 2022-23 annual report therefore relates to the 2021-22 financial year.

We partly achieved this measure. Minor inconsistencies were identified through the review of grant recipient activity by both the department and a separate review completed by the department's internal auditor. No organisation was identified as being fully or significantly non-compliant with the requirements of their grant agreements, with the large majority (99.996% and 99.68% respectively across from the different methodologies applied) of expenditure and activity reviews identified as in line with grant agreements. The department's internal auditor noted 1 of 40 organisations failed 1 of 8 individual tests, and was marked as a non-compliant organisation as a result. This was extrapolated to achieve the 97.5% result for 2022-23.

Performance measure 4.3:
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 are administered effectively.

Performance target	Result	2022–23 result	2021–22 result
4.3.1 Average performance rating from stakeholders of 76 or above out of 100 for:	Achieved		
(i) effectiveness		83ip	81ip
(ii) timeliness and responsiveness		83ip	81ip

Authority:
- Portfolio Budget Statements 2022–23, Outcome 1, Program 1.2, page 27
- Corporate Plan 2022–26, page 28

4.3.1 This target measures our effectiveness, timeliness and responsiveness (as a proxy for efficiency) in helping to equip, enable and empower Australian Government entities to find, counter and fight fraud. This helps 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 of our work is fundamental to delivering this measure and an important way to measure success.

Respondents to the department's stakeholder survey provided positive ratings for our effectiveness of 83 index points (81ip in 2021–22) and our efficiency of 83 index points (81ip in 2021–22) from a 27% survey response rate. A detailed explanation of the stakeholder survey methodology and results is at Appendix 2: Methodologies.

These results are a slight improvement on previous years and reflect respondent's overall positive views of our effectiveness and efficiency in building counter-fraud capability across government. Respondents were complimentary of the high-quality advice, demonstrated high-levels of expertise, practical training and online resources we developed to build counter-fraud capability. Notably, respondents in senior executive positions provided very favourable assessments compared to previous years. We continue to engage closely with our stakeholders and provide leadership and guidance to strengthen counter-fraud capability, including through amendments to the Commonwealth Fraud Control Framework.

Performance measure 4.4:
Administration of the Foreign Influence Transparency Scheme, Lobbying Code of Conduct and Online Register for Modern Slavery Statements

The Foreign Influence Transparency Scheme, Lobbying Code of Conduct and Online Register for Modern Slavery Statements provide timely and complete information to decision-makers and the public.

Performance targets	Result	2022–23 result	2021–22 result
4.4.1 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	97%	100%
4.4.2 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		98%	99%
4.4.3 The Online Register for Modern Slavery Statements is up to date, indicated by greater than 80% of publishable submissions being published within 60 working days	Achieved	92%	NA

Authority:
- Portfolio Budget Statements 2022–23, Outcome 1, Program 1.2, page 27
- Corporate Plan 2022–26, pages 28–29

4.4.1 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.

In 2022–23, 97% of registrations and updates under the *Foreign Influence Transparency Scheme Act 2018* were published within 3 weeks (compared to 100% in 2021–22) and 99% were published within 4 weeks. Three matters took longer than three weeks to publish due to unplanned temporary staffing shortages, including in positions with the appropriate delegations to approve publishing lodgements. The one matter that took longer than 4 weeks to publish was a matter that required legal advice and extended communication with the registrant.

Our performance against this target was assessed using data from the department's internal Foreign Influence Transparency Scheme register database, which tracks the timing of registrations and updates received by the department. 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.

4.4.2 This target relates to the Australian Government Register of Lobbyists regulatory function. 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 2022–23, 100% of new registrations on the Lobbyist Register were published within 3 weeks (100% in 2021–22) and 98% of updates were published within 5 working days (99% in 2021–22).

A slight drop in performance for part (ii) of the measure (from 99% to 98.1%) may be attributable to staffing changes during the reporting period, particularly in the middle of the financial year, requiring new staff members to be trained and gain experience This result reflects our efficiency in publishing new registrations and updates to the public Lobbyists Register.

4.4.3 This target is a proxy for measuring our effectiveness in administering the regulatory function of maintaining an Online Register for Modern Slavery Statements, which houses modern slavery statements provided by entities reporting under the Commonwealth *Modern Slavery Act 2018*. It is important that submissions are assessed in a timely manner to meet transparency objectives and to allow public scrutiny of modern slavery statements.

Our performance was assessed using data from the Online Register for Modern Slavery Statements. In 2022, 2,944 publishable submissions were submitted to the Online Register for Modern Slavery Statements and 92% were published within 60 working days. As this is a new measure arising from machinery-of-government changes in 2022, no data is available prior to the 2022–23 reporting period.

Performance measure 4.5:
International law and justice programs

Departmental international engagement contributes to improved partner government law and justice capacity to address law and justice issues as well as collaboration on shared law and justice issues.

Performance target	Result	2022–23 result	2021–22 result
4.5.1 Average performance rating from stakeholders of 76 index points or above out of 100 for: (i) effectiveness (ii) timeliness and responsiveness	Achieved	 84ip 79ip	 N/A N/A

Authority:
- Portfolio Budget Statements 2022–23, Outcome 1, Program 1.2, page 27
- Corporate Plan 2022–26, page 30

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

The response to the department's annual stakeholder survey for this measure were for the department's contributions to effective capacity of Indo-Pacific countries to address law and justice issues through collaboration and other practical measures, including programs and functions that moved into the portfolio as a result of machinery-of-government changes in 2022. A direct comparison of results between 2022-23 and 2021-22 is not recommended due to expanding the scope of this target as part of machinery-of-government changes in 2022.

Respondents to the department's stakeholder survey were generally positive in their assessment of our performance in providing international law and policy advice. The rating for our effectiveness was 84 index points and our efficiency of 79 index points from a 29% survey response rate. A detailed explanation of the stakeholder survey methodology and results is at Appendix 2: Methodologies.

We work closely with stakeholders in Australia and overseas to provide clear and timely communication particularly with Australian government departments, government partners across the Asia-Pacific region, international organisations, civil society organisations as well as business and industry. This was reflected in the survey with respondents positively commenting on the timeliness and quality of our engagement and expertise provided in relation to Bali Process activities and the value of our international collaboration to respond to new and emerging issues in the Pacific region.

We focus on stakeholder engagement as it progresses capacity-building in the Asia-Pacific region. This is a key priority for our international work. This was evidenced by the peer-led Pacific Conference on combating human trafficking held in June 2023 in Nadi, Fiji, that was attended by 7 Pacific Island countries and Timor-Leste. We also supported the Vietnamese Government to effectively implement counter-human trafficking policy frameworks and consult on opportunities for legislative reform.

The Pacific Legal Policy Champions and Twinning programs were held in person for the first time since 2019 from April to June 2023. Fifteen policing and criminal law and justice officials from Pacific island countries attended a 2-week policy-development course. Two officials remained with the department for a further 6 weeks to produce policy papers for their home jurisdictions. Feedback from participants was highly positive, commenting on the value they and their agencies received.

We supported the Pacific Islands Law Officers' Network (PILON) Cybercrime Working Group to run a regional workshop in December 2022. This workshop was well received by attendees and PILON members.

Performance measure 4.6: Crime prevention assistance

Funding provided for community crime prevention and safety initiatives is effectively administered.

Performance target	Result	2022–23 result	2021–22 result
4.6.1 Average performance rating from stakeholders of 76 index points or above out of 100 for:	Not achieved		
(i) effectiveness		73ip	N/A
(ii) timeliness and responsiveness		74ip	

Authority:
- Portfolio Budget Statements 2022–23, Outcome 1, Program 1.6, page 30
- Corporate Plan 2022–26, page 31

4.6.1 This target measures our effectiveness, timeliness and responsiveness (as a proxy for efficiency) in administering the funding provided for community crime prevention and safety initiatives, including justice reinvestment, modern slavery community crime prevention program and other schemes relating to community crime prevention and safety. Maintaining positive stakeholder and client opinions of the quality and timeliness of our work is important in delivering this measure and is an important way to measure success.

In 2022–23, we did not achieve our target, however respondents to the department's stakeholder survey were generally positive in their assessment of our performance in providing international law and policy advice. The effectiveness rating was 73 index points and our efficiency rating was 74 index points from a 29% survey response rate. A detailed explanation of the stakeholder survey methodology and results is at Appendix 2: Methodologies.

This is the first time the stakeholder survey was used to measure this new target that resulted from machinery-of-government changes in 2022.

We work closely with the Business Grants Hub to administer crime prevention grants under the *Proceeds of Crime Act 2002*. Respondents agreed that we work collaboratively with the Hub on grant program administration. Responses also indicated that we stood out in areas of 'professionalism, capability and preparedness'. One comment indicated that a delay in finalising Grant Opportunity Guidelines affected the workload for the Business Grants Hub.

We worked closely with the Hub to deliver the *National Action Plan to Combat Modern Slavery 2020-25* Grants Program. In June 2023, 13 organisations were selected as part of Round 2 of the grants program to deliver community and research projects to combat modern slavery. We also supported grants recipients under Round 1 to finalise project outcomes within 2023.

The not achieved result is reflective of the resourcing challenges we faced, as well as the transition of new functions into the department following the machinery-of-government changes in 2022.

The annual survey is a mechanism for feedback from stakeholders on their interaction with the department. This year, feedback included a request for ongoing funding to ensure continuity of staff and projects. One suggestion was the department to fund counter-trafficking work through mechanisms other than short-term competitive grants funding. As ongoing appropriations can only be provided to Commonwealth entities, grants remain the best way to fund non-government organisations in combating modern slavery.

Although the target was not achieved (results slightly below the target of 76 index points), the survey showed many positive comments related to our strong partnerships, collaboration, expertise and regular communication.

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 target	Result	2022–23 result	2021–22 result
5.1.1 Average performance rating from stakeholders of 76 index points or above out of 100 for:	Achieved		
(i) effectiveness		81ip	78ip
(ii) timeliness and responsiveness		78ip	75ip

Authority:
- Portfolio Budget Statements 2022–23, Outcome 1, Program 1.7, page 31
- Corporate Plan 2022–26, page 32

5.1.1 This target measures the effectiveness, timeliness and responsiveness (as a proxy for 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 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 81 index points (78ip in 2021–22) and our efficiency of 78 index points (75ip in in 2021–22) from a 29% survey response rate. A detailed explanation of the stakeholder survey methodology and results is at **Error! Reference source not found.** 2: **Error! Reference source not found.**.

We welcome the overall positive ratings for our effectiveness and efficiency, which represent an increase of 3 index points from our previous results and we achieved our aim of increasing our performance rating since last year. We have strived to provide legal services and support for the government's engagement with the 3 royal commissions, each pursuing important and often complex lines of inquiry to make recommendations for lasting change.

Feedback identified our knowledge, attitude and responsiveness as key contributors to these positive results. This has encouraged us to continue to consider how best we assist each royal commission to have the information it needs to fulfil its terms of reference, while ensuring that the government's holistic interests are effectively represented.