

Audit report of the 2023–24  
annual performance statements

Attorney-General's Department



## **INDEPENDENT AUDITOR'S REPORT on the 2023–24 Annual Performance Statements of the Attorney-General's Department**

**To the Minister for Finance**

### ***Conclusion***

In my opinion, the 2023–24 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 2024; 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 the AGD's annual performance statements complied with Division 3 of Part 2-3 of the PGPA 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 PGPA Act for:

- the preparation of annual performance statements that accurately present the AGD's performance in the reporting period and comply with the requirements of the PGPA Act and any requirements prescribed by the Public Governance, Performance and Accountability Rule 2014 (the Rule);
- keeping records about the AGD's performance as required by the PGPA Act; and
- establishing internal controls that the Accountable Authority determines are appropriate to enable the preparation of annual performance statements.

### ***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 the 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.

I plan and perform my procedures to obtain reasonable assurance about whether the annual performance statements of the entity present fairly the entity's performance in achieving its purposes and comply, in all material respects, with the PGPA 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 controls 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 ASQM 1 *Quality Management for Firms that Perform Audits or Reviews of Financial Reports and Other Financial Information, or Other Assurance or Related Services Engagements* in undertaking this assurance engagement.

***Inherent limitations***

Because of the 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 PGPA Act and the 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



Catherine Pauli

Acting Executive Director  
Delegate of the Auditor-General

Canberra  
23 September 2024

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# Part 2: Annual performance statements

## Statement of preparation

As the accountable authority of the Attorney-General's Department, I present the 2023–24 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 2023–24, 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.

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.

The figure below varies from that published in the department’s 2023–27 Corporate Plan. A minor error was published in the Corporate Plan, listing 5 key activities under program 1.1 and 4 key activities under program 1.2.

Achieve a just and secure society through the maintenance and improvement of Australia’s law, justice and integrity frameworks			
Portfolio Budget Statements	Corporate Plan 2023–24	Annual Report 2023–24	
Outcomes	Purposes	Performance measures and targets	
Programs:	Key activities:	Programs:	Key activities:
1.1 Operating Expenses – Legal Services and Families	1 Provide legal services and policy advice and oversee legal services across government	1.1	1, 2, 3, 4
1.2 Operating Expenses – National Security, Integrity and International	2 Manage casework	1.2	1, 2, 3, 4, 5
1.3 Australian Government Solicitor	3 Administer and advise on legal and policy frameworks	1.3	1
1.4 Justice Services	4 Administer and implement programs and services	1.4	4
1.5 Family Relationships	5 Establish and support royal commissions and other bodies	1.5	4
1.6 Criminal Justice		1.6	4
1.7 Royal Commissions		1.7	5
1.8 Nuclear Powered Submarines		1.8	1

FIGURE 2: 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. Achievement is determined as follows:

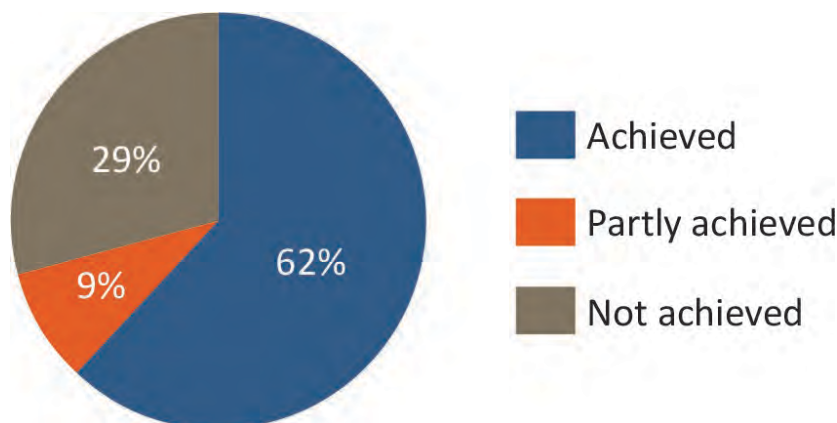
- Achieved where, 75% or greater met
- Partly Achieved, where 26%–74% met
- Not Achieved, where 25% or less met

As outlined in the Corporate Plan 2023–27, 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 21 targets.

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

In 2023–24, we achieved 13 targets (62%), partly achieved 2 targets (9%) while 6 targets (29%) were not achieved. In the previous reporting period we achieved 57% of targets, partly achieved 14% and 29% of targets were not achieved.

### 2023–24 results



**FIGURE 3: OVERALL PERFORMANCE RESULTS.**

The following table provides a summary of the overall performance for 2023–24.

**TABLE 3: COMPARISON OF KEY ACTIVITY RESULTS OVER REPORTING PERIODS**

Key activity	Performance target results	Previous years' result
1: Provide legal services and policy advice and oversee legal services across government	1.1.1 Achieved	1.1.1 Achieved
	1.2.1 Partly achieved	1.2.1 Achieved
	1.3.1 Not achieved	1.3.1 Partly achieved
	1.4.1 Achieved	1.4.1 Achieved
	1.5.1 Not achieved	1.5.1 Not achieved
	1.5.2 Not achieved	1.5.2 Not achieved
2: Manage casework	2.1.1 Not achieved	2.1.1 Not achieved
	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 Partly achieved	3.1.1 Not achieved
	3.1.2 Achieved	3.1.2 Achieved
4: Administer and implement programs and services	4.1.1 Not achieved	4.1.1 Not achieved
	4.1.2 Achieved	4.1.2 Partly achieved
	4.2.1 Achieved	4.2.1 Partly achieved
	4.3.1 Achieved	4.3.1 Achieved
	4.4.1 Achieved	4.4.1 Achieved
	4.4.2 Achieved	4.4.2 Achieved
	4.4.3 Achieved	4.4.3 Achieved
	4.5.1 Achieved	4.5.1 Achieved
4.6.1 Not achieved	4.6.1 Not achieved	
5: Establish and support royal commissions and other bodies	5.1.1 Achieved	5.1.1 Achieved

## 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 co-ordinate the provision of legal services by law firms (other than AGS) and counsel to the Australian Government and its entities. The work of the department seeks to strengthen policy outcomes across government and to protect the Commonwealth's legal interests. We represent the Australian Government in constitutional and other disputes and assist it in resolving and managing significant and sensitive legal 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 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	2023–24 result	2021–22 result
1.1.1 Overall client satisfaction (via AGS feedback process) 75% or greater	Achieved	83%	85%

#### Authority:

- Portfolio Budget Statements 2023–24, Outcome 1, Program 1.3, page 28
- Corporate Plan 2023–27, page 19

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

The client satisfaction rating is based on the response to a single question in the survey. The question seeks a response within the range of 0-10, and the overall ranking is the average of all scores given.

Heads of legal (or equivalent) and officials who have instructed AGS in the provision of legal services were asked to participate in the 2024 Client Satisfaction Survey. 3,633 invitations were issued and a statistically relevant response rate of 12.6% was achieved. To achieve a 95% confidence interval, we required a sample size of 348. In total 458 responses were received, making it a statistically sound response rate.

Responses are reviewed and actions to respond to feedback are identified. Each practice area in AGS has been asked to identify five responses to the survey for implementation over the next 12 months.

The overall satisfaction rating of 83% (compared to 85% in 2022) exceeded our target of 75%. The result shows our service delivery remained at a high standard and AGS performed strongly. The overall satisfaction rating was corroborated by satisfaction on 12 key service attributes – all rated at or above 75%.



## 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	2023–24 result	2022–23 result
<b>1.2.1</b> Average performance rating from stakeholders of 77 index points or above out of 100 for:	Partly achieved		
(i) effectiveness		82ip	86ip
(ii) timeliness and responsiveness		76ip	78ip

### Authority:

- Portfolio Budget Statements 2023–24, Outcome 1, Program 1.2, page 27
- Corporate Plan 2023–27, page 20

**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.

The assessments of our performance in providing international law and policy advice were positive. The rating for our effectiveness was a strong 82 index points (slightly down from 86ip in 2022–23) and our efficiency rating was 76ip, marginally below the target of 77ip and less than our result of 78ip in 2022–23. Particularly, there was a decline in agreement that the department provides timely advice (73% agreement in 2023–24, compared to 83% in 2022–23 and 78% in 2021–22). A detailed explanation of the stakeholder survey methodology and results is at Appendix 2: Methodologies.

Overall, most stakeholders considered that we consistently provide and facilitate high-quality international legal and policy advice. There was positive feedback from many stakeholders about the collaborative and productive nature of their relationship with the Office of International Law. Some respondents reflected that timeliness and management of timeframes for the provision of advice could be improved. Some stakeholders also identified that we could improve efficiency and collaboration with references to teams being ‘under-resourced’.

We will continue to manage staff resources carefully and improve our efficiency in providing international law advice by appropriate prioritisation, maintaining and building our expertise and collaborating well with agencies to meet future targets.

## Performance measure 1.3: Constitutional policy and related public law advice

Constitutional policy and related public law advice to the Australian 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	2023–24 result	2022–23 result
<b>1.3.1</b> Average performance rating from stakeholders of 77 index points or above out of 100 for:	Not achieved		
(i) effectiveness		68ip	80ip
(ii) timeliness and responsiveness		64ip	71ip

### Authority:

- Portfolio Budget Statements 2023–24, Outcome 1, Program 1.1, page 26
- Corporate Plan 2023–27, page 21

**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 2023–24, our ratings on effectiveness and efficiency did not meet the target of 77 index points. Respondents to the department's stakeholder survey rated effectiveness at 68 index points (80ip in 2023) and efficiency at 64 index points (71ip in 2023). A detailed explanation of the stakeholder survey methodology and results is at Appendix 2: Methodologies.

Over the reporting period, we experienced significant staffing pressures, particularly following the Voice Referendum due to the departure of several staff over a short period. At the same time, we dedicated some of our resourcing to other high priority constitutional policy work, which further added to the staffing pressures. As a result, we operated at a lower than usual staffing level, while delivering our usual program of work which often involves delivering advice on complex constitutional policy issues in very tight timeframes. This may have contributed to a reduced ability to meet deadlines, resulting in a lower efficiency score. In 2023–24 MYEFO, as part of the Government response to the Robodebt Royal Commission, we received funding to deliver quality assurance, guidance and education in relation to the provision of legal advice to the Cabinet. In January 2024, we established the new Cabinet Legal Advice Section (CLAS) with additional resourcing to deliver this enhanced function. While the primary focus of this new section remains the delivery of guidance and training, this addition of staffing will likely assist with improving perceived efficiency and effectiveness, particularly as the new staff have been sufficiently onboarded.

Qualitative feedback on our effectiveness indicates room for improvement in the quality of work and in our communication. In 2024 we received a lower number of stakeholder responses compared to previous years, with the greatest declines attributed to 'Knowledgeable observers' who often engage with us. Some qualitative feedback indicates a lack of knowledge about our practices and procedures which may have affected stakeholders' perception of our effectiveness. Further, our scrutiny function in reviewing

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Cabinet submissions was significantly enhanced in the 2024–25 year due to the new Budget Process Operational Rules (BPORs) requirements. We commenced providing guidance on these requirements through the Cabinet process, which caused confusion for agencies, as the requirements were new and Cabinet templates had not been updated to account for the new BPORs (a matter out of the department’s control).

While reliant on resources, we aim to improve these scores next year with a renewed focus on timeliness, quality and solutions.

## 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	2023–24 result	2022–23 result
<b>1.4.1</b> AGS Net Production (lawyer utilisation) meets or exceeds the annual budget target	Achieved	108%	110%

**Authority:**

- Portfolio Budget Statements 2023–24, Outcome 1, Program 1.3, page 28
- Corporate Plan 2023–27, page 22

**1.4.1** Each year, each AGS fee earner is set a target for the number of billable hours that need to be recorded in order for AGS to generate sufficient revenue to meet the cost of its operations. The average net production achieved by AGS each year is a measure of the average percentage of the net production target achieved by each lawyer.

For 2023–24, AGS budgeted for an average productivity rate of 103%. The Net Production result for 2023–24 was 108%, which is marginally lower than the 110% we achieved last year. This result reflects the fact that, on average, AGS lawyers worked more hours than they were budgeted to work and that AGS employed fewer fee earners than budgeted.

## 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	2023–24 result	2022–23 result
<b>1.5.1</b> Average performance rating from stakeholders of 77 index points out of 100 for effectiveness of initiatives to support compliance with obligations under the <i>Legal Services Directions 2017</i>	Not achieved	73ip	75ip
<b>1.5.2</b> Satisfaction of government lawyers with initiatives provided by the Australian Government Legal Service (AGLS) greater than 80%	Not achieved	60%	57%

### Authority:

- Portfolio Budget Statements 2023–24, Outcome 1, Program 1.1, page 26
- Corporate Plan 2023–27, page 23

**1.5.1** Respondents to the department’s stakeholder survey provided positive ratings for our effectiveness of 73 index points overall. Stakeholders who had dealings with the department for 3 years or more and those in senior executive roles provided higher effectiveness ratings, between 75 and 77 index points. A detailed explanation of the stakeholder survey methodology and results is at Appendix 2: Methodologies.

In 2023–24, the overall result is lower than the target (77 index points) and the result of 75 index points in 2022–23. Overall feedback from stakeholders was positive. Stakeholder satisfaction with our expertise and the quality and consistency of advice provided remained high, and they consider that we add value to inform decision-making and are committed to finding solutions to problems.

There was constructive feedback to improve our engagement with stakeholders with some respondents suggesting we could provide more meaningful and effective communication and improve our risk appetite when pursuing optimal solutions. 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*. The department’s 2023–27 Corporate Plan was published with a minor error which indicates that timeliness and responsiveness would also be assessed under this target. The assessment of this target is designed only to capture the department’s effectiveness.

**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 2024, the survey was conducted over two weeks in May 2024. The survey was sent to 1,672 government lawyers who subscribed to a government lawyer contact list via the AGLS website. The survey was also sent to 198 heads of legal within government agencies to forward to their government lawyers. A total of 339 government lawyers completed the survey, compared to 223 in 2022–23 and 247 in 2021–22.

We did not achieve this target. Overall, the survey satisfaction (‘somewhat satisfied’ or ‘very satisfied’ with the AGLS and its initiatives) was 60%, compared with 57% in 2022–23. Respondents who were ‘somewhat unsatisfied’ or ‘very unsatisfied’ totalled 6% and 34% of respondents were ‘neutral’.

The survey results show that government lawyers were more satisfied with the AGLS and its initiatives compared to the previous year. However, we still need to improve engagement with government lawyers to understand their concerns and improve AGLS initiatives.

In addition to the annual survey, participant evaluation surveys were conducted at the conclusion of three AGLS professional development events held during the reporting period. Across these evaluation surveys,

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93% of the 204 respondents indicated they were ‘very satisfied’ and ‘somewhat satisfied’ with the AGLS overall and its initiatives. To ensure there is no duplication of responses the participant evaluation survey results are not used to report against target 1.5.2. However, the participant evaluation surveys indicate a high level of satisfaction from government lawyers who have attended an AGLS event.

The annual 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 (43% of respondents had 10+ years of experience) and
- ensuring AGLS initiatives are available to government lawyers nationally (48% of respondents identified their primary workplace as outside the Australian Capital Territory).

## Key Activity 2: Managing casework

We undertake casework relating to international crime cooperation, federal offenders, international family law and private international law to support Australia’s law and justice frameworks.

### Performance measure 2.1:

#### International crime cooperation, federal offender, international family law and private international law casework

Casework in relation to extradition, mutual assistance, federal offenders, international transfer of prisoners, family law and 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 relationships and obligations.

Performance targets	Result	2023–24 result	2022–23 result
<b>2.1.1</b> Average performance rating from stakeholders of 77 index points or above out of 100 for:	Not achieved		
(i) effectiveness		76ip	75ip
(ii) timeliness and responsiveness		69ip	67ip
<b>2.1.2</b> A minimum of 1,300 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	1,869	1,628
<b>2.1.3</b> At least 80% of extradition legal proceedings heard and determined are resolved in favour of the Commonwealth	Achieved	100%	94.7%

#### Authority:

- Portfolio Budget Statements 2023–24, Outcome 1, Program 1.1, page 26 and Program 1.2, page 27
- Corporate Plan 2023–27, pages 24–25

**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 76 index points (75ip in 2022–23) and our efficiency of 69 index points (67ip in 2022–23) from a 25% survey response rate. A detailed explanation of the stakeholder survey methodology and results is at Appendix 2: Methodologies.

Continued growth in casework volume and complexity is likely impacting our efficiency and negatively influencing respondent perceptions of our effectiveness.

Overall feedback from stakeholders remained positive with particular comments on the quality of the department’s advice and openness to collaborate. Comments were offered on the professionalism and respectfulness of staff and noted the department’s advice, particularly on complex issues, is a high standard and cognisant of broader context. While the high calibre of staff was noted, some stakeholders felt that our responses were often untimely and highlighted apparent resourcing pressures within the team. Potential areas for improvement identified in the stakeholder feedback include timeliness and consistency of advice, perceived risk-aversion in some casework matters, 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 variety and variable nature of casework, we use the number of cases finalised each year as a proxy for efficiency.

During 2023–24, we finalised 1,869 casework matters (compared to 1,628 in 2022–23) exceeding our target of 1,300. The casework consisted of:

- 49 extradition matters (compared to 66 in 2022–23)
- 805 mutual assistance matters (compared to 780 in 2022–23)
- 460 decisions about federal offenders (compared to 442 in 2022–23)
- 32 international transfer of prisoner applications (compared to 25 in 2022–23)
- 173 international family law matters (compared to 159 in 2022–23)
- 341 private international law requests
- 9 high-risk terrorist offender matters.

In 2023–24 we finalised an additional 241 matters than the previous period.

While an additional 241 matters were finalised in 2023–24 the number of finalised extradition matters was lower in 2023–24 due to changes in caseload trends, including increasing complexity and legal challenges as well as an increased number of new extradition requests resulting in a greater volume of casework. Continued growth in casework volume is likely impacting efficiency.

For the other casework types, the number of finalised matters was higher in 2023–24 due to the following:

- In relation to mutual assistance (matters finalised has increased by just over 3% from 2022–23), there are a number of factors that may have led to this result. Australia received and finalised more requests for mutual assistance from foreign countries this financial year, which may have increased total closures. Further, during the second half of the financial year, the Mutual Assistance section made a concerted effort to identify and finalise matters ready for closure.
- For federal offender decisions, the increase in matters finalised continues an upward trend over recent years. The department has limited control over the volume of cases as these are dependent on sentences set by the courts and there is a statutory requirement to make parole decisions within specified timeframes. Contributing to the increase in federal offender decisions is the increase in statutory reconsiderations of parole, required within 12 months after a decision to refuse parole has been made. In 2023-24, 218 decisions to refuse parole were made, compared to 197 the previous period.
- For international transfer of prisoner matters, most of the finalisations were as a result of applicants withdrawing their applications.
- The small increase in the number of finalised international family law matters is reflective of a few factors including improvements in reporting and normalisation of international travel post COVID-19. The IFaM database now automates case closure which has reduced underreporting of cases closed. The resurgence of international travel post COVID-19 has reduced practical delays in facilitating returns enabling faster finalisation of cases.
- The number of finalised private international law requests was higher than the previous reporting period (153 requests were finalised in 2022–23). A direct comparison is not recommended as the department amended its reporting methodology for private international law requests from those cases received *and* finalised, to all cases finalised within the financial year regardless of when they were received. This change was made to more accurately reflect finalisation rates, noting that a number of cases finalised in any given year can be received in the preceding financial year. The



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positive result can be attributed to prioritisation of casework and improved communications with relevant State and Territory stakeholders over the reporting period.

**2.1.3** During 2023–24, 10 extradition legal proceedings were heard and determined (compared to 19 in 2022–23) and all 10 (100%) were resolved in favour of the Commonwealth (compared to 94.7% in 2023–24) exceeding the target of 80%.

These proceedings included bail applications made to a magistrate and extradition eligibility proceedings before a magistrate under section 19 of the *Extradition Act 1988*. Unlike in previous years, in 2023–24 there were no 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, or proceedings before the High Court of Australia, which accounts for the number of legal proceedings being fewer than in previous years.

## 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	2023–24 result	2022–23 result
<b>3.1.1</b> Average performance rating from stakeholders of 77 index points or above out of 100 for:	Partly achieved		
(i) effectiveness		77ip	75ip
(ii) timeliness and responsiveness		73ip	71ip
<b>3.1.2</b> 100% of assessed policy advice to the Minister is rated as effective	Achieved	100%	100%

#### Authority:

- Portfolio Budget Statements 2023–24, Outcome 1, Program 1.1, page 26 and Program, 1.2, page 27
- Corporate Plan 2023–27, page 26

**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 and efficiency of our work is fundamental to delivering this measure and an important way to measure success.

In 2023–24, the target was achieved for effectiveness. For efficiency our results were slightly under our target. Respondents to the department's stakeholder survey provided positive ratings for our effectiveness of 77 index points (75ip in 2022–23) and our efficiency of 73 index points (71ip in 2022–23) from a 23% survey response rate. We achieved the target of 77 index points for effectiveness and had improvements to our results for both effectiveness and efficiency. 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. Many respondents commented positively about our policy expertise and respectful staff. The department also demonstrated high levels of knowledge and good collaboration.

The survey identified some areas for improvement including:

- our communication
- timeliness and responsiveness
- better transparency.

These results are comparable with last year with both effectiveness and efficiency improving in 2023–24.

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**3.1.2** A qualitative analysis of policy submissions taken from a sample of work from the department’s policy groups was undertaken by panels of Executive Level 2 (EL2) officers. These panellists assessed the samples against a scoring template and scale individually and then as a full panel. The average scores were used to determine if the target was achieved. A detailed explanation of the qualitative assessment methodology and results is at Appendix 2: Methodologies.

The performance target of 100% was again achieved in 2023–24 as it was in 2022–23. The panels reviewed a total of 36 policy submissions across the reporting period with 9 submissions reviewed each quarter. Quarterly assessment of submissions enabled the department to monitor the performance against this target throughout the reporting period and to ensure submission samples were included from all four quarters of the year.

All submissions were rated 3 or more out of 5, successfully meeting the quality standards for assessment. The submissions were reviewed with attention to areas of content, advice, analysis and action.

Results of the qualitative analysis showed the submissions were well written and structured in a logical manner. Panellists noted the submissions were detailed and well-articulated although some relied on the reader having existing knowledge of the topic and could have benefited from providing additional context.

The result shows the department continues to produce high-quality submissions. This was achieved through review of feedback and results from previous years and through quarterly feedback to support continuous improvement of submission quality.

## 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	2023–24 result	2022–23 result
<b>4.1.1</b> Average performance rating from stakeholders of 77 index points or above out of 100 for:	Not achieved		
(i) effectiveness		66ip	71ip
(ii) timeliness and responsiveness		64ip	68ip
<b>4.1.2</b> Provision of funding to support greater access to the justice system:	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%	98%
(ii) 80% of grant payments are made within agreed timeframes, subject to third parties meeting relevant obligations and requirements		91%	86%

#### Authority:

- Portfolio Budget Statements 2023–24, Outcome 1, Program 1.1, page 26 and Program 1.4, page 29
- Corporate Plan 2023–27, pages 27–28

**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 2023–24, we did not achieve our target. Respondents to the department's stakeholder survey provided ratings for our effectiveness of 66 index points (71ip in 2022–23) and our efficiency of 64 index points (68ip in 2022–23) from a 22% survey response rate. A detailed explanation of the stakeholder survey methodology and results is at Appendix 2: Methodologies.

While both results have reduced since 2022–23, 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 the negative impact of the delayed start to the NLAP Review and lack of engagement on current NLAP data arrangements. The delay in our ability to communicate clearly on the timings of the Review and the impact on the states and the sector did have a negative impact on our relationships with our stakeholders (especially given one of the elements of the performance indicator is timeliness). Given resources were directed at starting and managing the NLAP Review there was then limited ability to focus on NLAP data arrangements as much as we would have hoped which also contributed to negative impacts on our relationships with our stakeholders.

We will continue to prioritise clear and consistent stakeholder engagement and allow maximum time for consultation processes.

**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 2023–24, the target was met for all payments under the Expensive Commonwealth Criminal Cases Fund and the Community Legal Services Program including instances where payments were made after the anticipated dates due to third-party delays.

Payments to states and territories were on time as payment dates are clearly established and the team prioritises assessment of reporting in order to ensure payment dates are met.

**4.1.2 (ii)** Legal financial assistance schemes 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 2023–24, the target of 80% for approval of claims within the timeframe was achieved. The prioritisation of processing and approval of claims to meet the 21 days processing requirement was a key factor in exceeding this target. Improved internal processes supported Legal Financial Assistance Casework team's positive performance measures outcome.

Applications for assistance were removed as part of 4.1.2(ii) performance target consistent with the 2023–27 Corporate Plan.

## 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	2023–24 result	2022–23 result
<b>4.2.1</b> 100% of Family Law Service grant recipients provide services in line with their approved grant activities	Achieved	100%	97.5%

**Authority:**

- Portfolio Budget Statements 2023–24, Outcome 1, Program 1.5, page 29
- Corporate Plan 2023–27, page 29

**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 is the second year of the application of this performance measure. 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 one-year lag. The performance result included in the 2023–24 annual report therefore relates to the 2022–23 financial year.

We achieved this measure with no non-compliances with the requirements of the grants identified. One grant recipient reported conducting a scoping exercise, which if implemented, may have given rise to non-compliant expenditure. This activity was not pursued by the organisation on the basis of advice provided by the department and only negligible amounts of staff time were committed to this work. If the staff time potentially dedicated to discussions on the scoping exercise were counted, overall compliance would still be as high as 99.9998%. This assessment was based on a review of 100% of the activity reports developed by grant recipients.

## 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	2023–24 result	2022–23 result
<b>4.3.1</b> Average performance rating from stakeholders of 77 or above out of 100 for:	Achieved		
(i) effectiveness		81ip	83ip
(ii) timeliness and responsiveness		80ip	83ip

**Authority:**

- Portfolio Budget Statements 2023–24, Outcome 1, Program 1.2, page 27
- Corporate Plan 2023–27, page 30

**4.3.1** This target measures our effectiveness, timeliness and responsiveness in helping to equip, enable and empower Australian Government entities to prevent, detect and respond to fraud. Improving the counter-fraud capabilities of Australian Government entities helps protect the integrity of their programs and functions and ensures public funding goes to the intended recipients.

We engage with all 190+ *Public Governance Performance and Accountability Act 2023* entities, supporting with leading practice, assistance and guidance to embed counter-fraud capabilities that protect the integrity of their programs and functions. In 2023–24, a key focus of engagement was the development and roll-out of the new Commonwealth Fraud and Corruption Control Framework, which will commence from 1 July 2024.

Respondents to the department’s stakeholder survey provided positive ratings for our effectiveness of 81 index points (83p in 2022–23) and our efficiency of 80 index points (83p in 2022–23) from 20% survey response rate (27% survey response rate in 2022–23). A detailed explanation of the stakeholder survey methodology and results is at Appendix 2: Methodologies.

In 2023–24, we met the required performance targets. This highlights our positive engagement with stakeholders. Stakeholders were positive about the quality of advice and support, professionalism of staff and timeliness of responses. Feedback on improvement was provided about a specific workshop which will be considered when delivering similar offerings going forward. Further, while we saw a slight decrease in ratings from last year’s results, this may be attributable to the focus on the delivery and rollout of the new Commonwealth Fraud and Corruption Control Framework which reduced engagement on other capability and engagement activities in the second half of the Financial Year. In 2024–25, we will continue to engage closely with our stakeholders and provide leadership and guidance to strengthen their counter fraud and corruption capability.

## 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	2023–24 result	2022–23 result
<b>4.4.1</b> 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	99%	97%
<b>4.4.2</b> 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%	98%
<b>4.4.3</b> The Modern Slavery Statements Register is up to date, indicated by greater than 80% of publishable submissions being published within 60 working days	Achieved	99%	92%

### Authority:

- Portfolio Budget Statements 2023–24, Outcome 1, Program 1.2, page 27
- Corporate Plan 2023–27, pages 31–32

**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 2023–24, 99% of registrations and updates under the *Foreign Influence Transparency Scheme Act 2018* were published within 3 weeks (compared to 97% in 2022–23) and 100% were published within 4 weeks. One matter took longer than three weeks to publish due to an IT issue that prevented delegate approval from progressing.

Our performance against this target was assessed using data from the department’s 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 2023–24, 100% of new registrations on the Lobbyist Register were published within 3 weeks (100% in 2022–23) and 99% of updates were published within 5 working days (98% in 2022–23). This result reflects our efficiency in publishing new registrations and updates to the public Lobbyist Register.



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**4.4.3** This target is a proxy for measuring our effectiveness in administering the regulatory function of maintaining the online Modern Slavery Statements Register (the Register). The Register houses modern slavery statements submitted by entities reporting under the *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 Register. During the 2023 calendar year, 3,147 publishable statements were submitted to the department with 99% of these published within 60 working days. While results suggest increase of 7% from the 2022 calendar year, the department identified an inadvertent error in the way data was being captured on the Register, which was rectified in November 2023. The impact to previously disclosed results for 2022 calendar year is a 4% increase in efficiency (from 92% to 96%). As such the year-on-year increase from 2022 to 2023 is 3%.

Performance results for this target are reported for the calendar year. This approach provides clarity and transparency of performance and is consistent with the statutory reporting requirements in section 23A of the *Modern Slavery Act 2018* which requires the department to prepare reports for each calendar year.

## 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	2023–24 result	2022–23 result
<b>4.5.1</b> Average performance rating from stakeholders of 77 index points or above out of 100 for:	Achieved		
(i) effectiveness		84ip	84ip
(ii) timeliness and responsiveness		81ip	79ip

**Authority:**

- Portfolio Budget Statements 2023–24, Outcome 1, Program 1.2, page 27
- Corporate Plan 2023–27, page 33

**4.5.1** This target measures our effectiveness, timeliness and responsiveness (as a proxy for efficiency) in contributing to the effective capacity of 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 Pacific countries to address law and justice issues through collaboration and other practical measures.

Respondents were positive overall in their assessment of our performance in improving partner government law and justice capacity to address law and justice issues as well as collaboration on shared law and justice issues. There was positive feedback on our communication and engagement with stakeholders particularly for being proactive, facilitating international attendance and understanding relevant equities. Specific feedback highlighted the Modern Slavery and Human Trafficking Branch’s high level of technical expertise, professionalism and effectiveness in supporting Vietnam and other international partners on work to counter trafficking in persons. The rating for our effectiveness was 84 index points and our efficiency of 81 index points were above our target of 77 index points from a 23% survey response rate. A detailed explanation of the stakeholder survey methodology and results is at Appendix 2: Methodologies.

In 2023–24, the department supported alumni of the Pacific Legal Policy Champions Program to deliver the Program in their own countries, namely, the Solomon Islands, Kiribati, Tonga, Samoa, Papua New Guinea, Vanuatu and Tuvalu. The department also delivered the Pacific Legal Policy Champions Program training in the Federated States of Melanesia and the Republic of Marshall Islands. The Pacific Legal Policy Twinning Program was held in Canberra in March-April 2024 and supported two officials from Samoa and Tuvalu to produce a governance framework and sentencing guidelines, respectively.

The department also supported the Pacific Islands Law Officers’ Network (PILON) to run a regional workshop in March 2024 in Fiji for more than 40 participants from 15 jurisdictions on supporting vulnerable witnesses in sexual and gender-based violence matters. This workshop was well received by attendees who continue to meet to discuss their plans to implement workshop outcomes. The department also supported PILON to run its annual meeting in Nauru - the first held in person since 2019 - which was well received by PILON members. At this meeting the PILON Strategic Plan 2024–26 was adopted with strategic priorities of corruption, cybercrime and sexual and gender bases violence.

## Performance measure 4.6: Crime prevention assistance

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

Performance target	Result	2023–24 result	2022–23 result
<b>4.6.1</b> Average performance rating from stakeholders of 77 index points or above out of 100 for:	Not achieved		
(i) effectiveness		74ip	73ip
(ii) timeliness and responsiveness		70ip	74ip

**Authority:**

- Portfolio Budget Statements 2023–24, Outcome 1, Program 1.6, page 30
- Corporate Plan 2023–27, page 34

**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 2023–24, while respondents to the department’s stakeholder survey were positive overall about funding for community crime prevention across multiple areas of the department, we did not achieve our target. This is consistent with the previous year, where the department’s overall ratings for effectiveness (74ip) and efficiency (70ip) were also below the department’s target of 77 index points from a 23% survey response rate. A detailed explanation of the stakeholder survey methodology and results is at Appendix 2: Methodologies.

During 2023–24, the Modern Slavery and Human Trafficking Branch implemented funding arrangements for thirteen organisations awarded funding in Round 2 of the *National Action Plan to Combat Modern Slavery 2020-25* Modern Slavery Grants Program, totalling \$2.73 million of grants funding. The department also continued to administer funding awarded to Anti-Slavery Australia to maintain and deliver the My Blue Sky website. Grants are an important element of the department’s delivery partnerships. This is reflected in stakeholder feedback about the department’s positive collaboration and support for the aims of a grant funded project on lived experience engagement. The Modern Slavery and Human Trafficking Branch works closely with grant recipients to facilitate meaningful discussions and encourage collaboration between other initiatives being progressed by civil society and government. Additionally, to support our grant recipients to administer their projects effectively, we engage with the Community Grants Hub to ensure that guidance provided to recipients is timely, high-quality and evidence-based.

## Key Activity 5: Establish and support royal commissions

We establish and provide support to royal commissions 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 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	2023–24 result	2022–23 result
<b>5.1.1</b> Average performance rating from stakeholders of 77 index points or above out of 100 for:	Achieved		
(i) effectiveness		81ip	81ip
(ii) timeliness and responsiveness		79ip	78ip

**Authority:**

- Portfolio Budget Statements 2023–24, Outcome 1, Program 1.7, page 31
- Corporate Plan 2023–27, page 35

**5.1.1** This target measures the effectiveness and 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. Stakeholder satisfaction is an important way to measure our success.

Respondents to the department’s stakeholder survey provided positive ratings for our effectiveness of 81 index points (81ip in 2022–23) and our efficiency of 79 index points (78ip in in 2022–23).

Internal and external factors which may have contributed to the result include an increased tempo of stakeholder engagement in preparation for the delivery of a royal commission’s final report of which there were two in the 2023–24 financial year.

There were significant increases in the assessed effectiveness of our coordination of legal representation arrangements (93% in 2024 compared to 77% in 2023), consistency of our advice (90% in 2024 compared to 75% in 2023) and providing sufficient information to stakeholders (92% in 2024, compared to 80% in 2023). In efficiency, timeliness had the greatest impact with 86% agreeing we provided timely advice and support (compared to 70% in 2023) and 88% agreeing we provided information in a time manner (compared to 75% in 2023). A detailed explanation of the stakeholder survey methodology and results is at Appendix 2: Methodologies.