

Independent assurance report on the
annual performance statements

Attorney General's Department

2019-20



Auditor-General for Australia



Independent assurance report on the annual performance statements

To the Minister for Finance

Qualified Conclusion

I have undertaken a reasonable assurance engagement of the 2019–20 Annual Performance Statements of the Attorney-General's Department (the Department).

In my opinion, except for the possible effects of the matter described in the Basis for Qualified Conclusion section of my report, the attached 2019–20 Annual Performance Statements of the Department are prepared, in all material respects, in accordance with the requirements of Division 3 of Part 2-3 of the *Public, Governance, Performance and Accountability Act 2013* (the Act).

Basis for Qualified Conclusion

The performance measure for 'Supporting an integrated, efficient and effective legal assistance sector' in the 'Justice' strategic priority is only partially reliable, and therefore partially appropriate, as it is not a clear target and is without an established methodology to measure performance. The measurement is based on case studies related to the 2018–19 financial year which contained a significant amount of evidence that the overall experience described in the case studies reflected negative performance. In addition, I was unable to obtain sufficient appropriate audit evidence to conclude whether the results reported against this measure were accurate and complete, and supported by appropriate records. As a result, I was not able to conclude whether the reporting of the Department's annual performance statements with respect to this measure complied with Division 3 of Part 2-3 of the Act.

Other matter – Performance Audit Recommendation

Without further modifying my conclusion, I note that in December 2018 I tabled Auditor-General Report No. 17 2018–19, *Implementation of the Annual Performance Statements Requirements 2017–18*, in which I recommended that entities, including the Department, improve the reliability of performance measures presented in their Portfolio Budget Statements and corporate plans, by providing the Parliament and the public with information on the information sources and methodologies intended to be used to measure their performance. This included that information should be sufficient to enable a reader to make an assessment of the reliability of those methods, and develop an understanding of the intended result. The Department agreed to this recommendation. My qualified conclusion above indicates that the Department has not fully implemented this recommendation.

Audit criteria

In order to assess whether the Department's annual performance statements complied with Division 3 of Part 2-3 of the Act, including providing information about the Department's performance in achieving its purposes, I applied the following criteria:

- whether the annual performance statements complied with Division 2 of Part 2-3 of the Rule;
- whether the performance criteria presented in the annual performance statements were appropriate;
- whether the Department had effective supporting frameworks to develop, gather, assess, monitor, assure and report in the annual performance statements; and
- whether the results reported against the performance criteria in the annual performance statements were accurate and complete, and supported by appropriate records.

Accountable Authority's responsibilities

As the Accountable Authority of the Department, the Secretary is responsible under the Act for the preparation of annual performance statements that comply with the rules made under the Act. In preparing the annual performance statements, the Secretary is responsible for measuring and assessing the entity's performance in achieving its purpose and keeping records about the Department's performance in accordance with requirements prescribed by the Rule.

The Secretary is also responsible for such internal controls as the Secretary determines is necessary to enable the preparation and fair presentation of annual performance statements that are free from material misstatement, whether due to fraud or error.

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.

Auditor-General's responsibilities

My responsibility is to express an independent opinion on the Department'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 criteria and accompanying results presented in the annual performance statements of the Department accurately reflect the Department's performance in achieving its purpose and comply, in all material respects, with the *Public Governance, Performance and Accountability Act 2013* and *Public Governance, Performance and Accountability Rule 2014*.

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.

My procedures included:

- evaluation of the annual performance statements compliance with Part 2-3 Division 2 and 3 of the *Public Governance, Performance and Accountability Act 2013*, and Part 2-3 Division 1, 2 and 3 of the Public Governance, Performance and Accountability Rule 2014;
- assessment of the appropriateness of the performance information presented in the Portfolio Budget Statements, corporate plans and annual performance statements;
- evaluation of the supporting frameworks to develop, gather, assess, monitor, assure and report in the annual performance statements; and
- validation of the results reported against the performance criteria in the annual performance statements for completeness and accuracy and appropriate supporting records.

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

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 *Public Governance, Performance and Accountability Act 2013* and Public Governance, Performance and Accountability Rule 2014 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



Grant Hehir
Auditor-General

Canberra
2 December 2020

Appendix A — Findings in respect of specific aspects of the engagement

During the conduct of the audit assessments and findings were made in respect of specific aspects of the engagement. These findings included below were addressed in the context of my engagement as a whole, and in forming my conclusion thereon, and I do not provide a separate conclusion on these matters.

Overview of engagement

In August 2019, the Minister for Finance requested that the Auditor-General conduct a pilot program of audits of annual performance statements in consultation with the Joint Committee of Public Accounts and Audit (JCPAA). Following the request, the Auditor-General decided to commence a pilot program under section 15 of the *Auditor-General Act 1997* and is applying the performance statements auditing methodology developed over recent years, to the 2019–20 performance statements of three entities. The Attorney-General's Department is one of the three selected entities.

Overview of the applicable criteria

I have used the criteria, described in my independent assurance report above, to assess the 2019–20 Annual Performance Statements of the Department. In performing my assurance engagement and preparing this appendix, the following relevant considerations and interpretations were applied.

Compliance

Whether the annual performance statements complied with the requirements of the Act and the Rule and in doing so, met the objects of the Act. In considering compliance, the most important provisions considered were subsection 39(2) of the Act and section 16F of the Rule.

Appropriateness

Whether the performance criteria presented in the Portfolio Budget Statements, corporate plan and annual performance statements were appropriate. In considering appropriateness, the most important aspects of appropriateness were the relevance, reliability and completeness of the performance criteria:

- relevant – individually, a performance criterion contributes to conclusions in regard to an entity's progress in fulfilling its purpose that assist users' decision making;
- reliable – individually, a performance criterion allows for reasonably consistent assessment of an entity's progress in fulfilling its purpose; and
- complete – as a group, performance criteria allow for the overall assessment of an entity's progress in fulfilling its purpose to inform users' decision making.

Supporting frameworks

Whether the department had effective supporting frameworks to develop, gather, assess, monitor, assure and report performance information in the annual performance statements. In considering the supporting frameworks, the most important aspects were effectiveness of the following processes:

- coordination and collation performance information;
- systems and methodologies for the collection and reporting of performance information; and
- assurance over the annual performance statements.

Completeness, accuracy and records

Whether the results reported by the Department against the performance criteria in the annual performance statements were accurate and complete, and supported by appropriate records.

Materiality

The concept of materiality is applied when making an assessment against the above criteria. Failure to meet one or some of the criteria characteristics will not necessarily impact the overall assessment and form of audit conclusion.

Audit findings and observations

Have the annual performance statements complied with Division 2 of Part 2-3 of the Public Governance, Performance and Accountability Rule 2014?

The ANAO reviewed the 2019–20 Annual Performance Statements and concluded that the annual performance statements complied with Division 2 of Part 2-3 of the Public Governance, Performance and Accountability Rule 2014 with the exception of the matter outlined in the Basis for Qualified Conclusion section above.

Are the performance criteria presented in the Department's Portfolio Budget Statements, corporate plan and 2019–20 annual performance statements appropriate?

The ANAO reviewed the performance criteria that are effectiveness or efficiency measures or effectiveness or efficiency proxy measures as meeting the threshold for reporting on the achievement of the department's purposes. All performance criteria that met the threshold were considered to be of equal importance in measuring the achievement of the entity's purpose.

The performance criteria and relevant performance information in the 2019–20 Annual Performance Statements were assessed as appropriate to measure the achievement of the Department's purposes with the exception of the matter outlined in the Basis for Qualified Conclusion section above.

Did the Department have effective supporting frameworks to develop, gather, assess, monitor, assure and report in the annual performance statements?

The ANAO examined the Department's internal systems, processes, procedures, including governance and assurance mechanisms such as the audit committee, to develop, gather, assess, monitor, assure and report in the 2019–20 Annual Performance Statements. The supporting framework was assessed as effective with the exception of the matter outlined in the Basis for Qualified Conclusion section above.

Are the results reported by the Department against the performance criteria in the performance statements accurate and complete, and supported by appropriate records?

The ANAO performed testing of the results against the performance criteria in the annual performance statements for completeness and accuracy. The results of the performance criteria were mostly complete and accurate and supported by appropriate records with the exception of the matter outlined above in the Basis for Qualified Conclusion section.



Australian Government
Attorney-General's Department

Attorney-General's Department

ANNUAL REPORT 2019–20





Annual performance statement

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Statement of preparation

As the accountable authority of the Attorney-General's Department, I present the 2019–20 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.



Chris Moraitis PSM
Secretary

Our performance framework

The objective of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act) is to provide a coherent system of governance and accountability for public resources, with an emphasis on planning, performance and reporting.

Each year, as part of the federal budget, we publish portfolio budget statements (PBS) that set out our outcomes, allocate the resources to deliver these outcomes under ten programs and establish high-level performance measures by which we evaluate our success. In the 2019–20 PBS, we used the markers of ‘effectiveness’ and ‘efficiency’ to measure our success in meeting our outcomes over the year.¹

The outcomes established in the PBS mirror the purposes set out in our annual corporate plan. To achieve these purposes, we undertake activities across six strategic priority areas and establish performance measures and targets to measure our progress.²

At the end of the performance cycle, we report on our success in achieving our key activities and performance measures in the annual performance statement of our annual report. Key activities can be found in the Key activities section and the performance results can be found at the Our results section.

Figure 2 illustrates our performance framework.

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- 1 The 2018–19 Portfolio Budget Statement included a performance criterion of community impact. We streamlined the performance criteria in the Corporate Plan 2019–23 to only include effectiveness in achieving objectives and efficiency in meeting goals. This is in recognition that community impact falls under the performance criteria of effectiveness.
 - 2 We are committed to the continuous improvement of our performance framework. As part of the development of our 2020–24 Corporate Plan, we are updating our performance measures for 2020 and beyond to ensure they accurately reflect and measure the work we do and comply with the new requirements in the recently amended PGPA Rule.

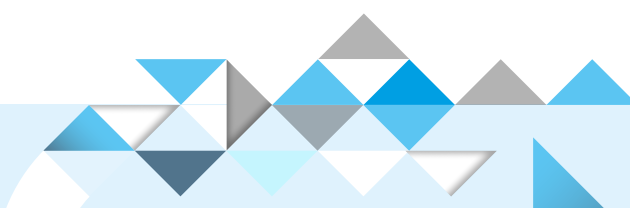
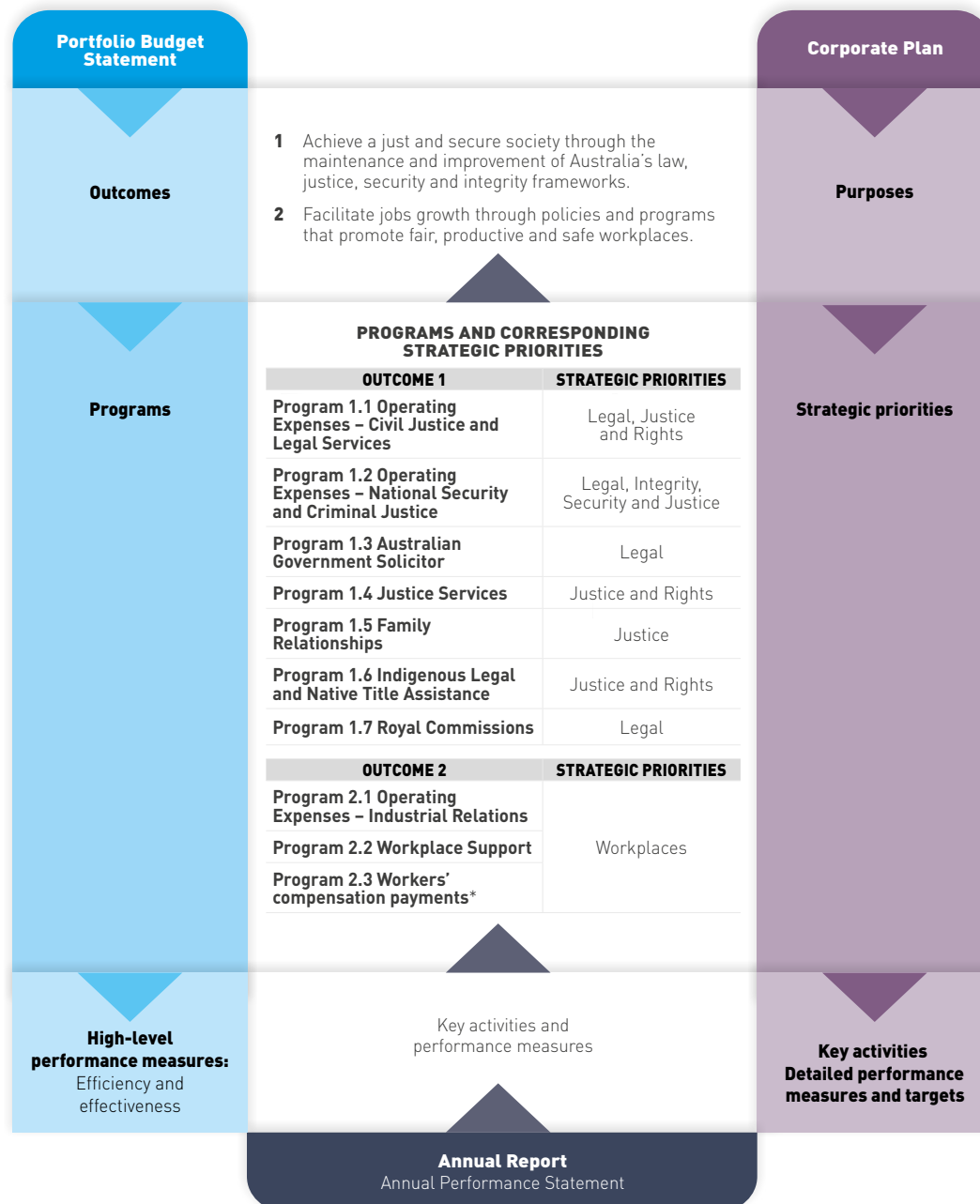


Figure 2: Our performance framework



Notes:

Program 1.5 – Family Relationships

Under this program, grants are provided to not-for-profit organisations that deliver family law services. All funds to those organisations are delivered to grant recipients via the Community Grants Hub. The Hub is a whole-of-government initiative administered by the Department of Social Services to streamline grants processes across government. Program 1.5 is linked to the Department of Social Services' Program 2.1, as outlined in the 2019–20 Attorney-General's Portfolio Budget Statements at page 23. All policy work related to Program 1.5 is funded under Program 1.1.

Program 2.3 – Workers Compensation Payments

This program is managed by Comcare. Comcare reports against this program and associated performance measures in the Comcare annual report (www.comcare.gov.au/about/governance/annual-report).

Purpose 1: Achieving a just and secure society through the maintenance and improvement of Australia's law, justice, security and integrity frameworks.

Purpose 2: Facilitating jobs growth through policies and programs that promote fair, productive and safe workplaces.

In achieving our purposes, we undertake activities across six strategic priority areas.

Legal

Support the Attorney-General as First Law Officer, including by providing high quality legal services to the Commonwealth.

Workplaces

Assist the Minister for Industrial Relations to foster safe, fair and productive workplaces.

Integrity

Promote public-sector integrity and strong oversight of Commonwealth intelligence and law enforcement agencies.

Security

Support a safe and secure Australia by delivering effective national security and criminal justice legislation.

Justice

Maintain an efficient and effective civil and criminal Commonwealth justice system, and work with international partners to strengthen cooperation and advance law and justice issues.

Rights

Enable a free society with balanced rights, freedoms and responsibilities.

This section reports on:

- activities undertaken in response to the summer bushfires and the COVID-19 pandemic
- the work undertaken this year to achieve the key activities outlined in our Corporate Plan 2019–23.

Not all of our key activities are directly linked to a performance measure. For those that are linked, we have clearly identified where to find the relevant performance results.

Activities in response to the COVID-19 pandemic and summer bushfires

We undertook a wide range of activities to support the government's response to the COVID-19 pandemic and summer bushfires. This included establishing a taskforce to support the Attorney-General and deploying a significant number of staff internally and externally to deal with COVID-19 pandemic-related priorities. Details of these are outlined in the Management and accountability section of this annual report.

Legal advice

The government's response to the COVID-19 pandemic required legal and policy advice from the department so that any measures were well-considered and based in law.

We provided advice on a broad range of constitutional and legal issues associated with the government's responses to the 2019–20 summer bushfires and the COVID-19 pandemic. This included:

- establishing the Royal Commission into National Disaster Arrangements and providing constitutional support to the commission
- establishing the National Bushfires Recovery Agency
- use of the Australian Defence Force in responding to natural disasters and potential incidents of the pandemic
- use of protective measures under the *Biosecurity Act 2015*
- advice about various COVID-19 pandemic expenditure programs
- assistance with arrangements under which participating financial institutions lend to small-to-medium enterprises and the Australian Government's partial guarantee of such loans
- developing whole-of-government guidance on procurements and contract management, in conjunction with the Department of Finance.

Privacy protections

We developed the privacy-by-design protections and safeguards for the COVIDSafe app to support health authorities' contact tracing processes. This included developing a privacy impact assessment and the government's response to the associated recommendations. We also developed interim privacy protections and safeguards under a *Biosecurity Act 2015* determination that commenced on 25 April 2020. These interim protections were placed in primary legislation through amendments to the *Privacy Act 1988*, which came into effect on 15 May 2020.

It is now a criminal offence to collect, use or disclose COVIDSafe app data for a purpose that is not related to contact tracing. It is also a criminal offence to require a person to use the app, to store or transfer COVIDSafe app data to a country outside Australia and to decrypt app data. A maximum penalty of five years imprisonment or \$63,000 applies to breaches. In addition, the *Privacy Act 1988* amendments put in place a clear process outlining how the government will satisfy its obligation to delete all COVIDSafe data from the National COVIDSafe Data Store once the pandemic is over as well as clear oversight by the Office of the Australian Information Commissioner.

Justice sector support

The department delivered additional funding for legal assistance providers to help with the response and recovery to the 2019–2020 summer bushfires. This was delivered via a Project Agreement. The funding provided \$5.3 million for services to individuals and \$3.5 million for services to small businesses and primary producers. The funding was prioritised for areas within New South Wales, Victoria, Queensland and South Australia.

The department also delivered the COVID-19 Justice Sector Preparedness package, which included additional funding of more than \$63 million over two years for the legal assistance sector, to give access to legal support for people affected by the pandemic. Of this total funding, \$49.8 million was for additional frontline legal services (such as legal advice or representation), with 40 per cent to be directed towards matters involving domestic violence. The remaining \$13.5 million was provided to support the legal assistance sector to transition to delivering assistance virtually and online.

Additional funding for the 2019–20 summer bushfires recovery and the pandemic maintained the efficiency and effectiveness of the civil, family and criminal justice systems. For example, through the pandemic funding, ICT equipment was procured to provide legal services remotely, which has contributed to the ongoing efficiency of the justice system.

Bankruptcy

As part of the government's economic response to the pandemic, we progressed temporary reforms to the bankruptcy system to help people facing financial distress by reducing the threat of being forced into bankruptcy during the pandemic.

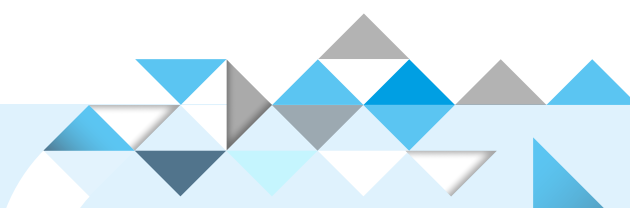
The temporary changes increased the:

- level of debt required before a creditor can make someone bankrupt from \$5,000 to \$20,000
- timeframe for a debtor to respond to a Bankruptcy Notice from 21 days to six months
- temporary debt protection period from 21 days to six months.

Industrial relations

We supported the Minister for Industrial Relations to promote the safe operation of workplaces during the pandemic. We worked with states and territories, employer groups and unions through Safe Work Australia to provide guidance to businesses and employees on working safely during the pandemic. This was underpinned by the National COVID-19 safe workplace principles that were agreed by the National Cabinet on 24 April 2020.

As part of the response to the pandemic, temporary variations were made to a number of modern awards. Our work was critical in assisting the Attorney-General and Minister for Industrial Relations to make submissions in four of these matters.



We worked with Treasury and other agencies on the practical operation of the JobKeeper scheme and other government initiatives in response to the pandemic. The temporary JobKeeper amendments to the *Fair Work Act 2009* commenced on 9 April 2020. Among other things, they enable qualifying employers to temporarily vary, or seek agreement to vary, the working arrangements of the employees for whom they are claiming the JobKeeper payment. The provisions are subject to a range of safeguards. We provided advice to the Minister for Industrial Relations on the operation and implementation of amendments to the Act made as part of the JobKeeper payment scheme.

Following the Prime Minister's announcement of the JobMaker Plan on 26 May 2020, we assisted the government to urgently establish five working groups made up of unions and employer industry groups to progress high priority areas of reform covering:

- casuals and fixed term employees
- award simplification (covering awards in industries heavily affected by the pandemic)
- enterprise agreement making
- compliance and enforcement
- greenfields agreements for new enterprises.

The working groups began meeting in June 2020. We host the secretariat, with support from Treasury, Department of Finance, Department of Foreign Affairs and Trade, Department of Industry, Science, Energy and Resources and Department of Education, Skills and Employment. We provide logistics and administrative support to the working groups and the Deputy Chair, Mr Tim Marney. We presented evidence, research and other resources to enable the working groups to examine the issues and have access to external expertise where appropriate.

COVID-19 Counter-Fraud Taskforce

In March 2020, the Commonwealth Fraud Prevention Centre, which we host, and the Australian Federal Police established a temporary COVID-19 Counter Fraud Taskforce under Operation Ashiba.

The taskforce includes entities across the Australian Government and aims to tackle fraud against COVID-19 economic stimulus measures by:

- providing advice and guidance to Australian Government departments and agencies to build in countermeasures in policy, program and system design to counter fraud risks for COVID-19 economic stimulus measures
- sharing information and intelligence across the Australian Government and internationally to enable detection and disruption of fraud
- supporting departments and agencies to build in robust post-payment compliance and recovery processes to maintain system integrity for urgent payments.

Key activities

Legal

Support the Attorney-General as First Law Officer, including by providing high quality legal services to the Commonwealth.

As the First Law Officer and chief legal adviser to the Cabinet, the Attorney-General has special responsibilities for legal issues affecting the Commonwealth. We support the Attorney-General in this role by leading within government on legal policy and legal systems and providing expert legal services that meet the unique needs of the Commonwealth.

Support the Attorney-General as First Law Officer

Constitutional law, public law and international law advice

In 2019–20, we supported the Attorney-General by providing legal advice and assistance to the government on issues of national importance. These include:

- significant religious discrimination issues and possible legislative amendments
- a review of tobacco control legislation
- a Council of Australian Governments' decision to ban the export of certain waste products
- a range of migration, citizenship and asylum seeker issues
- acting as the Solicitor Assisting for the Royal Commission into Aged Care Quality and Safety and the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability
- Australian Defence Force deployments overseas
- Australia's support for justice for the victims of the MH17 air crash.

In 2019–20, we worked as a legal adviser to international meetings and negotiations, including:

- on cyberspace
- the United Nations Group of Government Experts on Legal Autonomous Weapons Systems
- the International Civil Aviation Organization Legal Committee
- the International Law Commission
- in a number of regional fisheries management organisations
- at the Commission for the Conservation of Antarctic Marine Living Resources.

We supported Australia's engagement on the United Nations Human Rights Council and the United Nations Commission on International Trade Law. We also supported engagement in an inter-governmental conference on an internationally legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction.

Constitutional litigation

We represented the Commonwealth in significant constitutional cases in the High Court of Australia and worked closely with the Solicitor-General. These cases included:

- *Love v Commonwealth; Thoms v Commonwealth*, in which the High Court held that Aboriginal and Torres Strait Islander peoples are not within the reach of the 'aliens' power conferred by s 51(xix) of the Constitution
- *Smethurst v Commissioner of Police*, in which the High Court held invalid a search warrant executed by the Australian Federal Police at a journalist's residence, but did not order the Australian Federal Police to return or delete information copied from the journalist's mobile telephone in purported execution of the warrant
- *Hocking v Director-General of the National Archives*, in which the High Court held that certain correspondence between former Governor-General Kerr and the Queen is 'Commonwealth records' within the *Archives Act 1983* (Cth) and therefore must be made available for public access
- *Duman v Commonwealth*, a challenge to the validity of ss 33AA and 35 of the *Australian Citizenship Act 2007* whereby dual citizens automatically lose Australian citizenship if they engage in certain conduct outside Australia (particularly in the service of a declared terrorist organisation).

Commercial and contractual matters

We advised on commercial and contractual matters for government to help agencies implement their programs. These included:

- supporting transport and infrastructure projects including the Western Sydney International (Nancy-Bird Walton) Airport and arrangements for the Sydney Metro – Western Sydney Airport
- assisting the National Housing Finance and Investment Corporation in the development of the First Home Loan Deposit Scheme
- supporting the development of the *Australian Infrastructure Financing Facility* and its project initiatives in Pacific island countries and Timor-Leste.

Australian Government Solicitor operations

The Australian Government Solicitor Group (AGS) operates as a self-funded legal services provider and is in direct competition with private law firms for approximately 82 per cent of its work. Maintaining good relationships with clients and providing excellent legal services to government is a key requirement to ensure ongoing success. AGS adopts a whole-of-government approach in its legal work to ensure consistency and cohesion in the Commonwealth's approach to legal issues. Business results for the year were extremely positive, with all performance indicators exceeded. The number of hours sold increased by 15 per cent on the previous year.

Through the AGS, we provided training, forums and workshops on legal issues affecting policy, programs and government law in order to help legal practitioners and administrative decision-makers to act lawfully and to make better administrative decisions. During 2019–20, we conducted 72 courses including sessions targeted at the particular needs of agencies. Of these, 30 general training courses were open to all government employees. Additional training videos were produced this year and these are available on the [AGS website](#).

Our pro bono program promotes a just and secure society for Australia and its neighbours in the Pacific and Southeast Asia. Pro bono assistance is available to organisations that make justice accessible to low-income or disadvantaged people and have a community impact. There is a strong focus on Indigenous organisations and matters.

We provide assistance to organisations that help young people facing legal difficulties, people with disability, people in financial difficulty, tenants, people experiencing domestic violence and people experiencing homelessness or who are at risk of homelessness. This year, pro bono assistance in the Pacific region included legal training to government lawyers in Papua New Guinea, Solomon Islands and Vanuatu.

In total, our lawyers provided approximately 9,500 hours of pro bono work in 2019–20.

National Commissioner for Defence and Veteran Suicide Prevention Taskforce

We set up a taskforce to establish the National Commissioner for Defence and Veteran Suicide Prevention, including the National Commissioner's Office arrangements and supporting legislation. The taskforce worked with agencies to make preparatory arrangements for the commencement of the National Commissioner's independent review of past Australian Defence Force and veteran deaths by suicide. The taskforce works collaboratively with states and territories and chief coroners to establish arrangements.

Manage Commonwealth legal risk

We support the Attorney-General as First Law Officer by managing legal risk across the Commonwealth through the efficient and effective administration of his powers under the *Legal Services Directions 2017*. This work is achieved by the coordination and reporting of significant legal issues and trends through the Significant Legal Issues Committee, the General Counsel Working Group and legal services expenditure reporting.

We maintain a central overview of legal issues that are of particular importance to the Australian Government in order to support the Attorney-General in managing complex, systemic or precedential legal risk.

Key achievements during 2019–20 included:

- providing advice to the Attorney-General on cross-agency management of the legal matters of most significant legal risk to the Australian Government
- working across government on the provision of legal assistance to ministers and Australian Government entities in line with the *Legal Services Directions 2017*, the *Parliamentary Business Resources Regulations 2017* and constitutional limitations
- providing policy advice on the performance of Australian Government legal work including through facilitating the General Counsel Working Group
- chairing the Significant Legal Issues Committee, which includes the Solicitor-General, and examines how significant Australian Government legal matters are being progressed
- providing advice on the level of constitutional and legislative risk attached to every new Australian Government policy proposal in 2019–20 involving the expenditure of public monies and how to minimise such risk.

Domestic litigation and dispute resolution

In 2019–20, we were involved in significant litigation and dispute-resolution matters. A substantial area of activity this year has been industrial relations. We worked closely with the Fair Work Ombudsman on regulatory priorities as well as managing work arising from High Court litigation. We also worked on Administrative Appeals Tribunal matters such as reviews of claims under the *Fair Entitlements Guarantee Act 2012*.

We managed a range of High Court and other significant litigation, including the decision in *Glencore International AG v Commissioner of Taxation*, addressing legal professional privilege as well as the construction of 'earnings in respect of ordinary hours of work' in *Bluescope Steel (AIS) Pty Ltd v Australian Workers' Union*.

In 2019–20, we worked on major regulatory cases including *ACCC v Volkswagen*, the TPG/Vodafone merger litigation for the ACCC, post-Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry cases for the Australian Securities and Investments Commission, significant ongoing litigation for Australian Transaction Reports and Analysis Centre, the Office of the Australian Information Commissioner and the Australian Energy Regulator. We also acted for the Attorney-General in proceedings where the *National Security Information Act 2004* was invoked.

Manage arbitration and international crime cooperation litigation

International litigation and arbitration

In 2019–20, we conducted international litigation and arbitration on behalf of the government including submitting observations to the International Criminal Court on the Court's jurisdiction in the situation in Palestine.

We acted as a legal adviser in disputes before the World Trade Organization (WTO) including the proceedings in the WTO Appellate Body brought by Honduras and the Dominican Republic against a WTO Panel decision that upheld Australia's tobacco plain packaging measures. The appeal was unsuccessful, meaning that Australia has successfully defended all possible challenges to the tobacco plain packaging laws through the WTO system.

International crime cooperation litigation

We provided litigation services relating to Commonwealth parole, extradition, mutual assistance and the international transfer of prisoners. We were the solicitor on the record for 35 crime cooperation matters. This includes 21 extradition and 14 Commonwealth parole matters. We were successful in all proceedings heard and concluded during 2019–20.

Implement new arrangements for legal services

The Australian Government Legal Service (AGLS) will be a formal professional network for all government lawyers working in over 90 Australian Government departments and agencies. It replaces and builds upon the work of the current Australian Government Legal Network and its sub-committees.

While the formal launch of the AGLS was postponed as a result of restrictions related to the COVID-19 pandemic, we successfully completed a number of other activities to support the transition to the new arrangements for legal services. This included creating a dedicated website (www.governmentlawyers.gov.au) that provides useful resources for government lawyers. We also completed the second phase of the Reciprocal Secondment Program pilot and delivered a second round of Foundational Government Lawyer Training.

We managed the implementation of the Australian Government Legal Services Panel that commenced in August 2019. The panel enables Australian Government agencies to access legal services from providers across several areas of law and practice areas. The panel leverages purchasing power and improves efficiency in the government's engagement with external legal services providers. We also launched the Legal Services Panel Portal to enable Australian Government agencies easy access to services from panel providers.

This key activity is linked to a performance measure. Results against this activity and associated performance measure are detailed at: Government lawyers are satisfied with the initiatives provided by the Australian Government Legal Service, page 58.

Work with the National Indigenous Australians Agency to support constitutional recognition for Indigenous Australians

The Australian Government is developing options for a voice. This work is being led by the National Indigenous Australians Agency. In 2019–20, we provided constitutional policy advice to support the National Indigenous Australians Agency on the legal and technical aspects to progress constitutional recognition for Aboriginal and Torres Strait Islander Australians.

This activity is linked to a performance measure. Further results against this activity and associated performance measure are detailed at: Support Constitutional recognition for Indigenous Australians and Voice to Parliament, page 54.

Support the Commonwealth's engagement with royal commissions

We coordinate legal representation arrangements for Australian Government agencies participating in royal commission inquiry processes, including instructing solicitors, assisting witnesses and coordinating requests for legal advice.

As a model litigant, we engage with royal commissions to provide documents as well as written and oral evidence.

This key activity is linked to two performance measures. Results against the associated performance measures are at: Build confidence and transparency in government progression of royal commission recommendations, page 57 and Royal Commissions reports are delivered on time in accordance with the terms of reference, page 79.

Royal Commission into National Natural Disaster Arrangements

This year, we supported the Royal Commission into National Natural Disaster Arrangements to establish its headquarters and commence its inquiry, all in a very short timeframe. We also worked closely with the Royal Commission to respond to requests for information issued to government agencies and coordinated appearances by witnesses from agencies and departments. We worked with multiple agencies responsible for emergency management response to maintain momentum and to meet milestones within compressed timeframes.

Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability

We provided support to establish the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability in time for the first public hearing on 16 September 2019. We work closely with the Royal Commission responding to requests for information issued for government agencies and coordinating appearances by witnesses from agencies and departments.

Royal Commission into Aged Care Quality and Safety

This year, we played an integral role in supporting the Royal Commission into Aged Care Quality and Safety by providing high-quality legal services and supporting the government's engagement with the Royal Commission. We facilitated requests to produce information and coordinated government agency witness appearances.

Workplaces

Assist the Minister for Industrial Relations to foster safe, fair and productive workplaces.

We provide quality policy and legal advice and programs to support safe, fair and productive workplaces and employer compliance with workplace obligations. We continually test our frameworks for relevance and robustness.

Strengthen industrial relations frameworks through evidence-based reform

We provide advice and policy development on industrial relations matters and the *Fair Work Act 2009*. We progressed industrial relations priorities while supporting the government to respond to the challenges the 2019–2020 summer bushfires and the COVID-19 pandemic created for Australia's workplaces.

This year, we supported the Minister for Industrial Relations to prepare for public consultations on reform to industrial relations frameworks. We did this through preparing a series of discussion papers on strengthening compliance and enforcement measures under the *Fair Work Act 2009*, cooperative workplaces, greenfields enterprise agreements and the operation of the *Building Code 2016*.

Consultation was paused in March 2020 due to the COVID-19 pandemic. However, valuable information gained through this process will contribute to the industrial relations working group process announced by the Prime Minister on 26 May 2020.

We produced the Work Health and Safety (Silica Workplace Exposure Standards) Amendment Regulations 2020. These regulations lower the enforceable exposure standard for crystalline silica in the Commonwealth work health and safety regulations. This aligns with the exposure standards set out in the *Workplace Exposure Standards for Airborne Contaminants* published by Safe Work Australia to improve health and safety standards in workplaces.

We worked with Treasury on the government's submission to the Annual Wage Review 2020. We provided the economic and analytical evidence to support industrial relations policy and reform. Examples include quarterly reports on enterprise agreement making and wage increases.

In 2019–20, we supported the government's participation in important legal processes to clarify the operation of the industrial relations framework. This included the Attorney-General's involvement in the *WorkPac v Rossato* Full Federal Court proceedings and as appellant before the High Court in the *Mondelez v AMWU*.

Migrant Workers' Taskforce recommendations

We oversee the implementation of the Migrant Workers' Taskforce recommendations. We are responsible for progressing 12 of those recommendations (1, 3–9, 11–12, 14 and 22) as part of industrial relations reform.

Recommendation 1 was completed with the establishment of the Migrant Workers Interagency Group. The group met three times during the year (October 2019, February 2020 and June 2020).

We conducted public consultation on recommendations 3–9 and 11–12 (relating to the *Fair Work Act 2009*) and released two public discussion papers. Consultation on establishing a National Labour Hire Registration Scheme (recommendation 14) also commenced and meetings were held with state and territory jurisdictions and industry stakeholders. We also established a working group to research and progress recommendation 22 was also established.

Coordinate responses to the model work health and safety laws review

Ministerial consideration of the review of the model work health and safety laws was deferred due to the COVID-19 pandemic. During this time, we supported the Minister for Industrial Relations to ensure that business and workers could operate safely.

We worked with Safe Work Australia and its members, representing employer groups, unions and state and territory jurisdictions, to develop the National COVID-19 safe workplace principles. These were agreed by the National Cabinet on 24 April 2020. The principles established Safe Work Australia as the central source of practical guidance and tools for business to manage the risks associated with the pandemic.

We participated in fortnightly COVID-19 meetings with Safe Work Australia, the heads of Workplace Safety Authorities group and the heads of Workers' Compensation Authorities group to contribute to a nationally consistent and effective response to the pandemic. We worked with the National COVID-19 Coordination Commission and Treasury's Business Liaison Unit to identify and address challenges faced by industry to operate safely in the pandemic environment. This included input to the commission's online planning tool, which was launched on 11 May 2020 to complement Safe Work Australia guidance that helps businesses to operate safely.

Review of the Asbestos Safety Eradication Agency

The final report of the Review of the Role and Functions of the Asbestos Safety and Eradication Agency was tabled on 27 November 2019. The government committed to consult with stakeholders on options to implement the review recommendations. Consultation was suspended following advice from stakeholders that they did not have the capacity to participate due to the COVID-19 pandemic.

We recommenced consideration of the review recommendations to ensure that the role and functions of the Asbestos Safety and Eradication Agency remain appropriate.

We assisted the Asbestos Safety Eradication Agency to coordinate jurisdictional implementation of the *National Strategic Plan for Asbestos Awareness and Management 2019–23*. The plan commenced in November 2019.

Modernise Comcare and Seacare compensation arrangements and governance structures

The government response to the Senate report, *The People Behind 000: mental health of our first responders*, was tabled on 25 February 2020. The response included a commitment to work with state and territory governments to consider the benefits of a coordinated national approach to workers' compensation arrangements aimed at helping first responders who suffer a mental health injury. Work has commenced on implementing the response.

We conducted a review of the provisions of the *Safety, Rehabilitation and Compensation Act 1988* that established a rebuttable presumption that certain firefighters who have contracted prescribed diseases have met the employment connection test in relation to those diseases. An expert epidemiologist was engaged to assist with the review, which included consultation with stakeholders. The review is expected to be released in late 2020.

We facilitated the making of legislative instruments so that the Comcare and Seacare workers' compensation schemes reflect current working environments. These are:

- Safety, Rehabilitation and Compensation (Licence Eligibility—Australia and New Zealand Banking Group Limited) Declaration 2020
- Safety, Rehabilitation and Compensation (Weekly Interest on the Lump Sum) Instrument 2019
- Safety, Rehabilitation and Compensation (Specified Rate per Kilometre) Instrument 2019
- Seafarers Rehabilitation and Compensation (Cost Recovery) Regulations 2020
- Seafarers Rehabilitation and Compensation (Specified Rate per Kilometre) Instrument 2019
- Seafarers Rehabilitation and Compensation Levy Amendment Regulations 2019.

Expand application of the Fair Entitlements Guarantee to temporary visa holders and two new regional skills visas

We progressed the government's commitment in relation to the Fair Entitlements Guarantee being expanded to temporary visa holders and two new regional skilled visas. We completed consultations and are continuing to examine the expansion of the scheme consistent with the government's response to the Migrant Worker's Taskforce. The taskforce recommended that the Fair Entitlements Guarantee should be extended to temporary visa holders whose employment ended due to the bankruptcy or insolvency of their employer and who had fulfilled their taxation obligations. The New Skilled Regional Visas (Consequential Amendments) Bill 2019 was listed for debate in the Senate on 26 February 2020. Debate was postponed due to the COVID-19 pandemic.

Small business redundancy rules

There is a potential anomaly in the application of the small business redundancy provisions for employees of companies that have been placed into insolvency. The issue relates to whether employees of insolvent entities are affected by the small business redundancy rules during the insolvency period. The interpretation of the relevant *Fair Work Act 2009* provisions were to be considered by the Administrative Appeals Tribunal in March 2020. However, those proceedings were postponed due to restrictions related to the COVID-19 pandemic. The proceedings are expected to provide greater clarity on the legal entitlements to redundancy for employees of companies who are terminated after insolvency.

Integrity

Promote public-sector integrity and strong oversight of Commonwealth intelligence and law enforcement agencies.

We build confidence in Australia's public institutions through strong oversight and accountability. We work to safeguard Australia's security, addressing challenges associated with rapidly evolving technology, while respecting people's rights and liberties. Our work promotes sound administrative decision-making that underpins accountability and trust in government activities.

Establish the Commonwealth Integrity Commission

The proposed Commonwealth Integrity Commission enhances Australia's strong, multi-faceted approach to combatting corruption. This year, our work involved detailed planning so the commission will have the resources and powers it needs to operate effectively. The draft model was informed by public consultation, following the release of a consultation paper in December 2018, and by the work of an expert panel. The panel, which was appointed to advise the government on the commission's establishment, consisted of Margaret Cunneen SC, Mal Wauchope AO and Mick Keelty AO AP.

Further public consultation on exposure draft legislation to establish the Commonwealth Integrity Commission will occur at an appropriate time after more immediate priorities concerning the management of the COVID-19 pandemic response have been dealt with.

Public Interest Disclosure Act

We are responsible for the *Public Interest Disclosure Act 2013* that enables public officials to disclose suspected wrongdoing in the Commonwealth public sector. Disclosures are generally made within an agency for investigation in the first instance. Disclosures can relate to a range of misconduct, including contraventions of laws, abuse of public trust, fraud and corruption.

This year, we supported the Attorney-General to progress the government response to the 2016 independent statutory review of the *Public Interest Disclosure Act 2013* undertaken by Mr Philip Moss AM (Moss Review). The Moss Review made recommendations to ensure the public sector whistleblower scheme is effective and supports public servants who identify wrongdoing and misconduct. The recommendations include strengthening the oversight functions of the Commonwealth Ombudsman and the Inspector-General of Intelligence and Security, strengthening support for whistleblowers and improving the capacity of agencies to deal with disclosures. We continue to support the Attorney-General to progress reforms to the Act.

Lobbying Code of Conduct and Register of Lobbyists

The Lobbying Code of Conduct is an administrative initiative that governs the interactions between people who lobby government representatives on behalf of third parties. The code requires the lobbyist's details to be recorded on a public register of lobbyists. Government representatives are prohibited from meeting with lobbyists unless the lobbyist is registered. The code and the register provide transparency by disclosing what party the lobbyist is representing.

We encountered technical challenges during the implementation of the new register system, which was transferred to the department in May 2019. As a result of these challenges, we adopted a manual interim solution in November 2019. In May 2020, we launched the first phase of a redeveloped online system. This has provided greater efficiency and enhanced features for external users, including the introduction of a concurrent update approval process, resulting in the faster publication of new details on the public register.

On 26 June 2020, the Auditor-General tabled a report, *Management of the Australian Government's Lobbying Code of Conduct – Follow-up Audit*. The audit found that a recommendation made in a 2017–18 report, *Management of the Australian Government Register of Lobbyists*, had not been implemented. As such, the Auditor-General made two recommendations. The first related to governance processes for implementing recommendations and the second was the need to evaluate the sufficiency of the current regulatory regime for lobbying. The department has accepted both recommendations.

Establish the Commonwealth Fraud Prevention Centre

Since its launch on 1 July 2019 as a two-year pilot, the Commonwealth Fraud Prevention Centre has undertaken work to strengthen whole-of-government counter-fraud activities. The centre partners with government, non-government and international experts to:

- identify and trial better-practice approaches to mitigate fraud vulnerabilities
- address barriers to effective fraud prevention, including information sharing
- provide support to government agencies to design fraud resistant policies and programs.

In 2019, the centre hosted the Commonwealth Fraud Liaison Forum, which brought together more than 400 members of the domestic and international counter-fraud community to examine the human cost of fraud. The forum is held annually and is an opportunity for counter-fraud experts to discuss emerging issues, common challenges and practices that fight fraud.

In November 2019, the centre published content on the department's website that provided information on fraud control and countermeasures and supported risk assessment and policy design. These pages received 35,264 page views between November 2019 and June 2020. In addition, at 30 June 2020, over 185 external websites had linked to these pages from their websites.

The centre focused and scaled-up its work in order to support agencies to implement effective fraud control mechanisms during the 2019–20 summer bushfires and the COVID-19 pandemic. For example, the centre provided advice and support on COVID-19 pandemic stimulus measures to Treasury through the JobKeeper Program Risk and Integrity Inter-Departmental Committee.

This key activity is linked to a performance measure. Results against the associated performance measure are detailed at: Strengthen whole-of-government counter-fraud activities, page 60.

Foreign Influence Transparency Scheme

In 2019–20, we increased transparency of foreign influence in federal political and government processes and decisions through effective administration of the Foreign Influence Transparency Scheme. We administer an online register that provides up-to-date records of foreign influence activities in Australia. We upgraded the online register during 2019–20 to enhance its functionality and usability.

We continued outreach and education activities, delivering information sessions and presentations to Australian Government agencies, business forums and community groups. We continued these activities during the COVID–19 pandemic, where possible.

This key activity is linked to a performance measure. Results against the associated performance measure are detailed at: Publication of registrations on the Foreign Influence Transparency Scheme register, page 80.

Embed protective security policy reforms

In 2019–20, we supported agencies to embed the Protective Security Policy Framework (PSPF) by providing policy advice, connecting agencies to technical expertise and running forums for the security community. We:

- hosted the biannual chief security officers forum to promote security leadership and improve security cultures
- hosted forums, communities-of-practice and established a GovTEAMS online space to share information, resources and best practice on protective security
- implemented a new security risk information-sharing framework in collaboration with the Australian Government Security Vetting Agency to mitigate threats from ‘insiders’.

We also maintained a dedicated phone helpline and email inbox to provide assistance and responses to queries about the PSPF.

This key activity is linked to a performance measure. Results against the associated performance measure are detailed at: Entities apply the Protective Security Policy Framework to protect their people, information and assets, page 63.

Security

Support a safe and secure Australia by delivering effective national security and criminal justice legislation.

Australia's legal frameworks must be responsive to evolving threats, changes in technology and the mobility of people, goods and money that can be misused by criminal actors or diminish our national security. We work with partners, locally and internationally, to keep people safe.

Make reforms in criminal law and transnational crime related frameworks

Effective and appropriate laws help protect people from criminal acts. We ensure that our legal frameworks are adapted to achieve this objective.

To that end, we facilitated the passage of the *Crimes Legislation Amendment (Sexual Crimes Against Children and Community Protection Measures) Act 2020*. This Act made reforms to the *Crimes Act 1914* to protect children from online predators.

We delivered the *Criminal Code Amendment (Agricultural Protection) Act 2019* in response to a number of incidents of trespass on agricultural properties targeting farmers, their businesses and their families. The Act strengthened protections for farmers and introduced new offences for those who use a carriage service to incite trespass, property damage or theft on agricultural land.

We delivered the Crimes Regulations 2019 in response to the sunset of the Crimes Regulations 1990 under section 50 of the *Legislative Instruments Act 2003*. The regulations prescribe relevant forms, functions, laws and authorities to ensure proper functioning of the criminal justice processes set out in the *Crimes Act 1914* and facilitate a coordinated approach between the Australian, state and territory governments.

We enhanced Australia's legal framework for international crime cooperation. In 2019, we made the International Transfer of Prisoners (United Arab Emirates) Regulations 2019, completing Australia's domestic implementation of the *Treaty between the Government of Australia and the Government of the United Arab Emirates concerning Transfer of Sentenced Persons*. The treaty benefits Australia, including by improving prospects for prisoner rehabilitation, contributing to community safety by monitoring and supervising prisoners on parole and reduces the ongoing costs to Australia associated with the incarceration of foreign nationals.

We supported the Department of Home Affairs to develop and introduce the Telecommunications Legislation Amendment (International Production Orders) Bill 2020 into the Parliament. This legislation creates a framework to access electronic data for criminal law enforcement and national security purposes in Australia and overseas. The bill enables a new 'international production order' regime to support cross-border access to data between countries with which Australia has negotiated a designated international agreement. Australia is finalising negotiations on the first such agreement with the United States under its *Clarifying Lawful Overseas Use of Data Act*. This agreement would allow Australian authorities to directly approach US-based communications service providers, for example Facebook, Microsoft and Google, for data, including content data held by those providers. This would also allow the US similar access to data held by Australian-based providers. This work strengthens

Australia's bilateral relationships with international crime cooperation partners and enhances Australia's legal framework for international crime cooperation. Ultimately, this contributes to criminal offenders facing justice and makes the Australian community safer.

The Crimes Legislation Amendment (Combatting Corporate Crime) Bill 2019 was reintroduced into the Senate after lapsing at the last federal election. The bill contains measures to reform criminal offences for bribery of a foreign public official, implements a Commonwealth Deferred Prosecution Agreement scheme for corporate offences and updates the definition of dishonesty in the *Commonwealth Criminal Code*. The bill enhances the tools available to law enforcement and prosecutors to tackle corporate crime, which costs Australia billions of dollars every year and hurts business, Australia's international reputation and Australia's economic wellbeing. The reforms follow extensive public consultation over a number of years.

In December 2019, we submitted Australia's Phase 4 follow-up report to the OECD Working Group on Bribery in International Business Transactions (WGB). It outlines Australia's efforts to strengthen enforcement of the foreign bribery offence and implement the 13 recommendations identified during Australia's Phase 4 evaluation in December 2017. The WGB found that Australia had fully implemented six recommendations and is implementing the seven outstanding recommendations from the Phase 4 report. In particular, the WGB welcomed the introduction of the Crimes Legislation Amendment (Combatting Corporate Crime) Bill 2019 and commended Australia on its efforts to raise awareness in the private sector of the risks of foreign bribery.

Strengthening enforcement and addressing the recommendations of the WGB form part of Australia's obligations under the OECD Anti-Bribery Convention. Our work in this area demonstrates Australia's commitment to multilateral cooperation in the fight against transnational economic crime and to accountability through peer monitoring and follow-up. The implementation of WGB recommendations promotes ethical business practices by bolstering Australia's efforts to combat bribery in international business transactions and promotes good governance and economic development worldwide.

This key activity is linked to a performance measure. Results against the associated performance measure are detailed at: Law reforms contribute to meeting national security and criminal justice priorities, page 64.

Counter-terrorism measures and management of terrorist offenders

This year, we contributed to developing and implementing the government's national security legislation program by providing policy advice about the rule of law and the appropriate balance between the protection of the community and the protection of rights and freedoms of individuals.

We worked with the Department of Home Affairs to ensure that ASIO has appropriate powers to respond to current and emerging threats to Australia's security. This included the introduction of:

- the Telecommunications Legislation Amendment (International Production Orders) Bill 2020, which would facilitate ASIO's access to internationally held data relevant to national security matters
- the Australian Security Intelligence Organisation Amendment Bill 2020, which would allow ASIO to internally authorise surveillance devices and amend ASIO's powers to conduct compulsory questioning to obtain intelligence in relation to national security matters.

We delivered the *Counter-Terrorism Legislation Amendment (2019 Measures No. 1) Act 2019*. The Act implements the 2017 agreement of the Council of Australian Governments to ensure there is a presumption against bail and parole for people who have links to terrorist activity, and contains measures to strengthen the Continuing Detention Order scheme. These reforms reduce the risk that terrorist offenders will be released from incarceration when they continue to pose a threat of committing further terrorism offences.

We supported the Attorney-General's role under the *National Security Information (Criminal and Civil Proceedings) Act 2004* (Cth), which provides a framework for how national security information is disclosed and protected in legal proceedings. Under the Act, the Attorney-General must be given notice of expected disclosures of national security information and has a role in relation to the orders that may be sought from the court to protect information. The Act balances the need to protect national security information with the principle of open justice and gives the court powers to make orders it considers appropriate about such matters.

We participated in the Australia–New Zealand Counter Terrorism Committee and related working groups. We also developed the government response to reports of the Independent National Security Legislation Monitor. These reports include the Report to the Prime Minister on the Prosecution and Sentencing of Children for Terrorism and the Review of the terrorism-related citizenship loss provisions in the *Australia Citizenship Act 2007*.

This key activity is linked to a performance measure. Results against the associated performance measure are detailed at: Law reforms contribute to meeting national security and criminal justice priorities, page 64.

Support the Comprehensive Review of Intelligence Legislation

During 2019–20, we supported Dennis Richardson AC to examine the effectiveness of the legislative frameworks governing Australia's National Intelligence Community. This was the most significant review since Justice Robert Marsden Hope's royal commissions in the 1970s and 1980s. The report provides a holistic review of the effectiveness of legislation governing Australia's security and intelligence community, including in relation to accountability, transparency and oversight.

Mr Richardson AC delivered a classified report to the government on 19 December 2019. Consistent with the terms of reference, a declassified version will be provided to the government in late 2020.

Justice

Maintain an efficient and effective civil and criminal Commonwealth justice system, and work with international partners to strengthen cooperation and advance law and justice issues.

The rule of law is integral to a fair, affordable and accessible justice system. We support Commonwealth justice institutions and monitor and reform the family law system to ensure it is safe, child-centred, supportive and accessible for separating families and people experiencing family violence. We work closely with international partners on criminal case work and to promote the rule of law.

Progress structural improvements to arrangements for the federal courts (excluding the High Court of Australia)

We previously prepared the Federal Circuit and Family Court of Australia Bill 2018 and the accompanying Federal Circuit and Family Court of Australia (Consequential Amendments and Transitional Provisions) Bill 2018 to give effect to the government's proposed structural reforms. These bills were introduced into the Parliament on 23 August 2018 and referred to the Senate Legal and Constitutional Affairs Legislation Committee for inquiry and report. The committee tabled its report on 14 February 2019. The bills lapsed when the Parliament was prorogued prior to the 2019 federal election.

After the election and following the Attorney-General's consideration, we amended the 2018 bills to address the committee's recommendations. The Federal Circuit and Family Court of Australia Bill 2019 and the accompanying Federal Circuit and Family Court of Australia (Consequential Amendments and Transitional Provisions) Bill 2019 were introduced into the Parliament on 5 December 2019. These bills were referred to the Senate Legal and Constitutional Affairs Legislation Committee for inquiry and report by 20 November 2020.

This key activity is linked to a performance measure. Results against the associated performance measure are detailed at: Reforms to the federal courts, page 71.

Improve the family law system

We work in partnership with our stakeholders to develop and progress reforms to support separating families to resolve their disputes and to minimise costs, delays and inefficiencies in the family law system.

Australian Law Reform Commission review

The Australian Law Reform Commission's review of the family law system made 60 recommendations. In 2019–20, we held a forum with stakeholders on issues raised in the final report. A second forum planned for April 2020 was postponed due to the COVID-19 pandemic. We have been undertaking consultations with stakeholders and using stakeholder expertise to inform the family law–reform agenda.

Joint Select Committee on Australia's Family Law System

The Joint Select Committee was established on 17 September 2019 and its terms of reference will inform the family law-reform agenda. We made a submission to the committee and appeared at a public hearing on 14 February 2020.

Family Law Amendment (Western Australia De Facto Superannuation Splitting and Bankruptcy) Bill 2019

We developed the Family Law Amendment (Western Australia De Facto Superannuation Splitting and Bankruptcy) Bill 2019 to enable separated de facto couples in Western Australia to split their superannuation as part of their family law property settlement and to extend federal bankruptcy jurisdiction to the Family Court of Western Australia. The bill was developed following a referral of power from Western Australia. It will enable separated de facto couples in Western Australia to achieve a fairer split of their assets in property settlements and provides consistency with de facto couples across the country. The bill allows bankruptcy and family law matters of de facto couples to be heard concurrently in a single court. This means de-facto couples will not need to commence proceedings in two different courts, saving them time, money and effort.

The bill was introduced into the House of Representatives on 27 November 2019. After an inquiry by the Senate Legal and Constitutional Affairs Committee, the committee recommended that the Senate pass the bill, subject to two amendments to its transitional provisions. The bill is before Parliament and debate was delayed due to changes to the 2020 parliamentary sitting calendar resulting from the COVID-19 pandemic.

We are also progressing amendments to related subordinate legislation at the Commonwealth level.

Implementing the Women's Economic Security Package

Two important funding initiatives under the Women's Economic Security Package commenced in January 2020:

- A \$10.3 million, two-year trial of legal aid commissions conducting lawyer-assisted mediation for clients with small property pools (up to \$500,000).
- A \$5.9 million, two-year trial of simpler and faster court processes in four Federal Circuit Court locations to resolve family law property cases for small property pools (up to \$500,000).

We have engaged the Australian Institute of Family Studies to conduct an independent evaluation of these initiatives to inform potential future roll out. We also worked with stakeholders to support the development of evaluation frameworks.

In 2019–20, we implemented other measures under the Women's Economic Security Package to address the effects of family violence. These included funding for specialist domestic violence units and health justice partnerships as well as extending funding to include the provision of integrated financial support services, such as financial counselling and financial literacy services. The addition of financial counselling and related support services in areas of high need across Australia supports women in, or leaving, violent relationships. It provides the support, information and skills to achieve greater economic security in the immediate and longer term.

Family law in the Northern Territory

A pilot to enhance parenting jurisdiction continued in the Northern Territory Local Court. The Family Law Amendment (Prescribed Court) Regulations 2020 were made on 25 June 2020 to extend the pilot until 31 December 2020. The pilot's scope has been expanded to allow the court to amend parenting orders to ensure they are consistent with any domestic violence orders issued under Territory legislation. The pilot is helping to determine whether the increased exercise of family law jurisdiction by state and territory courts will reduce the need for families to deal with multiple courts and systems. The pilot will be independently evaluated.

Council of Attorneys-General working group on surrogacy

In November 2019, the Council of Attorneys-General established a working group to explore ways to achieve greater national consistency in legal and policy frameworks regulating surrogacy in Australia. The department chairs the working group, which met three times between January and June 2020. The working group has developed a work program, which has been approved by the Council of Attorneys-General Senior Officials Group, to consider domestic altruistic surrogacy, international surrogacy and regulatory implications for children born from surrogacy.

In 2019–20, we also supported the Former Chief Justice of the Family Court of Australia, the Honourable John Pascoe AC CVO, to represent Australia on the Experts' Group on Parentage/Surrogacy of the Hague Conference on Private International Law Council on General Affairs. The group considers private international law issues concerning cross-border recognition of legal parentage and international surrogacy arrangements.

Supporting family services

We administer funding under the Family Relationships Services Program. New five-year grant agreements commenced on 1 July 2019 with 65 not-for-profit organisations that deliver family law services. These services give families alternative means and support to resolve family disputes rather than going to a family court. The services include family relationship centres, counselling, family dispute resolution and mediation, children's contact centres and other intensive post-separation support services. This year, 65 family relationship centres provided family law property-only mediation to help families reach agreement about property after separation.

We also administer the Family Dispute Resolution Practitioners Accreditation scheme under the Family Law (Family Dispute Resolution Practitioners) Regulations 2008. The scheme provides consistent standards for family dispute resolution practitioners providing competency in screening and assessing families for family violence and child abuse. In June 2020, there were 1,984 accredited family dispute resolution practitioners.

Improve outcomes for families affected by family violence and enhance information sharing between the family law, family violence and child protection systems

In 2019–20, work to improve outcomes for families affected by family violence progressed. This included new and continuing measures and programs that support families, as well as piloting new approaches designed to improve family safety outcomes and identify efficiencies and benefits for families using the family law system.

Family advocacy and support services

This year, we continued funding to state and territory legal aid commissions to deliver the Family and Advocacy Support Service in family law registries and other locations across Australia. The service combines legal and social support services for parties in family law matters where there has been an allegation of family violence. We administered \$7.8 million in new funding this year (committed over three years) for men's support workers to be located at all delivery locations. This provides access to parenting programs and men's behavioural change programs for alleged perpetrators and male victims of family violence.

Improving information sharing to protect family safety

We lead the information-sharing reform agenda of the Family Violence Working Group of the Council of Attorneys-General. In 2019–20, in consultation with the states and territories, we developed the National Strategic Framework for Information Sharing between the Family Law and Family Violence and Child Protection Systems. The council endorsed the framework in November 2019, and tasked the Family Violence Working Group with further refining and 'operationalising' the framework for final consideration by ministers at the end of 2020.

The intent of the framework is to facilitate the two-way exchange of information between family law courts and the state and territory courts as well as the agencies and organisations responsible for, or holding, information relevant to family safety risk. This is consistent with Recommendation 2 of the Australian Law Reform Commission's report *Family Law for the Future: An Inquiry into the Family Law System*, as well as recommendations 6 and 21 of the *Report of the House of Representatives Standing Committee on Social Policy and Legal Affairs Inquiry into a Better Family Law System to Support and Protect Those Affected by Family Violence*.

This year, we also worked with state and territory governments and the family law courts to place child protection and policing officials at family law court locations around Australia. The aim is to improve the quality and timeliness of the information relating to family violence and child abuse that is shared between systems. This helps decision-makers identify and respond to family safety risks as early as possible in order to keep vulnerable people and children safe. The initiative commenced in January 2020 and 22 state and territory officials are now co-located at family law court locations. Operations will be independently evaluated.

Risk screening, triage and specialist family violence list pilot

We supported the federal family law courts to develop a pilot of a systematic approach to identify and manage family safety risks. This will commence in late 2020. The pilot involves screening new parenting matters for family safety risks at the time of filing. Matters will be triaged to appropriate case management based on the identified level of risk. Additional support will be provided to at-risk parties. A specialist family violence list (the Evatt List) will be established to resolve high-risk matters quickly and safely. The pilot will operate in the Brisbane, Parramatta and Adelaide registries. This will collectively cover 42 per cent of filings in the family court system.

Professional competency in family safety

Legal and other professionals who work with families in crisis require competency in family safety to enable them to make appropriate decisions, to provide effective services and to support children and families affected by family violence. This year, we improved professional competency by co-funding, with states and territories, the Australasian Institute of Judicial Administration to maintain and update the National Domestic and Family Violence Bench Book, an online educational resource for judicial officers.

Confer corporate crime jurisdiction on the Federal Court of Australia

Work to support the conferral of corporate crime jurisdiction on the Federal Court of Australia has progressed, with stakeholder consultation and refinement of draft legislation nearing completion.

While implementation has been delayed by the effects of the COVID-19 pandemic, we are working to finalise the drafting of the legislation. This will provide additional capacity within the courts system so that those who engage in financial sector criminal misconduct are prosecuted in a timely manner.

Negotiate and implement new legal assistance funding arrangements with states and territories

This year we worked closely with states and territories and the legal assistance sector to develop the National Strategic Framework for Legal Assistance Services. It provides the policy framework for all government legal assistance funding and covers Australian, state and territory government-funded legal assistance. This includes generalist and specialist legal assistance services delivered by legal aid commissions and community legal centres. It also includes Aboriginal and Torres Strait Islander-specific legal assistance services delivered by Aboriginal and Torres Strait Islander Legal Services and Family Violence Prevention and Legal Services.

National Legal Assistance Partnership

This year, we finalised the *National Legal Assistance Partnership 2020–25* (NLAP), which is a \$2 billion national partnership agreement with states and territories, under the National Strategic Framework for Legal Assistance Services. The NLAP supports the accessibility of the justice system and assists people experiencing disadvantage to resolve their legal issues through funding for vital frontline legal assistance services delivered by legal aid commissions and community legal centres. For the first time, the NLAP includes funding for Aboriginal and Torres Strait Islander Legal Services previously delivered through the *Indigenous Legal Assistance Program 2015–20* (ILAP). The NLAP includes a formal commitment to self-determination; the first time these principles have been included within legal assistance arrangements. The signing of the NLAP represents a significant achievement and provides funding certainty to the legal assistance sector.

In negotiating the NLAP with the states and territories, extensive work was conducted and each jurisdiction was visited at least twice. This considerable effort ensured that the legal assistance sector was consulted on the development of the NLAP and we met with sector representatives at least once in each jurisdiction.

This key activity is linked to a performance measure. Results against the associated performance measure are detailed at: Supporting an integrated, efficient and effective legal assistance sector, page 68.

National Partnership Agreement on Legal Assistance Services

This year we continued to administer the *National Partnership Agreement on Legal Assistance Services 2015–20* (NPA), the precursor to the NLAP. We also administered the ILAP that supported access to justice for Aboriginal and Torres Strait Islander peoples to assist them overcome legal problems and exercise their legal rights. We funded seven Aboriginal and Torres Strait Islander Legal Services to deliver culturally appropriate legal assistance services as well as the national peak body to develop and improve the program. For the period 1 July to 31 December 2019, Aboriginal and Torres Strait Islander Legal Services delivered 111,283 services. Total figures for the financial year were not available as at 30 June 2020 as final reporting and funding acquittals are due to the department by 31 August 2020.

The services delivered are of varying degrees of complexity. Therefore, our service delivery numbers should not be used to calculate the cost of an individual service. We work with the legal assistance sector to improve the consistency of reporting and data collection practices, including through considering updates to the National Data Standards Manual.

Throughout 2019–20, we engaged the Law and Justice Foundation of New South Wales to undertake projects based on feedback in the 2018 NPA and ILAP reviews about the government's leadership and support role. The foundation is developing resources and tools to assist with the planning and delivery of integrated, efficient and effective legal assistance services.

Both the NPA and ILAP ceased on 30 June 2020. From 1 July 2020, funding for legal aid commissions, community legal centres and Aboriginal and Torres Strait Islander Legal Services continue under the NLAP.

Other legal assistance work

To support national collaboration and best-practice information sharing for legal assistance services, we convened frequent (usually monthly) meetings of the Legal Assistance Services Inter-Governmental Committee and the Advisory Group to the Legal Assistance Services Inter-Governmental Committee. Membership of the committee included representatives from states and territories, while the advisory group comprised of the four national legal assistance peak bodies, the Law Council of Australia and other organisations relevant to the legal assistance sector. These committees enabled information to be shared quickly on emerging issues such as challenges experienced by the legal assistance sector due to the COVID-19 pandemic. This information allowed the government to respond promptly and to provide more than \$63 million in additional assistance via the COVID-19 Justice Sector Preparedness package. The committees also informed the government's response to relief and recovery efforts in bushfire-affected communities in New South Wales, Victoria, Queensland and South Australia in 2019–20.

In 2019–20, we administered a range of demand-driven legal financial assistance schemes to help people who could not afford to pay for their legal costs. As at 23 June 2020, we assessed 650 applications resulting in 504 grants of legal financial assistance made across the schemes. Legal financial assistance was also provided to support witnesses involved in the Royal Commission into Aged Care Quality and Safety and the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. A legal financial assistance scheme was also developed to support witnesses involved in the Royal Commission into National Natural Disaster Arrangements.

We administered the following programs:

- the Community Legal Services Program that supports the provision of legal assistance to the community by funding national service delivery projects, innovative pilot programs and program activities that complement community legal services in states and territories
- the Expensive Commonwealth Criminal Cases Fund that provides funding to support legal aid commissions to defend clients in serious, high-cost Commonwealth criminal matters

- the 'Your Story Disability Legal Support' program, which is a legal advisory service to support people wishing to engage with the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (the service is jointly run by National Legal Aid and National Aboriginal and Torres Strait Islander Legal Service)
- the knowmore program that provides legal support services for people engaging with the Commonwealth Redress Scheme for Survivors of Institutional Child Sexual Abuse.

Work with the National Indigenous Affairs Agency on an appropriate Commonwealth response to native title compensation issues

Over 2019–20, we worked with the National Indigenous Australians Agency on the government's response to native title compensation. This work is ongoing.

Achievements during the year included:

- over 30 consultation meetings with stakeholders across the native title sector, including states and territories, the National Native Title Council and peak bodies such as the Mineral Council of Australia, the National Farmers' Federation and the Australian Local Government Association
- a successful meeting with representatives from state and territory governments that included presentations by the National Native Title Council on approaches to native title compensation issues.

Where possible, stakeholder engagement has continued in the COVID-19 pandemic environment via telephone and videoconference.

Respond to the Review of the Personal Property Securities Act

We have made significant progress examining the Whittaker Review's 394 recommendations into the *Personal Properties Securities Act 2009*. A dedicated taskforce carried out this work, which has the potential to make improvements to the personal property securities framework. This will make the legislation easier to understand and will simplify registration requirements. This saves businesses costs associated with registration and searching of security interests on the Personal Property Securities Register.

Conduct extradition, mutual assistance, transfer of prisoners and international child abduction casework

We are responsible for undertaking case work to facilitate international cooperation in criminal and family law matters. Our criminal casework promotes criminal accountability and the opportunity for individuals charged with Commonwealth crimes to be appropriately rehabilitated. Our international family law casework ensures that child custody disputes are resolved in a fair manner and in an appropriate court.

Data on mutual assistance, extradition and international transfer of prisoners case work can be found at Appendix 5: Extradition and mutual assistance, page 229.

This key activity is linked to a performance measure. Results against the associated performance measure, including case numbers for 2019–20 are detailed at: Casework matters finalised, page 82.

Support regional partners to develop strong law and justice sectors and effective policy frameworks

We work in partnership with Pacific countries to improve their capacity to develop and implement legal policy and laws, particularly with respect to crime and policing. We do this through training and mentoring Pacific Island officials, supporting Pacific legal policy and legislative reform projects and enhancing regional collaboration on law and justice issues through the Pacific Islands Law Officers' Network (PILON). In 2019–20, we provided training and mentoring to 122 law and justice officials on policy development and law-reform processes (including planning for implementation) as well as substantive legal areas for reform.

In 2019–20, we worked bilaterally with seven Pacific-region countries to strengthen policy and law reform and to contribute to effective governance in a stable, prosperous and resilient Indo-Pacific region. This included arranging legislative drafting training for Fiji's Office of the Attorney-General and core legal skills training for Solomon Island government lawyers. We hosted officials from Fiji, Kiribati, Solomon Islands and Papua New Guinea for the Twinning Program and provided additional assistance to Niue, Republic of the Marshall Islands, Samoa and Solomon Islands to progress reforms relating to illicit drugs, child abuse and cybercrime. We delivered capacity building projects under the Indo-Pacific Justice Program related to mutual assistance and extradition in Cambodia, Pakistan, Thailand and Vietnam. We contribute to Australia's strong relationship with Papua New Guinea through our engagement with counterpart agencies on shared strategic issues under the Institutional Partnerships Program.

This year, we worked with the Papua New Guinea Department of Justice and Attorney-General to progress Papua New Guinea's extradition law reform and national drugs strategy. We supported two prosecution advisers embedded within their Office of the Public Prosecutor to improve the capacity of prosecutors on financial crime matters and family and sexual violence cases. We also worked with Papua New Guinea stakeholders to finalise the legal framework for the Coral Sea Cable System. This is a submarine cable system to link Sydney to Port Moresby, which is anticipated to bring economic and development opportunities to Papua New Guinea.

We provided support to PILON working groups on their respective priorities of cybercrime, corruption and sexual and gender-based violence. We launched two new resources: a framework for prosecuting corruption in the Pacific and model provisions to incorporate special measures for enabling vulnerable witnesses to give evidence during the prosecution of sexual and gender-based violence offences.

The COVID-19 pandemic caused the cancellation of workshops and in-country visits from March 2020 onwards. As a result, our focus shifted to engaging with regional partners using virtual means, redesigning workshops for future delivery through a mix of online learning and virtual meetings and supporting the redevelopment of the PILON website to provide up-to-date resources for members.

This key activity is linked to a performance measure. Results against the associated performance measure are detailed at: Increased understanding of the policy process by Pacific partners, page 72.

Rights

Enable a free society with balanced rights, freedoms and responsibilities.

A cohesive society is underpinned by laws that respect and protect the rights and freedoms of every individual. We create the necessary policy and legislative frameworks and adapt them to address evolving challenges such as protection of personal information.

Lead the government's response to the Religious Freedom Review

The Religious Freedom Review identified an opportunity to enhance the statutory protection of the right to freedom of religion in Australian law. In 2019–20, we developed a package of legislation to implement the government's response to the review. We managed two public consultation processes on two sets of exposure draft legislation, received and processed approximately 13,000 public submissions and provided feedback to the Attorney-General on the results of the consultations.

Due to the COVID-19 pandemic, further progress on this work has been delayed.

This key activity is linked to a performance measure. Results against the associated performance measure are detailed at: Ensuring appropriate recognition of religious freedoms, page 76.

Develop social media privacy reforms

We commenced work on draft legislation on social media privacy reforms. However, due to the diversion of resources to other privacy law priorities as a result of the COVID-19 pandemic, this work has been delayed.

Commence implementation of the National Plan to Respond to the Abuse of Older Australians

In 2019, the National Plan to Respond to the Abuse of Older Australians was launched along with its implementation plan. Under this plan, we have a dual responsibility in that we are a contributing agency and we also support the monitoring of progress against 150 initiatives. We also coordinate annual reports to Attorneys-General on progress on the measures in the implementation plan. We worked with states and territories to put appropriate data collection mechanisms in place to evaluate the plan nearer to the end of its term.

In 2019–20, we completed some important initiatives:

- [COMPASS.info](#) is a web-based knowledge hub about elder abuse that provides information and resources on how to identify, prevent and respond to incidences of elder abuse. We partnered with Elder Abuse Action Australia to complete this work.
- Data collection was completed for a study of the prevalence of abuse of older people. This study examined community attitudes towards older people and the reported experiences of elder abuse of 7,000 people aged 65 or older.

- We funded the Australian Guardianship and Administration Council to develop a guide about making enduring documents that relate to financial matters. The guide, 'You Decide Who Decides', is available from the Victorian Office of the Public Advocate's website, on behalf of the council. The development of this guide is in line with recommendations in the Australian Law Reform Commission's report, [Elder Abuse: A National Legal Response](#).
- We worked with states and territories in relation to elder abuse research and data priorities, information sharing and awareness raising as well as on enduring power of attorney reforms.
- We worked with other government agencies to leverage their involvement with communities to share information on elder abuse and support services.

Progress development of a National Memorial for victims and survivors of child sexual abuse in institutional contexts

On 15 November 2019, the Prime Minister agreed to transfer responsibility for progressing proposals for a national memorial and national museum for victims and survivors of institutional child sexual abuse from the Attorney-General's portfolio to the Social Services portfolio.

Our results

Section 46 of the PGPA Act requires that the annual report include an annual performance statement reflecting the results achieved against the performance criteria set out in the portfolio budget statements and corporate plan for the reporting period.

We have presented our performance results to convey our achievements this year in a way that:

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

Executive summary

The COVID-19 pandemic impacted on the work of the department and continues to do so. Our work program was reprioritised to support the government's response to the health, social and economic effects of the pandemic. Many of the department's significant initiatives have been delayed, particularly those requiring public consultations or the passage of legislation. This is due to preventative health measures that affected the operational capacity of Parliament.

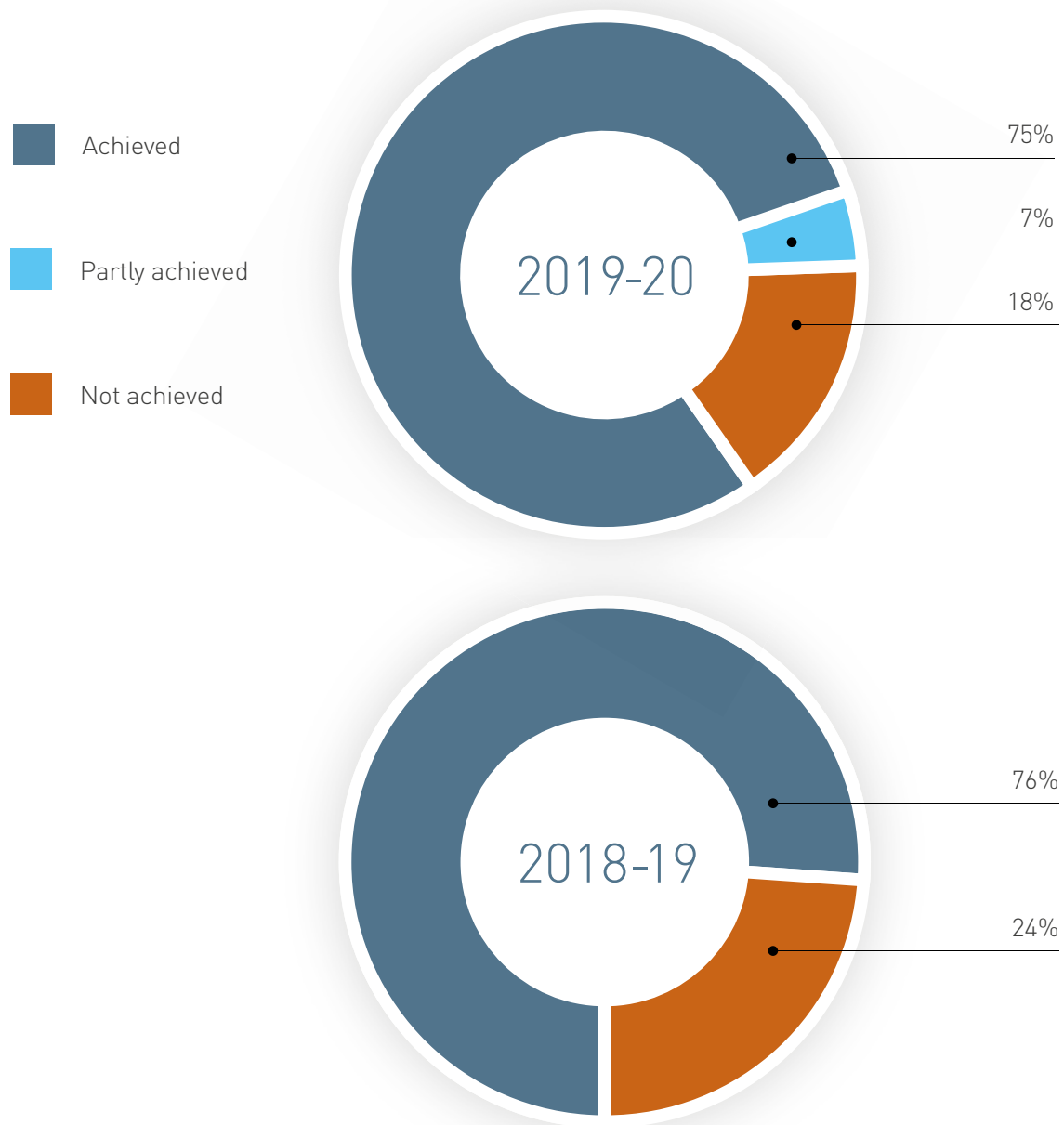
In this unusual year, we have transformed the way we work and delivered differently, harnessing technological solutions and innovations to enable staff to work remotely. We have changed our work practices and engaged virtually with each other, our stakeholders and clients. Despite these changes, our 'business as usual' work has largely continued.

Across our two purposes, we have evaluated our effectiveness and efficiency using 44 targets under 35 performance measures.³ Overall, we achieved or exceeded 33 targets (75 per cent), partly achieved three (seven per cent) and did not achieve eight (18 per cent). This is similar to our 2018–19 results of 76 per cent of targets achieved and 24 per cent of targets not achieved.

Figure 3 represents the overall performance for 2019–20 compared with 2018–19. The achievement ratings reflect the percentage of measures and targets we achieved, partly achieved or did not achieve across our purposes.

³ The Corporate Plan 2019–23 included 45 targets under 35 performance measures. The deadline to submit the Final Report of the Royal Commission into Aged Care Quality and Safety to the Governor General was extended from 30 April 2020 to 26 February 2021. As such, this target is not reported as the new date is in the 2020–21 financial year.

Figure 3: Percentage achievement of targets for 2019–20 (across both purposes) and 2018–19



For **Purpose 1** targets, we achieved or exceeded 71 per cent (24 targets) and partially achieved eight per cent (three targets). Of the 21 per cent (seven targets) that were not achieved:

- Four targets related to lower-than-anticipated stakeholder satisfaction with the effectiveness and efficiency of our work in the strategic priority areas of Justice and Rights. Data from our annual stakeholder survey indicated that the delayed delivery of some legislative and policy projects due to COVID-19-related reprioritisation may have contributed to these results.
- One target has been characterised as not achieved because of delays associated with the COVID-19 pandemic response. While we were not able to launch the Australian Government Legal Service as planned, other work related to this target has progressed and we have reported on our performance this year by reference to other sources of data.
- Two targets are based on the international benchmarking mechanisms we use to monitor Australia's global position in relation to citizens' perceptions of human rights, access to justice and corruption. The results for these targets were the same as in 2018-19.

Two of the targets we partially achieved under Purpose 1 relate to our work supporting the National Indigenous Australians Agency. This work is to recognise Aboriginal and Torres Strait Islander peoples in the Constitution and to develop proposals for a local, regional and national voice. While this work is underway, and is being led by the National Indigenous Australians Agency, it has been delayed by the COVID-19 pandemic restrictions.

The third target we partially achieved under Purpose 1 relates to our work leading the government's response to the Religious Freedoms Review. While this work is underway, and two sets of exposure draft legislation were released for public consultation within expected timeframes, progress on this work has been delayed due to the impact of the COVID-19 pandemic.

This year, we report against measures, targets and key activities under **Purpose 2** for the first time.⁴ As outlined in the Corporate Plan 2019-23, we have embedded the machinery-of-government changes that brought industrial relations into the portfolio and we have strengthened our relationships with our new portfolio agencies. In 2019-20, we were pleased to meet 90 per cent of our targets under this purpose. This was a ten per cent improvement from 2018-19.⁵ We performed strongly for all targets related to the administration of the Fair Entitlements Guarantee and the operation of the Office of the Federal Safety Commissioner. Through improvements in administration, we met and exceeded our targets by an average of 11 per cent. The one target we did not meet under Purpose 2 related to a drop in the number and coverage of enterprise agreements since 30 June 2019. This decline is likely attributable, at least in part, to disruptions to ordinary business operations caused by the COVID-19 pandemic.

⁴ A number of industrial relations and workplace safety functions were transferred to the department in May 2019.

⁵ 2018-19 Performance results for our Purpose 2 measures and targets can be found in the 2018-19 Annual Report of the Department of Employment, Skills, Small and Family Business.

Purpose 1

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

Summary

	EFFECTIVENESS MEASURES	ACHIEVED		EFFICIENCY MEASURES	ACHIEVED
Survey-based measures addressing multiple priorities					
	Greater than 80% stakeholder satisfaction with:			Greater than 80% stakeholder satisfaction with the:	
Legal	Effectiveness and quality of our policy advice and legal services	YES	Page 52	Timeliness of our policy advice and legal services	YES Page 77
Integrity	Effectiveness and quality of our legal services	YES	Page 52	Timeliness of our policy advice, program work and legislative change	YES Page 77
Security	Effectiveness of our delivery of national security and criminal justice legislation	YES	Page 52	Timeliness of our policy advice, program work and legislative change	YES Page 77
Justice	Our effectiveness in maintaining the Commonwealth justice system	NO	Page 52	Timeliness of our policy advice, program work and legislative change	NO Page 77
Rights	Our effectiveness in enabling a free society	NO	Page 52	Timeliness of our policy advice, program work and legislative change	NO Page 77
Australia's factor scores in the World Justice Project Rule of Law Index that measures how the rule of law is experienced by the public of countries around the world:					
Rights	Fundamental rights (Factor 4)	YES	Page 66		
Justice	Civil justice (Factor 7)	YES	Page 66		
Security	Criminal Justice (Factor 8)	NO	Page 66		

	EFFECTIVENESS MEASURES	ACHIEVED		EFFICIENCY MEASURES	ACHIEVED	
Legal	Constitutional recognition for Indigenous Australians and Voice to Parliament	PARTLY	Page 54	Royal Commission reports are delivered on time in accordance with the terms of reference	YES	Page 79
	Strengthen understanding of international legal and policy issues	YES	Page 55			
	Build confidence and transparency in government progression of royal commission recommendations	YES	Page 57			
	Government lawyers are satisfied with the initiatives provided by the Australian Government Legal Service	NO	Page 58			
Integrity	Strengthen whole-of-government counter-fraud activities	YES	Page 60	Publication of registrations on the Foreign Influence Transparency Scheme Register	YES	Page 80
	Australia's score on the Transparency International Corruption Perceptions Index	NO	Page 61			
	Entities apply the Protective Security Policy Framework (PSPF) to protect their people, information and assets	YES	Page 63			
Security	Law reforms contribute to meeting national security and criminal justice priorities	YES	Page 64			
Justice	Supporting an integrated, efficient and effective legal assistance sector	YES	Page 68	Casework matters finalised	YES	Page 82
	Structural reforms to the federal courts to increase the number of family law matters finalised each year and reduce the backlog of cases	YES	Page 71			
	Increased understanding of the policy process by Pacific partners	YES	Page 72			
Rights	Evaluation and design review mechanisms for all major human rights projects	YES	Page 74	Submissions to the United Nations human rights committees with respect to individual complaints	YES	Page 84
	Ensuring appropriate recognition of religious freedoms	PARTLY	Page 76			

Effectiveness measures

Stakeholder and client satisfaction

Stakeholder and client satisfaction with:

- the effectiveness and quality of our policy advice and legal services (Strategic Priority Legal)
- the effectiveness and quality of our legal services (Strategic Priority Integrity)
- the effectiveness of our delivery of national security and criminal justice legislation (Strategic Priority Security)
- the effectiveness in maintaining the Commonwealth justice system (Strategic Priority Justice)
- the effectiveness in enabling a free society (Strategic Priority Rights).

Strategic priorities and key activities

- Strategic priorities Legal, Integrity, Security, Justice and Rights
- Key activities: Effective engagement with stakeholders is an essential part of all of the key activities listed in our corporate plan.

Source

- Corporate Plan 2019–23, pp. 7, 11, 13, 15 and 17
- Portfolio Budget Statements 2019–20, Programs 1.1–1.7, pp. 28–32

Target and performance result

- Satisfaction rating greater than 80 per cent:



Not all priority areas met the 80 per cent target. However, three areas exceeded the target and overall satisfaction with the effectiveness of the department in the conduct of its business was 87.4 per cent.

Rationale

Partnering with other government and non-government organisations, industry, business, community groups and other stakeholders domestically and internationally is an important part of what we do and a key to our success. We use an annual stakeholder survey to help us identify the levels of satisfaction our stakeholders have with work across the department. The survey garners insights about stakeholder perceptions of our effectiveness in achieving our objectives and how efficiently we conduct our business. The survey is conducted by an independent consultant.

In our corporate plan, we have ten performance measures that rely on the stakeholder survey. These measures evaluate the department's effectiveness under five of our six strategic priorities (Legal, Integrity, Security, Justice and Rights). The Australian Government Solicitor Group conducted a separate survey of its clients to assess satisfaction with specific areas of work, which relates directly to Strategic Priority Legal. Those results are outlined at Appendix 2: Stakeholder surveys, page 203.

We conduct other surveys on specific areas of work under our Strategic Priority Workplaces which are reported separately under our Purpose results.

Analysis

This year we invited more than 2,500 stakeholders to participate in the survey and 756 responded (a response rate of 29 per cent). This is an increase of three per cent from the number of responses to the 2019 survey.

The 2020 survey results indicated satisfaction with the department's effectiveness in conducting its business of 87.4 per cent. Overall, respondent satisfaction with the department's effectiveness in achieving government objectives was 93 per cent, an increase of five per cent on the 2019 results.

Overall, 90 per cent of survey respondents were satisfied with their interactions with the department. This is consistent with the results of the 2019 survey.

Survey methodology and detailed results, including analysis of results by strategic priority area and business unit, and against targets and previous years' results, are at Appendix 2: Stakeholder surveys, page 203.

Support Constitutional recognition for Indigenous Australians and Voice to Parliament

Strategic Priority and key activity

- Strategic Priority Legal
- Key activity: Work with the National Indigenous Australians Agency to support constitutional recognition for Indigenous Australians

Source

- Corporate Plan 2019–23, p. 7
- Portfolio Budget Statements 2019–20, Program 1.1, p. 28

Target and performance result

- Support delivery of a consensus option for constitutional recognition
- Establish co-design process about a Voice to Parliament

**Partly
Achieved**

Work towards recognising Aboriginal and Torres Strait Islander peoples in the Constitution and developing proposals for a local, regional and national voice began but was delayed by the COVID-19 pandemic because various co-design groups could not meet face-to-face.

Rationale

We provide constitutional policy advice to support the National Indigenous Australians Agency to progress constitutional recognition for Aboriginal and Torres Strait Islander Australians to ensure the process for conducting a referendum on constitutional recognition, and the form of constitutional amendments, are legally and technically sound. Subject to government agreement, our success will be demonstrated by the introduction and passage of proposed constitutional alterations and legislation in Parliament, and conduct of a referendum.

Analysis

The Australian Government is developing options for a voice. On 30 October 2019, the Minister for Indigenous Australians formally announced a co-design process to enhance local and regional decision-making to provide a voice for Aboriginal and Torres Strait Islander Australians at the local, regional and national levels. A local and regional co-design group and a national co-design group have been established, as well as a parliamentary working group and a senior advisory group.

The National Indigenous Australians Agency's planned public consultation with communities to seek feedback and build understanding on a voice has been delayed until November 2020. This was due to the COVID-19 pandemic restrictions. As a result, in-person meetings were curtailed and alternative forums were difficult to arrange at short notice.

Following the voice co-design process, the government will develop and put forward a consensus option for constitutional recognition of Aboriginal and Torres Strait Islander Australians to put to a referendum, after approval by Parliament. The government has not set a timeframe or deadline for bringing questions for constitutional recognition of Aboriginal and Torres Strait Islander Australians before the Parliament. The Minister for Indigenous Australians has indicated that the challenges associated with the pandemic have delayed work on a voice and it is desirable that a voice be settled before constitutional recognition.

We are in regular contact with the National Indigenous Australians Agency to progress the voice and constitutional recognition. We will provide support and advice to the agency on the legal and technical aspects of associated proposals.

Strengthen understanding of international legal and policy issues

Strategic Priority

- Strategic Priority Legal

Source

- Corporate Plan 2019–23, p. 7
- Portfolio Budget Statements 2019–20, Program 1.1, p. 28

Target and performance

- International Law Colloquium attendees agree attendance has increased their understanding of international legal and policy issues.

Achieved

89 per cent of attendees who responded to the survey and agreed that the colloquium increased their understanding of international legal and policy issues.

Rationale

The department conducts a great many international law activities. One example is the colloquium, which brings together leading international lawyers from the Australian Government, academia and private practice. This combination of diverse perspectives, and a focus on emerging and cross-cutting international law issues, helps break down professional silos and deepen participant understanding of topical issues. The knowledge gained and relationships formed at the event enable the department to better perform its functions and contribute to our wider objective of creating a just and secure society.

We used a survey of attendees to measure whether the colloquium increased their understanding of international legal and policy issues.

Analysis

We hosted the 2019 International Law Colloquium on 29 November 2019. The theme of this year's event was Emerging and Cross-Cutting Issues in International Law – Integrity in International Law.

In June 2020, in preparation for the upcoming 2020 International Law Colloquium, we emailed participants and requested they complete an online survey to collect feedback on the 2019 event. The survey could be completed anonymously and had one value-based question. Participants were asked to rate their experience out of ten. The survey also included multiple free-text areas where respondents could provide comments. We received 19 responses from the approximately 70 participants. This is a return of around 27 per cent of attendees.

Attendees were asked to rate the extent to which the colloquium increased their understanding of international legal and policy issues on a scale of one to ten, with scores of five and above denoting an increased understanding. In response, 89 per cent provided a rating of six or more, with the average rating being eight. Further, all attendees who gave feedback considered the colloquium overall to be positive. All respondents reported greater than five out of ten satisfaction with the colloquium's effectiveness. In the free-text responses, many attendees provided positive comments on the topics of discussion and the range of perspectives offered.

Build confidence and transparency in government progression of royal commission recommendations

Strategic Priority and key activity

- Strategic Priority Legal
- Key activity: Support the Commonwealth's engagement with royal commissions

Source

- Corporate Plan 2019–23, p. 7
- Portfolio Budget Statements 2019–20, Program 1.1, p. 28

Target and performance result

- Second progress report on implementation of recommendations from the Royal Commission into Institutional Response to Child Sexual Abuse tabled

Achieved

The second progress report was tabled in Parliament on 13 December 2019.

Rationale

Royal commissions play a significant role in Australia's political system and public life. They are a versatile instrument available to government when it needs to investigate an event or action or to delve deeply into a complex policy area.

We build confidence and transparency in government progression of royal commission recommendations by ensuring comprehensive progress reports are completed and tabled in Parliament on time.

Analysis

The Royal Commission into Institutional Responses to Child Sexual Abuse delivered its Final Report on 15 December 2017, making 409 recommendations on how to improve laws, policies and practices to prevent and better respond to child sexual abuse in institutions. Since the release of the report, progress has been made, not just in addressing the recommendations, but in bringing about the cultural change and awareness required in Australian society to ensure that all children are safe. The Australian Government has committed to deliver five consecutive annual progress reports until December 2022. These reports will outline the government's progress with 84 recommendations on redress and the 122 other recommendations directed to it, to be followed by a ten-year review of implementation.

The second annual progress report on implementation of recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse highlights the progress the government has made since its first annual progress report. In developing this report, we coordinated and synthesised input from 20 Australian Government departments and agencies. We also worked with the states and territories on recommendations that are a national priority or require a joint Australian Government, state and territory response to implement.

In all annual progress reports we use language to aid accessibility for stakeholders, including survivors. Information is grouped into five themes so it can be readily located. The reports include references to recommendations on relevant pages to ensure government is accountable and to provide transparency about the work the government is doing to address each group of recommendations.

Government lawyers are satisfied with the initiatives provided by the Australian Government Legal Service

Strategic Priority and key activity

- Strategic Priority Legal
- Key activity: Implement new arrangements for legal services, including the launch of the Australian Government Legal Service, the new Legal Services Panel and portal

Source

- Corporate Plan 2019–23, p. 7
- Portfolio Budget Statements 2019–20, Program 1.1, p. 28

Target and performance result

- Satisfaction rating greater than 80 per cent

**Not
Achieved**

Performance could not be assessed against this target as the launch of the Australian Government Legal Service (AGLS) was postponed due to COVID-19 pandemic restrictions. Accordingly, an overarching satisfaction survey of AGLS members was not conducted for 2019–20. However, surveys of participants in two specific programs conducted under the auspices of the AGLS identified that over 80 per cent of respondents were satisfied with those programs.

Rationale

The Secretary is the leader of the Commonwealth government legal profession. The AGLS is intended to be a formal professional network for government lawyers focused on information sharing, collaboration, guidance, professional standards and training. The AGLS supports the delivery of coherent and consistent legal services across the Commonwealth. It is intended that an annual survey of AGLS members will be undertaken to ascertain members' views of how AGLS initiatives support them to deliver coherent and consistent legal services.

Analysis

In 2019–20, in the absence of a satisfaction survey of AGLS members, satisfaction surveys of government lawyers who participated in two specific initiatives under the auspices of an in-development AGLS provided a suitable assessment of how current initiatives support members.

Results of these surveys show a high level of satisfaction with the programs (the Foundational Australian Government Lawyer Training Program and the Reciprocal Secondment Program) and demonstrate that the aims of building the skills of and the connections between government lawyers were being met. We have evaluated feedback from these sessions to see how future programs could be improved and expanded.

On average, respondents in the Foundational Australian Government Lawyer Training Program held in November 2019 rated the program as 8.15 on a scale of one to ten.

For the Reciprocal Secondment Program, in the second phase of the program, held from July 2019 to January 2020, 83 per cent of respondents and 83 per cent of responding supervisors from host organisations agreed or strongly agreed they would recommend that colleagues and organisations participate in the program. This is a reflection of their satisfaction with the program.

Strengthen whole-of-government counter-fraud activities

Strategic Priority and key activity

- Strategic Priority Integrity
- Key activity: Establish the Commonwealth Fraud Prevention Centre and strengthen whole-of-government counter-fraud activities

Source

- Corporate Plan 2019–23, p. 11
- Portfolio Budget Statements 2019–20, Program 1.2, p. 29

Target and performance result

- Establishment of the Commonwealth Fraud Prevention Centre

Achieved

The Commonwealth Fraud Prevention Centre commenced on 1 July 2019 as a two-year pilot.

- Delivery of two major projects to strengthen counter-fraud arrangements

Achieved

Counter-Fraud Capability Baseline Project and Commonwealth COVID-19 Counter Fraud Taskforce Action Plan delivered.

Rationale

The two major projects we have reported on were selected because they represent the two most significant activities undertaken to strengthen whole-of-government counter-fraud activities during the reporting period in terms of scale and resourcing.

Analysis

We strengthened whole-of-government counter-fraud activities through the successful delivery of both targets.

This year, the Commonwealth Fraud Prevention Centre successfully delivered two major projects to strengthen counter-fraud arrangements.

The first was the Counter-Fraud Capability Baseline Project, which successfully benchmarked capabilities across government programs and functions to prevent, detect and respond to fraud.

The Centre completed 73 assessments and provided reports to 19 participating agencies with insights on areas of vulnerability within their programs as well as actionable suggestions to improve future capability. The reports reflected that 82 per cent of participants changed their mind about their agency's fraud exposure, quality of existing risk assessments and the strength of their countermeasures after the assessment. This baseline project has improved our evidence base in relation to counter-fraud capability and allowed us to identify common challenges across government. This will enable us to prioritise areas in which to deliver further guidance, tools and support to agencies and policy makers.

The second project involved the development and delivery of the Commonwealth COVID-19 Counter Fraud Taskforce Action Plan, in conjunction with the Australian Federal Police Operation Ashiba. This plan helped Australian Government agencies safeguard COVID-19 pandemic economic stimulus packages against fraud.

Focusing on prevention, we mapped the COVID-19 pandemic stimulus measures in order to identify risks and priority areas for support. We developed and distributed a range of products, such as guidance and toolkits, aimed at prevention, deterrence, detection and disruption of fraud. One such product was a standardised fraud risk assessment template to assist agencies to identify who might attempt fraud in relation a pandemic stimulus measure and how they might do it. Aspects of this template have been incorporated to support policy implementation of the Fair Entitlements Guarantee and used by the Department of Education, Skills and Employment and the Australian Taxation Office.

Australia's score on the Transparency International Corruption Perceptions Index

Strategic Priority and key activity

- Strategic Priority Integrity
- Key activity: Establish the Commonwealth Integrity Commission

Source

- Corporate Plan 2019–23, p. 11
- Portfolio Budget Statements 2019–20, Program 1.2, p. 29

Target and performance result

- Score of 80 or more

**Not
Achieved**

Score of 77 (ranked 12 out of 180 countries) in the Corruption Perceptions Index.

Rationale

We use international benchmarking mechanisms to monitor Australia's position in relation to citizens' perceptions of human rights, access to justice and corruption. Our goal is that Australia remains among the leaders in the world in terms of those countries that have fair and equitable security and justice systems that are free of corruption.

Analysis

The Transparency International Corruption Perceptions Index provides an annual snapshot of the relative degree of corruption by ranking countries and territories. The index draws on 13 data sources to score and rank 180 countries and territories based on how corrupt a country's public sector is perceived to be by experts and business executives. The index measures perceived, rather than actual, levels of public-sector corruption. However, we consider it meaningful as an indicator of public views on corruption and a measure of the success of our efforts to strengthen Australia's response, in particular through our work on establishing the Commonwealth Integrity Commission and reforms to the *Public Interest Disclosure Act 2013*.

While our target of a score of 80 or more on the Transparency International Corruption Perceptions Index was not met, Australia is consistently ranked as one of the least corrupt countries in the world. In the 2019 index, we ranked 12 out of 180 countries, representing an improvement from our 2018 ranking of 13 out of 180, with a score of 77 points out of 100, unchanged since 2017. This is a positive result that demonstrates that existing legal and policy frameworks for detecting and handling corruption are operating effectively.

Entities apply the Protective Security Policy Framework (PSPF) to protect their people, information and assets

Strategic Priority and key activity

- Strategic Priority Integrity
- Key activity: Embed protective security policy reforms

Source

- Corporate Plan 2019–23, p. 11
- Portfolio Budget Statements 2019–20, Program 1.2, p. 29

Target and performance result

- Baseline data collected from annual PSPF reporting

Achieved

All 98 non-corporate Commonwealth entities completed a self-assessment of their security maturity, providing baseline data for future comparison.

Rationale

Effective protective security ensures agencies have appropriate methods to protect their people, information and assets. The PSPF establishes the protocols and actions that protect the integrity of government business and data. Under the *Public Governance, Performance and Accountability Act 2013*, all non-corporate Commonwealth entities (98 in 2018–19) are required to report against their security capability and implementation of the PSPF and provide self-assessment reports through the reporting portal. This measure is a proxy for effectiveness. By collecting self-assessment reports we can measure the success of embedding protective security policies in government activity and assess the overall protective security posture of government. If an agency does not meet the core and supporting requirements of the framework, the agency is required to detail specific actions and timeframes to improve its security maturity.

Analysis

This was the first year entities were required to report using the PSPF maturity self-assessment model. Under this model, we received reports covering the 2018–19 financial year in November 2019 and analysed them during 2019–20. These reports provide a year-on-year baseline for security maturity comparison.

Law reforms contribute to meeting national security and criminal justice priorities

Strategic Priority and key activities

- Strategic Priority Security
- Key activities:
 - Make reform in criminal law and transnational crime-related frameworks including foreign bribery, corporate crime and online safety
 - Implement measures that counter terrorism and provide effective frameworks for the management of terrorism offenders

Source

- Corporate Plan 2019–23, p. 13
- Portfolio Budget Statements 2019–20, Program 1.2, p. 29

Target and performance result

- Qualitative demonstrated achievements against government national security and criminal justice priorities

Achieved

Details of the significant work we undertook this year to contribute to national security and criminal justice priorities are outlined in the analysis section below.

Rationale

We measure the effectiveness of our achievements based on the introduction of legislation and meeting of stakeholder expectations, as qualitative data can be difficult to measure in the short term. For example, new powers afforded by legislative change may not be immediately exercised.

Analysis

We have implemented reforms to Australia's criminal law and national security framework to ensure the safety and protection of communities in Australia and respond to new and emerging threats. This has contributed to the government's priority of keeping Australians safe. It is important that such reforms are appropriate and adapted and do not unduly limit individual rights in protecting the community.

Criminal law reforms

This year, we progressed a number of important reforms that contribute to meeting criminal justice priorities:

- We facilitated the passage of the *Crimes Legislation Amendment (Sexual Crimes Against Children and Community Protection Measures) Act 2020*. This Act made reforms to the *Crimes Act 1914* to protect children from online predators.
- We delivered the *Criminal Code Amendment (Agricultural Protection) Act 2019*, which strengthens protections for farmers and introduced new offences for those who use a carriage service to incite trespass, property damage or theft on agricultural land.
- We delivered the *Crimes Regulations 2019*, which prescribe relevant forms, functions, laws and authorities to ensure proper functioning of the criminal justice processes set out in the *Crimes Act 1914* and facilitate a coordinated approach between Australian, state and territory governments.
- We enhanced Australia's legal framework for international crime cooperation through regulations to complete Australia's domestic implementation of the *Treaty between the Government of Australia and the Government of the United Arab Emirates concerning Transfer of Sentenced Persons*.
- We supported the Department of Home Affairs to develop and introduce the Telecommunications Legislation Amendment (International Production Orders) Bill 2020 into the Parliament. This legislation creates a framework to access electronic data for criminal law enforcement and national security purposes in Australia and overseas. This work enhances Australia's legal framework for international crime cooperation, which contributes to criminal offenders facing justice, making the Australian community safer.
- We arranged for the reintroduction of the Crimes Legislation Amendment (Combatting Corporate Crime) Bill 2019 into the Senate after it lapsed at the last federal election. The bill enhances the tools available to law enforcement and prosecutors to tackle corporate crime, which costs Australia billions of dollars every year and hurts business, Australia's international reputation as well as Australia's economic wellbeing.

In December 2019, we submitted Australia's Phase 4 follow-up report to the OECD Working Group on Bribery in International Business Transactions. The report outlined Australia's efforts to strengthen enforcement of the foreign bribery offence and implement the 13 recommendations identified during the Phase 4 evaluation.

Counter-terrorism measures

We contributed to developing and implementing the government's national security legislation program by providing policy advice about the rule of law and the appropriate balance between the protection of the community and the protection of rights and freedoms of individuals.

We worked with the Department of Home Affairs to ensure that ASIO has appropriate powers to respond to current and emerging threats to Australia's security, including through the introduction of:

- the Telecommunications Legislation Amendment (International Production Orders) Bill 2020, which would facilitate ASIO's access to internationally held data relevant to national security matters
- the Australian Security Intelligence Organisation Amendment Bill 2020, which would allow ASIO to internally authorise surveillance devices and amend ASIO's powers to conduct compulsory questioning to obtain intelligence in relation to national security matters.

Our results

We delivered the *Counter-Terrorism Legislation Amendment (2019 Measures No. 1) Act 2019*. The Act implements the 2017 agreement of the Council of Australian Governments to ensure there is a presumption against bail and parole for people who have links to terrorist activity, and contains measures to strengthen the Continuing Detention Order scheme. These reforms reduce the risk that terrorist offenders will be released from incarceration when they continue to pose a threat of committing further terrorism offences.

We supported the Attorney-General's role under the *National Security Information (Criminal and Civil Proceedings) Act 2004* (Cth), which provides a framework for how national security information is disclosed and protected in legal proceedings.

Australia's factor score on the World Justice Project Rule of Law Index




Strategic Priorities

- Strategic priorities Security, Justice and Rights

Source

- Corporate Plan 2019–23, pp. 13, 15 and 17
- Portfolio Budget Statements 2019–20, Programs 1.1, 1.2, pp. 28–29

Target and performance result

- Fundamental rights (Factor 4) – score greater than 0.75  score of 0.79.
- Civil justice (Factor 7) – score greater than 0.75  score of 0.75.
- Criminal justice (Factor 8) – score greater than 0.75  score of 0.73.

Rationale

We use international benchmarking mechanisms to monitor Australia's position in relation to citizens' perceptions of human rights, access to justice and corruption. Our goal is that Australia remains among the leaders in the world in terms of those countries that have fair and equitable security and justice systems that are free of corruption.

The independent World Justice Project Rule of Law Index reflects how the rule of law (at its simplest, the principle that the law applies to everyone equally) is perceived and experienced by a country's population and by in-country experts in 126 countries and jurisdictions worldwide. Some of the factors evaluated in the index may not directly relate to the department's activities and our community impact. However, we consider them meaningful as indicators of the perceived long-term and broad health of Australia's justice and security systems, which the department contributes to with other agencies and institutions across Australia, and the matters that communities regard as important.

We use Australia's regional and global position on fundamental rights (Factor 4) to measure the protection of the human rights established under the Universal Declaration of Human Rights that are most closely related to rule-of-law concerns.

We use Australia's regional and global position on civil justice (Factor 7) to measure whether people can resolve their grievances peacefully and effectively through the civil justice system.

We use Australia's regional and global position on criminal justice (Factor 8) to benchmark our impact on the community and measure the effectiveness of the federal criminal justice system.

Analysis

Australia's overall score on the 2019 index was 0.80, which is a global rank of 11 out of 126 countries and a regional rank of 2 out of 15 countries in the East Asia and Pacific region.

Factor 4 – Fundamental Rights

This factor considers the enforcement of laws that provide equal protections; the right to life and security; the due process of law and the rights of the accused; freedom of opinion and expression, belief and religion; assembly and association; the rights to privacy; labour rights and freedom from discrimination. In 2020, Australia has a Factor 4 score of 0.79; a ranking of 12 out of 126 countries globally and 2 out of 15 countries in the East Asia and Pacific region. This is consistent with the rankings in the 2019 and 2018 indexes. Our global country ranking improved from 13 to 12.

Factor 7 – Civil Justice

This factor considers whether justice systems are accessible and affordable and free of discrimination, corruption and improper influence by public officials. It also measures whether court proceedings are conducted without reasonable delays and if decisions are enforced effectively, and measures accessibility, impartiality and effectiveness of alternative dispute-resolution mechanisms. In 2020, Australia has a Factor 7 score of 0.76; a ranking of 14 out of 126 countries globally and 6 out of 15 countries in the East Asia and Pacific region. This factor score is consistent with the 2019 score and maintains the 0.01 increase on the 2017–18 score.

Factor 8 – Criminal Justice

This factor considers whether criminal investigation, adjudication and correctional systems are effective and whether the system is impartial and non-discriminatory, free of corruption and improper influence and protective of due process and the rights of the accused. In 2020, Australia has a Factor 8 score of 0.73; a ranking of 11 out of 126 countries globally and 3 out of 15 countries in the East Asia and Pacific region. This is consistent with the 2019 score. Our global country ranking improved from 12 to 11.

Supporting an integrated, efficient and effective legal assistance sector

Strategic Priority and key activity

- Strategic Priority Justice
- Key activity: Negotiate and implement new legal assistance funding arrangements with states and territories

Source

- Corporate Plan 2019–23, p. 15
- Portfolio Budget Statements 2019–20, Programs 1.1, 1.4, 1.6, pp. 28, 30–31

Target and performance result

- Qualitative demonstrated achievement of more effective, efficient or innovative ways to meet clients' legal needs and capability levels, and/or resolve legal problems in a timely way

Achieved

Case studies from states and territories have demonstrated innovation in methods of delivering legal services and how improved outcomes have been achieved, either for priority clients or in efficiency or effectiveness of services.

- By 30 June 2020, establish the National Strategic Framework for Legal Assistance in partnership with all states and territories

Achieved

The National Strategic Framework for Legal Assistance was agreed to and established by the Council of Attorneys-General on 29 November 2019.

- By 30 June 2020, finalise the National Legal Assistance Partnership in partnership with all states and territories

Achieved

The Prime Minister, premiers and chief ministers signed the National Legal Assistance Partnership 2020–25 in June 2020.

Rationale

The Australian, state and territory governments recognise they have mutual interest in working together to improve access to justice and resolve legal problems for the most disadvantaged people in Australia and maximise service delivery through the effective and efficient use of available resources.

We measure our achievement of more effective, efficient or innovative ways to meet clients' legal needs and capability levels, and/or resolve legal problems in a timely way through the receipt of case studies provided by the states and territories, under the *National Partnership Agreement on Legal Assistance Services 2015–20* (NPA) and case studies provided by Aboriginal and Torres Strait Islander Legal Services under the *Indigenous Legal Assistance Program 2015–20* (ILAP). Each state and territory must provide a de-identified summary of a case study demonstrating how a service being delivered within the sector is more effective, efficient or innovative and better meets clients' legal needs and capability levels and resolves legal problems in a timely way. States and territories must also conduct two surveys of Legal Aid Commission clients and two surveys of Community Legal Centre clients to assess whether services are tailored to meet clients' legal needs and capability levels. Recognising that many legal assistance providers use existing, and extensive, client survey processes and methodologies, the department does not prescribe a specific methodology for client surveys. However, we do provide a mandatory set of client survey questions and request that states and territories provide a brief overview of the survey methodology and sample size. At a minimum, jurisdictions are asked to provide a percentage breakdown of the results for each response option for each survey question.

We also measure our effectiveness in developing and securing agreement to the National Strategic Framework for Legal Assistance and the National Legal Assistance Partnership. These measures are a proxy for effectiveness. They are integral to providing the policy framework and funding to support an Australia-wide legal assistance sector that is integrated, efficient and effective.

Analysis

By achieving the three targets under this measure, we have contributed to the maintenance of an integrated, efficient and effective legal assistance sector across Australia.

Demonstrated achievement of effectiveness, efficiency and innovation in provision of legal assistance

Case studies under the ILAP have been received from all seven Aboriginal and Torres Strait Islander Legal Services during 2019–20 as part of their performance reporting. In the final year of reporting under the NPA, case studies will be provided by 30 September 2020 for the financial year 2019–20. This enables a full report of the indicators, benchmarks and milestones for the financial year to be provided to the department at the expiry of the NPA. As such, in order to assess performance against this measure for 2019–20, we considered case studies provided under the NPA for the 2018–19 financial year and these were provided to the department in March 2019.

These case studies provide a realistic, on-the-ground picture of how the objectives, outcomes and outputs of the NPA were being met while the program was being delivered. The case studies demonstrated innovation in methods of delivering legal services and how improved outcomes have been achieved, either for priority clients or in efficiency or effectiveness of services.

The case studies also outlined the benefits of 'wrap around' services, telephone triaging, community legal education and targeted social support services to vulnerable clients.

Surveys by the Legal Aid Commission and the Community Legal Centre were conducted in 2019–2020 using standardised questions. The ILAP similarly requires surveys to be conducted using standardised questions. Results of these surveys will not be known until final reporting under the NPA and ILAP is provided and after the publication of this annual report. However, survey results received in 2019 demonstrated overall client satisfaction was high and that quality services were delivered appropriately and had made a positive difference to clients' legal outcomes.

National Strategic Framework for Legal Assistance

This year, we worked closely with states and territories and the legal assistance sector to develop the framework. It provides the policy framework for all government legal assistance funding and covers all Commonwealth, state and territory government-funded legal assistance. This includes generalist and specialist legal assistance services, delivered by legal aid commissions and community legal centres. It also includes Aboriginal and Torres Strait Islander-specific legal assistance services, delivered by Aboriginal and Torres Strait Islander Legal Services and Family Violence Prevention and Legal Services.

National Legal Assistance Partnership

This year, we finalised the *National Legal Assistance Partnership 2020–25* (NLAP), which is a \$2 billion national partnership agreement with states and territories, under the National Strategic Framework, for Commonwealth funded legal assistance. The NLAP supports the accessibility of the justice system and assists people experiencing disadvantage to resolve their legal issues through funding for vital frontline legal assistance services delivered by legal aid commissions and community legal centres. For the first time, the NLAP includes funding for Aboriginal and Torres Strait Islander Legal services previously delivered through the ILAP. The NLAP includes a formal commitment to self-determination; the first time these principles have been included within legal assistance arrangements. The NLAP includes an increased focus on data collection across the sector, and the Australian Bureau of Statistics will bring its data expertise to this work. The signing of the NLAP represents a significant achievement and provides funding certainty to the legal assistance sector.

In negotiating the NLAP with the states and territories, extensive work was conducted and each jurisdiction was visited at least twice. This considerable effort ensured that the legal assistance sector was consulted on the development of the NLAP and we met with sector representatives at least once in each jurisdiction.

Reforms to the federal courts

Strategic Priority and key activities

- Strategic Priority Justice
- Key activities:
 - Progress structural improvements to arrangements for the federal courts (excluding the High Court of Australia)
 - Improve the family law system

Source

- Corporate Plan 2019–23, p. 15
- Portfolio Budget Statements 2019–20, Programs 1.1, 1.4, pp. 28, 30

Target and performance result

- Draft legislation provided to the Attorney-General for introduction in the Parliament within expected timeframes

Achieved

Court reform bills were introduced into the Parliament on 5 December 2019.

Rationale

Currently, the Family Court of Australia and the Federal Circuit Court of Australia have largely overlapping family law jurisdiction, while having different case management approaches and procedures, rules and fees. This can cause frustration, difficulties and delays for families, often at a time when they are particularly vulnerable. The vast majority of family law cases are handled by the Federal Circuit Court. The court reform bills create a new federal family law court structure to increase efficiencies, enabling family law matters to be dealt with quickly. The bills would also improve the accessibility of the justice system by reducing confusion and creating a simpler pathway to resolve disputes through the introduction of a legislated single point of entry for first instance federal family law matters.

Analysis

We previously prepared the Federal Circuit and Family Court of Australia Bill 2018 and the accompanying Federal Circuit and Family Court of Australia (Consequential Amendments and Transitional Provisions) Bill 2018 to give effect to the government's proposed structural reforms. These bills were introduced to the Parliament on 23 August 2018 and referred to the Senate Legal and Constitutional Affairs

Legislation Committee for inquiry and report. The committee tabled its report on 14 February 2019. The bills lapsed when the Parliament was prorogued prior to the 2019 federal election.

After the election and following consideration by the Attorney-General, we amended the 2018 bills to address recommendations of the committee. The Federal Circuit and Family Court of Australia Bill 2019 and the accompanying Federal Circuit and Family Court of Australia (Consequential Amendments and Transitional Provisions) Bill 2019 were introduced to Parliament on 5 December 2019. These bills were referred to the Senate Legal and Constitutional Affairs Legislation Committee for inquiry and report by 20 November 2020.

Increased understanding of the policy process by Pacific partners

Strategic Priority and key activity

- Strategic Priority Justice
- Key activity: Support regional partners to develop strong law and justice sectors and effective policy frameworks

Source

- Corporate Plan 2019–23, p. 15
- Portfolio Budget Statements 2019–20, Program 1.2, p. 29

Target and performance result

- A majority of legal policy training attendees advise increased understanding

Achieved

All 16 attendees of the 2019 Pacific legal policy training programs reported a strong improvement in their understanding of the stages of the policy development process.

Rationale

The department's two flagship Pacific training programs aim to improve participant understanding of the legal policy process. The two-week Policy Champions Program uses a train-the-trainer approach to teach the methods and skills fundamental to developing good legal policy; from obtaining information about a policy problem through to presenting policy solutions to decision-makers and implementing and evaluating the results. Under the Twinning Program, a small number of Policy Champions participants remain in Canberra for another six weeks to progress a specific policy project considered a priority by their home agency. Further individual capacity building on legal policy is achieved through peer-to-peer mentoring by departmental staff as well as meetings with subject-matter experts from academia, government and the community sector.

We assess our performance through anonymous post-program surveys of all participants.

Analysis

The 2019 Policy Champions Program cohort included 12 officials from nine Pacific-region countries. Anonymous post-program surveys were completed by all participants who were asked to self-assess various learning outcomes on a scale of 1 to 10. All participants reported an improvement in their understanding of the key stages of the policy-development process. Training effectiveness was further substantiated by observations made by departmental staff of the ability of participants to deliver the course content themselves during the practical component of the program.

The 2019 Twinning Program was attended by four officials—one each from Fiji, Kiribati, Solomon Islands and Papua New Guinea. All four participants completed anonymous post-program surveys to assess various learning outcomes on a scale of 1 to 10. All four reported an improvement in their understanding of the key stages of the policy-development process, as well as their confidence to develop or contribute to policy. All participants completed regular reflection journals throughout the program to track and record their progress and also participated in an end-of-program roundtable discussion with departmental staff to provide feedback on the program. These two initiatives provided additional qualitative information to corroborate the results of the surveys.

Evaluation and design review mechanisms for all major human rights projects

Strategic Priority

- Strategic Priority Rights

Source

- Corporate Plan 2019–23, p. 17
- Portfolio Budget Statements 2019–20, Program 1.1, p. 28

Target and performance result

- Promoting human rights through policy and legislative change

Achieved

This year we promoted human rights through various mechanisms, including advising on human rights policy issues, leading Australia's appearances before United Nations human rights treaty bodies and engaging with non-government organisations.

Rationale

This measure is assessed on a qualitative basis, analysing the ways in which the department has contributed to major human rights projects that promote human rights including legislative changes, policy development and advice and reporting to and appearances before United Nations human rights treaty bodies. The projects we participate in necessarily change in different years depending on the international treaty system reporting cycle and government priorities.

Analysis

We advise on policies and laws to help people enjoy a life where their rights are respected and protected. We achieve this through advice on the human rights implications of government policy proposals, draft legislation and submissions to Cabinet to promote consistency with Australia's obligations under international human rights treaties and domestic law. We also produce a guide to drafting statements of compatibility with human rights and provide advice to agencies to assist with their preparation. Statements of compatibility are required for all bills and disallowable instruments and assess whether the legislation is compatible with the rights and freedoms recognised in the seven core international human rights treaties to which Australia is a party. Where rights are limited, statements of compatibility must explain how that limitation is reasonable, necessary and proportionate to a legitimate aim.

This year, we supported legislative reviews to ensure that the mechanisms that promote human rights are working effectively. For example, in 2019–20, we provided expert advice to stakeholders, including Australian, state and territory governments and the Attorney-General in relation to the three standards made under the *Disability Discrimination Act 1992* to provide greater detail on the rights and responsibilities about equal access and opportunity for people with a disability. We engaged with agencies in relation to the ongoing Transport Standards review and proposed amendments to the Premises Standards, which includes the introduction of adult assisted change rooms. We also commenced the scheduled reviews of the Premises Standards and Education Standards.

Appearances, reporting and visits

We led Australia's appearance before the United Nations Committee on the Rights of the Child on 9 and 10 September 2019 and the Committee on the Rights of Persons with Disabilities on 12 and 13 September 2019. We facilitated consideration of the concluding observations by agencies at all levels of government. We also facilitated a grant to support Ms Rosemary Kayess to participate as a member of the committee for the remainder of her term.

Australia is due to submit its third Universal Periodic Review national report to the United Nations in October 2020. We commenced work on the national report that responds to the recommendations Australia received during its second-cycle review in 2015. This covers the breadth of Australia's international human rights obligations. Australia's appearance has been postponed to early 2021 due to the COVID-19 pandemic.

We implement the Optional Protocol on the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment that provides increased transparency and accountability in places of detention across Australia to support of Australia's international human rights obligations. Work commenced, in consultation with states and territories, on visits by the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and by the Working Group on Arbitrary Detention. Due to the pandemic, the visits were postponed.

Non-Government Organisation Forum

We led the Non-Government Organisation Forum held on 12 December 2019. The forum provides closer engagement between civil society and agencies and helps us evaluate the effectiveness of consultations throughout the treaty body reporting process. Discussions included consideration of issues such as the Optional Protocol on the Convention against Torture and upcoming United Nations treaty body reporting. Attendees provided comments that informed the drafting of treaty body reports. These were communicated to other agencies to action as appropriate. A minute was circulated to stakeholders following the meeting outlining key dates and action items for 2020–21.

Ensuring appropriate recognition of religious freedoms

Strategic Priority and key activity

- Strategic Priority Rights
- Key activity: Lead the government's response to the Religious Freedom Review

Source

- Corporate Plan 2019–23, p. 17
- Portfolio Budget Statements 2019–20, Program 1.1, p. 28

Target and performance result

- Draft legislation provided to the Attorney-General for introduction in the Parliament within expected timeframes

**Partly
Achieved**

We met all expected timeframes for exposure draft legislation for public consultation in 2019–20.

Rationale

The Religious Freedom Review identified an opportunity to enhance the statutory protection of the right to freedom of religion in Australian law. In response, the Australian Government committed to measures to give effect to the review's recommendations. This included developing a legislative package to better protect the right to freedom of religion in Australian law.

We measure our success through the delivery of a Religious Discrimination Bill and the creation of the new office of the Freedom of Religion Commissioner in the Australian Human Rights Commission.

Analysis

The Australian Government invited submissions on a package of exposure draft legislation on religious freedom. The first consultation was held between 29 August and 2 October 2019 and the second consultation was held between 10 December 2019 and 31 January 2020. The legislative package is intended to implement the government's response to the Religious Freedom Review and includes a Religious Discrimination Bill. This bill provides comprehensive protection against discrimination on the basis of religious belief or activity in specified areas of public life. We managed both consultation processes, including processing approximately 13,000 public submissions received. Feedback on the submissions was provided to the Attorney-General within expected timeframes.

Due to the impact of the COVID-19 pandemic, progress on this work has been delayed.

Efficiency measures

Stakeholder and client satisfaction

Stakeholder and client satisfaction with the timeliness of:

- our policy advice and legal services (Strategic Priority Legal)
- our policy advice, program work and legislative change (Strategic Priority Integrity)
- our policy advice, program work and legislative change (Strategic Priority Security)
- our policy advice, program work and legislative change (Strategic Priority Justice)
- our policy advice, program work and legislative change (Strategic Priority Rights)

Strategic Priority

- Strategic priorities Legal, Integrity, Security, Justice and Rights

Source

- Corporate Plan 2019–23, p. 7, 11, 13, 15 and 17
- Portfolio Budget Statements 2019–20, Programs 1.1–1.7, pp. 28–32

Target and performance result

- Satisfaction rating greater than 80 per cent:



89 per cent (Legal)
82 per cent (Integrity)
82 per cent (Security)



70 per cent (Justice)
76 per cent (Rights).

Rationale

The Attorney-General's Department primarily provides policy and legal advice to government. There are challenges to measuring the efficiency of the provision of legal and policy advice. Efficiency can be defined as the unit cost (e.g. in terms of dollars spent or human resources committed) of an output (e.g. a service) generated by an activity.⁶ These challenges include: attributing the effect of policy outcomes in complex environments; measuring potentially intangible outcomes (feelings of safety, trust or confidence) and the non-linear nature of policy development. In addition, sources of data to accurately measure the efficiency of our policy and legal advice are scarce, especially over a financial year.

⁶ Department of Finance RMG 131 Developing good performance information.

Accordingly, we use the five efficiency measures as a proxy to evaluate stakeholder satisfaction with our efficiency. This is measured through the timeliness of our information and advice, support to others to achieve their priorities and the accessibility of our staff.

We measure stakeholder satisfaction through our annual stakeholder survey, details of which are set out in relation to the effectiveness measures. The survey is conducted annually, this provides trend information that allows us to assess our efficiency over time against consistent markers.

Analysis

This year, we invited more than 2,500 stakeholders to participate in the survey and 756 responded (a response rate of 29 per cent). This is an increase of three per cent on responses to the 2019 survey.

The 2020 survey results indicate respondent satisfaction of 84.7 per cent with the department's efficiency in meeting its goals and in supporting government. This is consistent with the results of the 2019 survey.

Survey methodology and detailed results, including analysis of results by strategic priority area and business unit, and comparison to targets and previous years' results, can be found at Appendix 2: Stakeholder surveys, page 203.

The Australian Government Solicitor Group conducted a separate survey of its clients to assess satisfaction with specific areas of work. Those results are outlined at Appendix 2: Stakeholder surveys, page 203.

Royal Commissions reports are delivered on time in accordance with the terms of reference

Strategic Priority and key activity

- Strategic Priority Legal
- Key activity: Support the Commonwealth's engagement with royal commissions

Source

- Corporate Plan 2019–23, p. 7
- Portfolio Budget Statements 2019–20, Programs 1.1, 1.7, pp. 28, 32

Target and performance result

- Interim report of the Royal Commission into Aged Care Quality and Safety submitted to the Governor-General by 31 October 2019

Achieved

The Interim Report was delivered to the Governor-General on 31 October 2019 and we supported the Attorney-General to table it in Parliament the same day.

Note: The Corporate Plan 2019–23 included a target under this measure, 'Final report of the Royal Commission into Aged Care Quality and Safety submitted to the Governor-General by 30 April 2020'. The Governor-General signed Amended Letters Patent on 25 June 2020 to extend the due date for the final report of the Royal Commission to 26 February 2021. As the new due date falls outside of the 2019–20 financial year, we have not reported against that target.

Rationale

The government assists the royal commission by providing information and evidence in a timely manner. We coordinate this on behalf of government.

Ensuring comprehensive progress reports are completed and tabled in the Parliament on time helps to build confidence and transparency in government progression of royal commission recommendations. In the absence of alternative ways to measure our efficiency in completing this work, we use the timely tabling of reports as a proxy for efficiency.

Analysis

Following the establishment of the Royal Commission into Aged Care Quality and Safety, we played an integral role by providing high-quality legal services and supporting the government's engagement with the royal commission. We facilitated requests to produce information and coordinated witness appearances required by the royal commission of government agencies. While royal commissioners are independent of government in their decision-making, this support and engagement ensures the royal commission has the necessary information to effectively and efficiently fulfil its terms of reference. This contributed to the delivery and tabling of the interim report by the target date of 31 October 2019.

Publication of registrations on the Foreign Influence Transparency Scheme register

Strategic Priority and key activity

- Strategic Priority Integrity
- Key activity: Improve transparency of foreign influence in federal political and government processes and decisions through increased awareness of the Foreign Influence Transparency Scheme

Source

- Corporate Plan 2019–23, p. 11
- Portfolio Budget Statements 2019–20, Program 1.2, p. 29

Target and performance result

- 85 per cent of registrations published in less than three weeks

Achieved

In 2019–20, 87 per cent of registrations were published with three weeks of lodgement and 99 per cent were published within four weeks of lodgement. These figures exclude two registrations that were not published within these timeframes for reasons beyond the department's control (one was due to an IT issue and the other was due to extended engagement with the registrant to resolve details of the registration before it could be published).

Rationale

The Foreign Influence Transparency Scheme provides the public and decision-makers with visibility of the nature and extent of activities being undertaken in Australia, on behalf of foreign principals, to influence federal governmental and political processes. The timely publication of registrations assists to ensure that the public and decision-makers have visibility of such activities, at the time they are being undertaken. By facilitating the publication of registrations within three weeks of lodgement, the department maximises the visibility of these activities and the effectiveness of the scheme.

Analysis

We provided increased transparency about the forms and sources of foreign influence in Australia's political and governmental processes through the Foreign Influence Transparency Scheme. In 2019–20, we upgraded the online register to improve its functionality and usability and developed a portal through which all registration requests are received. This portal tracks data to provide statistics on the timing for publication of registrations.

We delivered information sessions and presentations to agencies, businesses and community groups to increase awareness of the register and associated obligations. We continued these activities during the COVID-19 pandemic, where possible.

Casework matters finalised

Strategic Priority and key activity

- Strategic Priority Justice
- Key activity: Conduct extradition, mutual assistance, transfer of prisoners and international child abduction casework

Source

- Corporate Plan 2019–23, p. 15
- Portfolio Budget Statements 2019–20, Program 1.2, p. 29

Target and performance result

- 900 matters finalised

Achieved

we finalised 1,391 casework matters in 2019–20. Casework matters capture extradition and mutual assistance requests, international transfer of prisoners, parole and international family law matters.

Rationale

We are responsible for undertaking casework to facilitate international cooperation in criminal and family law matters. Our criminal casework promotes criminal accountability and the opportunity for individuals charged with Commonwealth crimes to be appropriately rehabilitated. Our international family law casework ensures that disputes of child custody are resolved in a fair manner and in an appropriate court.

Every casework matter we deal with is different and the length of time required to process and finalise both incoming and outgoing requests can be affected by a wide range of factors, many beyond our control. These include the legal processes of foreign countries, the responsiveness of foreign agencies and Australian law enforcement agencies, how long court proceedings take and the extent to which they are contested and delays in conducting transfers. Given the varied and variable nature of this work, measuring our efficiency in managing our caseload is challenging.⁷ Accordingly, we use the number of cases finalised each year as a proxy for efficiency.

⁷ Efficiency is defined in the Department of Finance RMG 131 Developing good performance information as the price of producing a unit of output, and is generally expressed as a ratio of inputs to outputs.

Analysis

A total of 1,391 cases were finalised in 2019–20. This exceeded the target of 900 and is an increase on the 1,156 cases finalised in the previous year.

During 2019–20, we:

- finalised 33 extradition requests (40 in 2018–19)
- finalised 817 mutual assistance requests (908 in 2018–19)
- finalised 26 international transfer of prisoner applications (46 in 2018–19)
- finalised the following decisions about federal offenders:
 - 300 parole decisions (306 in 2018–19)
 - 14 decisions about early release on licence (8 in 2018–19)
 - 0 decisions about interstate transfer of federal prisoners (also 0 in 2018–19)
 - 14 decisions about overseas travel for parolees (16 in 2018–19)
 - 16 decisions about breaches of parole (17 in 2018–19)
 - 6 decisions about petitions for the Royal Prerogative of Mercy (1 in 2018–19)
 - 1 decision under the *Crimes (Superannuation Benefits) Act 1989* (2 in 2018–19)
- managed the following international family law matters:
 - received 127 new applications and finalised 114 applications under the 1980 Hague Abduction Convention for the return of children who have been abducted to or from Australia (145 applications received and 113 finalised in 2018–19)
 - assisted with 25 requests for cooperation under the 1996 Hague Child Protection Convention, dealing with a range of issues, including requests for transnational placement of children between Australia and other countries that are parties to the Convention (28 in 2018–19)
 - arranged for the registration of 32 parenting orders in Australia and overseas (49 in 2018–19).

While the overall number of cases finalised has increased this year, the numbers finalised in certain casework areas declined. However, it is worth noting that these statistics do not reflect the differential complexity of matters or represent the entirety of the subject area casework loads. As noted in the Rationale, external factors beyond the department's control impact on our ability to finalise cases. In addition, this year the availability of partners, domestically and internationally as well as staffing numbers were affected by the COVID-19 pandemic.

Further information on the number of mutual assistance, extradition and international transfer of prisoner matters dealt with this year can be found in Appendix 5: Extradition and mutual assistance, page 229.

Submissions to the United Nations human rights committees with respect to individual complaints

Strategic Priority

- Strategic Priority Rights

Source

- Corporate Plan 2019–23, p. 17
- Portfolio Budget Statements 2019–20, Program 1.1, p. 28

Target and performance result

- 80 per cent completed within relevant timeframes

Achieved

97 per cent were completed within relevant timeframes.

Rationale

We coordinate Australia's response to individual communications made against Australia under human rights treaties. This includes preparing a response, in consultation with the relevant policy areas, addressing the allegations and providing Australia's views on its international law obligations. This ensures that Australia's responses are submitted in a timely manner to support expeditious consideration by the relevant treaty body and contribute to the effective functioning of the United Nations human rights system. Each complaint is unique in terms of complexity and subject matter and the resources required to prepare a timely response varies. This makes evaluating the efficiency of our work challenging. Thus, we use the completion of responses within the timeframes set by the relevant United Nations human rights committees as a proxy for efficiency.

Analysis

During 2019–20, we increased the proportion of communications we responded to on time. This improvement was due to a number of factors, including effective prioritisation and case load management. Without additional staffing resources, the department made a total of 35 submissions of which 34 were completed within relevant timeframes (compared to seven out of eight completed within relevant timeframes in 2018–19). This represents an increase in submissions of over 130 per cent. As a result of the COVID–19 pandemic, the committees extended the timeframes for a number of submissions. All States Parties, including Australia, were granted an automatic extension of two months for all responses, meaning there was more time to complete responses within the timeframes. Further, due to the 2018 election caretaker period, we received a number of extensions into 2019–20 that resulted in more responses being submitted during 2019–20.

Purpose 2

Facilitate jobs growth through policies and programs that promote fair, productive and safe workplaces

Summary

	EFFECTIVENESS MEASURES	ACHIEVED		EFFICIENCY MEASURES	ACHIEVED	
Workplaces	Satisfaction with the department's administration and service provided across functions	YES	Page 86	Timely processing of applications and claims	YES	Page 93
	Claim payments are correct	YES	Page 89			
	Industrial action is minimised	YES	Page 91			
	Enterprise bargaining is used by employers and employees to negotiate pay and conditions	NO	Page 92			

Effectiveness measures

Satisfaction with the department's administration and service provided across functions

Strategic Priority

- Strategic Priority Workplaces

Source

- Corporate Plan 2019–23, p. 9
- Portfolio Additional Estimates Statements 2019–20, Programs 2.1, 2.2, p. 29⁸

Target and performance result

Achieved

- 80 per cent of claimants are satisfied with the department's administration of the Fair Entitlements Guarantee (FEG)

84.59 per cent of claimants were satisfied.

Achieved

- 80 per cent of insolvency practitioners are satisfied with the department's administration of the FEG

96.32 per cent of insolvency practitioners were satisfied.

Achieved

- Accredited company satisfaction greater than 90 per cent with the service provided by the Office of the Federal Safety Commissioner

97 per cent of accredited companies indicated they are happy with the service provided by the Office of the Federal Safety Commissioner.

Achieved

- 75 per cent of accredited companies consider that accreditation has improved their workplace safety performance

93 per cent of accredited companies indicated they have achieved better safety performance by becoming accredited.

⁸ The role of Program 2.2 is to deliver policies and programs that foster fair, productive and safe workplaces of all sizes. The 2019–20 Portfolio Additional Estimates Statement incorrectly included a reference at pages 32 and 33 to Program 2.2 'assisting job seekers to find work and small businesses to grow'. This will be corrected in the 2020–21 Portfolio Budget Statements.

Rationale

Fair Entitlements Guarantee

The FEG provides a safety net for workers who have lost their jobs and entitlements through the liquidation or bankruptcy of their employer. It covers five employment entitlements, payable for different time periods. Payments are subject to a maximum weekly wage cap, which was \$2,451 in 2019–20.

To determine claimant satisfaction with the department's administration of the FEG, we send an electronic survey to each claimant approximately five weeks after their final claim decision, irrespective of whether they received an advance or not. This timing is based on the premise that claimants will be better able and more likely to respond to the survey if they are asked closer to the point when their application was finalised.

To determine the proportion of insolvency practitioners satisfied with the department's administration of the FEG, we send a survey to all insolvency practitioners who were involved in scheme cases in the previous 12 months. The survey is typically sent mid-May and is open for six weeks until the end of June.

Both surveys are conducted through the online Qualtrics survey platform.

Office of the Federal Safety Commissioner

To determine satisfaction with our service and whether accreditation has improved workplace safety performance, conduct an annual survey of all accredited companies. Respondents complete the survey on a voluntary basis and responses are anonymous. Performance results are calculated as the percentage of respondents rating the service as satisfactory or better.

Analysis

Fair Entitlements Guarantee

In 2019–20, 1,574 of 10,429 claimants responded to the satisfaction survey, representing a 15 per cent response rate. Compared to 2018–19, the response rate decreased by six percentage points. Results are calculated as the percentage of respondents who indicate they are 'satisfied' or 'very satisfied' with the program. Nil responses to the headline FEG satisfaction question were excluded.

FEG claimants who are dissatisfied with the outcome of a departmental review can apply to the Administrative Appeals Tribunal for further review. In 2019–20, only 34 applicants lodged a further review with the tribunal. This is 5.2 per cent of the total number of claimants who sought a departmental review and double the number lodged with the tribunal in 2018–19.

The tribunal finalised 16 FEG matters in 2019–20. Of these:

- the tribunal affirmed the department's decision, or dismissed the claimant's application, in 11 matters
- the claimant withdrew their application in five matters.

The tribunal did not set aside or vary the department's decision in any matter.

The number of matters finalised in 2018–19 was 34 and included seven that the tribunal set aside. While the tribunal finalised fewer matters in 2019–20, none of those matters were either set aside or varied by the tribunal.

In 2019–20, 226 of 1,277 insolvency practitioners responded to the insolvency practitioner survey, representing an 18 per cent response rate. Compared to 2018–19, the response rate increased by five percentage points. Results are calculated as the percentage of respondents who indicate they are 'satisfied' or 'very satisfied' with the program. Nil responses to the headline satisfaction question were excluded.

Office of the Federal Safety Commissioner

The Office of the Federal Safety Commissioner has achieved consistently high satisfaction ratings from scheme-accredited companies, at the same time as seeing growth in scheme coverage. Our collaborative and adaptive approach, built on years of experience and engagement, has resulted in delivery of all key outcomes. Lessons learnt through finding efficiencies and adapting to the COVID-19 pandemic restrictions will have positive effects when the office returns to business as usual.

The 2019–20 survey was distributed to the 362 accredited companies, spanning small, medium and large businesses. We achieved a response rate of 63.5 per cent, which is an increase of 14.3 percentage points from the 2018–19 survey. Results were consistent with the high results achieved in 2018–19.

Work Health Safety Accreditation Scheme

During 2019–20, Mr David Denney was appointed Federal Safety Commissioner. The Federal Safety Commissioner administers the Work Health Safety Accreditation Scheme as defined by the *Building and Construction Industry (Improving Productivity) Act 2016*. This year the Federal Safety Commissioner accredited 49 new companies, bringing the number of accredited companies to 500.

Regular on-site audits are used to accredit, assess and review the compliance of scheme-accredited companies. The COVID-19 pandemic affected the operations of the construction industry and the Office of the Federal Safety Commissioner adapted its approach by using virtual auditing technology. This was trialled to supplement physical on-site audit and to enable audits to be conducted without the need for physical contact. The Office also adapted its proactive on-site audit program in light of COVID-19 pandemic restrictions, temporarily postponing some compliance activities. However, it still conducted 395 of the planned 452 on-site audits during 2019–20. This allowed accredited companies to manage the health and safety of workers during this period. The Federal Safety Commissioner engaged regularly with the Industry Reference Group during COVID-19 restrictions and published regular advice and information on the website to help companies minimise the risks while sites remained operational.

Claim payments are correct

Strategic Priority

- Strategic Priority Workplaces

Source

- Corporate Plan 2019–23, p. 9
- Portfolio Additional Estimates Statements 2019–20, Program 2.2, p. 29⁹

Target and performance result

- 95 per cent of Fair Entitlements Guarantee payments are correct

Achieved

95 per cent of payments were correct.

Rationale

To determine whether FEG payments are correct, we sample a statistically significant random sample of claim decisions. The random sample of claims are tested against 23 criteria to evaluate the accuracy of the decision made. Results are collected and reported monthly.

Analysis

Between July 2019 and January 2020, we sampled and audited 280 claim decisions out of 8,420 claim decisions made during the reporting period. Each claim decision tested was deemed as being either 'fully compliant', 'inaccurate' or having a 'compliance issue'. The following table summarises the results.

Table 3: Claim decision accuracy

Accuracy target	Accuracy rate	Inaccuracy rate	Compliance issue rate*	Full compliance rate
95.0%	95%	5.0%	8.2%	86.8%

* Claim decisions with compliance issues are accurate but exhibit non-compliance with one or more procedural requirements.

⁹ The role of Program 2.2 is to deliver policies and programs that foster fair, productive and safe workplaces of all sizes. The 2019–20 Portfolio Additional Estimates Statement incorrectly included a reference at pages 32 and 33 to Program 2.2 'assisting job seekers to find work and small businesses to grow'. This will be corrected in the 2020–21 Portfolio Budget Statements.

In 2019–20, we improved the administration of the FEG to deliver fast and accurate outcomes for redundant workers and ensure insolvency practitioners can easily engage with the program.

Business improvements in 2019–20 include:

- a new web-based claim form that makes it easier for people who have lost their jobs due to an insolvency to access assistance
- the development of a new online portal for insolvency practitioners, FEG IP Online, to initiate communication that will make providing services and information efficient
- an Administrative Appeals Tribunal module on internal business systems to improve the administration of external reviews of FEG decisions
- a temporary measure to allow claimants extra time to obtain a foreign passport that shows their Australian permanent-residency status (this helps claimants to meet the 12-month deadline for lodging a claim).

This year we also provided program-specific fraud detection training for staff in the program and business system controls. We worked with the Commonwealth Fraud Prevention Centre to conduct pressure testing of critical fraud controls. We also ran an internal assurance forum that helped us identify and addresses emerging issues through compliance and review processes.

In addition to meeting the 2020 target, in 2019–20 other significant achievements in delivering the FEG include:

- maintaining timely FEG advances (average processing time of 8.1 weeks)
- advancing \$162.29 million in claim payments to 11,228 people
- responding to 16,883 telephone calls and 13,304 emails received through the FEG hotline and mailbox
- initiating internal reviews of 1,233 claim decisions (10 per cent of the total number of claimants seeking assistance); reviews were done where additional information is provided to the department, or the department becomes aware of circumstances that warrant re-examination of a claim
- finalising 672 requests from people seeking a review of their claim (5.4 per cent of the total number claiming assistance); the total number of reviews received was 693.

Fair Entitlements Guarantee Recovery Program

During 2019–2020, the FEG Recovery Program expended approximately \$7.59 million to recover approximately \$92.63 million of FEG advances and associated costs. This brought the total amount expended to \$34.71 million to recover a total of \$194.37 million since the program began on 1 July 2015. The recovered amounts are returned to consolidated revenue. The program also incidentally recovered \$14.94 million of employee entitlements that were not covered by the FEG.

Under this program, we were successful in identifying and resolving ambiguities in the laws relating to repayment of employee entitlements. Ambiguities in the law are typically solved incrementally as opportunities arise and are brought before a court. However, disputes are often settled before trial and ambiguity persists in the absence of a judicial decisions. Similarly, court decisions may resolve certain ambiguities but may give rise to other issues in the program that need to be tested by further case law.

The FEG Recovery Program was affected by a slowdown in the progress of civil matters before the court and by a general slowdown in industry responses as a result of the COVID-19 pandemic.

Responding to the 2019–2020 summer bushfires and COVID-19 pandemic

We implemented measures to ensure the FEG could deliver timely advances to redundant workers during the exceptional circumstances that occurred during 2019–20.

In anticipation of increased demand for the scheme from the 2019–20 summer bushfires, we put in place mechanisms to identify and respond as quickly as possible. We fast-tracked bushfire-related claims and gathered information from insolvency practitioners to identify any links between new insolvencies and the bushfire events. This helped claimants to obtain evidence to support their claim. We also temporarily suspended debt recovery action in fire-affected areas.

The COVID-19 pandemic has presented operational challenges, with the majority of staff working from home from late March 2020. Support measures were put in place to ensure continuity of service to claimants as well as insolvency practitioners. An additional 48 staff were transferred temporarily to bolster our capability to respond to increased demand on the program.

Industrial action is minimised

Strategic Priority

- Strategic Priority Workplaces

Source

- Corporate Plan 2019–23, p. 9
- Portfolio Additional Estimates Statements 2019–20, Program 2.1, p. 29

Target and performance result

- Maintenance of the number of working days lost per thousand employees

Achieved

Three working days were lost per 1,000 employees over the year to June 2020, compared to 9.8 working days lost per 1,000 employees over the year to June 2019.

Rationale

The department monitors the number of working days lost per thousand employees because it is a key measure of industrial disputes across the economy. We monitor industrial disputes to understand the effectiveness and efficiency of the industrial relations framework. We provide sound, evidence-based policy advice on industrial relations and enterprise bargaining.

Source: Australian Bureau of Statistics, Industrial Disputes (Cat No. 6321.0.55.001).

Analysis

The rate of industrial disputes over the year to the June quarter 2020 was 3 working days lost per thousand employees, compared with 9.8 working days lost per thousand employees over the year to the June quarter 2019. The rate of industrial dispute is maintained at a low level.

While this measure can be influenced by a range of factors, some of which are outside the department's direct control, it reflects the industrial relations framework to which the department's policy and legal advice have contributed.

Enterprise bargaining is used by employers and employees to negotiate pay and conditions

Strategic Priority

- Strategic Priority Workplaces

Source

- Corporate Plan 2019–23, p. 9
- Portfolio Additional Estimates Statements 2019–20, Program 2.1, p. 29

Target and performance result

- Increase in the number and coverage of enterprise agreements

**Not
Achieved**

The number of current agreements and the number of employees covered by current agreements have decreased since 30 June 2019.

Rationale

Enterprise agreements provide businesses and employees with wages and employment conditions that are tailored to the circumstances of individual workplaces. We use data from the Workplace Agreements Database we maintain to assess this measure. The database contains information on all known federal enterprise agreements in operation since the introduction of the Enterprise Bargaining Principle in October 1991.

Analysis

Analysis of the database indicates that as at 30 June 2020, there were 10,701 current agreements (not expired or terminated) covering 2.16 million employees. This compares with 11,337 agreements covering 2.19 million employees at 30 June 2019.

This measure can be influenced by a range of factors including those outside the department's direct control but reflects the industrial relations framework to which the department's policy and legal advice have contributed. Disruptions to ordinary operations caused by the COVID-19 pandemic have likely contributed to the decline in enterprise bargaining.

Efficiency measures

Timely processing of applications and claims

Strategic Priority

- Strategic Priority Workplaces

Source

- Corporate Plan 2019–23, p. 9
- Portfolio Additional Estimates Statements 2019–20, Programs 2.1, 2.2, p. 29¹⁰

Target and performance result

- 80 per cent of effective FEG claims processed within 16 weeks of receipt

Achieved

89 per cent were processed within 16 weeks of receipt.

- Average processing time of claims is 14 weeks

Achieved

The average processing time was 8.1 weeks.

- Accreditation applications to the Office of the Federal Safety Commissioner are assessed and applicants are contacted within ten working days

Achieved

100 per cent of accreditation applications were assessed and applicants were contacted within ten working days.

¹⁰ The role of Program 2.2 is to deliver policies and programs that foster fair, productive and safe workplaces of all sizes. The 2019–20 Portfolio Additional Estimates Statement incorrectly included a reference at pages 32 and 33 to Program 2.2 'assisting job seekers to find work and small businesses to grow'. This will be corrected in the 2020–21 Portfolio Budget Statements.

Rationale

Fair Entitlements Guarantee

This performance indicator benchmarks the timeliness of FEG claims management processes. Our internal benchmarks for the time taken to process effective claims of 14 and 16 weeks is an indicator to us of both efficiency in claims processing throughput and effective workflow management procedures. For a claim to be effective, it needs to meet the necessary requirements for lodgement. Data is derived from the internal claims processing system.

Office of the Federal Safety Commissioner

The Office established a benchmark of ten working days in which to complete its initial assessment of accreditation applications to reduce delays in progressing to the next stage of the application process. Measuring performance against this benchmark allows the Office to determine whether its procedures continue to support efficient processing of applications.

Analysis

The FEG exceeded both its timeliness measures for 2019–20. Taken together with our effectiveness measures, the performance results show that we are processing FEG claims in a timely manner while maintaining high levels of accuracy and stakeholder satisfaction.

The Office of the Federal Safety Commissioner has ensured all 141 applications for accreditation received during the reporting period were processed and applicants contacted within the set timelines. This is an outstanding result that demonstrates the client-focused delivery of the accreditation application requirements of the Work Health and Safety Accreditation Scheme.



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Appendix 2: Stakeholder surveys

Attorney-General's Department stakeholder survey 2020

The department conducts an annual stakeholder survey to evaluate performance against measures that apply across our strategic priority areas. For the third consecutive year, we engaged EY Sweeney to independently conduct the stakeholder survey, using a list of stakeholders provided by the department.

Methodology

Who we survey

The department provides policy advice and legal services to the Australian Government, and administers programs that support national standards for workplaces. For results to be comprehensive and reliable, the survey seeks feedback from representatives of organisations and individuals who have worked with us during the year. The 2020 survey was sent to 2,513 stakeholders.

In an effort to survey as broad a range of stakeholders as possible, business units were asked to provide contact details for stakeholders with whom they had engaged in the past year, and not to exclude stakeholders unless there was a legal or other reason they should not be contacted. This approach resulted in a larger number of stakeholders being identified to receive the survey than in previous years. In early June, the department sent an email to stakeholders informing them about the survey and providing the opportunity to remove or update their contact details. Stakeholders who did not want to receive the survey, or who were not contactable during the survey period, were removed before the department provided the stakeholder list to EY Sweeney.

How the survey was conducted

In previous years, the survey has been conducted in late April. In 2020, the survey was delayed by several weeks as staff and stakeholder agencies were involved in the government's response to the COVID-19 pandemic. The survey was available from 11 June 2020 and closed at midnight on 24 June 2020.

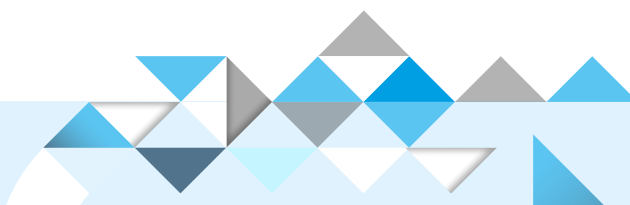
Stakeholders were invited to take part via email and each respondent used a unique link to access the online survey. This ensured that respondents completed the survey only once. Survey responses were anonymised. Respondents could receive a PDF version of the survey to help them to respond.

Measuring success over time

Our corporate plan includes 10 performance measures that rely on the annual stakeholder survey – five measure our effectiveness and five measure our efficiency.

The survey questions have remained largely the same since 2017, with minor adjustments this year to reflect the emphasis in our Corporate Plan 2019–23 and 2019–20 Portfolio Budget Statements on the high-level performance measures of 'effectiveness' and 'efficiency'. This, combined with the different approach to identifying stakeholders, means that results between years may not be directly comparable.

However, where questions have remained the same, and considering there were more responses to this year's survey (which provides a greater confidence in results), a comparison of survey results gives us a useful way to assess our performance over time. This also acknowledges that machinery-of-government and other structural changes in the department over the past three years may limit the analysis available for some priority areas. For example, Workplaces was added to our priorities following machinery-of-government changes on 29 May 2019, and was included in our performance framework for the first time this financial year.



Appendix 2: Stakeholder surveys

Survey results and analysis

We received 734 responses from across 349 organisations. This is a response rate of 29 per cent per cent, which is a two per cent increase on the 2019 response rate. The highest response rate came from Australian Government departments and agencies, which is consistent with our stakeholder profile and the nature of our activities.

Table 9: Survey responses by organisational type

Organisation type	Number of stakeholders sent the survey	Percentage of stakeholders sent the survey (%)	Number of survey respondents (unweighted)	Percentage of total responses (%)	Maximum margins of error +/- 1
Portfolio agency	210	8	126	17	8.7
Australian government department or agency	1287	51	344	47	5.3
State or territory department or agency	476	19	102	14	9.7
Not-for-profit organisation	144	6	59	8	12.8
Private business	151	6	39	5	15.7
Private advisory or professional services firm	44	2	34	5	16.8
International government agency	99	4	19	3	22.5
Other	102	4	11	1	29.5
Total	2,513	100	734	100	3.6

¹ Maximum margins of error shown are based on a research finding of 50% at the 95% Confidence Interval.

The overall levels of satisfaction of those surveyed have remained high since the 2018 survey (88 per cent overall satisfaction) and 2019 survey (90 per cent overall satisfaction). This year, the main reason respondents nominated for being 'very satisfied' related to dealing with departmental staff.

The survey showed that ten per cent of respondents were overall 'dissatisfied' with the department, which is consistent with the 2019 results. Of those who provided feedback related to this response, the most common reason for dissatisfaction was due to delays in communicating. Most areas of dissatisfaction related to staff dropped in 2020, which is a good reflection on the department's efforts to interact positively with stakeholders.

Measuring effectiveness

The survey included questions to measure our effectiveness in conducting the business of the department. In 2020, 717 respondents answered questions that contributed to our overall effectiveness ratings (excluding 'don't know' and 'not applicable' responses). Of those respondents, 87.4 per cent were 'satisfied' or 'very satisfied' with the department's overall effectiveness. Results for this year are consistent with 2018 and 2019, with improvements achieved against most statements.

Table 10: Statements used to measure effectiveness for the years 2018, 2019 and 2020

Statement	2018 (%)	2019 (%)	2020 (%)
<i>AGD is an active contributor to whole-of-government initiatives</i>	92	91	96
<i>Clear delineation of responsibilities between AGD and my organisation</i>	92	91	95
<i>AGD bases its decisions on sound evidence</i>	87	89	92
<i>Pleased with outcomes achieved between AGD and my organisation</i>	88	89	90
<i>AGD helps my agency manage risk appropriately</i>	85	88	85

The survey included specific questions to measure effectiveness in relevant strategic priority areas. Strategic Priority Workplaces is assessed through specific measures and is not reliant on the stakeholder survey.

Respondents could indicate their level of satisfaction from 'very dissatisfied' to 'very satisfied' with relevant aspects of our work. Each rating is determined by combining the results of related statements, excluding responses of 'don't know' or 'not applicable'.

Appendix 2: Stakeholder surveys

Table 11: Strategic Priority areas and effectiveness survey results 2019 and 2020

Strategic priority area	Performance criterion	2019 result (%)	2020 Target (%)	2020 Result (%)	Number of responses received ²	Number of stakeholders asked ³
Legal: Support the Attorney-General as First Law Officer, including by providing high quality legal services to the Commonwealth.	Stakeholder and client satisfaction with the effectiveness and quality of our legal services.	96 ¹	>80	95	151	730
	Stakeholder and client satisfaction with the effectiveness and quality of our policy advice.	N/A	>80	92	153	
Integrity: Promote public-sector integrity and strong oversight of Commonwealth intelligence and law enforcement agencies.	Stakeholder and client satisfaction with the effectiveness and quality of our legal services in:					476
	• oversight of Commonwealth intelligence and law enforcement agencies	94	>80	92	141	
	• promoting public sector integrity	85	>80	95	134	
Security: Support a safe and secure Australia by delivering effective national security and criminal justice legislation.	Stakeholder satisfaction with the effectiveness of the department's delivery of national security legislation.	67	>80	81	58	783
	Stakeholder satisfaction with the effectiveness of the department's delivery of criminal justice legislation.	63	>80	80	75	
Justice: Maintain an efficient and effective civil and criminal Commonwealth justice system, and work with international partners to strengthen cooperation and advance law and justice issues.	Effectiveness in maintaining the Commonwealth criminal justice system.	84	>80	76	21	477
	Effectiveness in maintaining the Commonwealth civil justice system.	83	>80	71	41	

Strategic priority area	Performance criterion	2019 result (%)	2020 Target (%)	2020 Result (%)	Number of responses received ²	Number of stakeholders asked ³
Rights: Enable a free society with balanced rights, freedoms and responsibilities.	Stakeholder satisfaction with the department's effectiveness in enabling a free society.	77	>80	65	17	129

¹ Includes results from the Australian Government Solicitor client survey that are reported separately.

² Total excludes 'don't know' or 'not applicable' responses. Where responses received is below 30, the data should be interpreted with some caution.

³ From total number of stakeholders sent the survey.

We achieved particularly high levels of satisfaction among stakeholders who responded to the survey for Strategic Priority Legal. This measure encompasses work carried out across all groups in relation to a broad range of policy issues, legal advice to government and litigation in which the government has an interest.

Since the 2017 machinery-of-government changes, the department's role in relation to security priorities across government has become more clearly defined. This means we can more effectively perform our functions in Strategic Priority Security and provide useful, timely and targeted advice to stakeholders. This is reflected in the large increase in satisfaction with our effectiveness in delivering legislation in this area among those who responded compared to the 2019 results (national security up 14 per cent, criminal justice up 17 per cent).

We exceeded our target in Strategic Priority Integrity. However, these respondents were six per cent less satisfied with our effectiveness compared to 2019.

Our ability to progress some projects and planned legislative reforms was impacted on by the need to support the government's response to the 2019–20 summer bushfire emergency and to the COVID-19 pandemic in the first half of 2020. Survey data suggests this contributed to respondents' lower satisfaction levels in some areas, particularly Strategic Priority Justice and Strategic Priority Rights compared to results in 2019.

Measuring efficiency

The Attorney-General's Department primarily provides policy and legal advice to government. There are challenges to measuring efficiency – defined as the unit cost (such as in terms of dollars spent or human resources committed) of an output (for example, a service) generated by an activity¹¹ – of the provision of legal and policy advice. Challenges include:

- attributing the impact of policy outcomes in complex environments
- measuring potentially intangible outcomes (feelings of safety, trust or confidence)
- the non-linear nature of policy development.

In addition, sources of data to accurately measure the efficiency of policy and legal advice are scarce, especially over a financial year (the performance cycle timeframe). Accordingly, we use stakeholder satisfaction with the timeliness of our policy and legal advice and our responsiveness to resolving complex legal and policy issues as a proxy measure for efficiency.

¹¹ Department of Finance (2020), RMG 131 Developing good performance information.

Appendix 2: Stakeholder surveys

Despite changes to the methodology this year and the resulting increase in stakeholders asked to participate in the survey, as the survey is conducted annually and the questions have remained largely the same, this provides trend information that allows us to assess our efficiency over time against consistent markers.

This year, 84.7 per cent of respondents were 'satisfied' or 'very satisfied' with the department's overall efficiency in meeting its goals and supporting government, an improvement to results in 2018 and 2019.

Table 12: Statements used to measure efficiency for the years 2018, 2019 and 2020

Statement	2018 (%)	2019 (%)	2020 (%)
AGD adds value to the work of my agency	88	90	92
AGD operates in a coordinated manner	82	85	89

Questions to measure efficiency in specific strategic priority areas related to the timeliness with which the department delivered its work. Respondents could indicate their level of satisfaction from 'very dissatisfied' to 'very satisfied' with relevant aspects of our work. Each rating is a combination of related statements, excluding responses of 'don't know' or 'not applicable'.

Table 13: Strategic Priority areas and efficiency survey results 2019 and 2020

Strategic Priority	Performance criterion	2019 result (%)	2020 Target (%)	2020 Result (%)	Number of responses received ²	Number of stakeholders asked ³
Legal: Support the Attorney-General as First Law Officer, including by providing high quality legal services to the Commonwealth	Stakeholder and client satisfaction with the timeliness of legal services.	94.1	>80	90	143	730
	Stakeholder and client satisfaction with the timeliness of policy advice.	88	>80	87	149	
Integrity: Promote public-sector integrity and strong oversight of Commonwealth intelligence and law enforcement agencies.	Stakeholder satisfaction with the timeliness of delivery of work related to public sector integrity:					476
	• program work	93	>80	86	79	
	• policy advice	91	>80	82	85	
	• legislative change.	86	>80	78	77	

Strategic Priority	Performance criterion	2019 result (%)	2020 Target (%)	2020 Result (%)	Number of responses received ²	Number of stakeholders asked ³
Security: Support a safe and secure Australia by delivering effective national security and criminal justice legislation.	Stakeholder satisfaction with the timeliness of policy advice, program work and legislative change in relation to:					783
	• oversight of Commonwealth intelligence and law enforcement agencies	84	>80	86	179	
	• national security legislation	79	>80	81	178	
	• criminal justice legislation.	70	>80	77	224	
Justice: Maintain an efficient and effective civil and criminal Commonwealth justice system, and work with international partners to strengthen cooperation and advance law and justice issues.	Timeliness in delivering criminal justice policy advice, program work and legislative changes.	81	>80	75	57	477
	Timeliness in delivering civil justice policy advice, program work and legislative changes.	80	>80	64	122	
Rights: Enable a free society with balanced rights, freedoms and responsibilities.	Stakeholder satisfaction with timeliness of the department's delivery of program work, policy advice and legislative changes to enable a free society.	83	>80	76	38	129

¹ Includes results from the Australian Government Solicitor client survey that are reported separately.

² Total excludes 'don't know' or 'not applicable' responses. Where responses received is below 30, the data should be interpreted with some caution.

³ From total number of stakeholders sent the survey.

We achieved and exceeded our target of 80 per cent satisfaction for six out of 11 criteria. However, most satisfaction levels were lower than the 2019 results, except in Strategic Priority Security. As noted, our plans for certain projects and legislative reforms were affected by the COVID-19 pandemic and the need to support the government's emergency response in the first half of 2020. Survey data suggests that the delayed delivery of some items has influenced stakeholder satisfaction for this measure, particularly in the areas of Justice and Rights.

Appendix 2: Stakeholder surveys

Survey results indicate that respondents are mostly 'satisfied' or 'very satisfied' with the timeliness of our legal and policy advice. This year, stakeholder satisfaction increased across all of our targets in the Strategic Security and we exceeded two out of three targets. We were slightly below our target for delivery of criminal justice legislation. However, satisfaction in this area was seven per cent higher than the 2019 results. This is likely due to greater clarity of our role in the whole-of-government approach to national security.

We exceeded our target in Strategic Priority Integrity, but respondents were overall less satisfied with our efficiency in this area compared to 2019. A key factor is likely to be the timing for establishing the Commonwealth Integrity Commission, which was delayed while the government managed the immediate priority of the COVID-19 pandemic response.

We did not meet our target in Strategic Priority Justice. Potential contributing factors include delays in the government's response to the Australian Law Reform Commission Report and progress of the Native Title Legislation Amendment Bill, which did not proceed as planned due to COVID-19 pandemic arrangements.

This year, respondents were seven per cent less satisfied with our efficiency in Strategic Priority Rights than they were in 2019. Although this overall result is slightly below our target, 83 per cent of respondents remained satisfied with the timeliness in our delivery of program work. The delay in introduction of the Religious Discrimination Bill, which would implement the government's response to the Religious Freedom Review, is likely to reflect this rating. While the government held two consultation periods, further work on the bill has been delayed as a result of the focus on the COVID-19 pandemic response.

Australian Government Solicitor client survey 2020

AGS conducts a biennial client survey to assess client satisfaction with legal work provided. In the alternative years, AGS meets with clients for face-to-face conversations about its performance.

Methodology

Who we survey

The AGS Client Satisfaction Survey is sent to heads of legal areas, instructing officers and client contacts.

How the survey was conducted

The AGS survey was last conducted in 2019. Due to the COVID-19 pandemic, the ability to hold planned face-to-face meetings about client satisfaction at the relevant time in 2020 was curtailed. Thus, AGS conducted a client survey again in 2020.

The survey uses an electronic platform, Qualtrics. Respondents can choose to be anonymous or identified. The Qualtrics platform provides detailed data analysis in order to identify our strengths and opportunities for improvement.

The survey was conducted in June 2020 and 1,317 clients were invited to respond. Surveys were completed by 277 respondents, representing a 21 per cent response rate.

Measuring performance

AGS provides policy advice and legal services to government. Sources of data to accurately measure efficiency are limited. We use the client survey to measure overall satisfaction and satisfaction with a number of attributes relating to the timeliness of information and advice we provide, compliance with relevant guidelines, provision of services within budget and the effectiveness and quality of our policy advice and legal services.

Survey results and analysis

Results of the survey contribute to measuring the department's performance in Strategic Priority Legal. AGS clients surveyed in 2020 expressed high levels of satisfaction.

AGS continues to exceed the targets of over 80 per cent for overall satisfaction, timeliness, our effectiveness in conducting our business and efficiency in meeting our goals. In 2020, AGS's overall satisfaction rating was 84 per cent. These results were equal to the ratings for 2019.

