

B. How we prepared this report

Queensland Audit Office reports to parliament

The Queensland Audit Office (QAO) is Queensland's independent auditor of public sector entities and local governments.

QAO's independent public reporting is an important part of our mandate. It brings transparency and accountability to public sector performance and forms a vital part of the overall integrity of the system of government.

QAO provides valued assurance, insights and advice, and recommendations for improvement via the reports it tables in the Legislative Assembly, as mandated by the *Auditor-General Act 2009*. These reports may be on the results of our financial audits, on the results of our performance audits, or on our insights. Our insights reports may provide key facts or a topic overview, the insights we have gleaned from across our audit work, the outcomes of an investigation we conducted following a request for audit, or an update on the status of Auditor-General's recommendations.

We share our planned reports to parliament in our 3-year forward work plan, which we update annually: www.qao.qld.gov.au/audit-program.

A fact sheet how we prepare, consult on, and table our reports to parliament is available on our website: www.qao.qld.gov.au/reports-resources/fact-sheets.

Performance audits

Through our performance audit program, we evaluate the efficiency, effectiveness, and economy of public service delivery. We select the topics for these audits via a robust process that reflects strategic risks entities are facing. We develop or identify suitable criteria for each audit and evaluate the audited entities' performance against it. We report to parliament on the outcome.

Our performance audit reports help parliament hold entities to account for the use of public resources. In our reports, we provide recommendations or insights for improvement, and may include actions, advice, or better practice examples for entities to consider.

About this report

QAO prepares its reports on performance audits under the *Auditor-General Act 2009*:

- section 37A, which outlines that the Auditor-General may conduct a performance audit of all or any particular activities of a public sector entity.

This report communicates the findings, conclusions, and recommendations from our performance audit on accessing legal representation services. Our audit was a reasonable assurance engagement, conducted under the *Auditor-General Auditing Standards* and guided by the Australian Standard on Assurance Engagements ASAE 3500 *Performance Engagements*.

We complied with the independence and other relevant ethical requirements related to assurance engagements. The conclusions in our report provide reasonable assurance about the audited entities' performance against the identified criteria. Our objectives and criteria are set out below.

The objective of this audit

The objective of this audit was to examine whether Legal Aid Queensland is effectively enabling access to legal representation for people in need.

What we cover

This report looks at how Legal Aid Queensland is using its available resources to provide access to publicly funded legal representation. It focuses on the work that Legal Aid Queensland does to identify and manage demand for legal representation services, including how it has designed and applies its eligibility criteria.

The entity we audited

The entity subject to this audit is Legal Aid Queensland. Its aim is to promote fairness, equity, and confidence in the justice system by providing legal assistance to financially disadvantaged people. Legal representation is one of Legal Aid Queensland's key legal assistance services.

Our approach

Audit criteria

Sub-objective 1: Is Legal Aid Queensland effectively identifying and designing its services to access people who need legal representation?

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|---------------------|---|
| Criteria 1.1 | Legal Aid Queensland monitors needs and demand for representation services to identify and allocate resources. |
| Criteria 1.2 | Legal Aid Queensland provides outreach and referral pathways that are designed to address barriers to access and increase awareness of representation services. |
| Criteria 1.3 | Legal Aid Queensland designs its eligibility criteria and guidelines based on service usage, current datasets, and people in need of representation in line with state and national priorities. |

Sub-objective 2: Is Legal Aid Queensland granting access to representation services for eligible people?

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|---------------------|---|
| Criteria 2.1 | Legal Aid Queensland applies its eligibility criteria accurately, consistently, and efficiently. |
| Criteria 2.2 | Legal Aid Queensland embeds internal review and escalation protocols into its assessment process to support the integrity and quality of decisions. |

Sub-objective 3: Is Legal Aid Queensland reviewing and improving the effectiveness of its processes?

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|---------------------|--|
| Criteria 3.1 | Legal Aid Queensland monitors and reports on performance measures to understand whether its representation services are effective in providing access to justice for people in need. |
| Criteria 3.2 | Legal Aid Queensland monitors and responds to trends in demand, unmet needs, and service gaps. |
| Criteria 3.3 | Legal Aid Queensland uses learnings from quality assurance mechanisms to improve its processes. |



Scope exclusions

As part of the audit, we did not assess:

- the effectiveness of representation services or outcomes
- other types of services provided through Legal Aid Queensland, including duty lawyer services. While these are a type of representation service, they are not subject to the same eligibility criteria, are not provided in an ongoing capacity, and do not involve grants of aid
- our audit focused on initial grants of aid as the access point to legal representation services.

Method

Interviews

We interviewed a diverse range of stakeholders from across the legal assistance sector. This included:

- Legal Aid Queensland
- Department of Justice
- Community legal centres
- the Magistrates Court
- Queensland Civil and Administrative Tribunal
- Queensland Law Society.

Document review

We obtained and reviewed relevant documents from Legal Aid Queensland. This included legislation, strategic plans, annual plans, guidelines, correspondence with stakeholders, performance reports, reviews, and evaluations.

Data analysis

We analysed a range of data from Legal Aid Queensland, including:

- applications for grants of aid received and approved
- internal and external decision reviews
- timeliness of application processing
- funding model data.

We validated our data methods and analysis progressively with Legal Aid Queensland. Some assumptions and methods used may differ from those reported by Legal Aid Queensland. These assumptions have been communicated throughout this report where relevant.

Subject matter expert

We engaged a subject matter expert to review the factors considered and methodology used in designing Legal Aid Queensland's funding model. We also received advice on measures to demonstrate how eligibility thresholds are not keeping up with the costs of living.

