

VOTE *Attorney- General*

Attorney-General

Overview

Departmental appropriations sought for Vote Attorney-General in 2006/07 total \$53.461 million. This is intended to be spent as follows:

- \$1.963 million (4% of the Vote) on the conduct of appeals arising from criminal trials on indictment and from Crown appeals against sentence.
- \$18.810 million (35% of the Vote) on providing legal advice and representation services directly to central government departments and Crown agencies.
- \$31.410 million (59% of the Vote) on providing a national Crown prosecution service, which conducts and administers criminal trials on indictable offences and appeals against conviction and sentences arising out of summary prosecutions, and criminal advice and services.
- \$1.278 million (2% of the Vote) on providing legal and administrative services to the Attorney-General and Solicitor-General to assist them in the exercise of their statutory functions and responsibilities.

Details of how the appropriations are to be applied appear in Parts B1 and C of this Vote.

Minister Portfolio Table

5 Attorney-General

Attorney-General

VOTE MINISTER: Attorney-General

ADMINISTERING DEPARTMENT: Crown Law Office

The Attorney-General is the Responsible Minister for the Crown Law Office

Part A - Statement of Objectives and Trends

Part A1 - Objectives for Vote

Related Government Outcomes

The Government's vision is for 'an inclusive New Zealand where all people enjoy opportunities to fulfil their potential, prosper, and participate in the social, economic, political and cultural life of their communities and nation'.

The Government's priorities for the next decade are:

- Economic transformation - working to progress our economic transformation to a high income, knowledge based market economy, which is both innovative and creative and provides a unique quality of life to all New Zealanders.
- Families - young and old - all families, young and old, have the support and choices they need to be secure and be able to reach their full potential within our knowledge based economy.
- National identity - all New Zealanders to be able to take pride in who and what we are, through our arts, culture, film, sports and music, our appreciation of our natural environment, our understanding of our history and our stance on international issues.

Vote Attorney-General will contribute to the vision Families - young and old, through the specific outcomes developed by the organisations belonging to the Justice Sector, of which Crown Law is a part. These sector outcomes are:

- Safer communities, being communities in which there is reduced crime and in which safety and wellbeing is enhanced through partnerships.
- A fairer, more credible and more effective justice system, being a system in which people's interactions are underpinned by the rule of law and justice services are more equitable, credible and accessible.

Achievement of the Government's goals and sector outcomes is assisted by the contribution made by Vote Attorney-General to:

- protecting the Crown's legal interests
- supporting the responsibilities of the Crown and its agencies
- the maintenance of law and order
- the maintenance of public interest factors in the application of the law.

Output Appropriations

To achieve these objectives the appropriations in Vote Attorney-General provide for the purchase of the following services:

- conduct of appeals arising from criminal trials on indictment and from Crown appeals against sentence
- legal advice and representation services to central government departments and Crown agencies
- a national Crown prosecution service, which undertakes criminal trials on indictment, and appeals arising out of summary prosecutions
- legal and administrative services for the Attorney-General and Solicitor-General in the exercise of Principal Law Officer functions.

Part A2 - Trends in Vote

Departmental Output Trends: 2001/02 - 2006/07

With the establishment of the Supreme Court there has been an increase in the number of criminal appeals taken by the offender.

The Crown prosecution service comprises a network of Crown Solicitors whose responsibilities include the conduct of all trials of indictable crime, and appeals arising out of summary prosecutions. There has been an increase in the volume and a change in the mix of trials and appeals over the trend analysis period. Costs have also increased, although sometimes at a slightly higher rate reflecting the particular nature and complexity of some trials and appeals. The increasing trends in volumes and expenditure on trial and appeal activity are influenced by the charges brought by New Zealand Police and other prosecution agencies, the nature, severity and complexity of the cases brought, and the capacity of the courts to conduct trials and appeals in each year.

The demand for legal advice and representation services provided by Crown Law has continued to grow during the period of the trend analysis. This trend is measured, in part, by the number of new instructions received. The instructions, however, vary considerably in nature, size and complexity and do not necessarily reflect the amount of legal resource, in the form of counsel and legal support staff, that is required to manage a variety of large and small litigation matters as well as address requests for complex and often urgent advice.

New Policy Initiatives by Appropriation

Initiative	Appropriation as shown in Part B	\$000 increase/(decrease)				
		2005/06	2006/07	2007/08	2008/09	2009/10
Demand driven cost pressures in the Supervision and Conduct of Crown Prosecutions	Departmental Output Expenses - Supervision and Conduct of Crown Prosecutions	2,700	2,700	2,700	2,700	2,700
Supervision and Conduct of Crown Prosecutions - 2006 Crown Solicitors Fee Rate Increase	Departmental Output Expenses - Supervision and Conduct of Crown Prosecutions	-	1,000	1,000	1,000	1,000
Demand driven pressures in Legal Advice and Representation	Departmental Output Expenses - Legal Advice and Representation	758	1,658	1,658	1,658	1,658
Total Initiatives		3,458	5,358	5,358	5,358	5,358

Part B - Statement of Appropriations

Summary of Financial Activity

	2001/02	2002/03	2003/04	2004/05	2005/06		2006/07 Appropriations to be Used				2007/08	2008/09	2009/10	
	Actual \$000	Actual \$000	Actual \$000	Actual \$000	Budget \$000	Estimated Actual \$000	By the Department Administering the Vote		For Non-Departmental Transactions		Total \$000	Estimated \$000	Estimated \$000	Estimated \$000
							Annual \$000	Other \$000	Annual \$000	Other \$000				
Appropriations														
Output Expenses	36,400	39,541	42,200	47,589	51,497	51,497	53,461	-	-	-	53,461	53,528	53,599	53,599
Benefits and Other Unrequited Expenses	-	-	-	-	-	-	N/A	N/A	-	-	-	-	-	-
Borrowing Expenses	-	-	-	-	-	-	N/A	N/A	-	-	-	-	-	-
Other Expenses	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital Expenditure	-	-	-	-	-	-	N/A	N/A	-	-	-	-	-	-
Intelligence and Security Department Expenses and Capital Expenditure	-	-	-	-	-	-	-	-	N/A	N/A	-	-	-	-
Total Appropriations	36,400	39,541	42,200	47,589	51,497	51,497	53,461	-	-	-	53,461	53,528	53,599	53,599
Crown Revenue and Receipts														
Tax Revenue	-	-	-	-	-	-	N/A	N/A	N/A	N/A	-	-	-	-
Non-Tax Revenue	-	-	-	-	-	-	N/A	N/A	N/A	N/A	-	-	-	-
Capital Receipts	-	-	-	-	-	-	N/A	N/A	N/A	N/A	-	-	-	-
Total Crown Revenue and Receipts	-	-	-	-	-	-	N/A	N/A	N/A	N/A	-	-	-	-

Part B1 - Details of Appropriations

Appropriations	2005/06				2006/07		Scope of 2006/07 Appropriations
	Budget		Estimated Actual		Vote		
	Annual \$000	Other \$000	Annual \$000	Other \$000	Annual \$000	Other \$000	
Departmental Output Expenses (General)							
Conduct of Criminal Appeals (M5)	1,933	-	1,933	-	1,963	-	- Conducting appeals arising from criminal trials on indictment and from Crown appeals against sentence.
Legal Advice and Representation (M5)	17,900	-	17,900	-	18,810	-	- Providing legal advice and representation services to central government departments and Crown agencies. Reason for Change: There has been an increase in demand for legal advice and representation and an increase in disbursements made on behalf of clients.
Supervision and Conduct of Crown Prosecutions (M5)	30,386	-	30,386	-	31,410	-	- Provision of a national Crown prosecution service that undertakes criminal trials on indictment, and appeals arising out of summary prosecutions. The costs of supervising the Crown Solicitor network and providing criminal law advice and services. Reason for Change: In some areas the Courts have scheduled more court time to address the backlog of criminal matters, this has led to an increase in demand for crown prosecution services. The Crown Solicitors Regulations 1994 require that the fees paid to Crown Solicitors are reviewed annually.
The Exercise of Principal Law Officer Functions (M5)	1,278	-	1,278	-	1,278	-	- Providing legal and administrative services to the Attorney-General and Solicitor-General to assist them in the exercise of their Principal Law Officer functions.
Total Departmental Output Expenses (General)	51,497	-	51,497	-	53,461	-	
Total Appropriations	51,497	-	51,497	-	53,461	-	

Part C - Explanation of Appropriations for Output Expenses

Part C1 - Departmental Output Expenses

Conduct of Criminal Appeals

This output class involves the conduct of all appeals, which arise out of criminal trials on indictment and from Crown appeals. The majority of appeals are brought by the offender. They involve pre-trial applications and appeals against sentence and conviction. These appeals are filed in the Court of Appeal, Privy Council or Supreme Court.

The decision on whether to take a Crown appeal is a statutory function of the Solicitor-General.

Legal Advice and Representation

This output class comprises the provision of legal advice and representation services to central government departments and agencies with special emphasis on constitutional and other matters of public and administrative law, including Treaty of Waitangi and revenue issues.

The legal advice and representation services provided take into account the responsibility of the Government to conduct its affairs in accordance with the law and the underlying role of the Office to discharge the responsibilities of the Attorney-General and Solicitor-General to act in the public interest.

Supervision and Conduct of Crown Prosecutions

This output class involves the provision of a national Crown prosecution service, which undertakes criminal trials on indictment and related appeals. The output class involves the supervision of the network of Crown Solicitors, who deliver the prosecution service in centres where District Court and High Court jury trials are conducted throughout New Zealand, and the provision of advice on criminal law matters to other government agencies and Crown Solicitors.

The advice on criminal law matters includes undertaking work in the following areas: proceeds of crime, mutual assistance, blood sampling for DNA, requests for Crown appeals arising out of summary prosecutions, consents to prosecute, applications for stays and immunity from prosecution.

The Exercise of Principal Law Officer Functions

This output class covers the provision of legal and administrative services to the Attorney-General and Solicitor-General to assist them in the exercise of their Principal Law Officer functions, the provision of legal advice to Government and Ministers of the Crown, including advice on constitutional and governance related issues, and advice to the judiciary regarding legal processes.

The particular services provided include:

- monitoring the enforcement and application of the law
- supervision of charities
- representation of the public interest
- vexatious litigant proceedings

- the exercise of a variety of powers, duties and authorities arising from statutory requirements and constitutional conventions
- extraditions
- review of legislation for compliance with the Bill of Rights Act 1990
- advice on the appointment processes for judges and Queens Counsel
- participation in Pacific Island Law Officer Meeting (PILOM).

Part E - Explanation of Capital Flows

Part E1 - Explanation of Movements in Departmental Net Asset Schedules

Details of Net Asset Schedule for Crown Law Office	Estimated Actual 2005/06 \$000	Projected 2006/07 \$000	Explanation of Projected Movements in 2006/07
Opening Balance	1,797	1,297	
Capital Injections	-	-	
Capital Withdrawals	(500)	-	This provides for the repayment of the short term Capital Injection provided in the 2005 financial year to assist with the relocation of Crown Law to The Terrace.
Surplus to be Retained (Deficit Incurred)	-	-	
Other Movements	-	-	
Closing Balance	1,297	1,297	