

VOTE *Attorney- General*

Attorney-General

Overview

Departmental appropriations sought for Vote Attorney-General in 2005/06 total \$48.039 million. This is intended to be spent as follows:

- \$17.142 million (36% of the Vote) on providing legal advice and representation services directly to central government departments and Crown agencies.
- \$27.686 million (57% 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.
- \$1.933 million (4% of the Vote) on the conduct of appeals arising from criminal trials on indictment and from Crown appeals against sentence.
- \$1.278 million (3% 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.

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

A1 - Objectives for Vote Attorney-General

Related Government Outcomes

Vote Attorney-General will contribute to the key Government goals for the public sector, in particular, those that are aimed at maintaining trust in government by building safe communities, and through the promotion of a strong and effective public service.

The government goals have been incorporated into specific outcomes developed by organisations belonging to the Justice Sector, of which the Crown Law Office 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:

- 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.
- Conduct of appeals arising from criminal trials on indictment and from Crown appeals against sentence.
- Legal and administrative services for the Attorney-General and Solicitor-General in the exercise of Principal Law Officer functions.

A2 - Trends in Vote Attorney-General

Departmental Output Trends: 2000/01 - 2005/06

The Departmental output trends in Vote Attorney-General are largely influenced by the demand for legal advice and representation services by clients of the Crown Law Office the volume and cost associated with providing a national Crown prosecution service and the volume and cost associated with Criminal Appeals.

The demand for legal advice and representation services provided by the Office 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. Resources within the Office, in terms of legal staff, support structures and research services and technologies, continue to be focussed towards meeting client demands for an effective and responsive service.

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 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 fees paid to the Crown Solicitors are in set in accordance with the Crown Solicitor Regulations, which require that the fee be reviewed annually with the new rate effective as from 1 July.

Criminal Appeals arise out of criminal trials on indictment and from Crown appeals. The majority of appeals against sentence and or conviction, are brought by the offender. With the establishment of the Supreme Court there has been an increase in the number of appeals taken by the offender. The decision on whether to take a crown appeal is a statutory function of the Solicitor-General.

New Policy Initiatives by Appropriation

Initiative	Appropriation as shown in Part B	\$000 increase/(decrease)				
		2004/05	2005/06	2006/07	2007/08	2008/09
Supervision and Conduct of Crown Prosecutions - Other output expenses	Departmental Output Expense - Supervision and Conduct of Crown Prosecutions	376	399	423	448	475
Supervision and Conduct of Crown Prosecutions - Crown Solicitor Fees	Departmental Output Expense - Supervision and Conduct of Crown Prosecutions	-	764	764	764	764
Conduct of Criminal Appeals	Departmental Output Expense - Conduct of Criminal Appeals	471	499	529	561	595
Total Initiatives		847	1,662	1,716	1,773	1,834

Trends in Vote Attorney-General - Summary of Financial Activity

	2000/01	2001/02	2002/03	2003/04	2004/05		2005/06 Appropriations to be Used				2006/07	2007/08	2008/09	
	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	34,273	36,400	39,541	42,200	47,589	47,589	48,039	-	-	-	48,039	48,103	48,170	48,241
Benefits and Other Unrequited Expenses	-	-	-	-	-	-	N/A	N/A	-	-	-	-	-	-
Borrowing Expenses	-	-	-	-	-	-	N/A	N/A	-	-	-	-	-	-
Other Expenses	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital Expenditure	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Intelligence and Security Department Expenses and Capital Expenditure	-	-	-	-	-	-	-	-	N/A	N/A	-	-	-	-
Total Appropriations	34,273	36,400	39,541	42,200	47,589	47,589	48,039	-	-	-	48,039	48,103	48,170	48,241
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 B - Statement of Appropriations

Details of Appropriations

	2004/05				2005/06		
	Budget		Estimated Actual		Vote		
Appropriations	Annual \$000	Other \$000	Annual \$000	Other \$000	Annual \$000	Other \$000	Scope of 2005/06 Appropriations
Departmental Output Expenses (General)							
Legal Advice and Representation	17,372	-	17,372	-	17,142	-	Providing legal advice and representation services to central government departments and Crown agencies.
Supervision and Conduct of Crown Prosecutions	26,943	-	26,943	-	27,686	-	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.
Conduct of Criminal Appeals	1,963	-	1,963	-	1,933	-	Conducting appeals arising from criminal trials on indictment and from Crown appeals against sentence.
The Exercise of Principal Law Officer Functions	1,311	-	1,311	-	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 Appropriations for Departmental Output Expenses (General)	47,589	-	47,589	-	48,039	-	
Total Appropriations	47,589	-	47,589	-	48,039	-	

Part C - Explanation of Appropriations for Output Expenses

C1 - Departmental Output Expenses

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.

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.

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
- relator proceedings
- vexatious litigant proceedings
- the exercise of a variety of powers, duties and authorities arising from statutory requirements and constitutional conventions.

This output expense also includes the review of legislation for compliance with the Bill of Rights Act 1990, advice on the appointment processes for judges and Queens Counsel, and support services for Pacific Island Law Officer Meeting (PILOM).

Part E - Explanation of Capital Flows

Part E1 - Explanation of Movements in Department Net Asset Schedules

Explanation of Movements in Department's Net Asset Schedule

Details of Net Asset Schedule for Crown Law Office	Estimated Actual 2004/05 \$ million	Projected 2005/06 \$ million	Explanation of Projected Movements in 2005/06
Opening Balance	1.936	2.436	
Capital Injections	0.500	-	
Capital Withdrawals	-	(0.500)	Repayment of the 2004/05 capital injection provided for essential working capital requirements.
Closing Balance	2.436	1.936	