

Performance Information for Appropriations

Vote Attorney-General

MINISTER(S) RESPONSIBLE FOR APPROPRIATIONS: Attorney-General (M5)

ADMINISTERING DEPARTMENT: Crown Law Office

MINISTER RESPONSIBLE FOR CROWN LAW OFFICE: Attorney-General

Part 1 - Summary of the Vote

Part 1.1 - Overview of the Vote

The Attorney-General is responsible for appropriations in the Vote for the 2008/09 financial year covering the following:

- a total of \$3.294 million (5% of the Vote) for the conduct of appeals arising from criminal trials on indictment and from Crown appeals against sentence
- a total of \$21.110 million (33% of the Vote) on providing legal advice and representation services to central government departments and agencies
- a total of \$35.742 million (56% of the Vote) on providing a national Crown prosecution service that undertakes criminal trials on indictment and related appeals
- a total of \$3.178 million (5% 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
- a total of \$967,000 (1% of the Vote) on the purchase or development of assets by and for the use of the Crown Law Office, as authorised by section 24 (1) of the Public Finance Act 1989.

Crown Law expects to receive a total of over \$21.110 million (33% of the Vote) comprising fees and disbursements, from central government departments and agencies for providing legal advice and representation services.

Details of these appropriations are set out in Parts 2-6 below.

Part 1.2 - High-Level Objectives of the Vote

Government Priorities and Outcomes - Links to Appropriations

Government Priorities - Themes/Sub-themes	Government Outcomes	Appropriations
Sub-theme: Families - Young and Old	Offenders Held to Account	Supervision and Conduct of Crown Prosecutions
		Conduct of Criminal Appeals
	Trusted Justice System	Conduct of Criminal Appeals
		Legal Advice and Representation
		Supervision and Conduct of Crown Prosecutions
		The Exercise of Principle Law Officer Functions
	International Connectedness	The Exercise of Principle Law Officer Functions
		Legal Advice and Representation
	Durable Settlement of Treaty Claims	Legal Advice and Representation
	Effective Constitutional Arrangements	The Exercise of Principle Law Officer Functions
		Legal Advice and Representation
		Conduct of Criminal Appeals
		Supervision and Conduct of Crown Prosecutions

Part 1.3 - Trends in the Vote

Summary of Financial Activity

	2003/04	2004/05	2005/06	2006/07	2007/08		2008/09			2009/10	2010/11	2011/12
	Actual \$000	Actual \$000	Actual \$000	Actual \$000	Budgeted \$000	Estimated Actual \$000	Departmental Transactions Budget \$000	Non- Departmental Transactions Budget \$000	Total Budget \$000	Estimated \$000	Estimated \$000	Estimated \$000
Appropriations												
Output Expenses	42,200	47,081	50,459	56,249	61,913	61,913	63,324	-	63,324	62,909	62,909	62,909
Benefits and Other Unrequited Expenses	-	-	-	-	-	-	N/A	-	-	-	-	-
Borrowing Expenses	-	-	-	-	-	-	-	-	-	-	-	-
Other Expenses	-	-	-	-	-	-	-	-	-	-	-	-
Capital Expenditure	2,819	1,355	240	594	534	534	967	-	967	465	315	615
Intelligence and Security Department Expenses and Capital Expenditure	-	-	-	-	-	-	-	N/A	-	-	-	-
Total Appropriations	45,019	48,436	50,699	56,843	62,447	62,447	64,291	-	64,291	63,374	63,224	63,524
Crown Revenue and Receipts												
Tax Revenue	-	-	-	-	-	-	N/A	N/A	-	-	-	-
Non-Tax Revenue	-	-	-	-	-	-	N/A	N/A	-	-	-	-
Capital Receipts	-	-	-	-	-	-	N/A	N/A	-	-	-	-
Total Crown Revenue and Receipts	-	-	-	-	-	-	N/A	N/A	-	-	-	-

Budget Policy Initiatives

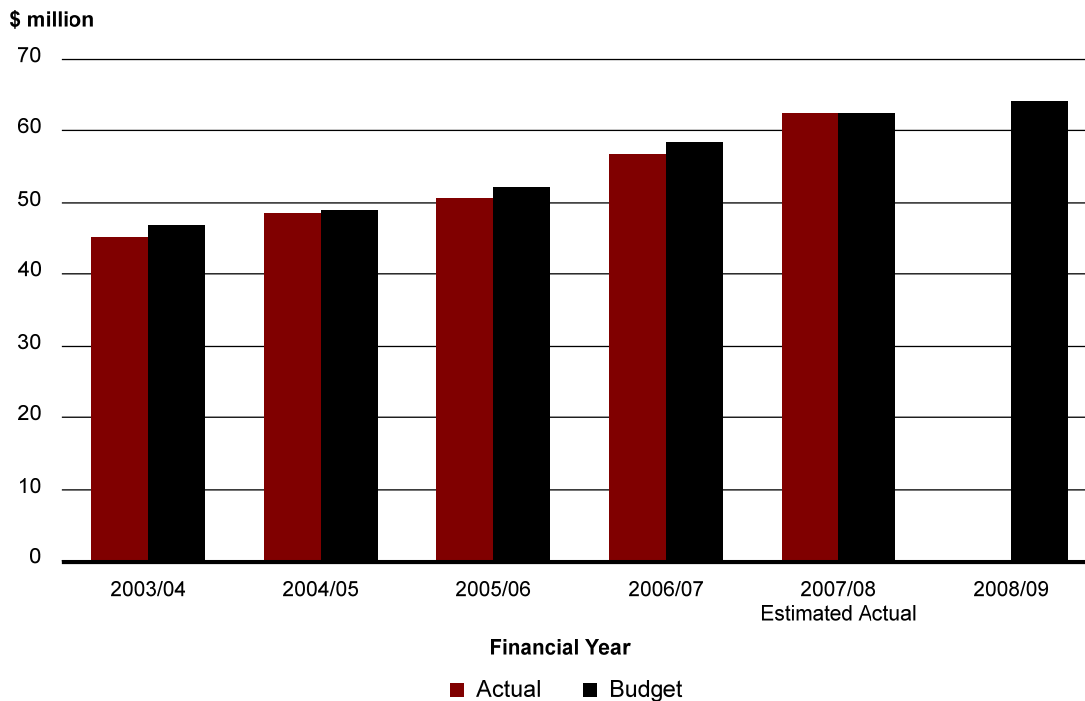
Policy Initiative	Appropriation	2007/08 Budgeted \$000	2008/09 Budget \$000	2009/10 Estimated \$000	2010/11 Estimated \$000	2011/12 Estimated \$000
Demand Pressures impacting on Criminal Prosecutions and Criminal Appeals	Conduct of Criminal Appeals Departmental Output Expenses	125	265	300	300	300
	Supervision and Conduct of Crown Prosecutions Departmental Output Expenses	2,650	3,850	3,400	3,400	3,400
Increase in the Appropriation for the Exercise of the Law Officer Function: Unavoidable Demand Pressures 2007/08	The Exercise of the Law Officer Function Departmental Output Expenses	1,900	1,900	1,900	1,900	1,900
Capital Injection	Departmental Capital Injection	639	-	-	-	-
Total Initiatives		5,314	6,015	5,600	5,600	5,600

Analysis of Significant Trends

Total Vote: All Appropriations

Trends in comparative actual and estimated total expenses and capital expenditure are shown in Figure 1 below, including budgeted and estimated actual figures for the preceding year.

Figure 1 - Trends in total actual and estimated expenses and capital expenditure

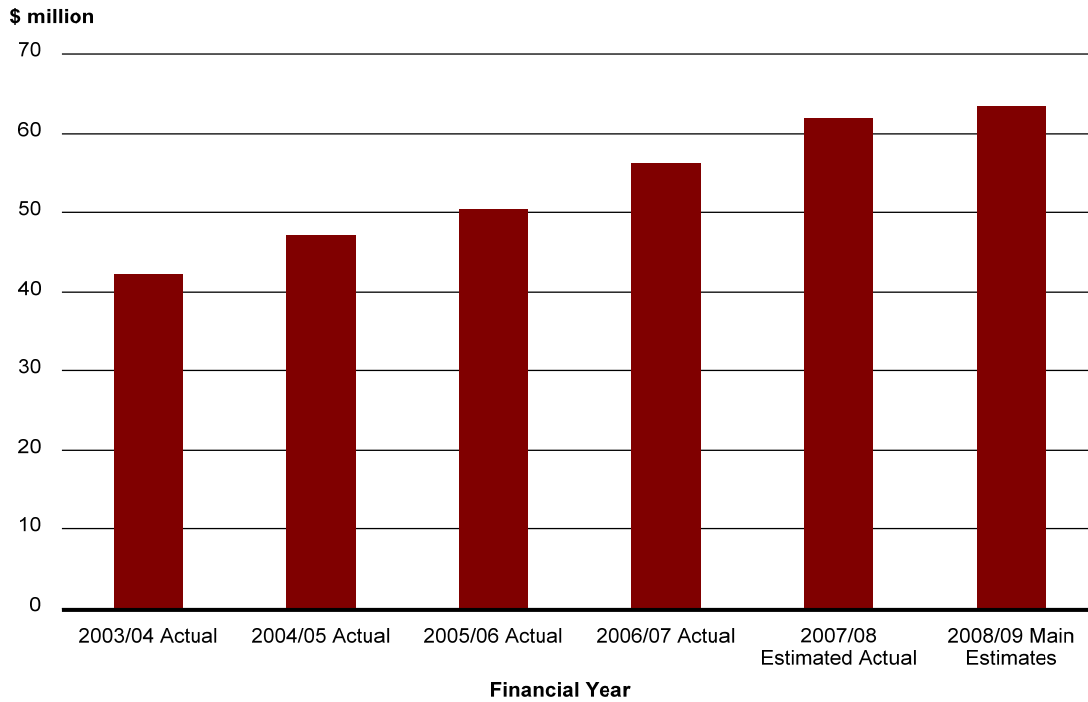


Source: Crown Law

Departmental Output Expenses

Significant trends in comparative actual and estimated expenses for Departmental Output Expenses appropriations under this Vote are shown in Figure 2 below, including budgeted and estimated actual figures for the preceding year.

Figure 2 - Trends in Departmental Output Expenses



Source: Crown Law

Part 2 - Details and Expected Performance for Output Expenses

Part 2.1 - Departmental Output Expenses

Intended Impacts, Outcomes and Objectives

Intended Impacts, Outcomes or Objectives of Appropriations	Appropriations
Outcome - Offenders held to account Impact - Effective Crown prosecution service	Conduct of Criminal Appeals
Outcome - Effective and lawful functioning of New Zealand's Government Impact - Crown's legal interests are protected and its responsibilities are carried out lawfully	Legal Advice and Representation
Outcome - Offenders held to account Impact - Effective Crown prosecution service	Supervision and Conduct of Crown Prosecutions
Outcome - Effective constitutional arrangements Impact - Democratic government under law and in the public interest	The Exercise of Principal Law Officer Functions

Conduct of Criminal Appeals (M5)

Scope of Appropriation

Conducting appeals arising from criminal trials on indictment and from Crown appeals against sentence.

Expenses and Revenue

	2007/08		2008/09
	Budgeted \$000	Estimated Actual \$000	Budget \$000
Total Appropriation	3,120	3,120	3,294
Revenue from the Crown	3,120	3,120	3,294

Reasons for Change in Appropriation

The increase in appropriation is due to an expected increase in the number of appeals as a result of changes in criminal legislation.

Output Performance Measures and Standards

Performance Measures	2007/08		2008/09
	Budgeted Standard	Estimated Actual Standard	Budget Standard
Number of appeals disposed of by the Court of Appeal/Supreme Court/Privy Council arising out of criminal trials on indictment, brought by:			
• the Crown	30 - 35	30 - 35	30 - 35
• offenders	550 - 600	550 - 600	550 - 600
Decisions made on requests for the Solicitor-General to take Crown Appeals in relation to:			
• sentence	40 - 50	40 - 50	40 - 50
• case stated or other appeal	25 - 30	25 - 30	25 - 30
Success rate for sentence appeals brought by the Solicitor-General	Not less than 60%	Not less than 60%	Not less than 60%
Compliance with court procedures and requirements of the judiciary as specified in the Court of Appeal/Supreme Court Practice Notes	No complaints are received in relation to non-compliance	No complaints are received in relation to non-compliance	No complaints are received in relation to non-compliance
The hearing of sentence appeals is undertaken in accordance with the schedule of sitting days which are agreed by the court one month in advance	The Crown seeks no requests for adjournment	The Crown seeks no requests for adjournment	The Crown seeks no requests for adjournment
Decisions to appeal by the Crown are taken in accordance with the statutory deadlines. Written submissions are filed within the timeframe stipulated in the practice notes prepared for the guidance of counsel in the Court of Appeal and Supreme Court	Submissions are filed by the Crown by the required date, or within three days of receipt of the appellant's submissions, or if that timeframe is not available then prior to the appeal hearing	Submissions are filed by the Crown by the required date, or within three days of receipt of the appellant's submissions, or if that timeframe is not available then prior to the appeal hearing	Submissions are filed by the Crown by the required date, or within three days of receipt of the appellant's submissions, or if that timeframe is not available then prior to the appeal hearing

Current and Past Policy Initiatives

Policy Initiative	Year of First Impact	2007/08 Budgeted \$000	2008/09 Budget \$000	2009/10 Estimated \$000	2010/11 Estimated \$000	2011/12 Estimated \$000
Demand Pressures impacting on Criminal Prosecutions and Criminal Appeals	2007/08	125	265	300	300	300

Legal Advice and Representation (M5)

Scope of Appropriation

Providing legal advice and representation services to central government departments and Crown agencies.

Expenses and Revenue

	2007/08		2008/09
	Budgeted \$000	Estimated Actual \$000	Budget \$000
Total Appropriation	21,100	21,100	21,110
Revenue from Others	21,100	21,100	21,110

Output Performance Measures and Standards

Performance Measures	2007/08		2008/09
	Budgeted Standard	Estimated Actual Standard	Budget Standard
Number of new instructions for legal advice	550 - 600	450 - 500	450 - 550
Average number of requests for legal advice in progress during the year	750 - 850	750 - 800	750 - 850
Number of new instructions in respect of litigation matters	600 - 650	600 - 620	600 - 650
Average number of litigation matters in progress during the year	2,000 - 2,200	2,500 - 2,700	2,400 - 2,600
Legal advice, including opinions, and representation services will be provided in accordance with Crown Law's Professional Standards: Crown Law Advice and Conduct of Litigation, respectively	Conformity with the guidelines set down in the standards as determined by the quality assurance review processes that have been developed to support the application of the standards.	Conformity with the guidelines set down in the standards as determined by the quality assurance review processes that have been developed to support the application of the standards.	Conformity with the guidelines set down in the standards as determined by the quality assurance review processes that have been developed to support the application of the standards.

Supervision and Conduct of Crown Prosecutions (M5)*Scope of Appropriation*

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.

Expenses and Revenue

	2007/08		2008/09
	Budgeted \$000	Estimated Actual \$000	Budget \$000
Total Appropriation	34,515	34,515	35,742
Revenue from the Crown	34,515	34,515	35,742

Reasons for Change in Appropriation

The increase in appropriation is due to the increasing demand for criminal trials on indictment, new judicial practice notes and the impact of new legislation.

Output Performance Measures and Standards

Performance Measures	2007/08		2008/09
	Budgeted Standard	Estimated Actual Standard	Budget Standard
Number of trials for indictable crime:			
<ul style="list-style-type: none"> District Court 	1,350 - 1,450	1,700 - 1,900	1,900 - 2,100
<ul style="list-style-type: none"> High Court 	160 - 180	200 - 240	200 - 240
Number of trials for indictable crime, where the complexity of the case requires a significant amount of preparation and court appearance time:			
<ul style="list-style-type: none"> District Court 	180 - 200	150 - 180	150 - 200
<ul style="list-style-type: none"> High Court 	120 - 140	80 - 120	100 - 140
Number of other criminal matters conducted by the Crown Solicitors:			
<ul style="list-style-type: none"> Bail applications and appeals 	1,400 - 1,500	1,400 - 1,500	1,500 - 1,600
<ul style="list-style-type: none"> Guilty pleas lower band and middle band sentencing 	2,600 - 2,800	2,700 - 2,800	2,700 - 2,800
<ul style="list-style-type: none"> Appeals relating to summary prosecutions 	700 - 800	700 - 800	700 - 800
Prosecution services provided in accordance with prosecution guidelines and case management practices developed by the Solicitor-General and judiciary, respectively	Review of each Crown Solicitor practice on a cyclical basis to determine conformity to guidelines and practices as described in: Supervision of Crown Solicitor Network.	Review of each Crown Solicitor practice on a cyclical basis to determine conformity to guidelines and practices as described in: Supervision of Crown Solicitor Network.	Review of each Crown Solicitor practice on a cyclical basis to determine conformity to guidelines and practices as described in: Supervision of Crown Solicitor Network.
Number of Crown Solicitors practices to be reviewed	1 - 2	3	1 - 2
Number of new applications from Crown Solicitors for special fees, classification of counsel and approval of additional counsel	275 - 325	300 - 400	350 - 450
Applications by Crown Solicitors for special fees, classification of counsel and approval of additional counsel will be considered in accordance with the Crown Solicitors Regulations 1994 and Crown Law's protocols which support the application of the Regulations. The protocols describe the process to be followed, the quality standards relating to the process, and the content and justification required for the applications	Conformity of applications with the Crown Solicitors Regulations 1994, and Crown Law's protocols, which support the application of the regulations, will be assessed at the time the applications are considered. Feedback will be formally communicated to Crown Solicitors as appropriate.	Conformity of applications with the Crown Solicitors Regulations 1994, and Crown Law's protocols, which support the application of the regulations, will be assessed at the time the applications are considered. Feedback will be formally communicated to Crown Solicitors as appropriate.	Conformity of applications with the Crown Solicitors Regulations 1994, and Crown Law's protocols, which support the application of the regulations, will be assessed at the time the applications are considered. Feedback will be formally communicated to Crown Solicitors as appropriate.

Performance Measures	2007/08		2008/09
	Budgeted Standard	Estimated Actual Standard	Budget Standard
<p>The provision of prosecution services by Crown Solicitors will be reviewed according to a range of quality standards which include:</p> <ul style="list-style-type: none"> • compliance with professional standards of conduct • application of the Solicitor-General's prosecution guidelines • compliance with court procedures and the requirements of the judiciary and clients in the management of cases • compliance with the Crown Solicitors Regulations 1994 and, in particular, the charging for services rendered • compliance with the protocols and financial guidelines developed by Crown Law to support the application of the above Regulations. 	<p>A review of the performance of Crown Solicitors will be undertaken on a cyclical basis by a review panel. The panel will address two main areas:</p> <ul style="list-style-type: none"> • case processing efficiency using a questionnaire and interview approach with the judiciary, clients and profession • practice management case allocation, "good employer" responsibilities, financial reporting on cases and compliance with the Regulations and the supporting protocols. <p>A report is to be prepared for the Solicitor-General by each review panel containing documentary evidence of the review process, including the use of checklists and questionnaires, with assessments and conclusions.</p>	<p>A review of the performance of Crown Solicitors will be undertaken on a cyclical basis by a review panel. The panel will address two main areas:</p> <ul style="list-style-type: none"> • case processing efficiency using a questionnaire and interview approach with the judiciary, clients and profession • practice management case allocation, "good employer" responsibilities, financial reporting on cases and compliance with the Regulations and the supporting protocols. <p>A report is to be prepared for the Solicitor-General by each review panel containing documentary evidence of the review process, including the use of checklists and questionnaires, with assessments and conclusions.</p>	<p>A review of the performance of Crown Solicitors will be undertaken on a cyclical basis by a review panel. The panel will address two main areas:</p> <ul style="list-style-type: none"> • case processing efficiency using a questionnaire and interview approach with the judiciary, clients and profession • practice management case allocation, "good employer" responsibilities, financial reporting on cases and compliance with the Regulations and the supporting protocols. <p>A report is to be prepared for the Solicitor-General by each review panel containing documentary evidence of the review process, including the use of checklists and questionnaires, with assessments and conclusions.</p>
Number of new requests for legal advice or determination of applications received in relation to criminal law issues	400 - 450	300 - 350	350 - 450
Average number of requests for legal advice or determination of applications in relation to criminal law in progress during the year	400 - 450	450 - 500	450 - 500
Number of new ministerial and parliamentary questions received	30 - 40	25 - 35	30 - 40
Legal advice, including opinions, and representation services will be provided in accordance with Crown Law's Professional Standards: Crown Law Advice and Conduct of Litigation, respectively	Conformity with the guidelines set down in the standards as determined by the quality assurance review processes that have been developed to support the application of the standards.	Conformity with the guidelines set down in the standards as determined by the quality assurance review processes that have been developed to support the application of the standards.	Conformity with the guidelines set down in the standards as determined by the quality assurance review processes that have been developed to support the application of the standards.
Ministerial correspondence and parliamentary questions will be responded to within appropriate time frames	Replies to ministerial correspondence will be completed within 20 working days of receipt in 90% of cases. All responses to parliamentary questions will be provided within the required deadlines.	Replies to ministerial correspondence will be completed within 20 working days of receipt in 90% of cases. All responses to parliamentary questions will be provided within the required deadlines.	Replies to ministerial correspondence will be completed within 20 working days of receipt in 90% of cases. All responses to parliamentary questions will be provided within the required deadlines.

Current and Past Policy Initiatives

Policy Initiative	Year of First Impact	2007/08 Budgeted \$000	2008/09 Budget \$000	2009/10 Estimated \$000	2010/11 Estimated \$000	2011/12 Estimated \$000
Demand Pressures impacting on Criminal Prosecutions and Criminal Appeals	2007/08	2,650	3850	3,400	3400	3,400

The Exercise of Principal Law Officer Functions (M5)

Scope of Appropriation

Providing legal and administrative services to the Attorney-General and Solicitor-General to assist them in the exercise of their Principal Law Officer functions.

Expenses and Revenue

	2007/08		2008/09
	Budgeted \$000	Estimated Actual \$000	Budget \$000
Total Appropriation	3,178	3,178	3,178
Revenue from the Crown	3,178	3,178	3,178

Output Performance Measures and Standards

Performance Measures	2007/08		2008/09
	Budgeted Standard	Estimated Actual Standard	Budget Standard
Number of new applications or requests for advice received for action on behalf of the Attorney-General and Solicitor-General	120 - 140	170 - 190	200 - 220
Average number of applications or requests for legal advice in progress during the year	300 - 320	350 - 400	350 - 400
Number of new ministerial and parliamentary questions received	240 - 260	240 - 260	240 - 260
Legal advice, including opinions, and representation services will be provided in accordance with Crown Law 's Professional Standards: Crown Law Advice and Conduct of Litigation, respectively	Conformity with the guidelines set down in the standards as determined by the quality assurance review processes that have been developed to support the application of the standards. Quality, timeliness and effectiveness of services assessed in accordance with the standards agreed with the Attorney-General.	Conformity with the guidelines set down in the standards as determined by the quality assurance review processes that have been developed to support the application of the standards. Quality, timeliness and effectiveness of services assessed in accordance with the standards agreed with the Attorney-General.	Conformity with the guidelines set down in the standards as determined by the quality assurance review processes that have been developed to support the application of the standards. Quality, timeliness and effectiveness of services assessed in accordance with the standards agreed with the Attorney-General.

Performance Measures	2007/08		2008/09
	Budgeted Standard	Estimated Actual Standard	Budget Standard
Brief the Attorney-General in a timely and relevant way on significant legal matters affecting the Crown	A weekly report will be provided to the Attorney-General advising on significant legal matters involving the Crown.	A weekly report will be provided to the Attorney-General advising on significant legal matters involving the Crown.	A weekly report will be provided to the Attorney-General advising on significant legal matters involving the Crown.
Ministerial correspondence and parliamentary questions will be responded to within appropriate time frames	Replies to ministerial correspondence will be completed within 20 working days of receipt in 90% of cases. All responses to parliamentary questions will be provided within required deadlines.	Replies to ministerial correspondence will be completed within 20 working days of receipt in 90% of cases. All responses to parliamentary questions will be provided within required deadlines.	Replies to ministerial correspondence will be completed within 20 working days of receipt in 90% of cases. All responses to parliamentary questions will be provided within required deadlines.

Current and Past Policy Initiatives

Policy Initiative	Year of First Impact	2007/08 Budgeted \$000	2008/09 Budget \$000	2009/10 Estimated \$000	2010/11 Estimated \$000	2011/12 Estimated \$000
Increase in the Appropriation for Exercise of Law Officer Function: Unavoidable Demand Pressures 2007/08	2007/08	1,900	1,900	1,900	1,900	1,900

Part 6 - Details and Expected Results for Capital Expenditure

Part 6.1 - Departmental Capital Expenditure

Intended Impacts, Outcomes and Objectives

Intended Impacts, Outcomes or Objectives of Appropriations	Appropriations
Objective - To maintain and upgrade capability through routine replacement/improvement of Crown Law's leasehold, office equipment, computer hardware, furniture and fittings, and computer software	Crown Law Office - Capital Expenditure

Crown Law Office - Capital Expenditure PLA (M5)

Scope of Appropriation

This appropriation is limited to the purchase or development of assets by and for the use of the Crown Law Office, as authorised by section 24(1) of the Public Finance Act 1989

Capital Expenditure

	2007/08		2008/09
	Budgeted \$000	Estimated Actual \$000	Budget \$000
Forests/Agricultural	-	-	-
Land	-	-	-
Property, Plant and Equipment	372	372	397
Intangibles	162	162	570
Other	-	-	-
Total Appropriation	534	534	967

Reasons for Change in Appropriation

The increase in Intangibles in 2008/09 is due to the proposed financial software system replacement project.