

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 2009/10 financial year covering the following:

- a total of \$3.329 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 \$22.900 million (35% of the Vote) on providing legal advice and representation services to central government departments and agencies
- a total of \$35.542 million (54% of the Vote) on providing a national Crown prosecution service that undertakes criminal trials on indictment and related appeals
- a total of \$2.978 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 \$943,000 (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 \$22.900 million (35% 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	Government Outcomes	Appropriations
Justice Sector Outcomes	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 Connected	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

	2004/05	2005/06	2006/07	2007/08	2008/09		2009/10			2010/11	2011/12	2012/13
	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	47,081	50,459	56,249	58,561	65,814	65,814	64,749	-	64,749	64,749	64,749	64,749
Benefits and Other Unrequited Expenses	-	-	-	-	-	-	N/A	-	-	-	-	-
Borrowing Expenses	-	-	-	-	-	-	-	-	-	-	-	-
Other Expenses	-	-	-	-	-	-	-	-	-	-	-	-
Capital Expenditure	1,355	240	594	341	2,405	2,405	943	-	943	465	515	515
Intelligence and Security Department Expenses and Capital Expenditure	-	-	-	-	-	-	-	N/A	-	-	-	-
Total Appropriations	48,436	50,699	56,843	58,902	68,219	68,219	65,692	-	65,692	65,214	65,264	65,264
Crown Revenue and Capital Receipts												
Tax Revenue	-	-	-	-	-	-	N/A	-	-	-	-	-
Non-Tax Revenue	-	-	-	-	-	-	N/A	-	-	-	-	-
Capital Receipts	-	-	-	-	-	-	N/A	-	-	-	-	-
Total Crown Revenue and Capital Receipts	-	-	-	-	-	-	N/A	-	-	-	-	-

New Policy Initiatives

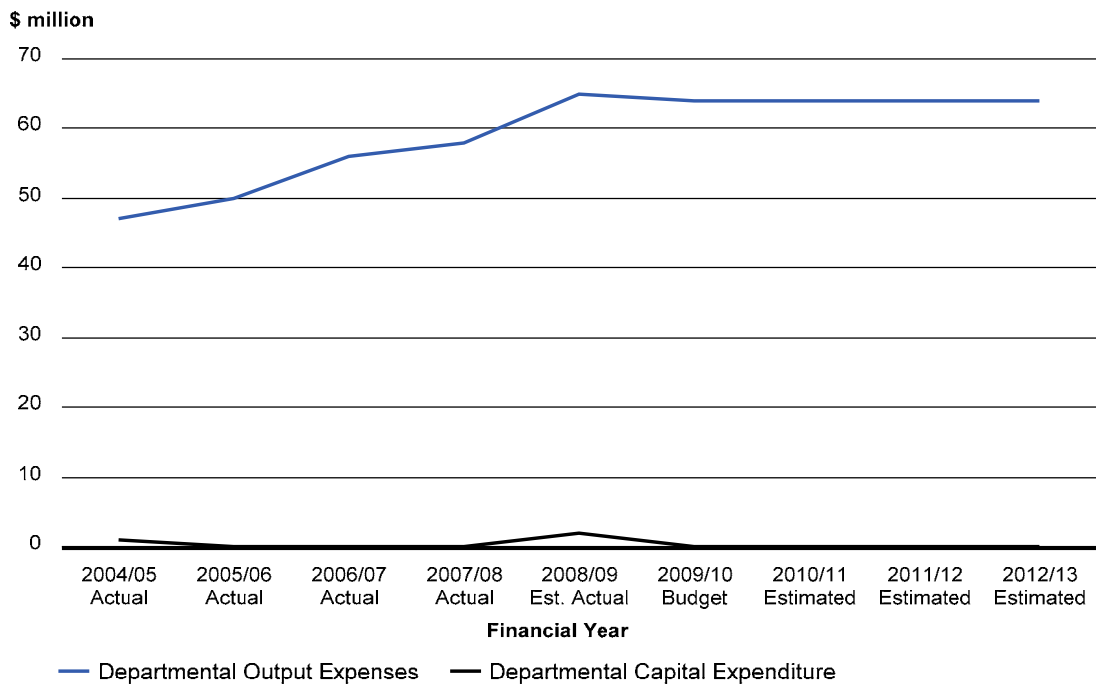
Policy Initiative	Appropriation	2008/09 Budgeted \$000	2009/10 Budget \$000	2010/11 Estimated \$000	2011/12 Estimated \$000	2012/13 Estimated \$000
Emergency Cost Pressures in Vote Attorney-General	Supervision and Conduct of Crown Prosecutions Departmental Output Expenses	750	250	250	250	250
Line by Line Review Savings	The Exercise of the Law Officer Function Departmental Output Expenses	(100)	(250)	(250)	(250)	(250)
Total Initiatives		650	-	-	-	-

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 - Vote trends in actual expenses and capital expenditure by appropriation type



Source: Crown Law Office

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

	2008/09		2009/10
	Budgeted \$000	Estimated Actual \$000	Budget \$000
Total Appropriation	3,444	3,444	3,329
Revenue from Crown	3,444	3,444	3,329
Revenue from Other	-	-	-

Output Performance Measures and Standards

Performance Measures	2008/09		2009/10
	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

Performance Measures	2008/09		2009/10
	Budgeted Standard	Estimated Actual Standard	Budget Standard
Decisions made on requests for the Solicitor-General to take Crown Appeals in relation to:			
• sentence	40 - 50	15 - 30	15 - 30
• 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	2008/09 Budgeted \$000	2009/10 Budget \$000	2010/11 Estimated \$000	2011/12 Estimated \$000	2012/13 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

	2008/09		2009/10
	Budgeted \$000	Estimated Actual \$000	Budget \$000
Total Appropriation	22,900	22,900	22,900
Revenue from Crown	-	-	-
Revenue from Other	22,900	22,900	22,900

Output Performance Measures and Standards

Performance Measures	2008/09		2009/10
	Budgeted Standard	Estimated Actual Standard	Budget Standard
Number of new instructions for legal advice	450 - 550	450 - 500	450 - 500
Average number of requests for legal advice in progress during the year	750 - 850	750 - 800	750 - 800
Number of new instructions in respect of litigation matters	600 - 650	600 - 620	600 - 620
Average number of litigation matters in progress during the year	2,400 - 2,600	2,500 - 2,700	2,500 - 2,700
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

Memorandum Account

Legal Advice and Representation	2008/09		2009/10
	Budgeted \$000	Estimated Actual \$000	Budget \$000
Opening Balance at 1 July	-	870	870
Revenue	21,110	22,900	22,900
Expenses	21,110	22,900	23,770
Transfers and Adjustments	870	-	-
Closing Balance at 30 June	870	870	-

Supervision and Conduct of Crown Prosecutions (M5)

Scope of Appropriation

The provision of a national Crown prosecution service that undertakes criminal trials on indictment and appeals to the High Court; the supervision of the network of Crown Solicitors who deliver the prosecution service; and the provision of advice on criminal law matters to other government agencies and Crown Solicitors.

Expenses and Revenue

	2008/09		2009/10
	Budgeted \$000	Estimated Actual \$000	Budget \$000
Total Appropriation	36,492	36,492	35,542
Revenue from Crown	36,492	36,492	35,542
Revenue from Other	-	-	-

Output Performance Measures and Standards

Performance Measures	2008/09		2009/10
	Budgeted Standard	Estimated Actual Standard	Budget Standard
Number of trials for indictable crime:			
<ul style="list-style-type: none"> District Court 	1,900 - 2,100	1,700 - 1,900	1,700 - 1,900
<ul style="list-style-type: none"> High Court 	200 - 240	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 	150 - 200	150 - 180	150 - 180
<ul style="list-style-type: none"> High Court 	100 - 140	80 - 120	80 - 120
Number of other criminal matters conducted by the Crown Solicitors:			
<ul style="list-style-type: none"> Bail applications and appeals 	1,500 - 1,600	1,400 - 1,500	1,400 - 1,500
<ul style="list-style-type: none"> Guilty pleas lower band and middle band sentencing 	2,700 - 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

Performance Measures	2008/09		2009/10
	Budgeted Standard	Estimated Actual Standard	Budget Standard
Number of Crown Solicitors practices to be reviewed	1 - 2	0	1 - 2
Number of new applications from Crown Solicitors for special fees, classification of counsel and approval of additional counsel	350 - 450	300 - 400	300 - 400
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
<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>

Performance Measures	2008/09		2009/10
	Budgeted Standard	Estimated Actual Standard	Budget Standard
Number of new requests for legal advice or determination of applications received in relation to criminal law issues	350 - 450	300 - 350	300 - 350
Average number of requests for legal advice or determination of applications in relation to criminal law in progress during the year	450 - 500	450 - 500	450 - 500
Number of new ministerial and parliamentary questions received	30 - 40	25 - 35	25 - 35
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	2008/09 Budgeted \$000	2009/10 Budget \$000	2010/11 Estimated \$000	2011/12 Estimated \$000	2012/13 Estimated \$000
Emergency Cost Pressures in Vote Attorney-General	2008/09	750	250	250	250	250
Demand Pressures impacting on Criminal Prosecutions and Criminal Appeals	2007/08	2,650	3,850	3,400	3,400	3,400

The Exercise of Principal Law Officer Functions (M5)

Scope of Appropriation

Providing legal advice, representation services and administrative services to the Attorney-General and Solicitor-General to assist them in the exercise of their Principal Law Officer functions; and the provision of legal and constitutional advice to the Government, Ministers, and the judiciary.

Expenses and Revenue

	2008/09		2009/10
	Budgeted \$000	Estimated Actual \$000	Budget \$000
Total Appropriation	2,978	2,978	2,978
Revenue from Crown	2,928	2,928	2,928
Revenue from Other	50	50	50

Output Performance Measures and Standards

Performance Measures	2008/09		2009/10
	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	200 - 220	170 - 190	170 - 190
Average number of applications or requests for legal advice in progress during the year	350 - 400	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
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

Memorandum Account

	2008/09		2009/10
	Budgeted \$000	Estimated Actual \$000	Budget \$000
Senior Counsel Applications			
Opening Balance at 1 July	-	-	-
Revenue	-	50	50
Expenses	-	50	50
Transfers and Adjustments	-	-	-
Closing Balance at 30 June	-	-	-

Current and Past Policy Initiatives

Policy Initiative	Year of First Impact	2008/09 Budgeted \$000	2009/10 Budget \$000	2010/11 Estimated \$000	2011/12 Estimated \$000	2012/13 Estimated \$000
Line by Line Review Saving	2008/09	(100)	(250)	(250)	(250)	(250)
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

	2008/09		2009/10
	Budgeted \$000	Estimated Actual \$000	Budget \$000
Forests/Agricultural	-	-	-
Land	-	-	-
Property, Plant and Equipment	735	735	429
Intangibles	1,670	1,670	514
Other	-	-	-
Total Appropriation	2,405	2,405	943

Reasons for Change in Appropriation

The higher intangible expenditure in 2008/09 is due to the financial software system replacement project.