

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 2013/14 financial year covering the following:

- a total of \$22.365 million (35% of the Vote) for the provision of legal advice and representation services to central government departments and Crown agencies on a full cost-recovery basis
- a total of \$38.779 million (60% of the Vote) for the supervision and conduct of Crown prosecutions and appeals. This covers: conducting appeals arising from criminal trials on indictment and from Crown appeals; the provision of a national Crown prosecution service that undertakes criminal trials on indictment; the provision of advice on criminal law, mutual assistance and extradition matters to other government agencies and Crown Solicitors; and the supervision of the network of Crown Solicitors who deliver prosecution services
- a total of \$2.924 million (4% of the Vote) for 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 with the provision of legal and constitutional advice to the Government, Ministers, and the judiciary, and
- a total of \$415,000 (1% of the Vote) for the purchase or development of assets by and for the use of Crown Law, as authorised by section 24(1) of the Public Finance Act 1989.

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
Reducing legal risk to the Crown Ensuring Crown Law functions efficiently and effectively Ongoing improvement in the oversight of public prosecutions Supporting the Government Legal Network Working with the Minister of Justice to improve the courts	<p>Safer communities:</p> <ul style="list-style-type: none"> • Impact of crime reduced • Offenders held to account • Crime reduced • Justice system is trusted 	Supervision and Conduct of Crown Prosecutions and Appeals MCOA The Exercise of Principal Law Officer Functions
	<p>New Zealand's civil and democratic rights maintained:</p> <ul style="list-style-type: none"> • Justice services are accessible • The justice system is internationally connected • Durable settlement to Treaty claims • Constitutional arrangements are effective 	The Exercise of Principal Law Officer Functions Legal Advice and Representation
	Other government sectors' outcomes	Legal Advice and Representation

Crown Law's performance framework shows what Crown Law is seeking to achieve and how the department contributes to the justice sector and other government sectors. The table above summarises the Ministerial priorities for Crown Law, the sector outcomes that Crown Law contributes to, and how these relate to the department's output expense appropriations. For the full performance framework and further information on the intended impacts, outcomes and objectives of the departmental output expense appropriations see the Statement of Intent for Crown Law.

Part 1.3 - Trends in the Vote

Summary of Financial Activity

	2008/09	2009/10	2010/11	2011/12	2012/13		2013/14			2014/15	2015/16	2016/17
	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	63,340	67,052	71,005	71,858	73,404	73,404	64,068	-	64,068	64,062	64,062	64,062
Benefits and Other Unrequited Expenses	-	-	-	-	-	-	N/A	-	-	-	-	-
Borrowing Expenses	-	-	-	-	-	-	-	-	-	-	-	-
Other Expenses	-	-	-	-	-	-	-	-	-	-	-	-
Capital Expenditure	1,507	672	227	53	4,550	4,550	415	-	415	515	515	515
Intelligence and Security Department Expenses and Capital Expenditure	-	-	-	-	-	-	-	N/A	-	-	-	-
Total Appropriations	64,847	67,724	71,232	71,911	77,954	77,954	64,483	-	64,483	64,577	64,577	64,577
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	-	-	-	-	-

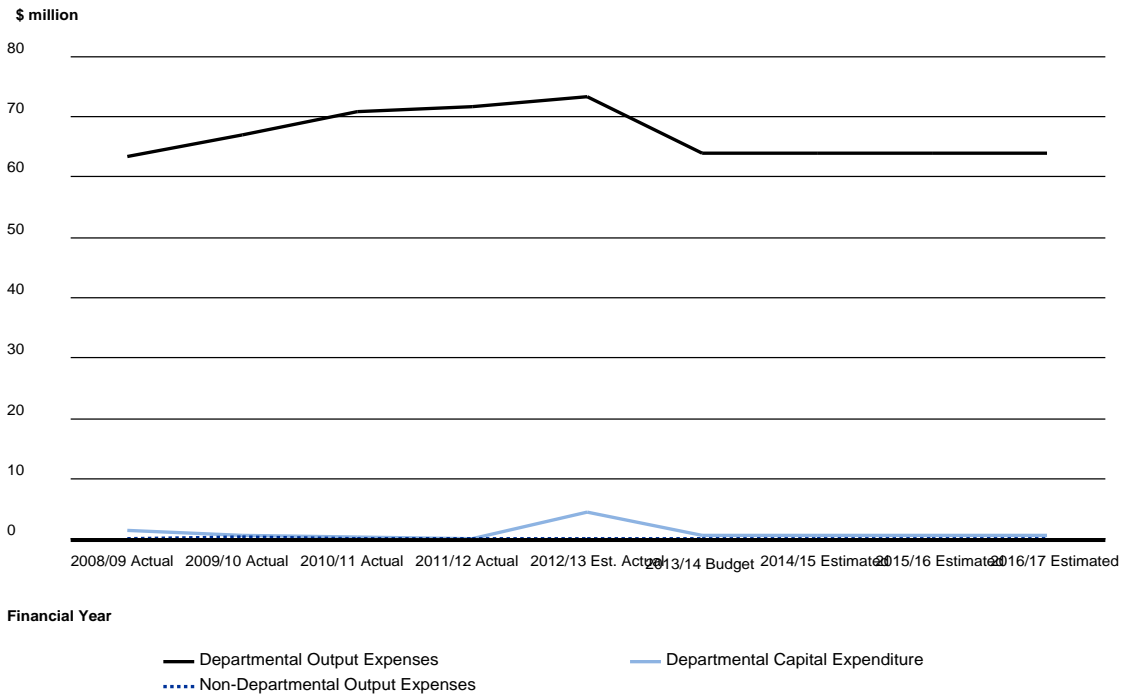
Analysis of Significant Trends

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.

Note the decrease in 2013/14 reflects the transition to a fee model to provide sustainable Crown prosecution services. The increase in capital expenditure in 2012/13 relates to the relocation of Crown Law's Wellington office.

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
Impact - Offenders increasingly held to account, through high quality Crown prosecutions and appeals that are delivered cost-effectively and in the public interest	Supervision and Conduct of Crown Prosecutions and Appeals MCOA
Impact - Increased trust in the justice system, through the performance of the Principal Law Officers' constitutional and other duties	The Exercise of Principal Law Officer Functions
Impact - Reduced legal risks to the Crown, through protecting the Crown's interests and ensuring any risks are well managed	Legal Advice and Representation

Crown Law's Statement of Intent describes the impacts that the department is seeking to achieve, and what the department will deliver to achieve that impact. The table above summarises Crown Law's impacts and how these relate to the department's output expense appropriations. For further information on the intended impacts, outcomes and objectives of the departmental output expense appropriations see the Statement of Intent for Crown Law.

Legal Advice and Representation (M5)

Scope of Appropriation

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

Expenses and Revenue

	2012/13		2013/14
	Budgeted \$000	Estimated Actual \$000	Budget \$000
Total Appropriation	23,465	23,465	22,365
Revenue from Crown	1,059	1,059	-
Revenue from Other	22,406	22,406	22,365

Reasons for Change in Appropriation

The decrease in 2013/14 is a result of one-off funding of \$1.059 million in 2012/13 to fund the office restructuring project.

Output Performance Measures and Standards

Performance Measures	2012/13		2013/14
	Budgeted Standard	Estimated Actual Standard	Budget Standard
Quantity measures			
New matters:			
• Advice	380 - 430	438	380 - 430
• Litigation	300 - 350	326	300 - 350
• Judicial review	75 - 125	126	75 - 125
Matters in progress:			
• Advice	550 - 600	587	550 - 600
• Litigation	660 - 800	726	660 - 800
• Judicial review	175 - 225	213	175 - 225
Matters disposed of:			
• Advice	380 - 430	440	380 - 430
• Litigation	300 - 350	280	300 - 350
• Judicial review	75 - 125	102	75 - 125
Quality measures			
Percentage of written opinions/advice that comply with Crown Law's quality assurance process of peer review	75%	75%	80%
Percentage of responses to the client survey that consider the service clients receive from Crown Law is either good or excellent	75%	81%	80%
Percentage of responses to the client survey that consider Crown Law's responsiveness and customisation to needs, accuracy and robustness of legal advice, and advice being clearly expressed and organised and easy to follow, are either good or excellent	New measure	84%	80%
Timeliness measures			
Percentage of written opinions/advice completed by the due date	75%	85%	85%
Percentage of responses to the client survey that consider Crown Law's timeliness in responding to requests is either good or excellent	New measure	86%	80%
Cost-effectiveness measures			
Percentage of responses to the client survey that consider the service clients receive from Crown Law represents value for money is either good or excellent	New measure	82%	80%

Following the introduction of a new performance framework in 2011/12, Crown Law is redeveloping its performance measures. Crown Law will develop calculations, collect data and set targets for its new measures, such as the ratio of new matters to disposed matters and cost per matter.

Memorandum Account

	2012/13		2013/14
	Budgeted \$000	Estimated Actual \$000	Budget \$000
Legal Advice and Representation			
Opening Balance at 1 July	2694	5,406	5,406
Revenue	21,984	22,406	22,365
Expenses	(22,900)	(22,406)	(22,365)
Transfers and Adjustments	-	-	-
Closing Balance at 30 June	1,778	5,406	5,406
Government Legal Network			
Opening Balance at 1 July	-	130	332
Revenue	-	375	350
Expenses	-	(173)	(450)
Transfers and Adjustments	-	-	-
Closing Balance at 30 June	-	332	232

The memorandum account Legal Advice and Representation summarises financial information relating to the accumulated surpluses and deficits incurred in the provision of legal advice and representation services to central government departments and Crown agencies on a full cost recovery basis.

The memorandum account Government Legal Network reflects voluntary contributions received from government departments/Ministries to fund the activities of the Government Legal Network.

Current and Past Policy Initiatives

Policy Initiative	Year of First Impact	2012/13 Budgeted \$000	2013/14 Budget \$000	2014/15 Estimated \$000	2015/16 Estimated \$000	2016/17 Estimated \$000
Budget 2011 Efficiency Savings	2012/13	(494)	(535)	(535)	(535)	-

Supervision and Conduct of Crown Prosecutions and Appeals MCOA (M5)

Scope of Appropriation

Conduct of Criminal Appeals

This output class is limited to conducting appeals in the High Court, the Court of Appeal and the Supreme Court arising from criminal trials on indictment including Crown appeals.

Conduct of Crown Prosecutions

This output class is limited to the provision of a national Crown prosecution service that undertakes criminal trials on indictment.

Criminal Law Advice and Services

This output class is limited to the provision of advice on criminal law, mutual assistance and extradition matters to other government agencies and to Crown Solicitors.

Supervision of the Crown Solicitor Network

This output class is limited to the supervision of the network of Crown Solicitors who deliver prosecution services.

Explanation for Use of Multi-Class Output Expense Appropriation

These output classes cover all the activities associated with the prosecution of serious crime and the conduct of appeals arising from other Police and departmental prosecutions. They have been grouped under one appropriation because they contribute to the same outcome and use the same resources.

Expenses and Revenue

	2012/13		2013/14
	Budgeted \$000	Estimated Actual \$000	Budget \$000
Total Appropriation	47,648	47,648	38,779
Conduct of Criminal Appeals	2,862	2,862	3,289
Conduct of Crown Prosecutions	39,723	39,723	33,160
Criminal Law Advice and Services	4,363	4,363	1,490
Supervision of the Crown Solicitor Network	700	700	840
Revenue from Crown	47,648	47,648	38,779
Conduct of Criminal Appeals	2,862	2,862	3,289
Conduct of Crown Prosecutions	39,723	39,723	33,160
Criminal Law Advice and Services	4,363	4,363	1,490
Supervision of the Crown Solicitor Network	700	700	840
Revenue from Other	-	-	-
Conduct of Criminal Appeals	-	-	-
Conduct of Crown Prosecutions	-	-	-
Criminal Law Advice and Services	-	-	-
Supervision of the Crown Solicitor Network	-	-	-

Reasons for Change in Appropriation

The decrease in 2013/14 appropriation reflects the transition to a fee model to provide sustainable Crown prosecution services. The new funding model for the supervision and conduct of Crown prosecutions has been developed based on projected volume and case complexity mix.

In 2012/13, funds were transferred within Vote Attorney-General appropriations, to cover an increase in criminal law advice and services, including mutual assistance and extradition requests. In 2013/14, Crown Law will assess the ongoing demand placed on the office for mutual assistance and extradition work, and identify options to fund this work in future years.

Output Performance Measures and Standards

Performance Measures	2012/13		2013/14
	Budgeted Standard	Estimated Actual Standard	Budget Standard
Conduct of Criminal Appeals			
Quantity measures			
New cases:			
• Crown appeals (Court of Appeal and Supreme Court)	30 - 35	35	30 - 40 (see Note 1)
• Accused appeals (Court of Appeal and Supreme Court)	450 - 550	592	650 - 710 (see Note 1)
Cases in progress:			
• Crown appeals (Court of Appeal and Supreme Court)	75 - 125	37	40 - 45 (see Note 1)
• Accused appeals (Court of Appeal and Supreme Court)	540 - 600	663	725 - 795 (see Note 1)
Cases disposed of:			
• Crown appeals (Court of Appeal and Supreme Court)	30 - 35	54	50 - 60
• Accused appeals (Court of Appeal and Supreme Court)	450 - 550	420	400 - 440
Quality measures			
Percentage of appeals concluded in favour of the Crown, or success rate (Court of Appeal and Supreme Court) (see Note 2)	60%	66%	60% (see Note 3)
Conduct of Crown Prosecutions			
Quality measures			
Percentage of prosecution/informant appeals conducted by Crown Solicitors concluded in favour of the Crown	60%	Measure under development	Measure under development
Cost-effectiveness measures			
Average cost to Crown Law for cases by category grouping and District Court / High Court	Measure under development	Measure under development	Measure under development
Criminal Law Advice and Services			
Quantity measures			
New matters:			
• Other Law Officer requests regarding criminal matters (see Note 4)	140 - 170	120	125 - 130 (see Note 5)
• Requests for prosecution appeals and judicial review for High Court, Court of Appeal and Supreme Court	60 - 90	98	110 - 120 (see Note 1)

Performance Measures	2012/13		2013/14
	Budgeted Standard	Estimated Actual Standard	Budget Standard
Matters in progress:			
• Other Law Officer requests regarding criminal matters (see Note 4)	350 - 400	366	385 - 400 (see Note 5)
• Requests for prosecution appeals and judicial review for High Court, Court of Appeal and Supreme Court	50 - 70	50	55 - 60 (see Note 1)
Matters disposed of:			
• Other Law Officer requests regarding criminal matters (see Note 4)	140 - 170	126	120 - 130
• Requests for prosecution appeals and judicial review for High Court, Court of Appeal and Supreme Court	60 - 90	86	80 - 90
Number of ministerial letters and parliamentary questions regarding criminal matters received	30 - 40	44 Ministerial letters 4 Parliamentary questions	50 Ministerial letters 0 - 5 Parliamentary questions
Number of Official Information Act 1982 and Privacy Act 1993 requests regarding criminal matters received	15 - 25	44	30
Timeliness measures			
Percentage of responses to ministerial letters and parliamentary questions regarding criminal matters provided within required timeframes	90%	100% for Ministerial letters 100% for Parliamentary questions	100% for Ministerial letters 100% for Parliamentary questions
Percentage of Official Information Act 1982 and Privacy Act 1993 requests regarding criminal matters responded to within required timeframes	90%	100%	100%
Supervision of the Crown Solicitor Network			
Quantity measures			
Independent reviews of Crown Solicitors' practices completed	3	Measure under development	Measure under development
Technical applications from Crown Solicitors (see Note 6)	850 - 1,000	836	250 - 300 (see Note 7)
Quality measures			
Percentage of recommendations from independent reviews of Crown Solicitors' practices put into action	100%	Measure under development	Measure under development
Cost-effectiveness measures			
Crown Law's supervision and conduct of Crown prosecutions is managed within appropriation	Expenditure on Crown prosecutions does not exceed appropriations	Expenditure within appropriation	Expenditure on Crown prosecutions does not exceed appropriation

Following the introduction of a new performance framework in 2011/12, Crown Law is redeveloping its performance measures. Crown Law will develop calculations, collect data and set targets for its new measures, such as the ratio of new matters to disposed matters and cost per matter. In addition, in 2013/14, a new funding model will be introduced for Crown Solicitors. To support this new model a performance management framework is being developed, which may result in additional or changed measures and standards.

Note 1 - Following the implementation of the Criminal Procedure Act 2011, Crown Law anticipates that there will be an increase in the number of appeals, requests for appeals, and related advice in 2013/14, as participants adjust to the new legislation and processes. This is calculated as an increase of approximately 10-20% on the 2012/13 estimated actual.

Note 2 - Some appeals may be taken to clarify points of law.

Note 3 - Crown Law's forecast success rate is set at 60% to reflect that some cases may be taken to clarify points of law.

Note 4 - These include stay of prosecution requests, criminal prosecution advice, consents to prosecute, extraditions, immunities from prosecution requests and mutual assistance requests.

Note 5 - Crown Law anticipates that the number of requests for mutual assistance and extraditions will continue to increase in 2013/14, and outyears. This is calculated as an increase of approximately 5-10% on the 2012/13 estimated actual.

Note 6 - These include applications for classification counsel and processing of expert witness applications. From 2013/14, under the new funding arrangement, Crown Solicitors will no longer be required to complete applications for special fees or approval of additional counsel.

Note 7 - From 2013/14, under the new funding arrangement, Crown Solicitors will no longer be required to complete applications for special fees or approval of additional counsel. These accounted for approximately two thirds of the total number of applications processed in 2011/12. The forecast for 2013/14 is calculated as one third of the estimated actual for 2012/13.

Current and Past Policy Initiatives

Policy Initiative	Year of First Impact	2012/13 Budgeted \$000	2013/14 Budget \$000	2014/15 Estimated \$000	2015/16 Estimated \$000	2016/17 Estimated \$000
Conduct of Criminal Appeals						
Budget 2011 Efficiency Savings	2012/13	(62)	(62)	(62)	(62)	-
Increases in jury trials and appeals arising from the introduction of alcohol interlocks, zero drinking limit for repeat offenders, and increased penalties for dangerous/reckless and impaired driving etc causing death	2012/13	28	22	18	-	-
Conduct of Crown Prosecutions						
One-off funding from Justice Sector Fund to manage case volumes being higher than forecast	2012/13	4,000	-	-	-	-
Crown prosecution service - impact of proposed criminal procedure simplification	2012/13	457	-	-	-	-
Increases in jury trials and appeals arising from the introduction of alcohol interlocks, zero drinking limit for repeat offenders, and increased penalties for dangerous/reckless and impaired driving etc causing death	2011/12	170	169	167	-	-
Expansion of police DNA investigation power - funding to implement the Act from 1 February 2010	2010/11	400	400	400	400	-
Emergency Cost Pressures in Vote Attorney-General	2008/09	250	250	250	250	-
Criminal Law Advice and Services						
Budget 2011 Efficiency Savings	2012/13	(676)	(621)	(621)	(621)	-

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

	2012/13		2013/14
	Budgeted \$000	Estimated Actual \$000	Budget \$000
Total Appropriation	2,291	2,291	2,924
Revenue from Crown	2,241	2,241	2,874
Revenue from Other	50	50	50

Reasons for Change in Appropriation

There has been no increase to 2013/14. The difference in the 2013/14 appropriation is because there were approved transfers from this appropriation to MCOA - Criminal Advice and Services in 2012/13 to manage internal cost pressures.

Output Performance Measures and Standards

Performance Measures	2012/13		2013/14
	Budgeted Standard	Estimated Actual Standard	Budget Standard
Quantity measures			
New matters:			
• Applications processed on behalf of the Attorney-General (see Note 1)	35 - 45	36	35 - 45
• Advice on behalf of the Attorney-General	50 - 80	120	100 - 120
• Litigation on behalf of the Attorney-General	5 - 10	15	10 - 15
Matters in progress:			
• Applications processed on behalf of the Attorney-General (see Note 1)	50 - 60	87	80 - 90
• Advice on behalf of the Attorney-General	150 - 180	200	180 - 200
• Litigation on behalf of the Attorney-General	10 - 15	28	25 - 30
Matters disposed of:			
• Applications processed on behalf of the Attorney-General (see Note 1)	35 - 45	32	35 - 45
• Advice on behalf of the Attorney-General	50 - 80	120	100 - 120
• Litigation on behalf of the Attorney-General	5 - 10	6	5 - 10
Number of ministerial letters and parliamentary questions received	130 - 180	140 Ministerial letters 8 Parliamentary questions	130 Ministerial letters 0 - 10 Parliamentary questions

Performance Measures	2012/13		2013/14
	Budgeted Standard	Estimated Actual Standard	Budget Standard
Number of Official Information Act 1982 and Privacy Act 1993 requests responded to	175 - 200	72	50
Quality measures			
Percentage of responses to a questionnaire to the Attorney-General that consider the service provided by Crown Law is either good or excellent	75%	To be developed	To be developed
Timeliness measures			
Percentage of responses to ministerial letters and parliamentary questions provided within required timeframes	90%	91% for Ministerial letters 100% for Parliamentary questions	100% for Ministerial letters 100% for Parliamentary questions
Percentage of Official Information Act 1982 requests and Privacy Act 1993 responded to within required timeframes	90%	94%	100%

Following the introduction of a new performance framework in 2011/12, Crown Law is redeveloping its performance measures. Crown Law will develop calculations, collect data and set targets for its new measures, such as the ratio of new matters to disposed matters, cost per matter, and the Attorney-General's satisfaction with advice and services.

Note 1 - These include applications for second coronial inquires, special patient reclassification, discharge of adoption orders, trust variations, interventions in respect to alleged contempt and breach of name suppression.

Memorandum Account

	2012/13		2013/14
	Budgeted \$000	Estimated Actual \$000	Budget \$000
Processing of Queen's Counsel Applications			
Opening Balance at 1 July	-	-	-
Revenue	-	40	40
Expenses	-	(40)	(40)
Transfers and Adjustments	-	-	-
Closing Balance at 30 June	-	-	-

The Lawyers and Conveyancers Amendment Act 2012 reintroduced the rank of Queen's Counsel. The memorandum account will provide full disclosure of the fees received and the costs incurred in the appointment process.

Current and Past Policy Initiatives

Policy Initiative	Year of First Impact	2012/13 Budgeted \$000	2013/14 Budget \$000	2014/15 Estimated \$000	2015/16 Estimated \$000	2016/17 Estimated \$000
Budget 2011 Efficiency Savings	2012/13	(54)	(54)	(54)	(54)	-
Line by Line Review Saving	2008/09	(250)	(250)	(250)	(250)	-

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

	2012/13		2013/14
	Budgeted \$000	Estimated Actual \$000	Budget \$000
Forests/Agricultural	-	-	-
Land	-	-	-
Property, Plant and Equipment	4,358	4,358	255
Intangibles	192	192	160
Other	-	-	-
Total Appropriation	4,550	4,550	415

Reasons for Change in Appropriation

The decrease in 2013/14 capital expenditure is because there was an office accommodation project that increased the expenditure in 2012/13. The 2013/14 capital expenditure is budgeted at standard level.