

# *Vote Attorney-General*

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APPROPRIATION MINISTER(S): Attorney-General (M5)

APPROPRIATION ADMINISTRATOR: Crown Law Office

RESPONSIBLE MINISTER FOR CROWN LAW OFFICE: Attorney-General

## *Overview of the Vote*

The Attorney-General is responsible for appropriations in the Vote for the 2019/20 financial year covering the following:

- a total of just over \$22 million for the provision of legal advice and representation services to central government departments and Crown agencies
- a total of \$614,000 for departmental capital expenditure, and
- a total of over \$50 million to provide for the discharge of the Law Officers' constitutional and criminal law responsibilities, including conducting appeals arising from Crown prosecutions; developing the collective capability, effectiveness and efficiency of government lawyers; providing assistance to the Principal Law Officers in the exercise of their functions; and the provision and supervision of a national Crown prosecution service.

Details of these appropriations are set out in Parts 2-4.

# Details of Appropriations and Capital Injections

## Annual Appropriations and Forecast Permanent Appropriations

Titles and Scopes of Appropriations by Appropriation Type	2018/19		2019/20
	Final Budgeted \$000	Estimated Actual \$000	Budget \$000
<b>Departmental Output Expenses</b>			
<b>Legal Advice and Representation (M5)</b> Providing legal advice and representation services to central government departments and Crown agencies.	22,337	20,427	<b>22,337</b>
<b>Total Departmental Output Expenses</b>	22,337	20,427	22,337
<b>Departmental Capital Expenditure</b>			
<b>Crown Law Office - Capital Expenditure PLA (M5)</b> 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.	783	783	614
<b>Total Departmental Capital Expenditure</b>	783	783	614
<b>Multi-Category Expenses and Capital Expenditure</b>			
<b>Law Officer Functions MCA (M5)</b> The single overarching purpose of this appropriation is to provide for the discharge of the Law Officers' constitutional and criminal law responsibilities.	48,136	47,516	<b>50,428</b>
<b>Departmental Output Expenses</b>			
<i>Conduct of Criminal Appeals from Crown Prosecutions</i> This category is limited to conducting appeals arising from Crown prosecutions.	3,328	3,278	3,766
<i>Government Legal Network</i> This category is limited to developing the collective capability, effectiveness and efficiency of government lawyers.	1,005	694	1,108
<i>Law Officer Constitutional and Criminal Law Duties</i> This category is limited to providing assistance to the Principal Law Officers in the exercise of their functions, and providing advice on constitutional, criminal law, mutual assistance and extradition matters.	4,861	4,602	5,470
<i>Public Prosecution Services</i> This category is limited to the provision and supervision of a national Crown prosecution service and oversight of public prosecutions.	38,942	38,942	40,084
<b>Total Multi-Category Expenses and Capital Expenditure</b>	48,136	47,516	50,428
<b>Total Annual Appropriations and Forecast Permanent Appropriations</b>	71,256	68,726	73,379

## Capital Injection Authorisations

	2018/19		2019/20
	Final Budgeted \$000	Estimated Actual \$000	Budget \$000
Crown Law Office - Capital Injection (M5)	-	-	-

# Supporting Information

## Part 1 - Vote as a Whole

### 1.1 - New Policy Initiatives

Policy Initiative	Appropriation	2018/19 Final Budgeted \$000	2019/20 Budget \$000	2020/21 Estimated \$000	2021/22 Estimated \$000	2022/23 Estimated \$000
Enabling a Sustainable Crown Law to Meet Core Operating Cost Pressures	<b>Crown Law Office - Capital Injection</b> Departmental Capital Expenditure	-	-	-	2,100	-
	<b>Law Officer Functions MCA</b> Departmental Output Expenses:					
	Conduct of Criminal Appeals from Crown Prosecutions	-	438	507	545	542
	Government Legal Network	-	103	119	129	128
	Law Officer Constitutional and Criminal Law Duties	-	667	745	786	783
	Public Prosecution Services	-	138	160	173	172
Ensuring the Sustainability of the District Court by Appointing Additional District Court Judges	<b>Law Officer Functions MCA</b> Departmental Output Expenses: Public Prosecution Services	-	1,004	1,004	1,004	1,004
Improving the Justice Response to Sexual Violence Victims	<b>Law Officer Functions MCA</b> Departmental Output Expenses: Public Prosecution Services	-	-	-	9,482	7,900
<b>Total Initiatives</b>		-	2,350	2,535	14,219	10,529

## 1.2 - Trends in the Vote

### Summary of Financial Activity

	2014/15	2015/16	2016/17	2017/18	2018/19		2019/20			2020/21	2021/22	2022/23
	Actual \$000	Actual \$000	Actual \$000	Actual \$000	Final Budgeted \$000	Estimated Actual \$000	Departmental Transactions Budget \$000	Non- Departmental Transactions Budget \$000	Total Budget \$000	Estimated \$000	Estimated \$000	Estimated \$000
<b>Appropriations</b>												
Output Expenses	15,346	18,235	19,045	20,177	22,337	20,427	22,337	-	22,337	22,337	22,337	22,337
Benefits or Related Expenses	-	-	-	-	-	-	N/A	-	-	-	-	-
Borrowing Expenses	-	-	-	-	-	-	-	-	-	-	-	-
Other Expenses	-	-	-	-	-	-	-	-	-	-	-	-
Capital Expenditure	95	276	407	221	783	783	614	-	614	418	3,622	341
Intelligence and Security Department Expenses and Capital Expenditure	-	-	-	-	-	-	-	N/A	-	-	-	-
Multi-Category Expenses and Capital Expenditure (MCA)												
<i>Output Expenses</i>	41,358	42,639	47,338	48,052	48,136	47,516	50,428	-	50,428	50,179	59,763	58,173
<i>Other Expenses</i>	-	-	-	-	-	-	-	-	-	-	-	-
<i>Capital Expenditure</i>	-	-	-	-	-	-	N/A	-	-	-	-	-
<b>Total Appropriations</b>	56,799	61,150	66,790	68,450	71,256	68,726	73,379	-	73,379	72,934	85,722	80,851
<b>Crown Revenue and Capital Receipts</b>												
Tax Revenue	-	-	-	-	-	-	N/A	-	-	-	-	-
Non-Tax Revenue	-	-	-	-	-	-	N/A	-	-	-	-	-
Capital Receipts	-	-	-	-	-	-	N/A	-	-	-	-	-
<b>Total Crown Revenue and Capital Receipts</b>	-	-	-	-	-	-	N/A	-	-	-	-	-

Note - where restructuring of the vote has occurred then, to the extent practicable, prior years information has been restated as if the restructuring had occurred before the beginning of the period covered. In this instance Total Appropriations for the Budgeted and Estimated Actual year may not equal Total Annual Appropriations and Forecast Permanent Appropriations and Multi-Year Appropriations in the Details of Appropriations and Capital Injections.

## 1.3 - Analysis of Significant Trends

The increase in the multi-category appropriation for 2016/17 and subsequent years reflects the permanent establishment of the Government Legal Network from 1 July 2016, and the adoption of a sustainable fee model for Crown prosecution services.

The increase in the capital expenditure in 2021/22 reflects forecast expenditure for leasehold improvements, and furniture and fittings, which are scheduled to be upgraded or replaced.

## Part 2 - Details of Departmental Appropriations

### 2.1 - Departmental Output Expenses

#### Legal Advice and Representation (M5)

##### *Scope of Appropriation*

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

##### *Expenses and Revenue*

	2018/19		2019/20
	Final Budgeted \$000	Estimated Actual \$000	Budget \$000
Total Appropriation	22,337	20,427	22,337
Revenue from the Crown	-	-	-
Revenue from Others	22,337	20,427	22,337

##### *What is Intended to be Achieved with this Appropriation*

This appropriation is intended to achieve improved management of Crown legal risk and better policy decisions informed by legal implications.

##### *How Performance will be Assessed and End of Year Reporting Requirements*

	2018/19		2019/20
	Final Budgeted Standard	Estimated Actual	Budget Standard
Assessment of Performance			
<i>Quantity</i>			
<i>New Matters</i>			
Advice	380 - 425	372	380 - 425
Litigation	350 - 400	302	350 - 400
Judicial review	100 - 125	83	100 - 125
Claims before Waitangi Tribunal	35 - 50	155	35 - 50
<i>Quality</i>			
Responses to the client survey that consider the advice and services received overall are good to excellent	90%	90%	90%
Responses to the client survey that consider the responsiveness, relevancy, accuracy, and clarity of advice are good to excellent	90%	90%	90%
Written opinions and advice that are peer reviewed	80%	80%	80%

Assessment of Performance	2018/19		2019/20
	Final Budgeted Standard	Estimated Actual	Budget Standard
<i>Timeliness</i>			
Responses to the client survey that consider timeliness in responding to requests are good to excellent	85%	80%	85%
Written opinions/advice (final or draft) completed by the due date	85%	80%	85%
Litigation Management Plans completed by the due date	80%	80%	80%
<i>Value for Money</i>			
Percentage of responses to the client survey that consider the service received represents value for money is good or excellent	95%	90%	95%

### *End of Year Performance Reporting*

Performance information for this appropriation will be reported by the Crown Law Office in the Annual Report.

### *Memorandum Account*

	2018/19		2019/20
	Budgeted \$000	Estimated Actual \$000	Budget \$000
<b>Legal Advice and Representation</b>			
Opening Balance at 1 July	109	754	754
Revenue	22,337	20,427	20,427
Expenses	(22,337)	(20,427)	(20,427)
Transfers and Adjustments	-	-	-
<b>Closing Balance at 30 June</b>	109	754	754



## 2.3 - Departmental Capital Expenditure and Capital Injections

### 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*

	2018/19		2019/20
	Final Budgeted \$000	Estimated Actual \$000	Budget \$000
Forests/Agricultural	-	-	-
Land	-	-	-
Property, Plant and Equipment	645	645	368
Intangibles	138	138	246
Other	-	-	-
<b>Total Appropriation</b>	<b>783</b>	<b>783</b>	<b>614</b>

#### *What is Intended to be Achieved with this Appropriation*

This appropriation is intended to achieve the renewal and replacement of life-expired assets in support of the delivery of the Crown Law Office's services.

#### *How Performance will be Assessed and End of Year Reporting Requirements*

Expenditure is in accordance with the department's capital asset management intentions in order to maintain service levels.

#### *End of Year Performance Reporting*

Performance information for this appropriation will be reported by the Crown Law Office in the Annual Report.

#### *Reasons for Change in Appropriation*

The decrease in this appropriation for 2019/20 is mainly due to the different phasing required for the renewal and replacement of various furniture, office equipment, and computer hardware and software.

*Capital Injections and Movements in Departmental Net Assets***Crown Law Office**

Details of Net Asset Schedule	2018/19 Estimated Actual \$000	2019/20 Projected \$000	Explanation of Projected Movements in 2019/20
Opening Balance	2,866	2,866	
Capital Injections	-	-	
Capital Withdrawals	-	-	
Surplus to be Retained (Deficit Incurred)	-	-	
Other Movements	-	-	
<b>Closing Balance</b>	2,866	2,866	

# Part 4 - Details of Multi-Category Expenses and Capital Expenditure

## 4 - Multi-Category Expenses and Capital Expenditure

### Law Officer Functions (M5)

#### *Overarching Purpose Statement*

The single overarching purpose of this appropriation is to provide for the discharge of the Law Officers' constitutional and criminal law responsibilities.

#### *Scope of Appropriation*

##### **Departmental Output Expenses**

###### *Conduct of Criminal Appeals from Crown Prosecutions*

This category is limited to conducting appeals arising from Crown prosecutions.

###### *Government Legal Network*

This category is limited to developing the collective capability, effectiveness and efficiency of government lawyers.

###### *Law Officer Constitutional and Criminal Law Duties*

This category is limited to providing assistance to the Principal Law Officers in the exercise of their functions, and providing advice on constitutional, criminal law, mutual assistance and extradition matters.

###### *Public Prosecution Services*

This category is limited to the provision and supervision of a national Crown prosecution service and oversight of public prosecutions.

#### *Expenses, Revenue and Capital Expenditure*

	2018/19		2019/20
	Final Budgeted \$000	Estimated Actual \$000	Budget \$000
<b>Total Appropriation</b>	<b>48,136</b>	<b>47,516</b>	<b>50,428</b>
<b>Departmental Output Expenses</b>			
Conduct of Criminal Appeals from Crown Prosecutions	3,328	3,278	3,766
Government Legal Network	1,005	694	1,108
Law Officer Constitutional and Criminal Law Duties	4,861	4,602	5,470
Public Prosecution Services	38,942	38,942	40,084
<b>Funding for Departmental Output Expenses</b>			
<b>Revenue from the Crown</b>	<b>47,656</b>	<b>47,656</b>	<b>49,734</b>
Conduct of Criminal Appeals from Crown Prosecutions	3,278	3,278	3,716
Government Legal Network	885	885	988
Law Officer Constitutional and Criminal Law Duties	4,571	4,571	4,966
Public Prosecution Services	38,922	38,922	40,064

	2018/19		2019/20
	Final Budgeted \$000	Estimated Actual \$000	Budget \$000
<b>Revenue from Others</b>	<b>480</b>	<b>403</b>	<b>694</b>
Conduct of Criminal Appeals from Crown Prosecutions	50	-	50
Government Legal Network	120	120	120
Law Officer Constitutional and Criminal Law Duties	290	263	504
Public Prosecution Services	20	20	20

### *What is Intended to be Achieved with this Appropriation*

This appropriation is intended to achieve, or support the achievement of, improved criminal justice, maintain strong legal institutions, and strengthen the influence of the rule of law.

### *How Performance will be Assessed for this Appropriation*

Performance for this appropriation will be assessed in more detail against the service delivery measures for each individual category within the appropriation.

### *What is Intended to be Achieved with each Category and How Performance will be Assessed*

	2018/19		2019/20
	Final Budgeted Standard	Estimated Actual	Budget Standard
Assessment of Performance			
<b>Departmental Output Expenses</b>			
<b>Conduct of Criminal Appeals from Crown Prosecutions</b>			
This category is intended to achieve safer communities, reduced impact of crime and related justice sector outcomes.			
<b>Quantity</b>			
<i>New matters</i>			
Crown appeals	15 - 25	30	15 - 30
Accused appeals	600 - 650	670	600 - 650
<b>Quality</b>			
<i>Effectiveness</i>			
Percentage of Crown appeals concluded in favour of the Crown	60%	60%	60%
<b>Government Legal Network</b>			
This category is intended to enable the Crown to improve the value generated from the collective resources of the Government Legal Network.			
<b>Quantity</b>			
Number of individual CPD-compliant hours delivered annually to the GLN lawyers	3,500 - 4,000	4,000	3,500 - 4,000
Number of reports submitted to the Attorney-General under the GLN Legal Risk Reporting System	4	4	4

	2018/19		2019/20
	Final Budgeted Standard	Estimated Actual	Budget Standard
<b>Assessment of Performance</b>			
<i>Quality</i>			
Chief Legal Advisors consider GLN team engagement and communications are good to excellent	80%	80%	80%
Lawyers registered on GLN Online consider GLN activities and opportunities for participation are good to excellent	70%	70%	70%
The Attorney-General is satisfied with the GLN Legal Risk Reporting System	Yes	Yes	Yes
<b>Law Officer Constitutional and Criminal Law Duties</b>			
This category is intended to achieve increased trust in the justice system through the performance of the Principal Law Officers' constitutional and other duties.			
<i>Quantity</i>			
<i>New Matters</i>			
Applications processed on behalf of the Attorney-General	35 - 55	39	35 - 55
Advice on behalf of the Attorney-General	120 - 160	110	120 - 160
Litigation on behalf of the Law Officers (Attorney-General and/or Solicitor-General)	15 - 25	9	15 - 25
Criminal advice	5 - 15	5	5 - 15
Judicial reviews	5 - 10	5	5 - 10
Mutual assistance and extraditions	80 - 100	138	100 - 120
Criminal cases (other types)	25 - 40	29	25 - 40
Requests for prosecution appeals and judicial reviews	70 - 110	80	70 - 110
<i>Timeliness</i>			
Ministerial correspondence on time	100%	97%	100%
Responses to Parliamentary questions on time	100%	100%	100%
Official Information Act 1982 and Privacy Act 1993 responses on time	100%	96%	100%
<b>Public Prosecution Services</b>			
This category is intended to achieve safer communities, reduced impact of crime and related justice sector outcomes.			
<i>Quantity</i>			
New Crown prosecutions including appeals to the High Court from non-Crown prosecutions	5,000 - 7,000	6,500	5,000 - 7,000
Crown prosecutions, including appeals to the High Court from non-Crown prosecutions, disposed of	4,500 - 5,500	5,200	4,500 - 5,500
Hours of service provided	207,000 - 212,000	220,000	215,000 - 225,000
Number of quality assurance reviews (full network is reviewed on rotation every three years)	6	6	6
<i>Quality</i>			
Reviews, quality assessed as exceeding or meeting expected standards	6	6	6
Improvement recommendations implemented within timeframes set greater than	90%	90%	90%

## End of Year Performance Reporting

Performance information for this appropriation will be reported by the Crown Law Office in the Annual Report.

## Current and Past Policy Initiatives

Policy Initiative	Year of First Impact	2018/19 Final Budgeted \$000	2019/20 Budget \$000	2020/21 Estimated \$000	2021/22 Estimated \$000	2022/23 Estimated \$000
<b>Current Government</b>						
<b>Conduct of Criminal Appeals from Crown Prosecutions</b>						
Enabling a Sustainable Crown Law to Meet Core Operating Cost Pressures	2019/20	-	438	507	545	542
<b>Government Legal Network</b>						
Enabling a Sustainable Crown Law to Meet Core Operating Cost Pressures	2019/20	-	103	119	129	128
<b>Law Officer Constitutional and Criminal Law Duties</b>						
Enabling a Sustainable Crown Law to Meet Core Operating Cost Pressures	2019/20	-	667	745	786	783
<b>Public Prosecution Services</b>						
Enabling a Sustainable Crown Law to Meet Core Operating Cost Pressures	2019/20	-	138	160	173	172
Ensuring the Sustainability of the District Court by Appointing Additional District Court Judges	2019/20	-	1,004	1,004	1,004	1,004
Improving the Justice Response to Sexual Violence Victims	2021/22	-	-	-	9,482	7,900
<b>Previous Government</b>						
<b>Government Legal Network</b>						
Permanent Establishment of the Government Legal Network	2016/17	885	885	885	885	885
<b>Law Officer Constitutional and Criminal Law Duties</b>						
Share of Costs for Budget 2015 Whole-of-Government Initiatives	2015/16	(85)	(85)	(85)	(85)	(85)
<b>Public Prosecution Services</b>						
Increased Funding to Sustain Crown Prosecution Services	2016/17	4,922	4,922	4,922	4,922	4,922

## Reasons for Change in Appropriation

The increase in this appropriation for 2019/20 is mainly due to:

- an increase of \$1.346 million in this appropriation to allow Crown Law to meet ongoing operating cost pressures in discharging the Principal Law Officers' constitutional and criminal law responsibilities
- an increase of \$1.004 million in this appropriation to fund the increased work in criminal trials as a result of appointing additional District Court Judges

- an increase of \$241,000 in departmental revenue funded by the Ministry of Foreign Affairs and Trade for the 2019/20 Pacific Islands Law Officers' Network (PILON) Litigation Skills Programme. The programme is facilitated and managed by Crown Law, and offset by
- an expense transfer of \$300,000 from 2017/18 to 2018/19 in this appropriation to manage the timing of developing and publishing stand-alone Solicitor-General guidelines on prosecuting sexual violence cases, and developing training for Crown Solicitors based on the new guidelines.

### *Memorandum Account*

	2018/19		2019/20
	Budgeted \$000	Estimated Actual \$000	Budget \$000
<b>Processing of Queen's Counsel Applications</b>			
Opening Balance at 1 July	51	50	67
Revenue	50	37	40
Expenses	(50)	(20)	(40)
Transfers and Adjustments	-	-	-
<b>Closing Balance at 30 June</b>	<b>51</b>	<b>67</b>	<b>67</b>

