

# *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 2020/21 financial year covering the following:

- a total of over \$78 million to provide for the discharge of the Law Officers' constitutional, criminal law, and system leadership responsibilities including legal advice and representation, and
- a total of \$799,000 for capital expenditure by the Crown Law Office that mainly relates to the renewal and replacement of life-expired assets in support of its service delivery.

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	2019/20		2020/21
	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.	23,000	23,000	-
<b>Total Departmental Output Expenses</b>	23,000	23,000	-
<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.	614	614	799
<b>Total Departmental Capital Expenditure</b>	614	614	799
<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, criminal law, and system leadership responsibilities including legal advice and representation.	-	-	<b>78,561</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.	-	-	3,994
<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.	-	-	5,702
<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.	-	-	44,686
<i>Strategic and Operational Legal Advice and Representation</i> This category is limited to leading and developing the collective strength of government lawyers and providing legal advice and representation to State Sector entities.	-	-	24,179

Titles and Scopes of Appropriations by Appropriation Type	2019/20		2020/21
	Final Budgeted \$000	Estimated Actual \$000	Budget \$000
<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.	50,679	50,664	-
<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.	3,857	3,857	-
<i>Government Legal Network</i> This category is limited to developing the collective capability, effectiveness and efficiency of government lawyers.	1,152	1,152	-
<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.	5,557	5,542	-
<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.	40,113	40,113	-
<b>Total Multi-Category Expenses and Capital Expenditure</b>	50,679	50,664	78,561
<b>Total Annual Appropriations and Forecast Permanent Appropriations</b>	74,293	74,278	79,360

## Capital Injection Authorisations

	2019/20		2020/21
	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	2019/20 Final Budgeted \$000	2020/21 Budget \$000	2021/22 Estimated \$000	2022/23 Estimated \$000	2023/24 Estimated \$000
Crown Prosecution Services - Sustainable Funding	<b>Law Officer Functions MCA: Public Prosecution Services</b> Departmental Output Expenses	-	4,140	4,140	4,140	4,140
Sexual Violence Courts - Extending Existing Sites and Developing a National Operating Approach	<b>Law Officer Functions MCA: Public Prosecution Services</b> Departmental Output Expenses	-	390	390	390	390
<b>Total Initiatives</b>		-	4,530	4,530	4,530	4,530

## 1.2 - Trends in the Vote

### Summary of Financial Activity

	2015/16	2016/17	2017/18	2018/19	2019/20		2020/21			2021/22	2022/23	2023/24
	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	-	-	-	-	-	-	-	-	-	-	-	-
Benefits or Related Expenses	-	-	-	-	-	-	N/A	-	-	-	-	-
Borrowing Expenses	-	-	-	-	-	-	-	-	-	-	-	-
Other Expenses	-	-	-	-	-	-	-	-	-	-	-	-
Capital Expenditure	276	407	221	692	1,081	614	799	-	799	3,507	492	543
Intelligence and Security Department Expenses and Capital Expenditure	-	-	-	-	-	-	-	N/A	-	-	-	-
Multi-Category Expenses and Capital Expenditure (MCA)												
<i>Output Expenses</i>	60,874	66,383	68,229	68,070	73,679	73,664	78,561	-	78,561	87,911	86,533	85,632
<i>Other Expenses</i>	-	-	-	-	-	-	-	-	-	-	-	-
<i>Capital Expenditure</i>	-	-	-	-	-	-	N/A	-	-	-	-	-
<b>Total Appropriations</b>	61,150	66,790	68,450	68,762	74,760	74,278	79,360	-	79,360	91,418	87,025	86,175
<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.

## Adjustments to the Summary of Financial Activity Table Due to Vote Restructuring

	2015/16 Adjustments \$000	2016/17 Adjustments \$000	2017/18 Adjustments \$000	2018/19 Adjustments \$000	2019/20 Final Budgeted Adjustments \$000	2019/20 Estimated Actual Adjustments \$000
<b>Appropriations</b>						
Output Expenses	(18,235)	(19,045)	(20,177)	(20,305)	(23,000)	(23,000)
Benefits or Related Expenses	-	-	-	-	-	-
Borrowing Expenses	-	-	-	-	-	-
Other Expenses	-	-	-	-	-	-
Capital Expenditure	-	-	-	-	-	-
Intelligence and Security Department Expenses and Capital Expenditure	-	-	-	-	-	-
Multi-Category Expenses and Capital Expenditure (MCA)						
<i>Output Expenses</i>	18,235	19,045	20,177	20,305	23,000	23,000
<i>Other Expenses</i>	-	-	-	-	-	-
<i>Capital Expenditure</i>	-	-	-	-	-	-
<b>Total Appropriations</b>	-	-	-	-	-	-
<b>Crown Revenue and Capital Receipts</b>						
Tax Revenue	-	-	-	-	-	-
Non-Tax Revenue	-	-	-	-	-	-
Capital Receipts	-	-	-	-	-	-
<b>Total Crown Revenue and Capital Receipts</b>	-	-	-	-	-	-

The prior year information in the Summary of Financial Activity table has been restated to reflect the current Vote structure.

## 1.3 - Analysis of Significant Trends

The increases in the multi-category appropriation for 2019/20 and subsequent years reflect funding increases to meet increased demands in the 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.



## 1.4 - Reconciliation of Changes in Appropriation Structure

2019/20 Appropriations in the 2019/20 Structure	2019/20 (Current) \$000	Old Structure		New Structure		
		Appropriations to which Expenses (or Capital Expenditure) have been Moved from or to	Amount Moved \$000	2019/20 Appropriations in the 2020/21 Structure	2019/20 (Restated) \$000	2020/21 \$000
Legal Advice and Representation	23,000	Transferred to Law Officer Functions MCA	(23,000)			
Government Legal Network	1,152	Transferred to Law Officer Functions MCA	(1,152)			
Conduct of Criminal Appeals from Crown Prosecutions	3,857	Transferred to Law Officer Functions MCA	(3,857)			
Law Officer Constitutional and Criminal Law Duties	5,557	Transferred to Law Officer Functions MCA	(5,557)			
Public Prosecution Services	40,113	Transferred to Law Officer Functions MCA	(40,113)			
				Law Officer Functions MCA		
		Transferred from Legal Advice and Representation	23,000	Strategic and Operational Legal Advice and Representation	24,152	24,179
		Transferred from Government Legal Network	1,152			
		Transferred from Conduct of Criminal Appeals from Crown Prosecutions	3,857	Conduct of Criminal Appeals from Crown Prosecutions	3,857	3,994
		Transferred from Law Officer Constitutional and Criminal Law Duties	5,557	Law Officer Constitutional and Criminal Law Duties	5,557	5,702
		Transferred from Public Prosecution Services	40,113	Public Prosecution Services	40,113	44,686
Total	73,679		-		73,679	78,561

Explanations of the reasons for changing the appropriation structure are noted in the details of each appropriation in Parts 2-4.

## Part 2 - Details of Departmental Appropriations

### 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*

	2019/20		2020/21
	Final Budgeted \$000	Estimated Actual \$000	Budget \$000
Forests/Agricultural	-	-	-
Land	-	-	-
Property, Plant and Equipment	533	533	274
Intangibles	81	81	525
Other	-	-	-
<b>Total Appropriation</b>	<b>614</b>	<b>614</b>	<b>799</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 increase in this appropriation for 2020/21 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	2019/20 Estimated Actual \$000	2020/21 Projected \$000	Explanation of Projected Movements in 2020/21
Opening Balance	3,988	2,151	
Capital Injections	-	-	
Capital Withdrawals	-	-	
Surplus to be Retained (Deficit Incurred)	(1,837)	-	Forecast reduction in memorandum account balance for 2019/20.
Other Movements	-	-	
<b>Closing Balance</b>	<b>2,151</b>	<b>2,151</b>	

# 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, criminal law, and system leadership responsibilities including legal advice and representation.

#### *Scope of Appropriation*

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

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

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

###### *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.

###### *Strategic and Operational Legal Advice and Representation*

This category is limited to leading and developing the collective strength of government lawyers and providing legal advice and representation to State Sector entities.

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

	2019/20		2020/21
	Final Budgeted \$000	Estimated Actual \$000	Budget \$000
<b>Total Appropriation</b>	-	-	<b>78,561</b>
<b>Departmental Output Expenses</b>			
Conduct of Criminal Appeals from Crown Prosecutions	-	-	3,994
Law Officer Constitutional and Criminal Law Duties	-	-	5,702
Public Prosecution Services	-	-	44,686
Strategic and Operational Legal Advice and Representation	-	-	24,179
<b>Funding for Departmental Output Expenses</b>			
<b>Revenue from the Crown</b>	-	-	<b>54,837</b>
Conduct of Criminal Appeals from Crown Prosecutions	-	-	3,944
Law Officer Constitutional and Criminal Law Duties	-	-	5,198
Public Prosecution Services	-	-	44,666
Strategic and Operational Legal Advice and Representation	-	-	1,029

	2019/20		2020/21
	Final Budgeted \$000	Estimated Actual \$000	Budget \$000
<b>Revenue from Others</b>	-	-	<b>23,724</b>
Conduct of Criminal Appeals from Crown Prosecutions	-	-	50
Law Officer Constitutional and Criminal Law Duties	-	-	504
Public Prosecution Services	-	-	20
Strategic and Operational Legal Advice and Representation	-	-	23,150

### *Comparators for Restructured Appropriation*

Vote, Type and Title of Appropriation	2019/20		2020/21
	Final Budgeted \$000	Estimated Actual \$000	Budget \$000
Vote Attorney-General: Departmental Output Expenses: Legal Advice and Representation	23,000	23,000	-
Vote Attorney-General: Departmental Output Expenses: Law Officer Functions MCA: Conduct of Criminal Appeals from Crown Prosecutions	3,857	3,857	-
Vote Attorney-General: Departmental Output Expenses: Law Officer Functions MCA: Government Legal Network	1,152	1,152	-
Vote Attorney-General: Departmental Output Expenses: Law Officer Functions MCA: Law Officer Constitutional and Criminal Law Duties	5,557	5,542	-
Vote Attorney-General: Departmental Output Expenses: Law Officer Functions MCA: Public Prosecution Services	40,113	40,113	-
<b>Total</b>	<b>73,679</b>	<b>73,664</b>	<b>78,561</b>

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

This appropriation is intended to achieve improvement in the management of Crown legal risk and improved criminal justice, maintain strong legal institutions, and strengthen the influence of the rule of law.

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

Assessment of Performance	2019/20		2020/21
	Final Budgeted Standard	Estimated Actual	Budget Standard
<b>Quality</b>			
The Attorney-General is satisfied with the services provided by Crown Law	-	Yes	Yes

Performance of 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*

	2019/20		2020/21
	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.			
<i>Quantity</i>			
<i>New matters</i>			
Crown appeals	15 - 30	29	15 - 30
Accused appeals	600 - 650	589	600 - 650
<i>Quality</i>			
<i>Effectiveness</i>			
Percentage of Crown appeals concluded in favour of the Crown	60%	69%	60%
<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	38	35 - 55
Advice on behalf of the Attorney-General	120 - 160	94	120 - 160
Litigation on behalf of the Law Officers (Attorney-General and/or Solicitor-General)	15 - 25	8	10 - 25
Criminal advice	5 - 15	1	5 - 15
Judicial reviews	5 - 10	2	5 - 10
Mutual assistance and extraditions	100 - 120	107	100 - 120
Criminal cases (other types)	25 - 40	47	25 - 40
Requests for prosecution appeals and judicial reviews	70 - 110	74	70 - 110
<i>Timeliness</i>			
Ministerial correspondence on time	100%	100%	100%
Responses to Parliamentary questions on time	100%	100%	100%
Official Information Act 1982 and Privacy Act 1993 responses on time	100%	100%	100%

	2019/20		2020/21
	Final Budgeted Standard	Estimated Actual	Budget Standard
Assessment of Performance			
<b>Public Prosecution Services</b>			
This category is intended to achieve safer communities, reduced impact of crime and related justice sector outcomes.			
<b>Quantity</b>			
New Crown prosecutions including appeals to the High Court from non-Crown prosecutions	5,000 -7,000	5,499	5,200 - 6,200
Crown prosecutions, including appeals to the High Court from non-Crown prosecutions, disposed of	4,500 - 5,500	5,565	5,500 - 6,500
Hours of service provided	215,000 - 225,000	247,295	250,000 - 260,000
Number of quality assurance reviews (full network is reviewed on rotation every three years)	6	4	6
<b>Quality</b>			
Reviews, quality assessed as exceeding or meeting expected standards	6	4	6
Improvement recommendations implemented within timeframes set greater than	90%	90%	90%
<b>Strategic and Operational Legal Advice and Representation</b>			
This category is intended to achieve improved management of Crown legal risk and better policy decisions informed by legal implications, and enable the Crown to improve the value generated from the collective resources of the Government Legal Network.			
<b>Quantity</b>			
<b>New Matters</b>			
Advice	380 - 425	362	380 - 425
Litigation	350 - 400	265	250 - 300
Judicial review	100 - 125	83	80 - 100
Claims before Waitangi Tribunal	35 - 50	60	50 - 70
Number of individual CPD-compliant hours delivered annually to the GLN lawyers	3,500 - 4,000	3,851	3,500 - 4,500
Number of reports submitted to the Attorney-General under the GLN Legal Risk Reporting System	4	4	4
<b>Quality</b>			
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%	75%	80%
Chief Legal Advisors consider GLN team engagement and communications are good to excellent	80%	90%	90%
Lawyers registered on GLN Online consider GLN activities and opportunities for participation are good to excellent	70%	85%	85%
The Attorney-General is satisfied with the GLN Legal Risk Reporting System	Yes	Yes	Yes

Assessment of Performance	2019/20		2020/21
	Final Budgeted Standard	Estimated Actual	Budget Standard
<b>Timeliness</b>			
Responses to the client survey that consider timeliness in responding to requests are good to excellent	85%	85%	85%
Written opinions/advice (final or draft) completed by the due date	85%	77%	85%
Litigation Management Plans completed by the due date	80%	70%	80%
<b>Value for Money</b>			
Percentage of responses to the client survey that consider the service received represents value for money is good or excellent	95%	95%	95%

### *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	2019/20 Final Budgeted \$000	2020/21 Budget \$000	2021/22 Estimated \$000	2022/23 Estimated \$000	2023/24 Estimated \$000
<b>Current Government</b>						
<b>Conduct of Criminal Appeals from Crown Prosecutions</b>						
Funding for Responding to Remuneration Pressures	2019/20	91	159	241	328	328
Enabling a Sustainable Crown Law to Meet Core Operating Cost Pressures	2019/20	438	507	545	542	542
<b>Law Officer Constitutional and Criminal Law Duties</b>						
Funding for Responding to Remuneration Pressures	2019/20	87	154	233	317	317
Enabling a Sustainable Crown Law to Meet Core Operating Cost Pressures	2019/20	667	745	786	783	783
<b>Public Prosecution Services</b>						
Improving the Justice Response to Sexual Violence Victims	2021/22	-	-	9,482	7,900	6,999
Crown Prosecution Services - Sustainable Funding	2020/21	-	4,140	4,140	4,140	4,140
Sexual Violence Courts - Extending Existing Sites and Developing a National Operating Approach	2020/21	-	390	390	390	390
Ensuring the Sustainability of the District Court by Appointing Additional District Court Judges	2019/20	1,004	1,004	1,004	1,004	1,004
Funding for Responding to Remuneration Pressures	2019/20	29	50	77	104	104
Enabling a Sustainable Crown Law to Meet Core Operating Cost Pressures	2019/20	138	160	173	172	172
<b>Strategic and Operational Legal Advice and Representation</b>						
Funding for Responding to Remuneration Pressures	2019/20	14	25	37	51	51
Enabling a Sustainable Crown Law to Meet Core Operating Cost Pressures	2019/20	103	119	129	128	128



Policy Initiative	Year of First Impact	2019/20 Final Budgeted \$000	2020/21 Budget \$000	2021/22 Estimated \$000	2022/23 Estimated \$000	2023/24 Estimated \$000
<b>Previous Government</b>						
<b>Strategic and Operational Legal Advice and Representation</b>						
Permanent Establishment of the Government Legal Network	2016/17	885	885	885	885	885
<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 2020/21 is mainly due to:

- an increase of \$4.140 million to allow Crown Law to meet increases in demand for Crown prosecution services and maintain the quality and consistency of Crown prosecutions undertaken by the Crown Solicitor network
- an increase of \$390,000 to fund increased work in criminal trials as a result of the permanent establishment of two sexual violence courts, and
- an increase of \$167,000 to fund Crown Law's remuneration pressure.

### *Memorandum Account*

	2019/20		2020/21
	Budgeted \$000	Estimated Actual \$000	Budget \$000
<b>Legal Advice and Representation</b>			
Opening Balance at 1 July	754	1,852	-
Revenue	20,427	21,148	23,000
Expenses	(20,427)	(23,000)	(23,000)
Transfers and Adjustments	-	-	-
<b>Closing Balance at 30 June</b>	<b>754</b>	<b>-</b>	<b>-</b>
<b>Processing of Queen's Counsel Applications</b>			
Opening Balance at 1 July	67	73	88
Revenue	40	33	40
Expenses	(40)	(18)	(40)
Transfers and Adjustments	-	-	-
<b>Closing Balance at 30 June</b>	<b>67</b>	<b>88</b>	<b>88</b>