

Vote Attorney-General

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

DEPARTMENT ADMINISTERING THE VOTE: Crown Law Office (A2)

RESPONSIBLE MINISTER FOR CROWN LAW OFFICE: Attorney-General

Overview of the Vote

The Attorney-General is responsible for appropriations in Vote-Attorney General for the 2021/22 financial year. The Crown Law Office is funded by this Vote which provides value to the Crown legal system and includes legal advice and representation services to State Sector entities and advice on constitutional and human rights issues and Treaty of Waitangi claims. Crown Law also conducts appeals from Crown prosecutions and provides oversight of public prosecutions and advice on criminal law issues and extradition matters.

The total appropriation of \$90 million covers:

- \$64 million for the Law Officer functions, a multi-category appropriation that includes public prosecution services, conduct of criminal appeals from Crown prosecutions and constitutional and criminal law duties.
- \$26 million for the provision of strategic and operational legal advice and representation services on a full cost-recovery basis.

Crown Law's capital expenditure appropriation of \$3.370 million 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.

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	2020/21		2021/22
	Final Budgeted \$000	Estimated Actual \$000	Budget \$000
Departmental Capital Expenditure			
Crown Law Office - Capital Expenditure PLA (M5) (A2) 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.	1,060	1,060	3,370
Total Departmental Capital Expenditure	1,060	1,060	3,370
Multi-Category Expenses and Capital Expenditure			
Law Officer Functions MCA (M5) (A2) 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.	80,867	80,867	90,517
<i>Departmental Output Expenses</i>			
<i>Conduct of Criminal Appeals from Crown Prosecutions</i> This category is limited to conducting appeals arising from Crown prosecutions.	4,025	4,025	4,177
<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.	5,647	5,647	5,382
<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.	44,516	44,516	54,257
<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.	26,679	26,679	26,701
Total Multi-Category Expenses and Capital Expenditure	80,867	80,867	90,517
Total Annual Appropriations and Forecast Permanent Appropriations	81,927	81,927	93,887

Capital Injection Authorisations

	2020/21		2021/22
	Final Budgeted \$000	Estimated Actual \$000	Budget \$000
Crown Law Office - Capital Injection (M5) (A2)	-	-	2,100

Supporting Information

Part 1 - Vote as a Whole

This part provides trend information for the vote.

1.2 - Trends in the Vote

Summary of Financial Activity

	2016/17	2017/18	2018/19	2019/20	2020/21		2021/22			2022/23	2023/24	2024/25
	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
Appropriations												
Output Expenses	-	-	-	-	-	-	-	-	-	-	-	-
Benefits or Related Expenses	-	-	-	-	-	-	N/A	-	-	-	-	-
Borrowing Expenses	-	-	-	-	-	-	-	-	-	-	-	-
Other Expenses	-	-	-	-	-	-	-	-	-	-	-	-
Capital Expenditure	407	221	692	676	1,060	1,060	3,370	-	3,370	1,358	771	1,334
Intelligence and Security Department Expenses and Capital Expenditure	-	-	-	-	-	-	-	N/A	-	-	-	-
Multi-Category Expenses and Capital Expenditure (MCA)												
<i>Output Expenses</i>	66,383	68,229	68,070	72,642	80,867	80,867	90,517	-	90,517	89,132	87,729	86,584
<i>Other Expenses</i>	-	-	-	-	-	-	-	-	-	-	-	-
<i>Capital Expenditure</i>	-	-	-	-	-	-	N/A	-	-	-	-	-
Total Appropriations	66,790	68,450	68,762	73,318	81,927	81,927	93,887	-	93,887	90,490	88,500	87,918
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	-	-	-	-	-

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 increases in the multi-category appropriation for 2020/21 and subsequent years reflect funding increases to meet increased demand in Crown prosecution services.

The increase in the capital expenditure in 2021/22 reflects forecast expenditure to meet a significant accommodation upgrade and for leasehold improvements, and furniture and fittings upgrades for the Crown Law Office.

Part 2 - Details of Departmental Appropriations

2.3 - Departmental Capital Expenditure and Capital Injections

Crown Law Office - Capital Expenditure PLA (M5) (A2)

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

	2020/21		2021/22
	Final Budgeted \$000	Estimated Actual \$000	Budget \$000
Forests/Agricultural	-	-	-
Land	-	-	-
Property, Plant and Equipment	655	655	2,615
Intangibles	405	405	755
Other	-	-	-
Total Appropriation	1,060	1,060	3,370

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 2021/22 is due to significant expenditure for a major accommodation upgrade and for renewal and replacement of various furniture, office equipment, and computer hardware and software at the Crown Law Wellington Office.

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

Details of Net Asset Schedule	2020/21 Estimated Actual \$000	2021/22 Projected \$000	Explanation of Projected Movements in 2021/22
Opening Balance	2,642	2,642	
Capital Injections	-	2,100	A capital injection of \$2.100 million was sought and approved through Budget 2019 to fund a significant accommodation upgrade in 2021/22 for leasehold improvements.
Capital Withdrawals	-	-	
Surplus to be Retained (Deficit Incurred)	-	-	
Other Movements	-	-	
Closing Balance	2,642	4,742	

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

4 - Multi-Category Expenses and Capital Expenditure

Law Officer Functions (M5) (A2)

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

	2020/21		2021/22
	Final Budgeted \$000	Estimated Actual \$000	Budget \$000
Total Appropriation	80,867	80,867	90,517
Departmental Output Expenses			
Conduct of Criminal Appeals from Crown Prosecutions	4,025	4,025	4,177
Law Officer Constitutional and Criminal Law Duties	5,647	5,647	5,382
Public Prosecution Services	44,516	44,516	54,257
Strategic and Operational Legal Advice and Representation	26,679	26,679	26,701

	2020/21		2021/22
	Final Budgeted \$000	Estimated Actual \$000	Budget \$000
Funding for Departmental Output Expenses			
Revenue from the Crown	54,643	54,643	64,727
Conduct of Criminal Appeals from Crown Prosecutions	3,975	3,975	4,127
Law Officer Constitutional and Criminal Law Duties	5,143	5,143	5,312
Public Prosecution Services	44,496	44,496	54,237
Strategic and Operational Legal Advice and Representation	1,029	1,029	1,051
Revenue from Others	26,224	26,224	25,790
Conduct of Criminal Appeals from Crown Prosecutions	50	50	50
Law Officer Constitutional and Criminal Law Duties	504	504	70
Public Prosecution Services	20	20	20
Strategic and Operational Legal Advice and Representation	25,650	25,650	25,650

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	2020/21		2021/22
	Final Budgeted Standard	Estimated Actual	Budget Standard
Quality			
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

Assessment of Performance	2020/21		2021/22
	Final Budgeted Standard	Estimated Actual	Budget Standard
Departmental Output Expenses			
Conduct of Criminal Appeals from Crown Prosecutions			
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%
Law Officer Constitutional and Criminal Law Duties			
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%

	2020/21		2021/22
	Final Budgeted Standard	Estimated Actual	Budget Standard
Assessment of Performance			
Public Prosecution Services			
This category is intended to achieve safer communities, reduced impact of crime and related justice sector outcomes.			
Quantity			
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
Quality			
Reviews, quality assessed as exceeding or meeting expected standards	6	4	6
Improvement recommendations implemented within timeframes set greater than	90%	90%	90%
Strategic and Operational Legal Advice and Representation			
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.			
Quantity			
New Matters			
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
Quality			
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	2020/21		2021/22
	Final Budgeted Standard	Estimated Actual	Budget Standard
Timeliness			
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%
Value for Money			
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	2020/21 Final Budgeted \$000	2021/22 Budget \$000	2022/23 Estimated \$000	2023/24 Estimated \$000	2024/25 Estimated \$000
Conduct of Criminal Appeals from Crown Prosecutions						
Funding for Responding to Remuneration Pressures	2019/20	159	241	328	328	328
Enabling a Sustainable Crown Law to Meet Core Operating Cost Pressures	2019/20	507	545	542	542	542
Law Officer Constitutional and Criminal Law Duties						
Funding for Responding to Remuneration Pressures	2019/20	154	233	317	317	317
Enabling a Sustainable Crown Law to Meet Core Operating Cost Pressures	2019/20	745	786	783	783	783
Public Prosecution Services						
Improving the Justice Response to Sexual Violence Victims	2021/22	-	9,482	7,900	6,999	5,854
Crown Prosecution Services - Sustainable Funding	2020/21	4,140	4,140	4,140	4,140	4,140
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	50	77	104	104	104
Enabling a Sustainable Crown Law to Meet Core Operating Cost Pressures	2019/20	160	173	172	172	172
Strategic and Operational Legal Advice and Representation						
Funding for Responding to Remuneration Pressures	2019/20	25	37	51	51	51
Enabling a Sustainable Crown Law to Meet Core Operating Cost Pressures	2019/20	119	129	128	128	128

Memorandum Account

	2020/21		2021/22
	Budgeted \$000	Estimated Actual \$000	Budget \$000
Legal Advice and Representation			
Opening Balance at 1 July	-	491	1,883
Revenue	23,000	25,321	25,000
Expenses	(23,000)	(23,929)	(26,883)
Transfers and Adjustments	-	-	-
Closing Balance at 30 June	-	1,883	-
Processing of Queen's Counsel Applications			
Opening Balance at 1 July	88	87	87
Revenue	40	40	40
Expenses	(40)	(40)	(40)
Transfers and Adjustments	-	-	-
Closing Balance at 30 June	88	87	87