

CROWN LAW OFFICE

# STATEMENT OF INTENT

for the YEAR ENDING  
30 JUNE 2006

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*Presented to the House of Representatives  
Pursuant to Section 39 of the Public Finance Act 1989*

ISSN: 1176-2128

STATEMENT OF INTENT

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# CROWN LAW OFFICE

The Crown Law Office provides legal advice and representation services to the Government in matters affecting the Executive Government, particularly in the areas of criminal, public and administrative law. The services provided relate to such matters as judicial review of government actions, constitutional questions including Treaty of Waitangi issues, the enforcement of criminal law, human rights challenges to government policies and procedures, and protection of the revenue.

Crown Law has two primary aims in providing these services:

- to ensure that the operations and responsibilities of the Executive Government are conducted lawfully, and
- to ensure that the Government is not prevented, through legal process, from lawfully implementing its chosen policies and discharging its governmental responsibilities.

These two primary aims are related to wider Government and justice sector goals.

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## KEY GOVERNMENT GOALS

The Government's vision is for an inclusive New Zealand where all people enjoy the opportunity to fulfil their potential, to prosper and to participate in the social, economic, political and cultural life of their communities. Six key Government goals have been developed to guide the work of the public sector in achieving these ends.

These are to:

- strengthen national identity and uphold the principles of the Treaty of Waitangi
- grow an inclusive, innovative economy for the benefit of all
- maintain trust in Government and provide strong social services
- improve New Zealanders' skills
- reduce inequalities in health, education, employment and housing
- protect and enhance the environment.

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# THE JUSTICE SECTOR AND THE CROWN LAW OFFICE

## JUSTICE SECTOR OUTCOMES

Crown Law’s work, in common with other core justice sector organisations, is focused on the key Government goal of “**maintaining trust in Government and providing strong social services**”.

The justice sector has developed shared outcomes for contributing to this goal. Crown Law is part of the core justice sector grouping of government departments and agencies, along with the Ministry of Justice, New Zealand Police, Department of Corrections, Serious Fraud Office and the Department for Child, Youth and Family. The shared outcomes, which are described as ‘Justice Sector End Outcomes’, and which have an estimated 10 to 15 year timeframe for delivery, aim to achieve:

- safer communities in which there is reduced crime and in which safety and well-being are enhanced through partnerships
- a fairer, more credible and more effective justice system in which people’s interactions are underpinned by the rule of law and justice services are more equitable, credible and accessible.

These two outcomes are interdependent, because the ability to reduce crime depends on the effective application of rule of law and on the existence of a system of justice capable of enforcing the rule of law.

Areas for improvement over the next three to five years are known as Sector Intermediate Outcomes and have been agreed by the justice sector Chief Executives.

## CONTRIBUTION BY THE CROWN LAW OFFICE TO THE JUSTICE SECTOR INTERMEDIATE OUTCOMES

Crown Law contributes to a ‘fairer, more credible and more effective justice system’ by seeking to ensure that the Government acts consistently with the rule of law and is not improperly prevented by court or similar processes from pursuing its lawful policies. In the criminal area, Crown Law seeks to enhance public confidence in the criminal process through its oversight of the prosecution of serious crimes and the conduct of criminal appeals, again with a view to maintaining the rule of law.

The provision of Crown prosecution and appeal services by Crown Law is part of the justice sector’s overall delivery and management of the criminal justice system.

Crown Law will focus upon the following objectives as its contribution to the justice sector intermediate outcomes:

- protecting the Crown’s legal interests,
- supporting the responsibilities of the Crown and its agencies,
- timely processes and fair results,
- the maintenance of law and order,
- robust due process,
- the maintenance of public interest factors in the application of the law, and
- ensuring quality of service delivery through the expertise and integrity of the human resource

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## CROWN LAW OFFICE OUTPUTS

The resources required for Crown Law to achieve its objectives are obtained through an appropriation from Vote Attorney-General, which provides for the purchase of the following services, or Outputs

The following table summarises the contribution of Crown Law's output classes to the justice sector (and the wider public sector):

<b>Output Class</b>	<b>Contribution to the justice and the wider public sector outcomes</b>
<p>Legal Advice and Representation</p> <p><i>Legal advice and representation services to central government departments and Crown agencies</i></p>	<ul style="list-style-type: none"> <li>• protecting the Crown's legal interests</li> <li>• supporting the responsibilities of the Crown and its agencies</li> <li>• the maintenance of public interest factors in the application of the law</li> <li>• timely processes and fair results</li> </ul>
<p>Supervision and Conduct of Crown Prosecutions</p> <p><i>A national Crown prosecution service which undertakes criminal trials on indictment, and appeals arising out of summary prosecutions</i></p>	<ul style="list-style-type: none"> <li>• a credible and effective justice system</li> <li>• robust due process</li> <li>• the maintenance of law and order</li> </ul>
<p>Conduct of Criminal Appeals</p> <p><i>Conduct of appeals arising from criminal trials on indictment and from Crown appeals against sentence</i></p>	<ul style="list-style-type: none"> <li>• a credible and effective justice system</li> <li>• timely processes and fair results</li> </ul>
<p>The Exercise of Principal Law Officer Functions</p> <p><i>Legal and administrative services for the Attorney-General and Solicitor-General in the exercise of Principal Law Officer functions.</i></p>	<ul style="list-style-type: none"> <li>• protecting the Crown's legal interests</li> <li>• the maintenance of law and order</li> <li>• the maintenance of public interest factors in the application of the law</li> <li>• a credible and effective justice system</li> </ul>

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# THE WORK OF THE CROWN LAW OFFICE

The work of the Crown Law Office comprises legal advice to and legal representation of its public sector clients; Crown Law also supports the Law Officers.

Legal services are obtained by Government and departments from three sources: in-house legal advisors, private sector legal advisors and the Crown Law Office. Crown legal work is governed by the Cabinet Directions. The Crown Law Office is typically instructed by in-house legal advisors. The engagement of external legal advisors, e.g. barristers, is undertaken where particular specialist knowledge is required, where work pressures within Crown Law create capacity problems, or to preserve the appearance of independence.

Crown Law operates much like a private sector legal practice and charges for its services. In doing so, Crown Law seeks to service client departments and agencies efficiently and effectively. Key to this approach is the quality of the working relationship established with the client department's internal legal advisors and the strength of the organisational links with the policy and operational functions of each department and agency.

## LEGAL ADVICE AND REPRESENTATION

The Cabinet Directions on the Conduct of Crown Legal Business 1993, guide departments and ministries in the use of Crown Law's legal services. The Cabinet Directions provide for two categories of legal work:

- Category 1, which must be referred to the Solicitor-General on behalf of Crown Law, includes cases concerning actual or imminent litigation where the Government or a government agency is a party, situations involving the lawfulness of the exercise of Government powers, constitutional questions (including Treaty of Waitangi issues), and issues relating to the enforcement of the criminal law and the protection of the revenue.
- Category 2, is essentially all other work, e.g. employment matters, and is 'contestable'. Departments may choose other legal advisors to assist them resolve category 2 matters.

Crown Law has no specific responsibility for policy formation or for the development of legislation. However when requested, Crown Law provides legal input on policy issues.



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## SUPPORTING THE LAW OFFICERS

The Crown Law Office is responsible for supporting the two Law Officers of the Crown: the Attorney-General and the Solicitor-General. This support is provided through:

- the provision of legal advice and legal representation services to Ministers of the Crown, government departments, and agencies forming part of the Government;
- assisting the Attorney-General and Solicitor-General in the performance of their statutory and other functions as Law Officers of the Crown;
- assisting the Solicitor-General with the conduct of criminal appeals;
- assisting the Solicitor-General in the supervision, direction and performance of regional Crown Solicitors in their prosecution functions, including administration of the Crown Solicitor's Regulations 1994; and

- providing advice on the establishment and development of legal service provision within government departments and agencies.
- Judicial Appointments: Crown Law is assisting the Attorney-General with developments aimed at coordinating the processes associated with, and improving the transparency of, appointments to the judiciary. This work, which is currently performed by a number of departments, may be transferred to a new unit attached to Crown Law in the 2005/06 year.

The services provided by the Crown Law to the Solicitor-General and the Attorney-General as Law Officers of the Crown are similar to the ministerial support functions provided by all departments and ministries in support of Ministers. The majority of that support addresses the specific functions for which the Law Officers are responsible, i.e. monitoring the enforcement and application of the law, particularly the criminal law, supervision of charities, representation of the public interest, vexatious litigant proceedings, extraditions, participation in PILOM and the exercise of a variety of powers, duties and authorities arising from statutory powers and constitutional conventions.

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# ENVIRONMENTAL INFLUENCES

Primary influences to which the Crown Law Office reacts are:

## INTERNATIONAL

Trends in the international environment (such as increasing cross border transactions, particularly through mutual agreements and the internet) are raising issues for cross border law enforcement and redress. Internet crime is on the increase and will require special knowledge and skills to be developed to combat it.

## DEMOGRAPHICS

New Zealand's demographics are rapidly changing. The population is growing; 4.1 million in 2004 and expected to be 4.5 million by 2021. The population is becoming more diverse ethnically and culturally. There appears to be a rise in recorded violent offences and offences involving metaphetamine. There are more single parent families and the gap between socio-economic groups is increasing.

## SUPREME COURT

The newly established Supreme Court has added a significant new workload, which is as yet undetermined as are the resource and cost implications.

## LEGISLATION

The justice sector has seen a significant amount of new legislation over the last two years. There is a similar programme planned for the coming two years. The sector is also facing significant growth in repeated crime and therefore a requirement for more judges, courts, prisons and front line police.

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## THE CRIMINAL JUSTICE SYSTEM: CROWN PROSECUTIONS AND APPEALS

Crown Law has responsibility for prosecuting indictable crime throughout New Zealand. A network of Crown Solicitors, who are appointed under warrant of the Governor-General, undertake indictable prosecution work for the Police and prosecution agencies as well as appeals to the High Court from the summary jurisdiction. Crown Law also oversees the prosecution work of the Serious Fraud Office, and conducts criminal appeals to the Court of Appeal and the Supreme Court. In 2006 the last Criminal appeals to the Privy Council are expected to be heard.

The supervision and conduct of Crown prosecutions and appeals is performed by a combination of resources available from within Crown Law and through the collective resources of the network of Crown Solicitors. The resources required for this activity are funded by the Crown.

The network of 16 Crown Solicitors, who are partners in law firms in private practice, operate in centres where District Court jury trials are conducted throughout New Zealand. Crown Solicitors undertake criminal trials on indictment, and appeals from the summary jurisdiction. They are reimbursed for their services in accordance with the fees structure established by Crown Solicitors Regulations 1994. The day to day management of case work undertaken on behalf of prosecution agencies is the responsibility of Crown Solicitors, who are also responsible for staffing and resourcing their practices accordingly.

Crown Law provides a co-ordination role within the network to guide and share prosecution practice and knowledge among the Crown Solicitors. The Solicitor-General determines all

requests by Crown Solicitors, the Serious Fraud Office, Police and government agencies who have prosecuting responsibility, for consents to prosecute those matters which, under legislation, require consent, i.e. applications for stays of proceedings, and witness immunities, requests for Crown appeals arising from the summary jurisdiction, proceeds of crime applications and mutual assistance and extradition applications both to and from NZ, and requests for appeals against sentencing decisions. As well the Solicitor-General determines all requests by Crown Solicitors and the Serious Fraud Office for appeals against pre trial rulings and case stated appeals in the indictable jurisdiction.

Crown Law also has responsibility for conducting appeals that arise out of criminal trials on indictment and uses the network of Crown Solicitors and private barristers to complement its own resources to address this function. Recent changes to the Court of Appeal's hearing procedures have increased the preparation work necessary in most cases. The number of criminal appeals being heard by the Court of Appeal has also increased since the last financial year.

Since the inception of the Supreme Court last year, Crown Law has received 30 applications for leave to appeal in criminal matters. This compares with the historical 0-4 applications per annum to appeal to the Privy Council. To date 3 matters have been granted leave and have been set down for hearing. In the history of the Privy Council, 1851-2005 there were a total of 9 criminal matters on which leave to appeal was granted. This increase in work will continue to have an impact on resources.

Crown Law monitors the application of the Crown Solicitor Regulations in terms of payments, and approves applications for the classification of counsel and any requests for additional resources needed on difficult cases.

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The demand for prosecution and appeal services depends on many factors, which are predominantly outside Crown Law's direct control. Changes in sentencing practice, the rate of crime, and more importantly the number of indictments laid, drive the volume of cases and appeals. The time taken to bring a case to trial depends upon a variety of factors such as, the complexity of the case, the number of preparatory steps including the briefing of witnesses, the need for experts, the defence strategy, and judicial rulings taken during the pre-trial and trial process. This latter activity can in turn be affected by the availability of court time for the timely hearing of the trial itself. It is difficult to forecast accurately the volume of cases in this area and, in particular, how long individual trials might take. This uncertainty has an impact upon budgeting for expenditure and the funding necessary from the Crown.

### WIDE RANGING LITIGATION

Most of the work received by Crown Law is reactive, and continues to grow in volume and complexity. The following specific influences and legal issues are identified as having prominence:

- *Employment:* The trend to employ in-house counsel to deal with employment issues will be monitored closely in relation to its impact on Crown Law's Employment resource. Crown Law will continue to monitor the trend away from employment litigation.
- *Foreshore and Seabed:* There are negotiations and litigation underway under the Foreshore and Seabed Act 2004. These processes will likely further as test cases for future negotiations/litigation.
- *Historic Class Claims in the Health & Social Welfare areas:* There is an increase in the number of cases being taken to review past actions by agencies in the social welfare and health services sectors.

- *Human Rights Legislation:* The introduction of the Human Rights Amendment Act 2001 resulted in a much wider range of governmental activity being subject to complaints of unlawful discrimination and the dispute resolution processes under the Human Rights Act. Since then, the Crown Law Office has assisted a range of government departments in responding to such complaints. There were 35 complaints in the 2003/4 financial year. The number of complaints is likely to continue to grow over the next financial year as the public awareness of the 2001 amendment increases. In early 2005, the Office of Human Rights Proceeding for the first time filed proceedings in the Human Rights Review Tribunal against the Government under the new Part 1A of the Act. As the first case involving a complaint about government policy, a number of important preliminary and procedural issues will need to be determined before the substantive hearing. The hearing itself is likely to involve extensive evidence (including expert evidence) and complex legal argument. It can be predicted that further proceedings of this kind will follow.
- *Human Rights Litigation:* As well as a growing number of complaints there is a significant increase in the number and complexity of civil claims being brought in relation to alleged breaches of the New Zealand Bill of Rights Act and/or human rights standards including, for example, the proceedings brought by Mr Zaoui. A significant number of cases involve complaints of ill treatment by prisoners. These include claims by 42 plaintiffs about the behaviour management regime at Paremoro prison which are currently awaiting the outcome of the Taunoa appeal.

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- *International Law:* The impact of international law on domestic law making and interpretation has increased as a result of New Zealand's greater involvement in the 'global economy' and international treaty and trade arrangements. This is particularly marked in the human rights area.
- *Interpretation and Application of the Parole Act 2002 and operation of the New Zealand Parole Board:* There has been an increase in applications to judicially review decisions of the New Zealand Parole Board (NZPB) and requests by the NZPB for advice on the meaning and application of the Parole Act 2002.
- *Tax:* The existence of multiple party tax avoidance schemes and high dollar tax avoidance schemes, which are very resource intensive to litigate.
- *Treaty of Waitangi Claims and Negotiations:* The current emphasis on the hearing of historical claims in the Waitangi Tribunal, and the subsequent negotiation process, is being matched with a trend towards a process that focuses on negotiated settlements. Any legislation providing time limits for the filing of claims will influence the pace of this work.
- *Treaty Relationships:* Coupled with the growth of contemporary claims there has been a greater willingness by government agencies to enter into relational arrangements with Maori groups. This continues to need to be monitored and undertaken in a co-ordinated way to ensure that unintended legal risks are not created.

Crown Law addresses this type of work through internal resources and by using a combination of internal counsel and briefing out when appropriate to external legal advisors. Because of the urgent and complex nature of the legal work, Crown Law is often under pressure to meet the demands placed upon it to assist its clients achieve their desired outcomes. Establishing the right numbers and mix of staff to meet those demands remains a constant challenge.

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# CROWN LAW CAPABILITY TO RESPOND TO ENVIRONMENTAL INFLUENCES

Capability is the ability of Crown Law to achieve its outcomes and those of its clients successfully through an appropriate combination of people, resources, systems and structures. These are commented upon in turn:

## PEOPLE

Crown Law employs staff who are specialised in areas of public and administrative law and who can demonstrate independence and critical judgement. Work is briefed out when the required skills and experience or capacity are not possessed by Crown Law, or to ensure the appearance of independence. Legal and support staff have access to continuing education opportunities designed to maintain currency of skills and knowledge and to upskill where the need arises. Crown Law adopts a similar gearing approach to that of private law firms in assessing the level of staffing needed for its work. Given the largely demand based reactive nature of the work, staff capacity and time utilisation is monitored to better inform decisions on the recruitment of additional staff. To date little difficulty has been experienced in recruiting well-qualified, skilled and experienced legal and support staff.

Crown Law has previously identified a need for assistance with policy input, and is in the process of hiring one additional counsel for that purpose. Other staffing needs for legal advice and Crown prosecution and appeal work are under continuous review.

Crown Law is focusing on its human resource management policies, procedures and systems, which recognise "good employer" responsibilities. These are to be reviewed in 2005/06.

## RESOURCES

Crown Law moved to new premises at the commencement of the 2004/05 year. The move was designed to better accommodate the growth in staff numbers, which took place in response to a continuing increase in demand for legal advice and representation services.

Key resources within Crown Law include the legal research and library facilities, litigation support processes and the professional standards, which are being developed to guide the delivery and quality of services. The research and library functions face an ongoing challenge to provide counsel with access to a wide range of paper and electronic based resources upon which to base opinions and other advice and representation work. Crown Law continually works with other agencies within the justice sector to share and co-ordinate access to HR, Finance and IT materials and to negotiate with suppliers over the purchase of necessary material. A large number of contacts overseas are used to access information on international law jurisdictions of relevance in the New Zealand context.

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Crown Law's primary role as a litigation practice requires the existence of litigation support systems and processes that are able to respond to the often urgent demand to locate, access and manage the volumes of documents embodied in cases. The efficient and effective management and processing of documents and the determination of strategies for cases will be significantly assisted by computer systems technology during the year. Crown Law has the largest litigation practice in New Zealand. A Litigation Support Manager was recruited in 2005 to manage and provide leadership and improve the quality and timeliness of the Litigation Support Services, which will be a major focus in 2005/06.

informed on progress with particular matters. Planned technology improvements in litigation support should provide early assistance in capacity management in some areas.

## STRUCTURES

Crown Law's organisation structure, which is summarised in the section on Organisation Information is expected to continue to benefit clients with its focus on constitutional, public law and criminal process issues.

Crown Law is continuing to develop its professional standards for the conduct of litigation. The standards are designed to encompass the wide range of litigation for which Crown Law is responsible. It has been important to establish a framework for litigation so that all practice groups and teams across Crown Law have a common understanding of the desired approach.

## SYSTEMS

The legal advice and representation functions of Crown Law make heavy use of information technology and systems for the production and management of documents, the conduct of legal research, communication with clients, and the management of matters on behalf of those clients. Investment in the past has resulted in a stable and reliable technology platform that is able to progressively absorb any further change in the numbers of staff and the demand for new or updated applications. Recent developments in document management system technology have been implemented to enable improved access to Crown Law's knowledge base of opinions and client documents, not only by staff, but also by clients on a selected case related basis. Providing clients with direct access to 'their' documents is an important Office goal for keeping clients

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## CROWN LAW RESPONSE

A number of actions that Crown Law will need to address include:

### LEGAL ADVICE AND REPRESENTATION

The areas seen as most likely requiring additional resource during 2005/06 are the human rights' based issues, the foreshore and seabed issues, and further examination of contemporary claims under the Treaty of Waitangi. The extent of additional resource acquired will be dependent upon Crown Law being able to recover the cost of this activity from clients.

### LEGAL ADVISORY SERVICES TO THE LAW OFFICERS

The allocation of resources, to assist with the co-ordination of input into policy and legislative developments, was not addressed in the 2004/05 year as planned. It is now a priority for the 2005/06 year.

Similarly, the resources needed to address the 'whole of Government' legal risk assessment will be further assessed over the 2005/06 year.

The proposed transfer of judicial appointments to a separate unit managed by the Crown Law Office is still subject to the finalisation of a report on the organisation, staffing and funding of the unit.

### THE CRIMINAL JUSTICE SYSTEM: CROWN PROSECUTIONS AND APPEALS

Work contributing to a better understanding of the impacts on the cost of prosecution expenditure is being undertaken, and will continue in 2005/06, in an effort to improve the forecasts for long term funding. Part of this work, which involves studying the impact of policy and practice changes on cost, will involve other agencies in the justice sector, particularly the Ministry of Justice. Improvements to the quality and integrity of justice sector information systems, which are the focus of the various sector groups with responsibility for aspects of the information system strategy, have the potential to assist to some extent in achieving the forecasting objectives.

The impact on Crown Law's resources, of the additional work resulting from the changes to the Court of Appeal's procedures for appeal hearings and increase in number of appeals, and the effect of criminal appeals being heard in the Supreme Court, will be reassessed in 2005/06.



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# RISK

During 2004/05 a Risk Management Schedule has been developed. It encompasses risks that might prevent Crown Law from achieving its outputs and outcomes in accordance with specified performance standards. Crown Law addresses risk on two levels – internal risk and external risk:

## INTERNAL RISK

These are risks that might arise from a shortcoming or failure in the areas of capability, ie people, resources, systems and structures, and which could lead to an inability to respond to requests for legal advice and representation by Government and clients in a timely and responsive way, and in accordance with appropriate quality standards. Specifically, the 'people' resource is seen as the most critical to Crown Law when assessing risk. The matching of legal skills and experience to the task at hand is highly dependent upon Crown Law's recruitment and retention processes, professional development framework, and the management of requests for service. The relevant processes and programmes, which are currently in place, and under continuous review, are focussed upon achieving a 'best fit' capability in response to client demand for service.

Failure to give complete and accurate advice through inadequate knowledge management is a risk for Crown Law. Therefore systems and processes which ensure ready access to research and litigation resources are subject to ongoing review, to ensure that counsel retain the confidence of their clients by having the right level of support to deliver services.

In order to maximise delivery on behalf of Crown Law, Crown Solicitors use the nationwide network to share resources, provide a consistent Crown approach to issues in criminal law and procedure and to ensure consistency in managing unusual regional variations in demand for prosecution services.

Knowledge management is an internal risk area for Crown Law. Integrated virtual and physical records are extremely important to ensure counsel have complete information prior to case and opinion preparation. A major effort will be made in 2005/06 to streamline the integration and improve the physical records management.

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## EXTERNAL RISK

These are risks that might arise where:

- the Government is not able to achieve a public sector wide understanding, co-ordination and management of legal risks arising out of policy and operational activities;
- legislative changes directly impact on the costs associated with Crown Law's output expenses, eg preparation and trial time in Crown prosecutions;
- legislative changes and initiatives have the potential to expand legal activity in response to certain issues, eg human rights, Treaty issues.

Crown Law monitors such external risks in conjunction with departmental legal advisors and management and provides advice to the Attorney-General on developments where they can be anticipated with some certainty. Initiatives to improve the level of interaction by Crown Law with departmental legal advisers, through regular client seminars and bulletins, and ensuring relationships are maintained with agencies responsible for policy development, which have potential legislative implications, have been developed.

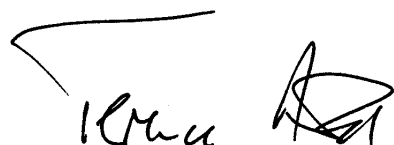
There are issues emerging concerning the identification and management of the Crown's legal risk on which Crown Law expects to provide support to the Attorney-General:

- *Whole of Government Legal Risk Assessment.* Government encourages all agencies to focus on a 'whole of Government' approach to its business, which emphasises departmental and sectoral co-ordination. This co-ordinated approach cuts across individual departmental and ministerial responsibilities, including that of managing legal risk. Identifying and putting in place a structure to manage the Government's legal issues and risks as a whole, will be a priority in the next 3 to 5 years. Crown Law intends, in 2005/06, to continue addressing this priority in conjunction with the new Attorney-General.
- *Policy Input.* Legal input into the policy legislative development process of Government is an important risk management strategy, which is necessary to ensure that human rights norms are complied with and the implications of policy choices are properly understood. This is important in the context of the public sector, given the gap between the increasing public demands and expectations and the availability of resources. Crown Law provides legal input, when requested, to proposed policy and legislation. This input is frequently sought as Crown Law has acquired considerable experience in addressing these issues in an operational context, either through the provision of legal advice or by representing the Crown in court. However, there is a need to ensure that Crown Law has an efficiently co-ordinated and consistent input into all policy and legislative developments, where appropriate, to ensure that any potential legal risk is identified and appropriately managed.

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# DEVELOPMENT OF THE STATEMENT OF INTENT

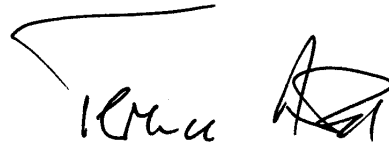
This Statement of Intent provides a description of Crown Law's role, a summary of specific influences and legal issues, which are expected to impact upon current resources, and how these issues will be addressed in 2005/06. Crown Law will continue to work with other justice sector agencies to further understand its role within the justice and the wider public sector framework, and to contribute to achieving improved synergies in sharing information and coordination of budget initiatives.

A handwritten signature in black ink, appearing to read 'Terence Arnold', with a stylized flourish to the right.

Terence Arnold  
Solicitor-General

# STATEMENT OF RESPONSIBILITY

The forecast financial statements for the Crown Law Office for the year ending 30 June 2006 contained in this report have been prepared in accordance with section 39 of the Public Finance Act 1989.



Terence Arnold QC  
Solicitor-General and Chief Executive

The Chief Executive of the Crown Law Office acknowledges, in signing this statement, that he is responsible for the forecast financial statements contained in this report.

The financial performance forecast to be achieved by the Crown Law Office for the year ending 30 June 2006, that is specified in the statement of objectives, is as agreed with the Attorney-General who is the Minister responsible for the financial performance of the Crown Law Office.



Diana Pryde  
Practice Manager

The performance for each class of outputs forecast to be achieved by the department for the year ending 30 June 2006, that is specified in the statement of objectives, is as agreed with the Attorney-General who is responsible for the Vote administered by the department.



Chris Walker  
Chief Financial Officer

We certify that the information in this report is consistent with the appropriations contained in the Estimates for the year ending 30 June 2006 which are being laid before the House of Representatives under section 39 of the Public Finance Act 1989.

May 2005

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# FORECAST FINANCIAL STATEMENTS & STATEMENT OF RESPONSIBILITY

## FINANCIAL OVERVIEW AND HIGHLIGHTS

Forecast expenditure for Vote Attorney-General in 2005/06 totals \$48.039 million. It is intended to spend this amount as follows:

- \$17.142 million (36% of the total) on providing legal advice and representation services to central government departments.
- \$27.686 million (57% of the total) on providing a national Crown prosecution service, which undertakes criminal trials on indictment and related appeals.
- \$1.933 million (4% of the total) on the conduct of appeals arising from criminal trials on indictment and from Crown appeals against sentence.
- \$1.278 million (3% of the total) 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.

The Crown Law Office expects to receive \$17.142 million from government departments and other organisations for providing legal advice and representation. The provision of that legal advice and representation is the way in which the Crown Law Office contributes to the key Government goals guiding public sector policy and performance.

The forecast financial highlights are:

	2004/05		2005/06
	Budgeted \$000	Estimated Actual \$000	Forecast \$000
Revenue: Crown	30,217	30,217	30,897
Revenue: Other	17,372	17,372	17,142
Output expenses	47,589	47,589	48,039
Net surplus	-	-	-
Taxpayers' funds	2,436	2,436	1,936
Net cash flows from operating and investing activities			

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STATEMENT OF FORECAST FINANCIAL PERFORMANCE  
FOR THE YEAR ENDING 30 JUNE 2006

	2004/05		2005/06
	Budgeted \$000	Estimated Actual \$000	Forecast \$000
<b>Revenue</b>			
Crown	30,217	30,217	30,897
Other	17,372	17,372	17,142
<b>Total Revenue</b>	<b>47,589</b>	<b>47,589</b>	<b>48,039</b>
<b>Expenses</b>			
Output Expenses:			
Personnel	12,028	12,028	12,635
Operating	34,536	34,536	34,288
Depreciation	850	850	921
Capital charge	175	175	195
<b>Total Expenses</b>	<b>47,589</b>	<b>47,589</b>	<b>48,039</b>
Profit on sale of assets	-	-	-
<b>Net Surplus</b>	<b>-</b>	<b>-</b>	<b>-</b>

This statement should be read in conjunction with the accompanying Notes to the Forecast Financial Statements on pages 25-29.

## STATEMENT OF INTENT

STATEMENT OF FORECAST FINANCIAL POSITION  
AS AT 30 JUNE 2006

	Actual Financial Position as at 30 June 2004 \$000	Estimated Financial Position as at 30 June 2005 \$000	Forecast Financial Position as at 30 June 2006 \$000
<b>ASSETS</b>			
<i>Current Assets :</i>			
Cash and bank balances	3,403	2,067	2,109
Debtors and receivables	2,686	2,643	2,643
<b>Total Current Assets</b>	<b>6,086</b>	<b>4,710</b>	<b>4,752</b>
<i>Non-Current Assets:</i>			
Fixed Assets (Note 3)	4,431	4,140	3,519
<b>Total Non-Current Assets</b>	<b>4,431</b>	<b>4,140</b>	<b>3,519</b>
<b>TOTAL ASSETS</b>	<b>10,517</b>	<b>8,850</b>	<b>8,271</b>
<b>LIABILITIES</b>			
<i>Current Liabilities :</i>			
Creditors and payables	6,270	5,441	5,335
Provision for payment of surplus	1,376	-	-
Provision for employee entitlements	705	730	745
<b>Total Current Liabilities</b>	<b>8,351</b>	<b>6,171</b>	<b>6,080</b>
<i>Non-Current Liabilities</i>			
Provision for employee entitlements	230	243	255
<b>Total Non-Current Liabilities</b>	<b>230</b>	<b>243</b>	<b>255</b>
<b>TOTAL LIABILITIES</b>	<b>8,581</b>	<b>6,414</b>	<b>6,335</b>
<i>Taxpayers' Funds</i>			
General funds	1,640	2,140	1,640
Revaluation reserve	296	296	296
<b>Total Taxpayers' Funds (Note 4)</b>	<b>1,936</b>	<b>2,436</b>	<b>1,936</b>
<b>TOTAL LIABILITIES AND TAXPAYERS' FUNDS</b>	<b>10,517</b>	<b>8,850</b>	<b>8,271</b>

This statement should be read in conjunction with the accompanying Notes to the Forecast Financial Statements on pages 25-29.

## STATEMENT OF INTENT

STATEMENT OF FORECAST CASH FLOWS  
FOR THE YEAR ENDING 30 JUNE 2006

	2004/05		2005/06
	Budgeted \$000	Estimated Actual \$000	Forecast \$000
<b>CASH FLOWS FOR OPERATING ACTIVITIES</b>			
Cash provided from:			
Supply of outputs to:			
Crown	30,217	30,217	30,897
Other	17,372	17,372	17,142
Cash disbursed to:			
Cost of producing outputs:			
Output expenses	(46,456)	(46,456)	(47,002)
Capital charge	(175)	(175)	(195)
<b>Net Cash Flows from Operating Activities</b>	<b>958</b>	<b>958</b>	<b>842</b>
			(Note 5)
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
Cash provided from:			
Sale of fixed assets	-	-	-
Cash disbursed to:			
Purchase of fixed assets	(1,418)	(1,418)	(300)
<b>Net Cash flows from Investing Activities</b>	<b>(1,418)</b>	<b>(1,418)</b>	<b>(300)</b>
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>			
Cash provided from:			
Capital Contribution from the Crown	500	500	-
Cash disbursed to:			
Payment of surplus to the Crown	(1,376)	(1,376)	-
Payment of capital contribution to the Crown	-	-	(500)
<b>Net Cash Flows from Financing Activities</b>	<b>(876)</b>	<b>(876)</b>	<b>(500)</b>
<b>Net Increase/(Decrease) in Cash Held</b>	<b>(1,336)</b>	<b>(1,336)</b>	<b>42</b>
Add: Opening cash and bank balances	3,403	3,403	2,067
<b>Closing Cash and Bank Balances</b>	<b>2,067</b>	<b>2,067</b>	<b>2,109</b>

This statement should be read in conjunction with the accompanying Notes to the Forecast Financial Statements on pages 25-29.



STATEMENT OF INTENT**NOTES TO THE FORECAST FINANCIAL STATEMENTS  
FOR THE YEAR ENDING 30 JUNE 2006****1. STATEMENT OF SIGNIFICANT ASSUMPTIONS**

These statements have been compiled on the basis of government policies and the Crown Law Office's output plan with the Attorney-General. The statements are also in accordance with generally accepted accounting principles, and the Public Finance Act 1989.

**2. STATEMENT OF ACCOUNTING POLICIES***REPORTING ENTITY*

The Crown Law Office is a government department as defined by section 2 of the Public Finance Act 1989. These are forecast financial statements of the Crown Law Office prepared pursuant to section 39 of the Public Finance Act 1989.

*MEASUREMENT SYSTEM*

The financial statements have been prepared on an historical cost basis, modified by the revaluation of the Library asset.

*ACCOUNTING POLICIES**REVENUE*

Crown Law derives revenue through the provision of outputs to the Crown and for services to third parties. Such revenue is recognised when earned and is reported in the financial period to which it relates.

*COST ALLOCATION*

Crown Law has determined the cost of outputs using a cost allocation system, which is outlined below.

*COST ALLOCATION POLICY*

Direct costs are charged directly to significant activities. Indirect costs are charged to significant activities based on cost drivers and related activity/usage information.

*DIRECT AND INDIRECT COST ASSIGNMENT TO OUTPUTS*

Direct costs are charged directly to outputs. Personnel costs are charged to outputs on the basis of actual time incurred.

Indirect costs are the costs of corporate management and support services, including depreciation and capital charge, and are assigned to outputs based on the proportion of direct staff costs for each output.

NOTES TO THE FORECAST FINANCIAL STATEMENTS – (CONTINUED)  
FOR THE YEAR ENDING 30 JUNE 2006

STATEMENT OF ACCOUNTING POLICIES (CONTINUED)

*WORK-IN-PROGRESS*

Work-in-progress is determined as unbilled time plus disbursements that can be recovered from clients, and has been valued at the lower of cost or expected realisable value.

*DEBTORS AND RECEIVABLES*

Receivables are recorded as estimated realisable value, after providing for doubtful and uncollectable debts.

*OPERATING LEASES*

Operating lease payments, where the lessor effectively retain substantially all the risks and benefits of ownership of the leased item, are charged as expenses in the periods in which they are incurred.

*FIXED ASSETS*

All fixed assets, costing more than \$1,000 are capitalised and recorded at historical cost.

*DEPRECIATION*

Depreciation of fixed assets is provided on a straight-line basis at rates that will write off the cost of the assets, less their estimated residual values, over their estimated useful lives. The useful lives of the major classes of assets have been estimated as follows:

• Computer equipment	3 years	(33.3%)
• Computer software	3 years	(33.3%)
• Office equipment	5 years	(20%)
• Furniture and fittings	5 years	(20%)
• Leasehold improvements	Up to 9 years	(11.1%)
• Library	10 years	(10%)

The cost of leasehold improvements is capitalised and amortised over the un-expired period of the lease or the estimated remaining useful lives of the improvements, whichever is shorter.

*EMPLOYEE ENTITLEMENTS*

The liability for entitlements by staff to annual leave, long service leave and retirement leave have been provided for as follows:

- Existing entitlements to annual leave and long service leave have been calculated on an actual entitlement basis at current rates of pay.
- Future entitlements to long service leave and retirement leave have been calculated on an actuarial basis based on the present value of expected future entitlements.

STATEMENT OF INTENT**NOTES TO THE FORECAST FINANCIAL STATEMENTS – (CONTINUED)  
FOR THE YEAR ENDING 30 JUNE 2006***FOREIGN CURRENCY*

Foreign currency transactions are converted at the New Zealand dollar exchange rate at the date of the transaction. No forward exchange contracts are entered into.

*FINANCIAL INSTRUMENTS*

Crown Law is party to financial transactions as part of its normal operations. These financial instruments, which include bank accounts, short term deposits, debtors and creditors, are recognised in the Statement of Forecast Financial Position and all revenue and expenses in relation to financial instruments are recognised in the Statement of Forecast Financial Performance. Except for those items covered by a separate accounting policy, all financial instruments are shown at their estimated fair value.

*GOODS AND SERVICES TAX (GST)*

The Statement of Financial Position is exclusive of GST, except Trade Debtors and Receivables and Creditors and Payables, which are GST inclusive. All other statements are GST exclusive. The amount of GST owing to the Inland Revenue Department at balance date, being the difference between Output GST and Input GST, is included in Creditors and Payables.

*TAXATION*

Government departments are exempt from the payment of income tax in terms of the Income Tax Act 1994. Accordingly, no charge for income tax has been provided for.

*COMMITMENTS*

Future expenses and liabilities to be incurred on contracts that have been entered into at balance date are disclosed as commitments to the extent that there are equally unperformed obligations.

*CONTINGENT LIABILITIES*

Contingent liabilities are disclosed at the point at which the contingency is evident.

*TAXPAYERS' FUNDS*

This is the Crown's net investment in Crown Law.

*CHANGES IN ACCOUNTING POLICIES*

No changes in accounting policies are proposed.

## STATEMENT OF INTENT

NOTES TO THE FORECAST FINANCIAL STATEMENTS – (CONTINUED)  
FOR THE YEAR ENDING 30 JUNE 2006

## 3. FORECAST DETAILS OF FIXED ASSETS BY CATEGORY

	30 June 2005	30 June 2006 Forecast Position		
	Estimated Net Book Value Position \$000	Cost/Net Current Value \$000	Accumulated Depreciation \$000	Net Book Value \$000
Computer Equipment	249	969	745	224
Computer Software	240	766	586	180
Office Equipment	202	496	322	174
Furniture and Fittings	730	846	270	576
Leasehold Improvements	2,230	2532	604	1,928
Library	489	807	370	437
<b>Total</b>	<b>4,140</b>	<b>6,416</b>	<b>2,897</b>	<b>3,519</b>

## STATEMENT OF INTENT

NOTES TO THE FORECAST FINANCIAL STATEMENTS – (CONTINUED)  
FOR THE YEAR ENDING 30 JUNE 2006

## 4. FORECAST MOVEMENTS IN TAXPAYERS' FUNDS

	Estimated Position as at 30 June 2005 \$000	Forecast Position as at 30 June 2006 \$000
Taxpayers' funds at start of period	-	2,436
<i>Movements during the year (other than flows to and from the Crown):</i>		
Net surplus	-	-
Total recognised revenues and expenses for the period	-	-
<i>Adjustment for flows to and from the Crown:</i>		
Capital Contribution from the Crown	500	
Provision for repayment of capital contribution	-	(500)
Provision for payment of surplus to the Crown	-	-
Total Adjustments for flows to and from the Crown	500	(500)
<b>Taxpayers' Funds at the end of the period</b>	<b>2,436</b>	<b>1,936</b>

## STATEMENT OF INTENT

NOTES TO THE FORECAST FINANCIAL STATEMENTS – (CONTINUED)  
FOR THE YEAR ENDING 30 JUNE 20065. RECONCILIATION OF NET CASH FLOWS FROM OPERATING  
ACTIVITIES TO NET SURPLUS/(DEFICIT) IN THE STATEMENT OF  
FORECAST FINANCIAL PERFORMANCE

	2004/05		2005/06
	Budgeted \$000	Estimated Actual \$000	Forecast \$000
Net Surplus from Forecast Statement of Financial Performance	-	-	-
<i>Non-Cash Items:</i>			
Depreciation	850	850	921
Other non-cash items	-	-	-
<i>Movement in Working Capital Items:</i>			
(Increase)/decrease in Debtors and receivables	40	40	-
Increase/(decrease) in Creditors and payables	69	69	(106)
Increase/(decrease) in Employee entitlements	(1)	(1)	27
<b>Net Cash Flows from Operating Activities</b>	<b>958</b>	<b>958</b>	<b>842</b>

## STATEMENT OF INTENT

STATEMENT OF OBJECTIVES AND FORECAST SERVICE PERFORMANCE  
FOR THE YEAR ENDING 30 JUNE 2006

The Crown Law Office has committed to provide output classes in 2005/06, which meet the requirements of its Vote Minister and various purchasers in terms of their nature, timeliness, quality and quantity specifications, and cost.

**Summary of Departmental Output Expenses**

Departmental output expenses to be delivered by the Crown Law Office, and their associated revenue, expenses and surplus or deficit are summarised below:

<b>Departmental Output Expenses</b>	<b>Description</b>	<b>Revenue: Crown \$000</b>	<b>Revenue: Other \$000</b>	<b>Total Expenses \$000</b>	<b>Surplus/ (deficit) \$000</b>
<b>Vote:</b>					
<b>Attorney- General</b>					
Legal Advice and Representation	The provision of legal advice and representation services to central government departments and Crown agencies.	-	17,142	17,142	-
Supervision and Conduct of Crown Prosecutions	Provision of a national Crown prosecution service which conducts and administers criminal trials on indictable offences and appeals arising out of summary prosecutions.	27,686	-	27,686	-
Conduct of Criminal Appeals	Conduct of appeals arising from criminal trials on indictment and from Crown appeals against sentence.	1,933	-	1,933	-
The Exercise of Principal Law Officer Functions	The provision of legal and administrative services to the Attorney-General and Solicitor-General to assist them in the exercise of their Principal Law Officer functions	1,278	-	1,278	-

## STATEMENT OF OBJECTIVES AND FORECAST SERVICE PERFORMANCE FOR THE YEAR ENDING 30 JUNE 2006

### OUTPUT - LEGAL ADVICE AND REPRESENTATION

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**DESCRIPTION:** This output class comprises the provision of legal advice and representation services to central government departments and agencies with special emphasis on matters of public and administrative law, including Treaty of Waitangi and revenue issues.

The legal advice and representation services provided will take into account the responsibility of the Government to conduct its affairs in accordance with the law and the underlying role to discharge the responsibilities of the Attorney-General and Solicitor-General to act in the public interest.

**OUTCOMES:** Crown Law contributes to the outcomes of its client's and the wider public sector by protecting the Crown's legal interest, supporting the responsibilities of the Crown, maintenance of public interest factors in the application of the law including timely process and fair results.

Crown Law will assist clients to achieve their outcomes in the provision of legal advice and representation on litigation matters

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#### SERVICE PERFORMANCE:

<i>Measures</i>	<i>Standards</i>
<b>QUANTITY</b>	
Number of new instructions for legal advice.	550 – 600
Average number of requests for legal advice in progress during the year.	800 – 900
Number of new instructions in respect of litigation matters.	600 – 650
Average number of litigation matters in progress during the year.	2,200 – 2,300



## STATEMENT OF INTENT

STATEMENT OF OBJECTIVES AND FORECAST SERVICE PERFORMANCE  
FOR THE YEAR ENDING 30 JUNE 2006*Measures**Standards*

## QUALITY AND TIMELINESS

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.

## COST

The output class is produced within budget.

\$17.142 million

**Summary of Revenue and Cost:**

<b>Year</b>	<b>Appropriation \$000</b>	<b>Cost \$000</b>	<b>Total Revenue \$000</b>	<b>Revenue Crown \$000</b>	<b>Revenue Other \$000</b>
2005/06	17,142	17,142	17,142	-	17,142
2004/05	17,372	17,372	17,372	-	17,372

STATEMENT OF OBJECTIVES AND FORECAST SERVICE PERFORMANCE  
FOR THE YEAR ENDING 30 JUNE 2006

OUTPUT - SUPERVISION AND CONDUCT OF CROWN PROSECUTIONS

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**DESCRIPTION:** This output class involves the provision of a national Crown prosecution service which undertakes criminal trials on indictment and related appeals, the supervision of the network of Crown Solicitors, who deliver the prosecution service in centres where District Court and High Court jury trials are conducted throughout New Zealand, and the provision of advice on criminal law matters to other government agencies and Crown Solicitors.

The advice on criminal law matters includes undertaking work in the following areas: proceeds of crime, mutual assistance, blood sampling for DNA, request for Crown appeals arising out of summary prosecutions, consent to prosecute, applications for stays and immunity from prosecution.

This output class comprises three outputs:

- Crown Prosecution Services
- Supervision of Crown Solicitor Network
- Criminal Law Advice and Legal Services

**OUTCOMES:** Crown Law is responsible for prosecuting indictable crime throughout New Zealand, and contributes to the justice sector outcomes of a credible and effective justice system.

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**OUTPUT: CROWN PROSECUTION SERVICES**

**DESCRIPTION:** The national Crown prosecution service involves undertaking all the criminal trials on indictment, including appeals against conviction and sentence arising from summary prosecutions, for all regions in New Zealand. The services are delivered by a network of sixteen warrants issued to Crown Solicitors, who operate as law practitioners in private practice, in centres where District Court and High Court criminal jury trials take place.

**OUTCOMES:** Crown Law contributes to the justice sector outcomes of a credible and effective justice system

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STATEMENT OF INTENT

**STATEMENT OF OBJECTIVES AND FORECAST SERVICE PERFORMANCE  
FOR THE YEAR ENDING 30 JUNE 2006**

## SERVICE PERFORMANCE:

<i>Measures</i>	<i>Standards</i>
<b>QUANTITY</b>	
Number of trials for indictable crime held in the:	
- District Court	1,300 – 1,400
- High Court.	140 – 180
Number of trials for indictable crime, where the complexity of the case requires a significant amount of preparation and court appearance time, held in the:	
- District Court	140 – 180
- High Court.	100 – 120
Number of other criminal matters conducted by the Crown Solicitors, comprising:	
- Bail Applications and Appeals	1,400 – 1,500
- Guilty Pleas and Middle Band Sentencing	2,600 – 2,800
- Appeals relating to Summary Prosecutions.	700 – 800
<b>QUALITY AND TIMELINESS</b>	
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.

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STATEMENT OF OBJECTIVES AND FORECAST SERVICE PERFORMANCE  
FOR THE YEAR ENDING 30 JUNE 2006

OUTPUT - SUPERVISION AND CONDUCT OF CROWN PROSECUTIONS  
(CONTINUED)

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**OUTPUT:**                      **SUPERVISION OF CROWN SOLICITOR NETWORK**

**DESCRIPTION:**              Supervision of the Crown Solicitor network includes administering the Crown Solicitors Regulations 1994 and in particular the classification of counsel, approval of special fees, and approval of additional counsel for lengthy or complex trials; the appointment and review of panel members for each region to assist Crown Solicitors; and undertaking a performance review of each Crown Solicitor practice on a cyclical basis.

**OUTCOMES:**                 Crown Law contributes to the justice sector outcomes of a credible and effective justice system

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SERVICE PERFORMANCE:

*Measures*

*Standards*

QUANTITY

Number of Crown Solicitors practices to be reviewed.

1 – 2 reviews will be completed during the year.

Number of new applications from Crown Solicitors for special fees, classification of counsel and approval of additional counsel.

300 – 350

QUALITY AND TIMELINESS

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 application is considered. Feedback on the applications will be formally communicated to Crown Solicitors as appropriate.

STATEMENT OF INTENT

STATEMENT OF OBJECTIVES AND FORECAST SERVICE PERFORMANCE  
FOR THE YEAR ENDING 30 JUNE 2006

*Measures*

*Standards*

QUALITY AND TIMELINESS (CONTINUED)

The provision of prosecution services by Crown Solicitors will be reviewed according to a range of quality standards which include:

- 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.

A review of the performance of Crown Solicitors, in providing prosecution services, will be undertaken on a cyclical basis by a Review Panel, which comprises senior representatives from Crown Law Office and an independent adviser. The panel will address two main areas:

- case processing efficiency and effectiveness 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.

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.

STATEMENT OF OBJECTIVES AND FORECAST SERVICE PERFORMANCE  
FOR THE YEAR ENDING 30 JUNE 2006

OUTPUT - SUPERVISION AND CONDUCT OF CROWN PROSECUTIONS  
(CONTINUED)

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**OUTPUT:** **CRIMINAL LAW ADVICE AND LEGAL SERVICES**

**DESCRIPTION:** Criminal Law Advice and Legal Services includes the provision of advice on criminal law matters to Crown Solicitors, the Serious Fraud Office, other government agencies including the Police, which relates to the conduct of Crown prosecutions and any matters associated with the responsibility of both the Attorney-General and the Solicitor-General for the general supervision of criminal prosecutions. This output also includes work in the following areas: proceeds of crime, mutual assistance, blood sampling for DNA, requests for Crown appeals, consents to prosecute, applications for stays and immunity from prosecution. It also includes comment on policy and management initiatives in the criminal justice sector and ministerials in relation to criminal matters.

**OUTCOMES:** Crown Law contributes to the justice sector outcomes of a credible and effective justice system

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SERVICE PERFORMANCE:

<i>Measures</i>	<i>Standards</i>
<b>QUANTITY</b>	
Number of new requests for legal advice or determination of applications received in relation to criminal law issues.	380 – 420
Average number of requests for legal advice or determination of applications in relation to criminal law in progress during the year.	400 – 440
Number of new ministerials and parliamentary questions received.	35 – 50
<b>QUALITY AND TIMELINESS</b>	
Decisions on law officer requests are provided pursuant to statutory deadlines. Legal advice, including opinions, and representation services provided in accordance 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.
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.

STATEMENT OF INTENT

STATEMENT OF OBJECTIVES AND FORECAST SERVICE PERFORMANCE  
FOR THE YEAR ENDING 30 JUNE 2006

<i>Measures</i>	<i>Standards</i>
COST	
The output class is produced within budget.	\$27.686 million

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**Summary of Revenue and Cost:**

<b>Year</b>	<b>Appropriation \$000</b>	<b>Cost \$000</b>	<b>Total Revenue \$000</b>	<b>Revenue Crown \$000</b>	<b>Revenue Other \$000</b>
2005/06	27,686	27,686	27,686	27,686	-
2004/05	26,943	26,943	26,943	26,943	-

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## STATEMENT OF OBJECTIVES AND FORECAST SERVICE PERFORMANCE FOR THE YEAR ENDING 30 JUNE 2006

### OUTPUT - CONDUCT OF CRIMINAL APPEALS

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DESCRIPTION:	<p>This output class involves the conduct of all appeals, which arise out of criminal trials on indictment and from Crown appeals.</p> <p>The majority of appeals, which include pre-trial applications and appeals against sentence and conviction, are brought by the defendant.</p> <p>The statutory function of the Solicitor-General includes decisions on whether the Crown should take pre-trial and case stated appeals in the indictable jurisdiction, appeals against sentence to the Court of Appeal and Supreme Court.</p>
OUTCOMES:	<p>Crown Law contributes to the justice sector outcomes of a credible and effective justice system</p>

---

#### SERVICE PERFORMANCE:

<i>Measures</i>	<i>Standards</i>
<b>QUANTITY</b>	
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	20 – 30
- defendants.	500 - 550
Decisions made to requests for the Solicitor-General to take Crown appeals in relation to:	
- sentence	40 – 50
- case stated or other appeals.	25 – 30
<b>QUALITY AND TIMELINESS</b>	
Success rate for sentence appeals brought by the Solicitor-General.	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.
The hearing of sentence appeals are undertaken in accordance with the schedule of sitting days which are agreed by the court one month in advance.	No requests for adjournment are sought by the Crown.



STATEMENT OF INTENT

**STATEMENT OF OBJECTIVES AND FORECAST SERVICE PERFORMANCE  
FOR THE YEAR ENDING 30 JUNE 2006**

*Measures**Standards*

## QUALITY AND TIMELINESS (CONTINUED)

Decisions to appeal by the Crown are taken in accordance with the statutory deadlines. Written submissions are filed within the time frame 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 time frame is not available then prior to the appeal hearing.

## COST

The output is produced within budget

\$1.933 million

**Summary of Revenue and Cost:**

<b>Year</b>	<b>Appropriation \$000</b>	<b>Cost \$000</b>	<b>Total Revenue \$000</b>	<b>Revenue Crown \$000</b>	<b>Revenue Other \$000</b>
2005/06	1,933	1,933	1,933	1,933	-
2004/05	1,963	1,963	1,963	1,963	-

## STATEMENT OF OBJECTIVES AND FORECAST SERVICE PERFORMANCE FOR THE YEAR ENDING 30 JUNE 2006

### OUTPUT - THE EXERCISE OF PRINCIPAL LAW OFFICER FUNCTIONS

**DESCRIPTION:** The output class covers the provision of legal and administrative services to the Attorney-General and Solicitor-General to assist them in the exercise of their Principal Law Officer functions, the provision of legal advice to Government and Ministers of the Crown including advice on constitutional and governance related issues, and advice to the judiciary regarding legal processes.

The particular services provided include monitoring the application of the law, supervision of charities, representation of the public interest, relator proceedings, vexatious litigant proceedings, extraditions and the exercise of a variety of powers, duties and authorities arising from statutory requirements and constitutional conventions, other than in the criminal law. This output class also includes the review of legislation for compliance with the Bill of Rights Act 1990, and advice on the appointment processes for judges and Queen's Counsel & participation in PILOM.

**OUTCOMES:** Crown Law contributes to the justice sector and wider public sector outcomes by protecting the Crown's legal interest, maintenance of law and order, maintenance of public law interest factors in the application of the law, and a credible and effective justice system.

#### SERVICE PERFORMANCE:

<i>Measures</i>	<i>Standards</i>
<b>QUANTITY</b>	
Number of new applications or requests for advice received for action on behalf of the Attorney-General and Solicitor-General.	120 – 140
Average number of applications or requests for legal advice in progress during the year.	300 – 320
Number of new ministerials and parliamentary questions received.	240 – 260
<b>QUALITY AND TIMELINESS</b>	
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.	<p>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.</p> <p>Quality, timeliness and effectiveness of services assessed in accordance with the standards agreed with the Attorney-General.</p>

## STATEMENT OF INTENT

STATEMENT OF OBJECTIVES AND FORECAST SERVICE PERFORMANCE  
FOR THE YEAR ENDING 30 JUNE 2006*Measures**Standards*

## QUALITY AND TIMELINESS - CONTINUED

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.

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.

## COST

The output is produced within budget

\$1.278 million

**Summary of Revenue and Cost:**

<b>Year</b>	<b>Appropriation \$000</b>	<b>Cost \$000</b>	<b>Total Revenue \$000</b>	<b>Revenue Crown \$000</b>	<b>Revenue Other \$000</b>
2005/06	1,278	1,278	1,278	1,278	-
2004/05	1,311	1,311	1,311	1,311	-

# ORGANISATION INFORMATION

## GOVERNANCE STRUCTURE

The Crown Law Office is a government department whose primary function is to support the two Law Officers of the Crown: the Attorney-General and the Solicitor-General, in the performance of their statutory duties and functions.

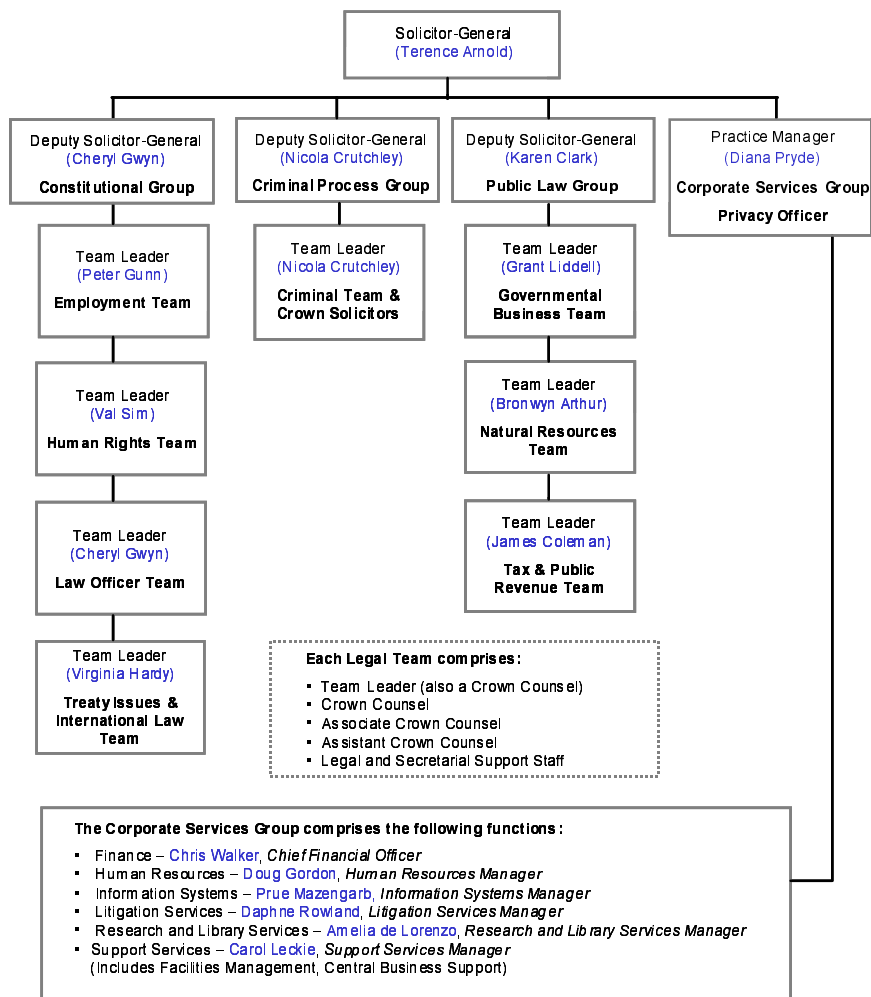
The Attorney-General, who concurrently holds offices as a Minister of the Crown with political responsibilities and as the senior Law Officer of

the Crown, has principal responsibility for the government's administration of the law.

The Solicitor-General is the chief legal advisor to the Government, subject to any views expressed by the Attorney-General. In this capacity, the Solicitor-General is the Government's chief advocate in the courts. In addition, the Solicitor-General is responsible for the conduct of the prosecution of indictable crime, and also has a number of specific statutory duties and functions to perform. The Solicitor-General is also the Chief Executive of the Crown Law Office.

## ORGANISATION STRUCTURE

The Crown Law Office is organised into three practice groups comprising eight client service legal teams, and a corporate services group as shown by the following chart:



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# LEGISLATIVE RESPONSIBILITIES

The Crown Law Office administers the Crown Solicitors Regulations 1994 which set out the basis upon which the scale of fees is calculated and the process by which fees are claimed and paid to Crown Solicitors for undertaking Crown prosecution work.

The Cabinet Directions for the Conduct of Crown Legal Business 1993, govern the conduct of legal business between the Law Officers of the Crown, the Crown Law Office, and government departments and agencies.

# CROWN SOLICITOR NETWORK

A network of Crown Solicitors, who are legal practitioners in private practice, conduct the prosecution of indictable crime on behalf of the Crown in all High Court districts around New Zealand. Crown Solicitors are appointed on the recommendation of the Attorney-General, and by warrant of the Governor-General. The Solicitor-General is responsible for supervising the Crown Solicitors in respect of the conduct of prosecutions and other legal work undertaken for the Government. The Crown Solicitors Regulations 1994 provide the basis for remuneration of Crown Solicitors.

There are sixteen private law practitioners holding warrants as Crown Solicitors. Together with their partners and staff solicitors from the practice and the local prosecution panels, the Crown Solicitors undertake prosecution work in those centres

where District Court and High Court jury trials are conducted. The Crown Solicitor warrants covers the following regions:

Whangarei	Palmerston North
Auckland	Wanganui
Hamilton	Wellington
Tauranga	Tasman
Rotorua	Christchurch
New Plymouth	Timaru
Gisborne	Dunedin
Napier	Invercargill

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# DIRECTORY

## STREET ADDRESS

Level 10  
Unisys House  
56 The Terrace  
Wellington

## POSTAL ADDRESS

DX SP20208 or  
PO Box 2858  
Wellington

## OTHER CONTACT DETAILS

Main telephone number: 64-4-472-1719  
Main fax number: 64-4-473-3482

E-mail addresses for enquiries:  
library@crownlaw.govt.nz (for general information about Crown Law )  
hr@crownlaw.govt.nz (for information about employment opportunities)

Website: <http://www.crownlaw.govt.nz>

## AUDITOR

Audit New Zealand (on behalf of the Controller and Auditor-General)  
Wellington

## BANKERS

Westpac Banking Corporation  
Government Branch  
Wellington

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FURTHER INFORMATION about CROWN LAW can be found by visiting our website at [www.crownlaw.govt.nz](http://www.crownlaw.govt.nz) or by CONTACTING our Human Resources Team by e-mail at [hr@crownlaw.govt.nz](mailto:hr@crownlaw.govt.nz)

This document is available on the Crown Law web site at the following address  
[http://www.crownlaw.govt.nz/artman/docs/cat\\_index\\_7.asp](http://www.crownlaw.govt.nz/artman/docs/cat_index_7.asp)

