

Crown Law

Statement of Intent 2014–2017

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Foreword by the Attorney-General

In 2013/14 Crown Law adapted and strengthened its position in response to three external reviews. Significant changes were implemented by Crown Law which assured its commitment to efficiency, high quality, value and sustainability. As it has undergone change Crown Law has continued its provision of high quality legal advice and services.

This Statement of Intent sets out how Crown Law will build on its strong achievements of 2013/14 over the next three to four years. Core Crown work will continue to be its focus. Crown Law will continue providing leadership within the Government Legal Network and will continue strengthening its oversight of Crown and public prosecutions. Working collaboratively across government Crown Law will continue leading the reduction of legal risk to the Crown.

I look forward to working with Crown Law as it continues to provide high quality legal services to the Government and to support to me in my role as Attorney-General.

Statement of Responsibility

I am satisfied that the information on the strategic intentions prepared by Crown Law is consistent with the policies and performance expectations of the Government.



Hon Christopher Finlayson QC

Attorney-General

May 2014

Introduction from the Solicitor-General

2013/14 signalled completion of a significant change programme focusing on opportunities identified in three external reviews of Crown Law.

We implemented a greater focus on core Crown legal work and strengthened our client services. We intend to continue delivering high quality, responsive, and fit-for-purpose services. The changes we have made have improved our efficiency, for example through increased and improved use of technology, and this is helping us deliver greater value for money.

We have a growing leadership role in the reduction of legal risk to the Crown, particularly through the Government Legal Network and Public Prosecutions Unit within Crown Law. We will work closely with the Ministry of Justice, New Zealand Police, Department of Corrections and Serious Fraud Office in support of the Government's Better Public Services results for the justice sector.

Ultimately our success over the next three years, both in implementing our change programme and in continuing to deliver core Crown legal work, depends on the quality of our people. We have, and will continue to need, people with a high level of expertise and a strong commitment to delivering a high quality service within the public sector environment. I feel hugely privileged to be working with such professional and dedicated staff.

I am confident that over the next three years the work we are doing to strengthen Crown Law will contribute to strengthening New Zealanders' trust in our justice system – ensuring it is just and fair and holds offenders to account, and that our government is responsible and lawful in its actions.

Statement of Responsibility

In signing this statement, I acknowledge that I am responsible for the information on strategic intentions for Crown Law. This information has been prepared in accordance with the Public Finance Act 1989. It is also consistent with the proposed appropriations set out in the Appropriations (2014/15 Estimates) Bill, as presented to the House of Representatives in accordance with section 13 of the Public Finance Act 1989, and with the existing appropriations and financial authorities.



Michael Heron

Solicitor-General and Chief Executive

Our performance framework

Crown Law’s performance framework sets out why we exist, what we do, how we do it, our impact and our contribution to justice sector outcomes. Our objectives within the framework are complemented by performance measurement to monitor and ensure our value, efficiency and effectiveness

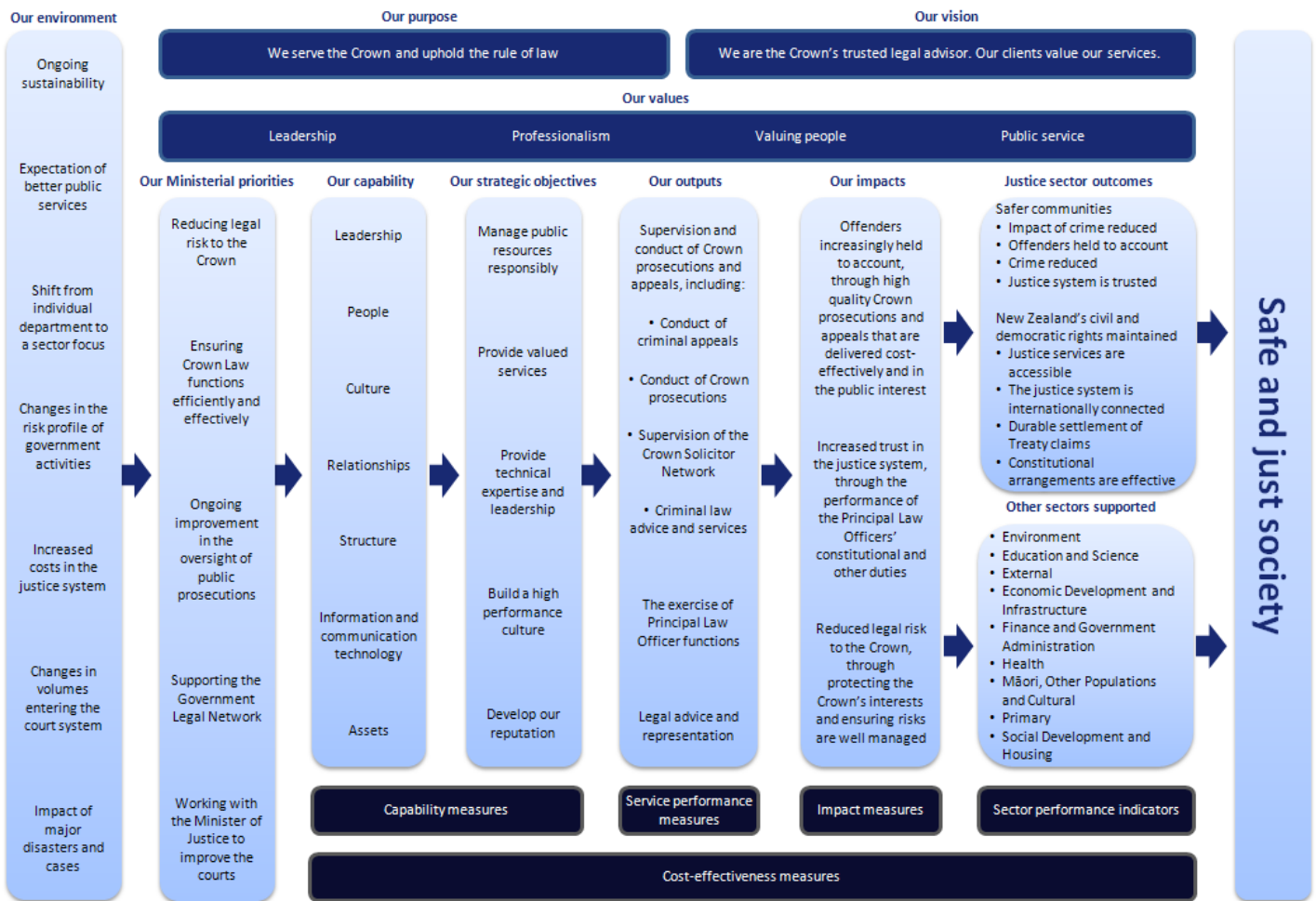
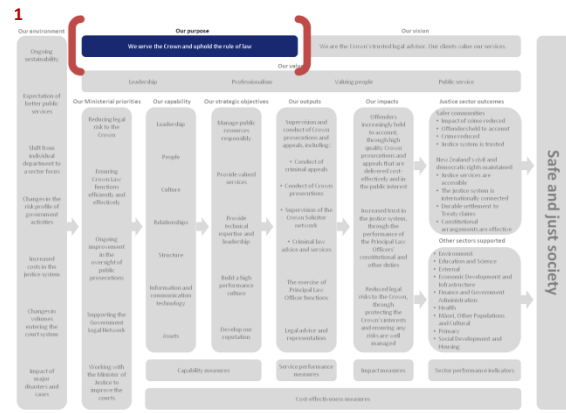


Figure 1. Crown Law’s performance framework – the details of which are set out in this document.

Who we are

Our purpose



Crown Law is a government department that provides legal advice and representation to the government in matters affecting the Executive Government, particularly in the areas of criminal, public and administrative law. Crown Law supports both the Attorney-General and the Solicitor-General. We serve the Crown and uphold the rule of law.

THE PRINCIPAL LAW OFFICERS

The Attorney-General is the Senior Law Officer of the Crown, with principal responsibility for the Government's administration of the law. The Attorney-General is also a Minister of the Crown, with ministerial responsibility for Crown Law.

The Solicitor-General is the Junior Law Officer, and is the government's chief legal adviser and advocate in the courts. The Solicitor-General holds office as an official of government and is also the Chief Executive of Crown Law.

Our focus is on core Crown legal work. This includes matters that, because of their nature, have such significance for the Crown that they should be undertaken under the supervision of the Law Officers. It equates to the core legal work for which the Law Officers are constitutionally responsible.

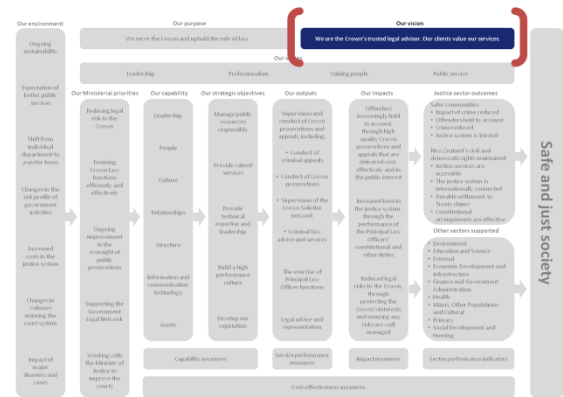
OUR EXPERTISE

Crown Law supports the Crown in many unique and varied legal matters in areas such as the New Zealand Bill of Rights Act 1990, human rights, land and environment interests, social services, employment law, citizenship, cultural issues, protection of revenue, international obligations and the Treaty of Waitangi.

We participate in crucial all-of-government responses to national disasters and inquiries, such as the Christchurch earthquake recovery.

We are also responsible for managing and supervising the Crown Solicitors Network in their work conducting Crown prosecutions, and providing oversight of public prosecutions conducted by government agencies.

Our vision



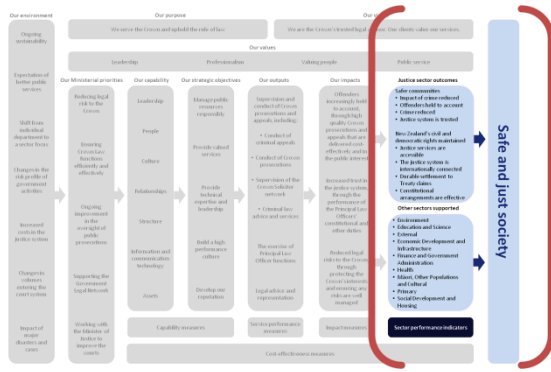
Crown Law's vision is that we are the Crown's trusted legal advisor, and that our clients value our services. We are first choice for Ministers, Chief Executives and Chief Legal Advisors for core Crown advice and litigation. We are highly respected as the leading constitutional and public law experts. The Government knows that it is meeting its legal obligations and is able to make decisions to advance its policy programme.

We achieve this by being clear about our focus, rigorous in enforcing high standards of technical ability and service, and by being focused on providing excellent client service. We work collaboratively with clients to meet their needs, professionally and cost-effectively, while also managing legal risk across government.

¹ These images show how the section relates to the department's overall performance framework, and what we intend to achieve. Our focus on business as usual and the performance that supports is set out in Appendix 1.

The difference we make

Our contribution to government goals



JUSTICE SECTOR OUTCOMES

There will continue to be substantial policy, legislative and operational change across the sector, as we respond to the Government’s ambitious Better Public Services targets to reduce crime (total crime, violent crime and youth crime) and re-offending. The justice sector’s Results Action Plan sets out a roadmap for achieving results – by reducing opportunities for crime, targeting vulnerable youth and youth offenders, reducing alcohol and drug abuse, and reducing reoffending. Crown Law supports progress towards the justice sector Better Public Services results by ensuring offenders are held to account through high quality prosecutions and appeals.

The justice sector

The Ministry of Justice is the lead agency in the justice sector, which also includes Crown Law, the New Zealand Police, Department of Corrections, Serious Fraud Office, and the Ministry of Social Development (for youth justice).

Justice sector Ministers recognise that achieving the best outcomes for people participating in justice sector processes requires all agencies to be working towards the same goals. The overarching justice sector outcome is a *safe and just society*, which is achieved through shared priorities, as shown below:

Other government sectors

Crown Law’s work contributes to all sectors of government. While our home is within the justice sector, our outputs, particularly legal advice and representation services and the exercise of the Principal Law Officer functions, support agencies in other government sectors to manage their legal risks and obligations. This enables other agencies to deliver on their responsibilities and achieve their outcomes.



Our impact

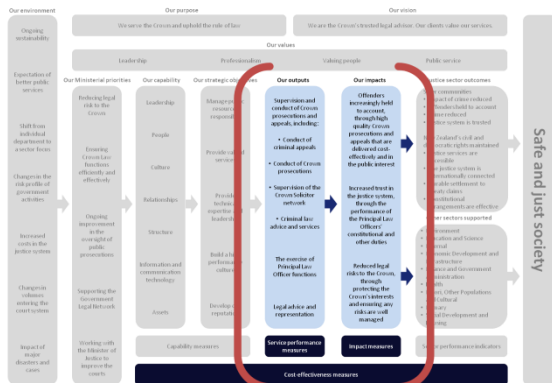
Crown Law’s impact, the way in which it contributes to justice sector outcomes:

- Offenders are held to account, through high quality Crown prosecutions and appeals delivered cost-effectively and in the public interest
- Increased trust in the justice system, through the performance of the Principal Law Officers’ constitutional and other duties
- Reduced legal risks to the Crown, through the protection of Crown interests and ensuring legal risks are well managed.



What we do

Our outputs and the impact they will have



High quality prosecutions and appeals, delivered cost-effectively and free from political interference, are crucial to a democratic society.

The Solicitor-General is responsible for oversight of public prosecutions, Crown representation in criminal appeals and a number of specific statutory duties in relation to administration of the criminal justice system. Crown Law supports the Solicitor-General to fulfil these responsibilities through management and oversight of the Crown Solicitors Network.

Crown Law conducts criminal appeals in the High Court, Court of Appeal and the Supreme Court, both where the appeal has been brought by the Crown and where it has been brought by the accused. We provide advice on requests for Crown appeals, judicial reviews, stays of prosecution and consent to prosecute. We also make decisions on appeal requests from prosecuting agencies and we bring Crown appeals against sentences that are considered to be inadequate.

Crown prosecutions are primarily conducted by Crown Solicitors. Crown Solicitors are appointed under warrant of the Governor-General and they undertake work under the supervision of the Solicitor-General. Crown Law supports the Solicitor-General in the performance of this supervisory function. This includes managing Crown Solicitor warrants and funding; guiding and sharing prosecution practice and knowledge; and

Offenders are held to account, through high quality Crown prosecutions and appeals delivered cost-effectively and in the public interest

LINKS TO APPROPRIATIONS

Supervision and conduct of Crown prosecutions and appeals, including:

- Conduct of criminal appeals from Crown Prosecutions
- Provision of a national Crown prosecution service
- Oversight and supervision of public prosecutions and the Crown Solicitors Network
- Criminal law and advice services

reviewing practices to ensure high quality, value for money services are provided.

Crown Law also provides legal advice and responds to applications on criminal law issues. We provide legal advice and representation in respect to alleged contempt of court and breaches of name suppression, and we oversee the prosecution work of the Serious Fraud Office. We also assist in international criminal investigations, proceedings and extradition requests. We envisage international work will continue to be an area of strong focus.

Crown Law's focus over the next three years, regarding Crown prosecutions and appeals, is on maintaining high-quality and effective services, and the effective management of costs.

Increased trust in the justice system, through the performance of the Principal Law Officers' constitutional and other duties

LINKS TO APPROPRIATIONS

The exercise of Principal Law Officer functions

Crown Law supports the Attorney-General and the Solicitor-General in performing their roles. We assist the Law Officers to act as independent legal advisors to the Crown, free from political influence. This independence is critical in maintaining the integrity of the rule of law and is instrumental in minimising the risk of the Government acting unlawfully.

In addition to supporting the conduct of Crown prosecutions and appeals, Crown Law provides legal advice and other assistance to the Law Officers in the following areas:

- ensuring government actions are conducted according to the law
- representing the public interest
- managing the relationship of the Government with the judiciary
- administering appointments of Queen's Counsel, and Judges to the higher courts
- acting on behalf of the Government in civil litigation
- informing the House whether any provision in a Bill is inconsistent with the Bill of Rights Act 1990
- supporting the supervision of charitable trusts

- managing vexatious litigant proceedings
- processing applications for the discharge of adoption orders
- considering requests for second coronial inquiries
- managing special patient reclassifications
- defending judicial reviews
- providing legal advice and representation in respect to alleged contempt of court and breach of name suppression.

We also provide advice to the Crown and government agencies on legal issues, and on the legal and constitutional implications of policy proposals. The Cabinet Directions for the Conduct of Crown Legal Business 2012² set out particular legal matters that must be referred to the Solicitor-General. These include:

- representation or advice in relation to actual or imminent litigation to which the Government or agency is or may become a party
- legal services involving questions of the lawfulness of the exercise of government power
- constitutional questions including Treaty of Waitangi issues
- legal issues relating to the protection of revenue.

Reduced legal risks to the Crown, through protecting the Crown's interests and ensuring any risks are well managed

LINKS TO APPROPRIATIONS

Legal advice and representation

As chief legal advisors to the Government and chief advocate for the Government in the courts, the Principal Law Officers ensure the Government is not prevented through legal process from lawfully implementing its chosen policies and discharging its governmental responsibilities.

The work undertaken by Crown Law in supporting the Law Officers and providing legal advice and

2 "Cabinet Directions for the Conduct of Crown Legal Business 2012", Appendix C, Cabinet Office Manual, 2012.

representation ensures the Crown’s legal risks are managed and its interests protected.

Crown Law is responsible for advising and providing representation on services related to the Crown’s infrastructure, its commercial interests, the regulation of those interests and the protection of revenue.

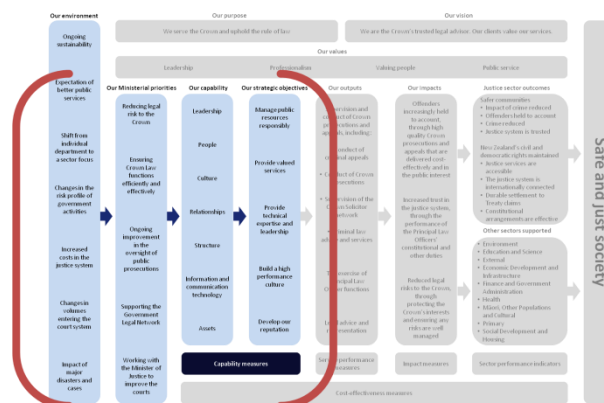
We take a “one Crown” approach to protecting the Crown’s legal interests. We must look beyond the interests of a specific department, even when that department is the client initiating the work. This approach provides assurance to the Attorney-General and Solicitor-General that the Crown’s legal risk is being identified early and well managed.

As part of our role in promoting a one Crown approach to the management of legal risk, we actively support and participate in the Government Legal Network (GLN).

The Solicitor-General is the ‘legal professional’ leader, and is supported in this role by a Board, Director and the network of government lawyers. The GLN, which is comprised of all government lawyers, is an initiative designed to strengthen the delivery of legal advice and services to core government agencies, resulting in more effective management of the Crown’s legal risk. The objectives of the network are to identify and manage cross-Crown legal risk; support the community of government lawyers; create opportunities for better networking; better enable sharing of services, information and resources; assist the professional development of government lawyers; and promote the government legal career as a strategic choice for talented professionals and graduates.

How we work

Our operating environment



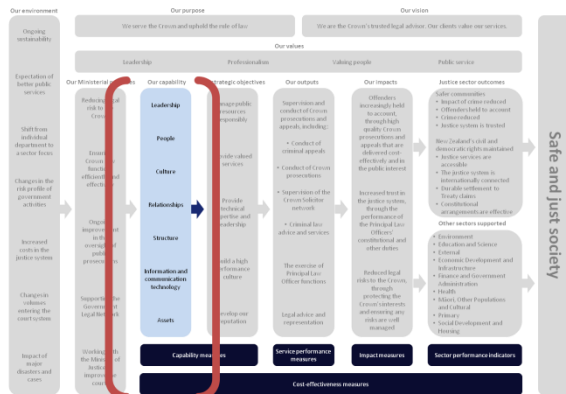
There are a number of factors that influence Crown Law’s work management programme. The entire government sector is operating within tight financial constraints that require us to do more with less. This means that Crown Law must be able to operate sustainably within available funding. We must be cost-effective in everything we do, in order to provide value-for-money services for our clients and the public. Justice sector costs are expected to increase although the volume of criminal and civil cases is declining. The challenge is to realise savings from this reduction in volume while ensuring public safety is maintained and services are accessible. As the financial situation has tightened, the expectations of Ministers, key stakeholders and clients in relation to quality and timeliness of the services

they receive have increased. The Government expects agencies to demonstrate their effectiveness, efficiency and contribution to the relevant outcomes the Government is seeking. There is a much greater expectation that agencies will work together within and across sectors to improve the services they deliver and be more cost-effective.

Crown Law is involved in matters spanning a wide range of issues and areas of law. Our work covers and is affected by most aspects of government. We must anticipate and manage legal risks and respond as circumstances change. We must be flexible and maintain a broad perspective to provide effective legal services.

We must also be flexible if we are to continue to respond to the unanticipated. Events such as the Canterbury earthquakes and the Pike River Mine tragedy have enduring impacts on the country. Crown Law will continue to play a significant role in the Government’s response to such events.

Responding to our environment



Crown Law is committed to improving its performance and capability.

This includes the embedding and strengthening of changes following three external reviews in 2011/12 (Review of Public Prosecution Services; Performance Improvement Framework review; and the Review of the Role and Functions of the Solicitor-General and the Crown Law Office), and the follow-up Performance Improvement Framework review in 2012/13.

Following these reviews and a Benchmarking Administrative and Support Services self-assessment there is ongoing consideration of how we are organised, how we do our work and how our culture has an impact on the way we work. This includes maintaining the appropriate mix of legal roles and experience and enabling greater flexibility to deploy legal resources across teams and legal matters.

An Auckland office has been established on a pilot basis to service core Crown legal work in the region, reflecting that many of our clients have offices in Auckland and a growing proportion of Crown litigation is done in the Auckland courts. The pilot is being funded and staffed through Crown Law's current baseline and staffing levels.

The Public Prosecutions Unit (PPU) was established in 2012 in response to the Review of Public Prosecution Services. The PPU will continue to manage the funding of Crown prosecutions conducted by the Crown Solicitors Network and provide oversight of all public prosecutions for the Solicitor-General.

In the first twelve months of operation the PPU implemented a new funding model to manage services provided by the Crown Solicitors Network, and established a reporting framework to provide

better understanding of the value of the services provided by Crown Solicitors. The processes for reviewing Crown Solicitors will continue to be improved and refined, enabling any issues to be identified and addressed in a timely fashion.

The reporting framework will also be implemented for government departments and Crown entities with prosecution functions, providing greater oversight of all public prosecutions than has been previously possible and providing insight into the cost of the prosecution function for the first time. The PPU also established the Public Prosecutions Advisory Board, which has representatives from across the sector, to provide guidance and input into analysis of data collected through the reporting framework. The PPU also provides advice to the sector on prosecution-related activities and initiatives.

We will also continue to strengthen our client relationships. Our strategic objectives focus on being proactive, efficient, practical, relevant, solutions focused, on budget and on time. We will ensure that clients' objectives are understood, their business needs are met and that the work done for them is of a high standard. The recent changes implemented by our organisation mean our clients are going to see a well-connected Crown Law and be served by the lawyers best placed to effectively and efficiently provide the services they need.

Our leadership and governance

The Management Board recognises that enhanced collective leadership and management capability is essential for Crown Law's success. The Management Board is committed to improving the leadership, strategic focus, and management of Crown Law.

Our leadership is supported by our governance framework which distinguishes between strategic leadership and operational management. This ensures we are directing the right capability to the right level of governance to maximise the use of our resources without jeopardising the appropriate level of oversight, management and monitoring. The strength of our main governance bodies, such as the Management Board and Operational Management Committee, is enhanced by groups and committees such as Project Steering Committees and a Professional Standards Committee. Implemented in 2013, the governance structure has ongoing importance in embedding

organisational changes and guiding Crown Law in its strategic objectives.

An integrated system of monitoring and reporting will continue to support our governance bodies in demonstrating Crown Law's performance. Our business data and associated measures will continue to provide assurance of our performance to our internal management and external stakeholders.

Our workforce and culture

To achieve our vision of being the Government's trusted advisors, we need to be committed to what we do and our employees need to be engaged in the organisation. Shifting staff engagement from good to strong will continue to be a priority for the Management Board.

Regarding recruitment, retention and staff development, Crown Law will continue implementing its organisational development strategy to ensure Crown Law has the capacity and the right mix of skills to deliver on its purpose. Crown Law's structure, introduced in 2013, will allow our senior lawyers to assume roles best-suited to their core skills, while also allowing junior counsel to take on greater responsibilities. Clarity around what we do and the quality of our work is supported by the ongoing reaffirmation of Crown Law values which were developed with staff in 2013.

Further work on the organisation development strategy will focus on ensuring we continue to develop our high performance culture and contribute fully to the performance lift sought across the whole state sector.

As a public sector employer, we will continue to provide equal employment opportunities in line with current government requirements.

Our sustainability

Crown Law is committed to living within its baseline and has put considerable effort into better understanding its cost pressures and identifying options for how these pressures may be addressed. A number of initiatives have been implemented to address our cost pressures and Crown Law will monitor the benefits of embedding these from 2014 onwards, to ensure we have optimal resources and are organised in the most appropriate way for the future. These initiatives target our largest areas of expenditure which are personnel, office accommodation and Crown Solicitor services. From 2014, the long-term funding model (implemented in 2013) for Crown

Solicitors will be monitored to improve our management of Crown prosecutions and ensure costs remain within baseline. Our organisational structure, working environment and accommodation arrangements implemented in 2013 will provide significant ongoing savings for Crown Law.

From time to time we will review and assess our contract management system and arrangements. We are currently participating in several all-of-government (AoG) contracts and we are well engaged in the functional leadership process for property. We are committed to continuing to take up other AoG contracts as appropriate. We may also participate in shared services arrangements, if appropriate, for back office functions.

Our technology and information management

Crown Law's ICT goal, and responsibility as a government agency, is to provide ICT services that enable and underpin Crown Law's strategic direction. We are also working to align our ICT with the wider New Zealand Government ICT Strategy and Action Plan for AoG initiatives, taking advantage of the appropriate AoG Services for Crown Law. Having introduced innovative technologies and tools across 2012 and 2013, Crown Law will continue enabling its workforce to fulfil their roles more flexibly, without restrictions of physical location or reliance on carrying vast volumes of printed documents.

Following the ICT transformation programme that was delivered to support our relocation to new premises in 2013, our focus shifted to ensure we make ongoing best use of the technology changes and maximise value for money from our ICT investments. This includes working closely with users and providing the appropriate training and support to ensure they understand how to get the most from their ICT.

Over the next four years ICT will continue to focus on four strategic priorities: Mobile, Secure, Digital and Stable. A Business Improvement Programme is already underway and phase 1 projects include: security remediation, business process mapping, desktop as a service and secure file sharing.

Our intention is for phase 2 to commence in late 2014/15, shifting our focus to system reviews, upgrades and enhancements and to explore opportunities for business-wide information management and accessibility solutions. The initial brief for phase 2 has been identified through

consultation with the business and will be refined through working with relevant system and process owners. Each project will be scoped to allow informed budgeting and prioritisation of ICT investment over the subsequent 12-24 months.

These priorities will continue to drive value and best use of our ICT while aligning Crown Law ICT to 'Destination 2017' (the Government ICT Strategy and Action Plan) and support how we integrate and contribute to the justice sector's strategic direction.

Our risk management

Crown Law recognises that the effective management of our risks is a critical success factor for delivering our outputs and achieving our outcomes. Our strategic risks relate to successfully embedding the substantial change programme already implemented. We must ensure that focus and momentum is maintained, and that we are able to adapt to changes in our external environment. This is also important for retaining and strengthening the trust New Zealanders have in the justice system, the rule of law and in government.

Our independent Risk and Assurance Committee will effectively identify and manage strategic and operational risks, and advise the Solicitor-General on risk management, internal controls, financial and other external reporting, and compliance with legislation, policies and procedures.

money is being used responsibly to achieve effective and timely results.

Following the introduction of a new performance framework in 2011/12, Crown Law has strived to ensure there is sufficient measurement of the quantity, quality, timeliness and cost of services we provide and manage.

An overview of our strategic performance indicators (and where various measures and forecasts may be found) is set out in the Appendix.

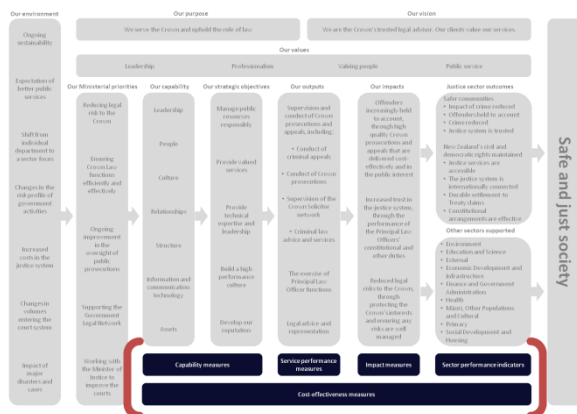
Open and transparent government

Crown Law provides information about its performance and contribution to the justice sector and Government's objectives in its annual reports which are publicly and freely available.

Crown Law does not collect economic and social data from the public and other government departments and does not generate such data and information.

Crown Law supports open and transparent government subject to its obligations in relation to legal privilege and legislation including the Official Information Act and the Privacy Act.

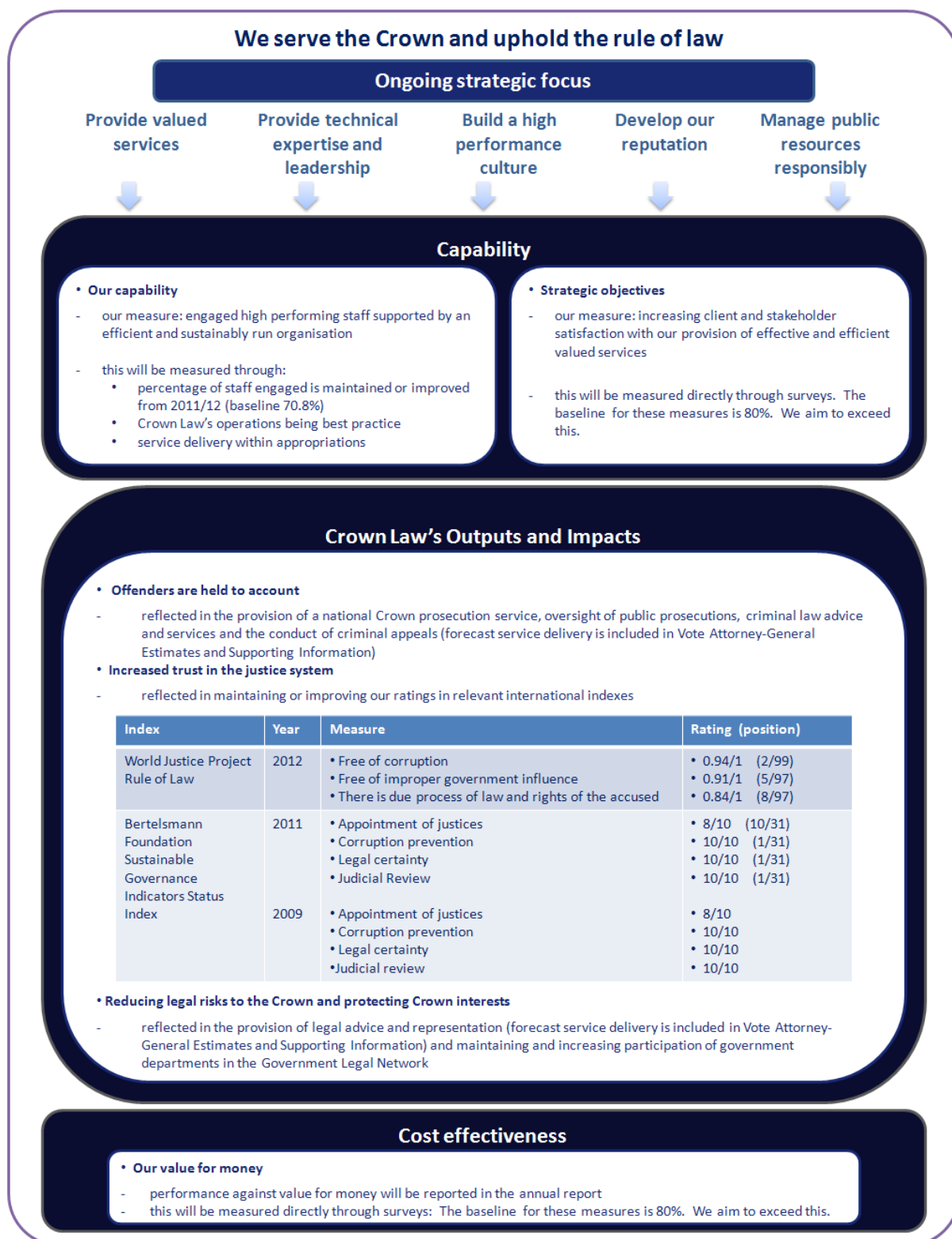
Our performance management



We understand the importance of monitoring what we deliver and how well we deliver it, in order that we can identify further ways to improve our performance. As a provider of specialised publicly-funded services, and a manager of such services provided by others for the Crown, we have an ongoing responsibility to ensure public

Appendix 1: Strategic performance indicators

Overview of indicators for our strategic focus



Further information about our intentions and performance is available in budget documents for Vote Attorney-General and in our annual reports.

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