

CROWN LAW OFFICE

STATEMENT OF INTENT

for the YEAR ENDING
30 JUNE 2007

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

ISSN: 1176-2128



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CROWN LAW

Crown Law supports New Zealand's system of democratic government, under law, in the public interest.

Crown Law 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. It also supports the Attorney-General and Solicitor-General in the performance of their statutory and other functions as law officers. 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'S VALUES

Consistent with Crown Law's overall obligation to support New Zealand's system of democratic government under law:

- we will support the Law Officers in their work in a way that enables them to meet their obligations to make decisions independently and objectively in the public interest;
- we will demonstrate a proper understanding of the roles of each of the branches of Government;
- we will take a "whole of government" perspective in carrying out our primary functions;

- we will be responsive to client needs and concerns and will provide legal advice and representation which:
 - shows an understanding of the particular contexts in which legal problems arise
 - is relevant and focused
 - is well researched and well reasoned
 - is balanced but decisive
 - is expressed and organised in a simple, direct and concise way
- we will conduct ourselves consistently with the expectation of the Crown as a model litigant; and
- we aim to create a work environment which stimulates and challenges all who work in the office to meet the highest standards of public service, while recognising the need for a balanced and well-rounded personal life.

Crown Law has two primary objectives in providing its 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 objectives 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, prosper and participate in the social, economic, political and cultural life of their communities and nation.”

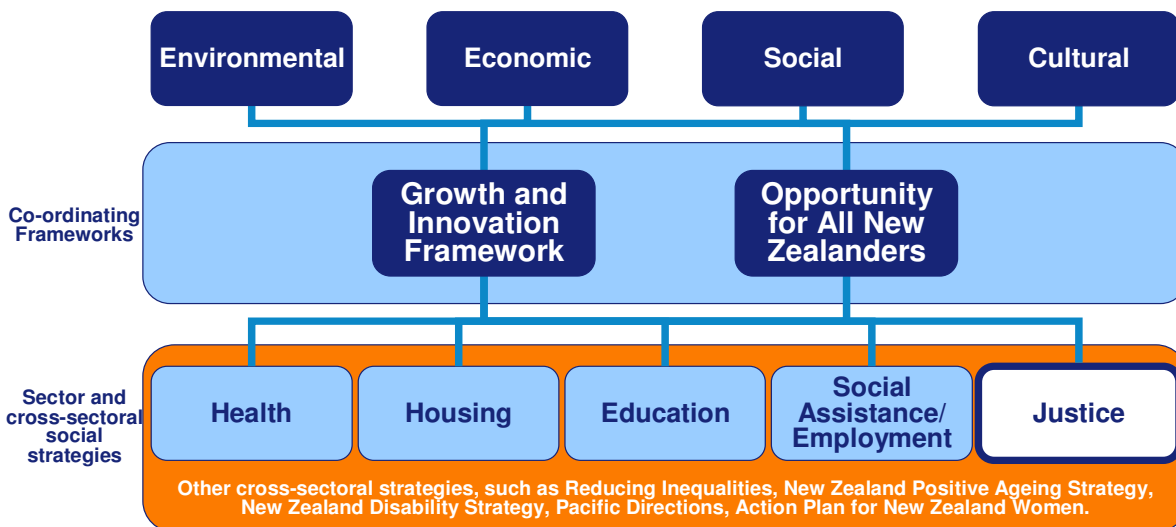
The Government’s priorities for the next decade are:

- Economic transformation
working to progress our economic transformation to a high income, knowledge based market economy, which is both innovative and creative and provides a unique quality of life to all New Zealanders

- Families – young and old
all families, young and old, to have the support and choices they need to be secure and be able to reach their full potential within our knowledge based economy
- National identity
all New Zealanders to be able to take pride in who and what we are, through our arts, culture, film, sports and music, our appreciation of our natural environment, our understanding of our history and our stance on international issues.

The justice sector has a core role in contributing towards the Government’s vision for New Zealand, as the diagram below illustrates:

Government Vision for a Sustainable New Zealand



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THE JUSTICE SECTOR AND CROWN LAW

JUSTICE SECTOR OUTCOMES

New Zealand has a robust justice system and a co-ordinated justice sector comprising the Ministry of Justice, the Department of Corrections, the New Zealand Police, the Crown Law Office, the Serious Fraud Office and the Department of Child, Youth and Family Services* (which is considered a core agency for the purposes of addressing youth offending and early intervention issues) and their Ministers. The broader sector also includes a number of Crown entities and other agencies.

The justice sector has in place two end outcomes that are shared by all agencies within the justice sector and through which the sector contributes to the Government's priorities. The shared outcomes have an estimated 10 to 15 year timeframe for delivery and aim to achieve:

- safer communities, being communities in which there is reduced crime and in which safety and well-being is enhanced through partnerships

Community safety influences the way people engage in social, productive or creative enterprises or activities. People are assured when there are core safety functions, less crime and a police service that meets communities' expectations to lead safe lives. Safety is also enhanced when communities are supported through locally based government agencies and organisations.

- a fairer, more credible and more effective justice system, being a system in which people's interactions are underpinned by the rule of law and justice services are more equitable, credible and accessible

New Zealand's justice system comprises constitutional arrangements and legal frameworks, civil and criminal structures, police investigation, judicial process and dispute resolution, and offender management. The more effective and efficient each element, the closer the whole system will come to achieving the outcome.

These two end outcomes are interdependent: safer communities need to be supported by the rule of law administered by a fair, credible and effective justice system, and together they contribute to the Government's priorities of economic transformation, families – young and old and national identity.

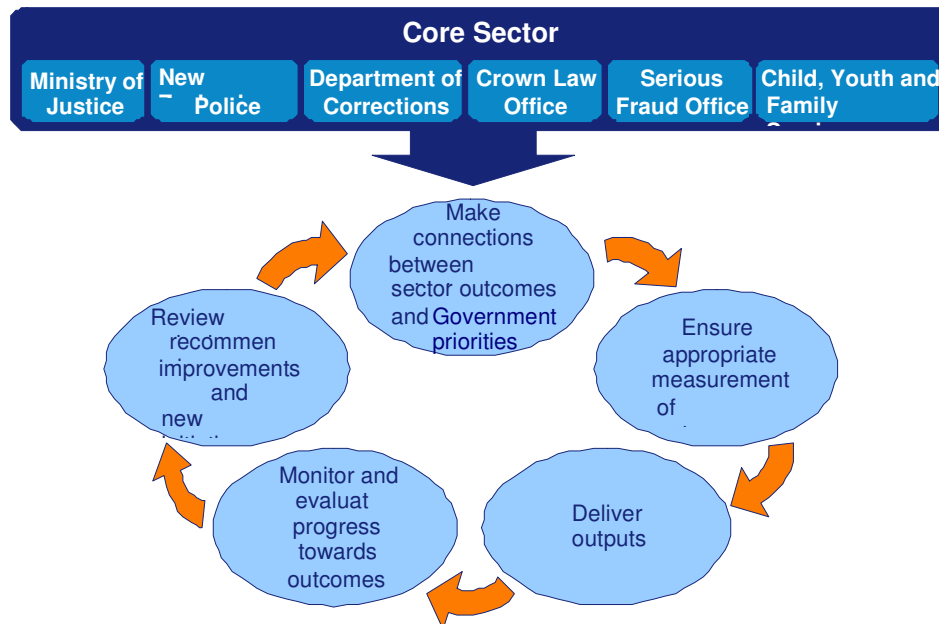
JUSTICE SECTOR PLANNING PROCESS

The justice sector has a co-ordinated annual planning process facilitated by the Ministry of Justice. The process is focused on identifying priorities for the justice sector as a whole and presenting a package of options to Ministers as part of the Government's annual Budget process. One tool that will allow the sector to plan more effectively is the development and implementation of a pipeline model. This model is aimed at improving sector understanding of the flow-through effects of changes to the system, such as the effect of increased Police resources.

* As from 1 July 2006 Child, Youth and Family will be delivering its services as part of the Ministry of Social Development

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SECTOR ANNUAL PLANNING CYCLE



JUSTICE SECTOR INFORMATION STRATEGY

The sector has a co-ordinated strategy to improve information sharing across the sector. The strategy also ensures that the sector maintains compliance with e-government standards.

JUSTICE SECTOR COMMUNICATIONS STRATEGY

The sector works to co-ordinate communications activity across the sector, through the Justice Sector Communications Strategy.

LINKS TO SOCIAL SECTOR

The work of the justice sector requires a strong interface and co-operation with social sector agencies. For example, the justice sector is contributing to cross-sector work underway on the Government's priority of families – young and old, with particular focus on safe communities.

In addition, the Ministry of Social Development manages the *Opportunities for All* strategic co-ordinating framework. *Opportunities for All* identifies critical cross-sectoral issues, of which reducing family violence is the area of particular focus for the justice sector.

The Government's Taskforce for Action on Violence within Families is committed to a vision of New Zealand families and whānau living free from violence. Individual justice sector agencies will respond to this in a range of ways relevant to their responsibilities.

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CONTRIBUTION TO STATE SECTOR GOALS

The justice sector contributes to the set of goals designed by the State Services Commission to achieve well-performing state services. The goals are as follows:

- Employer of choice;
- Excellent state servants;
- Networked state services;
- Coordinated state agencies;
- Accessible state services;
- Trusted state services.

KEY JUSTICE SECTOR STATISTICS

On any average day* in the life of the justice sector:

- 26,730 offenders are on community-based sentences
- 7,000 people are in prison,
- 1,462 emergency calls are answered by Police
- 1,085 crimes are recorded
- 1,036 traffic and infringement notices are issued
- 327 cases are referred for prosecution by Police
- 21 cases are referred to Child, Youth and Family
- 16 Family Group Conferences are convened
- 10 jury trials are disposed of in the District Courts

The justice sector:

- employs approximately 16,200 staff
- operates from 660 sites around the country
- administers 161 individual Acts of Parliament
- makes about 12 million electronic data transactions each year

- manages 24 separate electronic data interfaces
- updates the justice criminal data warehouse daily (it contains 210 gigabytes)

CONTRIBUTION BY CROWN LAW TO THE JUSTICE SECTOR OUTCOMES

Crown Law contributes to the justice system outcomes 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 continue to focus on the following objectives as its contribution to the Sector Intermediate Outcomes:

- protecting the Crown's legal interests;
- supporting the responsibilities of the Crown and its agencies in meeting their responsibilities under law;
- achieving timely processes and fair results;
- assisting in the maintenance of law and order;
- securing robust due process;
- maintaining public interest factors in the application of the law; and
- ensuring quality of service delivery through the expertise and integrity of the staff.

*(Statistics refer to 250 working days for the Ministry of Justice and 365 days for the Police, Corrections and Child, Youth and Family.)
(Statistics are as at September 2005.)

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CROWN LAW 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):

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

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THE WORK OF CROWN LAW

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

Legal services are provided to Government and government departments by: in-house legal advisors, private sector legal advisors and Crown Law. Crown legal work is governed by the Cabinet Directions. Crown Law 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 services to public sector clients. Crown Law seeks to service client departments and agencies efficiently and effectively. Key to this is the quality of the working relationship established with the client's internal legal advisors, and the strength of the organisational links with the client's policy and operational functions.

LEGAL ADVICE AND REPRESENTATION

The Cabinet Directions on the Conduct of Crown Legal Business 1993 guide departments 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 to 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.

Our core work of providing legal advice and representation, does not lend itself to direct cost-effectiveness (cost per unit of benefit obtained).

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SUPPORTING THE LAW OFFICERS

Crown Law 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 Law Officer functions
- assisting the Solicitor-General in the supervision of regional Crown Solicitors in their prosecution functions, including administration of the Crown Solicitors Regulations 1994
- assisting the Solicitor-General with the conduct of criminal appeals.

The services provided by Crown Law to the Solicitor-General and the Attorney-General are similar to the ministerial support functions provided by all departments 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 Pacific Island Law Officers Meeting (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

The primary influences to which Crown Law reacts are:

DEMOGRAPHIC TRENDS

New Zealand's demographics are changing. The population has grown to 4.1 million in 2005 and is expected to be 4.5 million by 2021.

Because significant population growth is occurring, in particular in the upper North Island, it also affects where services need to be located.

Overall, the population is ageing and this will, in the long term, result in a reduction in the proportion of young people and affect the level and nature of demand on the justice sector. In the short-term, however, the child and youth population will not reduce significantly (and high growth is projected in the number of young Māori and Pacific peoples), and this suggests a sustained level of ongoing demand to which the sector will need to respond.

Over the past 20 years, New Zealand has had an increasing number of migrants, many from countries where English is not the first language. This has implications for the sector, such as the need for interpreters for those who cannot speak English.

Family structures are changing with more single parents and 'blended' families. Changing patterns in family formation, dissolution and reconstruction can create instability for some families. This may result in increased family violence and/or require different policy and service delivery responses, all of which may impact on the sector.

ECONOMIC FACTORS

Despite growth in the economy, some income inequality remains. Māori and Pacific peoples are more likely than other New Zealanders to be unemployed.

Young people leaving school with no qualifications are also at high risk of experiencing poor social outcomes, including unemployment, poor health, low incomes, criminal activity and victimisation.

There are signs that the economy is slowing down and there is potential for this to impact on rates of certain types of offending that can be triggered by unemployment and related social and domestic pressures.

JUSTICE ISSUES AND CRIME TRENDS

In common with other comparable jurisdictions New Zealand is increasingly adopting a "rights centred" approach in various contexts. In addition, New Zealand is signatory to a range of multi-lateral agreements, and accepts the mandate of international agencies to monitor or regulate security, health, human rights and other issues. This means that international law has an increased impact on domestic law-making and interpretation, and on reporting obligations. These developments impact on the Government's need for legal services.

The globalisation of trade and closer trans-Tasman economic links, means it is particularly important for the legal system to be able to provide effective cross-border law enforcement and redress.

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These matters are critical for advancing the Government's priority of economic transformation.

Sophisticated forms of communication technology – such as the Internet – and their increasing availability mean that crimes like trans-national terrorism, pornography, fraud, organised crime and money laundering can be committed faster, with a greater degree of anonymity and of uncertain jurisdiction and enforcement response.

A growing international enforcement effort will be required to combat such crime. As well as posing a challenge, the new communication technologies may be used to improve and facilitate detection of offences and enhance public access to court processes.

PARTICULAR CHALLENGES FOR THE JUSTICE SECTOR

Over the last decade, the justice sector has experienced significant growth in throughput and demand for services, with major implications for its core infrastructure.

The sector is facing a range of pressures: buildings such as courthouses, police stations and prisons are ageing or inadequate in capacity. The Government has allocated significant investment to address these issues which include the building of four new prisons and additional capacity and the upgrading of the infrastructure at most existing prison sites. There are however, ongoing cost pressures, for example, renegotiation of employee agreements, and rising construction costs that the sector will need to manage.

Prison population and re-offending trends are major issues. New Zealand has a higher rate of

imprisonment per 100,000 of population than in comparable countries – for example, in 2004/05 New Zealand's rate was 164, while Australia's was 119. Around 8,000 prisoners are released from prison each year; over half of these are likely to be reconvicted within 2 years.

Abuse of drugs and alcohol are factors in the offending of a substantial proportion of offenders. Organised crime remains a key issue to be addressed by the sector, particularly in relation to drug-related offending. Tackling crimes where drugs and alcohol feature will require a multi-agency approach.

The Government is putting significant investment into safe communities, a core dimension of its priority of families – young and old, through the provision of an additional 1,250 police resources (1,000 sworn and 250 non-sworn officers) to be recruited over the next three years. The sector is working together to ensure that this commitment is implemented and supported and that flow-on effects for other parts of the sector are managed.

The proposed increase in the number of front line Police will have some impact on Crown Law's work. The extent and nature of that impact will depend upon how and where the additional Police Officers are deployed.

SUPREME COURT

The Supreme Court has added a significant new workload. The number of applications for leave to appeal to the Supreme Court is significantly higher than the number previously going to the Privy Council. This trend is particularly evident in criminal matters. In addition, the number of criminal appeals dealt with by way of oral hearing in the Court of Appeal has increased. These developments are having ongoing resource and cost implications for Crown Law.

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THE CRIMINAL JUSTICE SYSTEM: CROWN PROSECUTIONS AND APPEALS

The Solicitor-General has responsibility for prosecuting indictable crime throughout New Zealand. Crown Solicitors are appointed throughout the country under warrant of the Governor-General. They undertake indictable prosecution work for the Crown and 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. The last Criminal appeals to the Privy Council are expected to be heard in 2006.

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

The network of 15 Crown Solicitors, who are partners in law firms in private practice, operate in centres where District Court jury trials are conducted. 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 The Crown Solicitors Regulations 1994. The day to day management of case work undertaken on behalf of prosecution agencies is the responsibility of Crown Solicitors. They 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.

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 matters which, under legislation, require consent. The Solicitor-General also deals with matters such as applications for stays of proceedings, and witness immunities; requests for appeals arising from the

summary jurisdiction; proceeds of crime applications; mutual assistance and extradition applications both to and from New Zealand, and requests for appeals against indictable sentencing decisions. The Solicitor-General determines all requests by Crown Solicitors and the Serious Fraud Office for appeals against pre-trial rulings and on questions of law in the indictable jurisdiction.

Crown Law has responsibility for conducting appeals that arise out of criminal trials on indictment. It uses the network of Crown Solicitors and private barristers to complement its own resources to carry out this function. The number of criminal appeals being heard by the Court of Appeal has increased since the last financial year.

Since the inception of the Supreme Court in 2004, Crown Law has received 62 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 eight matters have been granted leave and have been set down for hearing. In the 154-year history of the Privy Council, leave to appeal was granted on nine criminal matters. This increase in criminal appellate work will continue to impact on resources.

Crown Law monitors the application of the Crown Solicitors Regulations in terms of payments. It also approves applications for the classification of counsel and any requests for special fees needed on difficult cases.

The demand for prosecution and appeal services depends on many factors, most of which are outside Crown Law's direct control, for example:

- changes in sentencing practice;
- the rate of crime;
- the nature of crime;
- the number of indictments laid.

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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
- pre-trial judicial rulings.

The pre-trial and trial process can in turn be affected by the availability of court time for the hearing of the trial itself. It is difficult to accurately forecast the volume of cases in this area, and how long individual trials might take. This uncertainty impacts budgeting for expenditure and the funding required from the Crown.

WIDE RANGING LITIGATION

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

- *Foreshore and Seabed*: Negotiations and litigation continue under the Foreshore and Seabed Act 2004. Existing matters will likely function 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 or challenge past actions by agencies in the social welfare and health sectors.
- *Human Rights Legislation*: Crown Law responds to complaints of unlawful discrimination by Government. As a result of an amendment to the Human Rights Act in 2001 Government policies, including legislation, are exposed to the dispute resolution processes under the Act. Over the last year, Crown Law has assisted government departments to respond to 35 such complaints.

The first claim against the Government was filed in the Human Rights Review Tribunal in late 2004. A decision on preliminary jurisdiction issues was issued in October 2005 and is currently subject to appeal. Four further claims have been filed (one of which has since been abandoned) and it is likely that more claims will follow.

- *Human Rights Litigation*: The trend towards more complex litigation under the New Zealand Bill of Rights Act 1990 has continued in both the criminal and civil arenas. Several cases in the Supreme Court have involved significant Bill of Rights issues. There appears to be a growing awareness, and use of, international human rights procedures.
- *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 in 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).
- *Tax*: A number of multiple party and/or high dollar tax avoidance schemes are the subject of litigation. These are very resource intensive to litigate.
- *Treaty of Waitangi Claims and Negotiations*: The Waitangi Tribunal is developing a modular approach for the hearing of historical claims about Māori land and resources. This will offer claimants and the Crown options for abbreviated hearing processes which may better integrate with Crown/ Māori settlement negotiations. The impact of these Tribunal processes on hearings and negotiations will be monitored.

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- *Treaty Relationships*: Coupled with the growth of contemporary claims, there has been a greater willingness by government agencies to enter into relational arrangements with Māori groups. This needs to be monitored and undertaken in a co-ordinated way to ensure that unintended legal risks are not created.

Crown Law addresses its work through a combination of internal counsel and briefing out to external legal advisors when appropriate. 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 clients. Establishing the right number and mix of staff to meet these 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 through an appropriate combination of people, resources, systems and structures.

PEOPLE

Crown Law employs staff who are specialised in the areas of public, administrative and criminal law, and who can demonstrate independence and critical judgement. Legal and support staff have continuing education opportunities to maintain their skills and knowledge and to upskill where necessary. Given the largely demand-based, reactive nature of the work, staff capacity and time utilisation is monitored to inform decisions about recruiting additional staff. Crown Law experiences little difficulty in recruiting well-qualified, skilled and experienced legal and support staff.

Crown Law is committed to providing equal employment opportunities for all staff. Its human resource management policies, procedures and systems, which recognise good employer responsibilities, are under constant review.

RESOURCES

Key resources include the legal research and library facilities, litigation support processes and the professional standards that 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 resources.

Crown Law 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. Overseas contacts are used to access information on international law jurisdictions of relevance to the New Zealand context.

Crown Law's primary role as a litigation practice requires support systems and processes that can respond to the often urgent demand to locate, access and manage the volumes of documents involved in a case. The efficient and effective management and processing of documents and the determination of strategies for cases will be significantly assisted by enhanced computer systems technology, which will be implemented as finances allow.

Crown Law is continuing to develop professional standards for the conduct of litigation. The standards encompass the wide range of litigation for which Crown Law is responsible. Crown Law has also established a framework for litigation planning so that all practice groups and teams have a common understanding of the desired approach.

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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. Past investment has resulted in a stable and reliable technology platform that is able to absorb changes in staff numbers and the demand for new or updated applications.

Recent improvements to the document management system have enabled improved access to Crown Law's knowledge base of opinions and client documents, not only for staff but also for clients on a selected, case related basis. Providing clients with direct access to their documents is an important Crown Law goal for keeping clients 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 organisational structure, which is summarised in the section on Organisation Information, continues to focus on constitutional, public law and criminal process issues.

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CROWN LAW RESPONSE

The key issues that Crown Law will need to address in 2006/07 include:

LEGAL ADVISORY SERVICES TO THE LAW OFFICERS

The allocation of resources to co-ordinate input into policy and legislative developments was not addressed in the 2005/06 year as planned. It remains a priority for 2006/07.

THE CRIMINAL JUSTICE SYSTEM: CROWN PROSECUTIONS AND APPEALS

Work to identify the impact of policy and practice changes on the cost of prosecution expenditure will continue in 2006/07, in an effort to improve the forecasts for long term funding. This work involves 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, should contribute to the forecasting objectives.

In 2006/07 we will reassess the resource impact of the changes to the Court of Appeal's procedures for appeal hearings, the increase in number of criminal appeals to the Court of Appeal, and the numbers of criminal appeals being dealt with in the Supreme Court.

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RISK

Crown Law has developed a risk management schedule. It includes risks that could prevent Crown Law from achieving its outputs and outcomes within the performance standards. Crown Law addresses risk on two levels – internal risk and external risk.

INTERNAL RISKS

These are risks that arise from a shortcoming or failure in capability (ie people, resources, systems and structures). This could lead to an inability to respond to requests for legal advice and representation in a timely and responsive way, and in accordance with appropriate quality standards.

The people resource is seen as the most critical to Crown Law when assessing internal 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 current processes and programmes, which are reviewed frequently, focus 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. Systems and processes that ensure access to research and litigation resources are reviewed often to ensure that counsel have the right level of support to deliver services.

To maximise delivery Crown Solicitors use their nationwide network to share resources, provide a consistent Crown approach to issues in criminal law and procedure, and to ensure consistency in managing regional variations in demand for prosecution services.

Knowledge management is a key internal risk area. Integrated virtual and physical records are important to ensure counsel have complete information prior to case and opinion preparation. Work will continue in 2006/07 to streamline the integration of records and to improve 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, or co-ordinate and manage the 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 external risks in conjunction with departmental legal advisors and management, and provides advice to the Attorney-General on developments. Initiatives have been developed to improve the level of interaction with departmental legal advisers, and to ensure relationships are maintained with agencies responsible for policy development that has potential legislative implications.

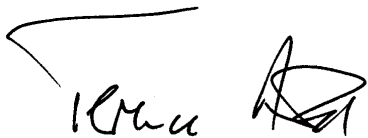
Issues are emerging concerning the identification and management of the Crown's legal risk on which Crown Law expects to provide support to the Attorney-General:

- *Whole of Government Legal Risk Assessment:* Government encourages all agencies to focus on a 'whole of Government' approach that emphasises departmental and sectoral co-ordination. This approach cuts across individual departmental and ministerial responsibilities, including that of managing legal risk. Implementing a structure to manage the Government's legal issues and risks as a whole is a priority for the next 3 to 5 years.
- *Policy Input:* Legal input into the legislative policy development process of Government is an important risk management strategy. It ensures 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 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 issues in this area in an operational context, either through the provision of legal advice or by representing the Crown in court. Although this work is not funded by appropriation there is a need for Crown Law to contribute input to 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 that are expected to impact upon current resources, and a description of how these issues will be addressed in 2006/07. Crown Law will continue to work with other justice sector agencies to further understand its role within the justice sector and the wider public sector framework, and to contribute to improved information sharing 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 QC
Solicitor-General and Chief Executive

STATEMENT OF INTENT

STATEMENT OF RESPONSIBILITY

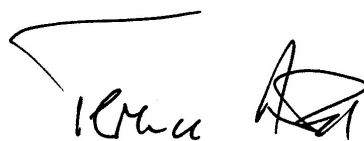
The forecast financial statements for the Crown Law Office for the year ending 30 June 2007 contained in this report have been prepared in accordance with section 39 of the Public Finance Act 1989.

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 2007, 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.

The performance for each class of outputs forecast to be achieved by the department for the year ending 30 June 2007, 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.

We certify that the information in this report is consistent with the appropriations contained in the Estimates for the year ending 30 June 2007 which are being laid before the House of Representatives under section 39 of the Public Finance Act 1989.



Terence Arnold QC
Solicitor-General and Chief Executive



Diana Pryde
Practice Manager



Chris Walker
Chief Financial Officer

May 2006

FORECAST FINANCIAL STATEMENTS & STATEMENT OF RESPONSIBILITY

FINANCIAL OVERVIEW AND HIGHLIGHTS

Forecast expenditure for Vote Attorney-General in 2006/07 totals \$53.461 million. It is intended to spend this amount as follows:

- \$1.963 million (4% of the total) on the conduct of appeals arising from criminal trials on indictment and from Crown appeals against sentence.
- \$18.810 million (35% of the total) on providing legal advice and representation services to central government departments.
- \$31.410 million (59% of the total) on providing a national Crown prosecution service that undertakes criminal trials on indictment and related appeals.
- \$1.278 million (2% 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 \$18.810 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:

	2005/06		2006/07
	Budgeted \$000	Estimated Actual \$000	Forecast \$000
Revenue: Crown	33,597	33,597	34,651
Revenue: Other	17,900	17,900	18,810
Output expenses	51,497	51,497	53,461
Net surplus	-	-	-
Taxpayers' funds	1,297	1,297	1,297
Net cash flows from operating and investing activities			

STATEMENT OF INTENT

STATEMENT OF FORECAST FINANCIAL PERFORMANCE
FOR THE YEAR ENDING 30 JUNE 2007

	2005/06		2006/07
	Budgeted \$000	Estimated Actual \$000	Forecast \$000
Revenue			
Crown	33,597	33,597	34,651
Other	17,900	17,900	18,810
Total Revenue	51,497	51,497	53,461
Expenses			
Output Expenses:			
Personnel	14,885	14,885	15,615
Operating	35,519	35,519	36,804
Depreciation	993	993	962
Capital charge	100	100	80
Total Expenses	51,497	51,497	53,461
Profit on sale of assets	-	-	-
Net Surplus	-	-	-

This statement should be read in conjunction with the accompanying Notes to the Forecast Financial Statements on pages 28-31.

STATEMENT OF FORECAST FINANCIAL POSITION
AS AT 30 JUNE 2007

	Actual Financial Position as at 30 June 2005 \$000	Estimated Financial Position as at 30 June 2006 \$000	Forecast Financial Position as at 30 June 2007 \$000
ASSETS			
<i>Current Assets :</i>			
Cash and bank balances	545	1,498	2,338
Debtors and receivables	3,485	3,240	3,375
Total Current Assets	4,030	4,738	5,713
<i>Non-Current Assets:</i>			
Fixed assets (Note 3)	4,070	3,787	3,125
Total Non-Current Assets	4,070	3,787	3,125
TOTAL ASSETS	8,100	8,525	8,838
LIABILITIES			
<i>Current Liabilities :</i>			
Creditors and payables	5,331	6,288	6,494
Provision for payment of surplus	-	-	-
Provision for employee entitlements	728	745	780
Total Current Liabilities	6,059	6,973	7,274
<i>Non-Current Liabilities :</i>			
Provision for employee entitlements	244	255	267
Total Non-Current Liabilities	244	255	267
TOTAL LIABILITIES	6,303	7,228	7,541
<i>Taxpayers' Funds :</i>			
General funds	1,501	1,001	1,001
Revaluation reserve	296	296	296
Total Taxpayers' Funds (Note 4)	1,797	1,297	1,297
TOTAL LIABILITIES AND TAXPAYERS' FUNDS	8,100	8,525	8,838

This statement should be read in conjunction with the accompanying Notes to the Forecast Financial Statements on pages 28-32.

STATEMENT OF INTENT

STATEMENT OF FORECAST CASH FLOWS
FOR THE YEAR ENDING 30 JUNE 2007

	2005/06		2006/07
	Budgeted \$000	Estimated Actual \$000	Forecast \$000
CASH FLOWS FOR OPERATING ACTIVITIES			
Cash provided from: Supply of outputs to			
Crown	33,597	33,597	34,651
Other	17,900	17,900	18,810
Cash was applied to: Produce outputs			
Output expenses	(49,234)	(49,234)	(52,000)
Capital charge	(100)	(100)	(80)
Net Cash Flows from Operating Activities	2,163	2,163	1,181
		(Note 5)	
CASH FLOWS FROM INVESTING ACTIVITIES			
Cash was provided from:			
Sale of fixed assets	-	-	-
Cash disbursed for:			
Purchase of fixed assets	(710)	(710)	(810)
Net Cash flows from Investing Activities	(710)	(710)	(810)
CASH FLOWS FROM FINANCING ACTIVITIES			
Cash disbursed for:			
Payment of surplus to the Crown	-	-	-
Payment of capital contribution to the Crown	(500)	(500)	-
Net Cash Flows from Financing Activities	(500)	(500)	-
Net Increase/(Decrease) in Cash Held	953	953	371
Add: Opening cash and bank balances	545	545	1,498
Closing Cash and Bank Balances	1,498	1,498	1,869

This statement should be read in conjunction with the accompanying Notes to the Forecast Financial Statements on pages 28-32.

NOTES TO THE FORECAST FINANCIAL STATEMENTS
FOR THE YEAR ENDING 30 JUNE 2007

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 the Public Finance Act 1989. These are forecast financial statements of the Crown Law Office prepared pursuant to the Public Finance Act 1989.

MEASUREMENT SYSTEM

The financial statements have been prepared on a 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 the cost allocation system 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 charges, 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 2007

STATEMENT OF ACCOUNTING POLICIES (CONTINUED)

WORK-IN-PROGRESS

Work-in-progress is determined as unbilled time plus disbursements that can be recovered from clients. It 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 retains 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.

NOTES TO THE FORECAST FINANCIAL STATEMENTS – (CONTINUED)
FOR THE YEAR ENDING 30 JUNE 2007

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 2007

3. FORECAST DETAILS OF FIXED ASSETS BY CATEGORY

	30 June 2006	30 June 2007 Forecast Position		
	Estimated Net Book Value Position \$000	Cost/Net Current Value \$000	Accumulated Depreciation \$000	Net Book Value \$000
Computer equipment	416	1,319	928	391
Computer software	210	1,321	702	619
Office equipment	171	517	374	143
Furniture and fittings	582	1,035	648	387
Leasehold improvements	1,966	2,545	881	1,664
Library	442	836	446	390
Total	3,787	7,573	3,979	3,594

CAPITAL EXPENDITURE (incurred in accordance with s24 Public Finance Act 1989)

	Forecast	Estimated		Actual 2004/05 \$000	Actual 2003/04 \$000	Actual 2002/03 \$000	Actual 2001/02 \$000
	2006/07 \$000	Actual 2005/06 \$000	Budget 2005/06 \$000				
Computer equipment	225	425	425	129	182	249	134
Computer software	550	200	200	129	50	99	27
Furniture and fittings	5	5	5	217	753	0	5
Leasehold improvements	0	50	5	0	2495	0	0
Library	25	25	25	29	21	18	20
Office equipment	5	5	5	41	165	40	5

The 2006/07 forecast expenditure is for the routine replacement and upgrade of the Crown Law Financial Management Information System which is partly reliant on obsolete and unsupported software and the ongoing replacement of desktop computers, to help with the efficient delivery of services. Future expenditure will be primarily for the routine replacement of desktop computers.

NOTES TO THE FORECAST FINANCIAL STATEMENTS – (CONTINUED)
FOR THE YEAR ENDING 30 JUNE 2007

4. FORECAST MOVEMENTS IN TAXPAYERS' FUNDS

	Estimated Position as at 30 June 2006 \$000	Forecast Position as at 30 June 2007 \$000
Taxpayers' funds at start of period	1,797	1,297
<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>		
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)	-
Taxpayers' Funds at the End of the Period	1,297	1,297

STATEMENT OF INTENT

5. RECONCILIATION OF NET CASH FLOWS FROM OPERATING ACTIVITIES TO NET SURPLUS/(DEFICIT) IN THE STATEMENT OF FORECAST FINANCIAL PERFORMANCE

	2005/06		2006/07
	Budgeted \$000	Estimated Actual \$000	Forecast \$000
Net Surplus from Forecast Statement of Financial Performance	-	-	-
<i>Non-cash items:</i>			
Depreciation	993	993	1,003
Other non-cash items	-	-	-
<i>Movement in working capital items:</i>			
(Increase)/decrease in debtors and receivables	245	245	(135)
Increase/(decrease) in creditors and payables	897	897	266
Increase/(decrease) in employee entitlements	28	28	47
Net Cash Flows from Operating Activities	2,163	2,163	1,181

**STATEMENT OF OBJECTIVES AND FORECAST SERVICE PERFORMANCE
FOR THE YEAR ENDING 30 JUNE 2007**

The Crown Law Office has committed to provide output classes in 2006/07 that 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:

Departmental Output Expenses	Description	Revenue: Crown \$000	Revenue: Other \$000	Total Expenses \$000	Surplus/ (deficit) \$000
Vote:					
Attorney- General					
Conduct of Criminal Appeals	Conduct of appeals arising from criminal trials on indictment and from Crown appeals against sentence	1,936	-	1,963	-
Legal Advice and Representation	Provision of legal advice and representation services to central government departments and Crown agencies	-	18,810	18,810	-
Supervision and Conduct of Crown Prosecutions	Provision of a national Crown prosecution service which undertakes criminal trials on indictment and appeals arising out of summary prosecutions	31,410	-	31,410	-
The Exercise of Principal Law Officer Functions	Provision of legal and administrative services for the Attorney-General and Solicitor- General in the exercise of Principal Law Officer functions	1,278	-	1,278	-

STATEMENT OF OBJECTIVES AND FORECAST SERVICE PERFORMANCE
FOR THE YEAR ENDING 30 JUNE 2007

OUTPUT - CONDUCT OF CRIMINAL APPEALS

DESCRIPTION: This output class involves the conduct of all appeals that arise out of criminal trials on indictment and from Crown appeals.

The majority of appeals, including pre-trial applications and appeals against sentence and conviction, are brought by offenders. The decision on whether to take a Crown appeal is a statutory function of the Solicitor-General.

The statutory function of the Solicitor-General includes making decisions on whether the Crown should take pre-trial and case stated appeals in the indictable jurisdiction, and appeals against sentence to the Court of Appeal and Supreme Court.

OUTCOMES: Crown Law contributes to the justice sector outcomes of building safer communities by assisting in the maintenance of law and order.

SERVICE PERFORMANCE:

<i>Measures</i>	<i>Standards</i>
QUANTITY	
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	25 – 35
- offenders	550 - 600
Decisions made on requests for the Solicitor-General to take Crown appeals in relation to:	
- sentence	40 – 50
- case stated or other appeals	25 – 30
QUALITY AND TIMELINESS	
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 2007*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

\$1.963 million

Summary of Revenue and Cost:

Year	Appropriation \$000	Cost \$000	Total Revenue \$000	Revenue Crown \$000	Revenue Other \$000
2006/07	1,963	1,963	1,963	1,963	-
2005/06	1,933	1,933	1,933	1,933	-

STATEMENT OF OBJECTIVES AND FORECAST SERVICE PERFORMANCE
FOR THE YEAR ENDING 30 JUNE 2007

OUTPUT - LEGAL ADVICE AND REPRESENTATION

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 obligation (to discharge their responsibilities) of the Attorney-General and Solicitor-General by acting in the public interest.

OUTCOMES: Crown Law contributes to the outcomes of its clients and the wider public sector by protecting the Crown's legal interests, supporting the responsibilities of the Crown, and maintaining 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.

SERVICE PERFORMANCE:

<i>Measures</i>	<i>Standards</i>
QUANTITY	
Number of new instructions for legal advice	550 – 600
Average number of requests for legal advice in progress during the year	750 – 850
Number of new instructions in respect of litigation matters	600 – 650
Average number of litigation matters in progress during the year	2,000 – 2,200

STATEMENT OF INTENT

STATEMENT OF OBJECTIVES AND FORECAST SERVICE PERFORMANCE
FOR THE YEAR ENDING 30 JUNE 2007*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

\$18.810 million

Summary of Revenue and Cost:

Year	Appropriation \$000	Cost \$000	Total Revenue \$000	Revenue Crown \$000	Revenue Other \$000
2006/07	18,810	18,810	18,810	-	18,810
2005/06	17,900	17,900	17,900	-	17,900

STATEMENT OF OBJECTIVES AND FORECAST SERVICE PERFORMANCE
FOR THE YEAR ENDING 30 JUNE 2007

OUTPUT - SUPERVISION AND CONDUCT OF CROWN PROSECUTIONS

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 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.

OUTPUT: CROWN PROSECUTION SERVICES

DESCRIPTION: The national Crown prosecution service undertakes 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 15 warranted 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

STATEMENT OF OBJECTIVES AND FORECAST SERVICE PERFORMANCE
FOR THE YEAR ENDING 30 JUNE 2007

SERVICE PERFORMANCE:

<i>Measures</i>	<i>Standards</i>
QUANTITY	
Number of trials for indictable crime:	
- District Court	1,350 – 1,450
- High Court	160 – 180
Number of trials for indictable crime, where the complexity of the case requires a significant amount of preparation and court appearance time:	
- District Court	180 – 200
- High Court	120 – 140
Number of other criminal matters conducted by the Crown Solicitors:	
- Bail applications and appeals	1,400 – 1,500
- Guilty pleas lower band and middle band sentencing	2,600 – 2,800
- Appeals relating to summary prosecutions	700 – 800
QUALITY AND TIMELINESS	
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

STATEMENT OF OBJECTIVES AND FORECAST SERVICE PERFORMANCE
FOR THE YEAR ENDING 30 JUNE 2007

OUTPUT - SUPERVISION AND CONDUCT OF CROWN PROSECUTIONS
(CONTINUED)

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 building safer communities by assisting in the maintenance of law and order.

SERVICE PERFORMANCE:

	<i>Measures</i>		<i>Standards</i>
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			275 – 325
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 applications are considered. Feedback will be formally communicated to Crown Solicitors as appropriate

STATEMENT OF OBJECTIVES AND FORECAST SERVICE PERFORMANCE FOR THE YEAR ENDING 30 JUNE 2007

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 that comprises senior representatives from Crown Law and an independent adviser. The panel will address two main areas:

- case processing efficiency 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 2007

OUTPUT - SUPERVISION AND CONDUCT OF CROWN PROSECUTIONS
(CONTINUED)

OUTPUT: CRIMINAL LAW ADVICE AND SERVICES

DESCRIPTION: Criminal Law Advice and Services includes providing advice in relation to criminal law and undertaking 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, and ministerials in relation to criminal matters.

OUTCOMES: Crown Law contributes to the justice sector outcomes of building safer communities by assisting in the maintenance of law and order.

SERVICE PERFORMANCE:

<i>Measures</i>	<i>Standards</i>
QUANTITY	
Number of new requests for legal advice or determination of applications received in relation to criminal law issues	400 – 450
Average number of requests for legal advice or determination of applications in relation to criminal law in progress during the year	400 – 450
Number of new ministerials and parliamentary questions received	30 – 40
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
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 the required deadlines

STATEMENT OF INTENT

STATEMENT OF OBJECTIVES AND FORECAST SERVICE PERFORMANCE
FOR THE YEAR ENDING 30 JUNE 2007

<i>Measures</i>	<i>Standards</i>
COST	
The output class is produced within budget	\$31.410 million

Summary of Revenue and Cost:

Year	Appropriation \$000	Cost \$000	Total Revenue \$000	Revenue Crown \$000	Revenue Other \$000
2006/07	31,410	31,410	31,410	31,410	-
2005/06	30,386	30,386	30,386	30,386	-

STATEMENT OF OBJECTIVES AND FORECAST SERVICE
PERFORMANCE

FOR THE YEAR ENDING 30 JUNE 2007

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 enforcement and application of the law, supervision of charities, representation of the public interest, relator proceedings, vexatious litigant proceedings, and the exercise of a variety of powers, duties and authorities arising from statutory requirements and constitutional conventions. This output class also involves the review of legislation for compliance with the New Zealand 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:

Measures

Standards

QUANTITY

Number of new applications or requests for advice received for action on behalf of the Attorney-General and Solicitor-General.	120 – 140
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Average number of applications or requests for legal advice in progress during the year.	300 – 320
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Number of new ministerials and parliamentary questions received.	240 – 260
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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.

Quality, timeliness and effectiveness of services assessed in accordance with the standards agreed with the Attorney-General.

STATEMENT OF INTENT

STATEMENT OF OBJECTIVES AND FORECAST SERVICE PERFORMANCE
FOR THE YEAR ENDING 30 JUNE 2007*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:

Year	Appropriation \$000	Cost \$000	Total Revenue \$000	Revenue Crown \$000	Revenue Other \$000
2006/07	1,278	1,278	1,278	1,278	-
2005/06	1,278	1,278	1,278	1,278	-

ORGANISATION INFORMATION

GOVERNANCE STRUCTURE

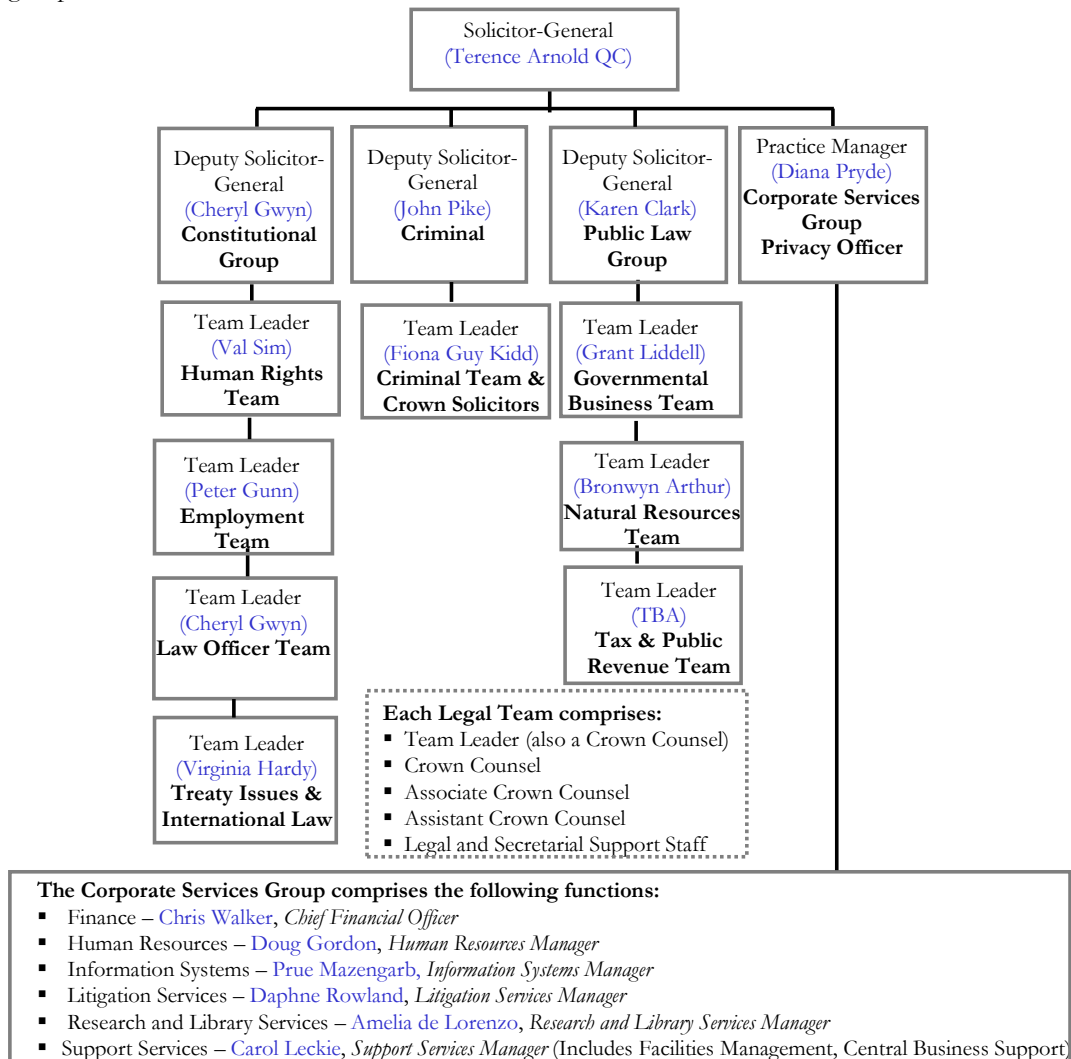
Crown Law is a government department whose primary function is to support the two Law Officers of the Crown, the Attorney-General and the Solicitor-General, in the performance of their statutory duties and functions.

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

Crown Law is organised into three practice groups comprising eight client service legal teams and a corporate services group .



LEGISLATIVE RESPONSIBILITIES

Crown Law administers the Crown Solicitors Regulations 1994 which sets 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, Crown Law, 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 15 private law practitioners holding warrants as Crown Solicitors. Together with their partners and staff solicitors from the practice and the local prosecution panels, Crown Solicitors prosecute indictable offences in those centres

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

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

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: www.crownlaw.govt.nz

AUDITOR

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

BANKERS

Westpac Banking Corporation
Government Branch
Wellington

STATEMENT OF INTENT

FURTHER INFORMATION about CROWN LAW can be found by visiting our website at www.crownlaw.govt.nz or by CONTACTING our Human Resources Team by e-mail at hr@crownlaw.govt.nz

This document is available on the Crown Law website at the following address
http://www.crownlaw.govt.nz/artman/docs/cat_index_7.asp

