
Crown Law Office

Statement of Intent

**for the year ending
30 June 2005**

*Presented to the House of Representatives
Pursuant to Section 34A of the Public Finance Act 1989.*

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Crown Law Office

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This document is available on the Crown Law web site at the following address

http://www.crownlaw.govt.nz/artman/docs/cat_index_7.asp

Crown Law Office

Strategic Intent

Introduction

The Crown Law Office is pleased to present its Statement of Intent for the year ending 30 June 2005.

The Statement of Intent comprises three sections: an overview of the role and functions of the Office, including a description of the outcomes to be achieved along with associated capability issues and risk analysis; the Statement of Responsibility and Forecast Financial Statements required in accordance with section 34A of the Public Finance Act 1989; and background information about the Office, its structure and services.

The Role of the Crown Law Office

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

The Office has two primary aims in providing these services:

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

The Office also supervises the prosecution of indictable crime in the criminal justice system, and provides support to the two Law Officers of the Crown.

Crown Law Office Support of the Law Officers

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

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

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- providing advice on the establishment and development of legal service provision within government departments and agencies.

Protocols, in the form of the Cabinet Directions on the Conduct of Crown Legal Business 1993, have been developed to guide Government, departments and ministries in the use of the Office's legal services. The Cabinet Directions provide for two categories of legal work: Category 1 and Category 2 work:

- Category 1 work, which must be referred to the Solicitor-General on behalf of the Office, includes cases concerning actual or imminent litigation where the Government or 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 work is essentially all other work, e.g. employment matters, and is 'contestable' in the sense that departments may choose other legal advisors to assist them resolve matters.

The Office has no specific responsibility for policy formation or for the development of legislation. However when requested, the Office provides input on policy issues, operational changes or developments and proposed changes to legislation, particularly in respect of Criminal and Human Rights related issues.

The Justice Sector, The Public Sector and the Crown Law Office

The Crown Law Office is, by the nature of its work, part of the justice sector grouping of government departments and agencies. Other departments and agencies in the justice sector include Ministry of Justice, New Zealand Police, Department of Corrections, Serious Fraud Office and the Department for Child, Youth and Family.

The Office's role within the justice sector, and the wider public sector, revolves around two core areas of activity: providing legal advice and representation in court to Government, departments, and ministries in core areas of government activity; and the criminal justice system.

Legal Advice and Representation to the Government, Departments and Ministries

The Government, departments and ministries require continuous access to legal advice as part of their ongoing policy development and operational roles and responsibilities. The legal services provided by the Crown Law Office comprise two principal elements:

- Legal advice and representation services (delivered to client departments and agencies on a fee for service basis);
- Legal advisory services (delivered to the Law Officers to support statutory and ministerial requirements, and funded by the Crown).

The Criminal Justice System

The Office also has responsibility for the supervision of the Crown prosecution service, which prosecutes indictable crime throughout New Zealand. A network of Crown Solicitors, who are appointed under warrant of the Governor-General, undertakes the prosecution and appeal work

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for the various prosecution agencies, e.g. Police, Serious Fraud Office. The Office also conducts criminal appeals to the Court of Appeal and the Privy Council (to be replaced by the New Zealand Supreme Court from 1 July 2004).

A description of each of these core areas of activity is set out below, with an analysis of the internal and external factors which are considered likely to have an impact on the Office's response to its role. This analysis includes a discussion of those legal issues seen as 'emerging' over the next 3 to 5 year timeframe.

Legal Advice and Representation Services

Legal services are generally obtained by Government and departments from three sources: in-house legal advisors, private sector legal advisors and the Crown Law Office. The Crown Law Office is normally instructed by in-house legal advisors on legal matters when further assistance or litigation experience is required. The Office will also sometimes engage external legal advisors to assist with its work. The engagement of external legal advisors, e.g. barristers, is undertaken where particular specialist knowledge is required, where work pressures within the Office creates capacity problems, or where it is thought desirable to preserve the appearance of independence.

In practice, the Office operates much like a private sector legal practice and charges for its services. In doing so, the Office seeks to service client departments and agencies efficiently and effectively. The Cabinet Directions are seen largely as a guide to Government and departments in making decisions about the selection of appropriate advisors to address legal issues. That is, the Office seeks to attract clients by the quality of its services rather than by relying on the Directions. The success of this approach has been confirmed by the relatively high level of satisfaction reported, as part of the Office's performance measures, by clients in recent years. Key to this approach is the quality of the working relationship established with the client department's internal legal advisors and the strength of the organisational links with the policy and operational functions of each department and agency.

Much of the work received by the Office in this area is, by nature, reactive, and has grown in volume and complexity in recent years. This has tended to mirror the changes that have occurred in the wider public sector and, in particular, is a response to significant events such as the introduction of the New Zealand Bill of Rights Act in 1990, the introduction of MMP in 1996, and the amendments to Human Rights legislation in 2002. The legislative changes referred to, have raised the expectations of individuals and groups in the community about their personal, social and economic rights and created additional mechanisms for challenge to Governmental actions. MMP has introduced a more 'contestable' approach to the business of Government, the development of policy and the process of legislative change. The specific legal issues that have been identified as having prominence, include:

- *Human Rights Legislation:* The introduction of the Human Rights Amendment Act 2001 meant that much governmental activity is now subject to human rights standards. Government continues to face a significant challenge in developing its policy making and other processes to ensure it meets its obligations in this area, and to justify its decisions. Coupled with this is the increasingly sophisticated use of the New Zealand Bill of Rights legislation to challenge established processes, particularly in the criminal justice sector.
- *Treaty Claims and Negotiations:* The current emphasis on the hearing of historical claims in the Waitangi Tribunal, and the subsequent negotiation process, is being matched with a

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trend towards a process that focuses more on negotiated settlements. In addition, the growing number of contemporary claims will need to be addressed in a consistent and co-ordinated way.

- *Treaty Relationships*: Coupled with the growth of contemporary claims there has been a greater willingness by Government agencies to enter into relational arrangements with Maori groups. This needs to be monitored and undertaken in a co-ordinated way to ensure that unintended legal risks are not created.
- *International Law*: The impact of international law on domestic law making and interpretation will increase as a result of New Zealand's greater involvement in the 'global economy' and international treaty and trade arrangements. This will be particularly marked in the human rights area.
- *Occupational Safety and Health*: Recent amendments to this legislation will see an increasing focus on stress as a workplace hazard, requiring public sector employers to implement new processes to manage this risk.
- *Historic Claims against Social Workers*: An increased understanding of individual rights is leading to an increase in the number of cases being taken to review past actions by agencies in the social welfare and health services sectors.
- *Foreshore and Seabed*: The recently introduced policy and legislative initiatives concerning the foreshore and seabed are expected to result in litigation to clarify the impact on customary rights which will result from vesting ownership in the Crown.

These 'emerging' legal issues that the Office has identified as being of potential litigation concern will require a considered and co-ordinated approach by Government and departments to ensure that the legal risks are managed appropriately.

The Office's capacity to address this type of work has grown significantly in the last ten years through planned growth in internal resources and through an ability to effectively use a combination of internal and external legal advisors. At times, because of the often urgent and complex nature of the legal work, the Office has been under pressure to meet the demands placed upon it. Establishing the right numbers and mix of staff to meet those demands remains a constant challenge for the Office, much like that facing any professional services organisation. The issue of staffing capability is covered under the heading of "capability" below.

In addition to these developments in relation to the substantive law, there has been a significant change with the introduction of the Supreme Court. It will begin to hear appeals (as opposed to leave applications) from 1 July 2004. It is anticipated that there will be an increase in public law and criminal matters going to the Supreme Court (as compared to the Privy Council). As the Crown is likely to be a frequent party before the Court, the Office is putting in place arrangements to enable it to deal with the new challenges of Supreme Court work appropriately.

Legal Advisory Services to the Law Officers

The services provided by the Office to the Solicitor-General and the Attorney-General as Law Officers of the Crown are, in part, similar to the ministerial support functions provided by all departments and ministries in support of Ministers. The majority of that support, however, addresses the specific functions for which the Law Officers are responsible, i.e. monitoring the

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enforcement and application of the law, particularly the criminal law, supervision of charities, representation of the public interest, vexatious litigant proceedings and the exercise of a variety of powers, duties and authorities arising from statutory requirements and constitutional conventions. The Office will continue to undertake this legal advisory support role, and performance will be measured by way of client satisfaction responses, as is done currently. In addition, there are some issues emerging concerning the identification and management of the Crown's legal risk on which the Office expects to provide support to the Attorney-General:

- *Whole of Government Legal Risk Assessment:* Government has adopted a 'whole of government' approach to its business, which emphasises departmental and sectoral co-ordination. This co-ordinated approach cuts across individual departmental and ministerial responsibilities, including that of managing legal risk. Identifying and putting in place a structure to manage the Government's legal issues and risks as a whole, will be a priority in the next 3 to 5 years. The Office intends, in 2004/05, to continue addressing this priority in conjunction with the Attorney-General. A strategic approach, designed to minimise the potential risk of litigation, is needed in order to assist client departments to be aware of, and adopt where necessary, appropriate legal risk management strategies.
- *Policy Input:* Legal input into the policy development process of Government is an important risk management strategy which is necessary to ensure that human rights norms are complied with and the implications of policy choices are properly understood. This is important in the context of the public sector, given the gap between the increasing public demands and expectations and the availability of resources. The Office provides input, when requested, to proposed legislation, e.g. in relation to compliance with Bill of Rights provisions and amendments, and developments in the criminal law jurisdiction. This input is frequently sought as the Office has acquired considerable experience in addressing these issues in an operational context, either through the provision of legal advice or by representing the Crown in court. However, there is a need to develop a government wide system for ensuring that all policy developments are being monitored and assessed for their legal impact, and that any potential legal risk is identified and appropriately managed.
- *Judicial Appointments:* The Office is assisting the Attorney-General with organisational developments aimed at coordinating the processes associated with, and improving the transparency of, appointments to the judiciary. This work, which is currently performed by a number of departments, is to be transferred to a new unit attached to the Office in the 2004/05 year.

The Criminal Justice System: Crown prosecutions and appeals

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

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

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classification of counsel and any requests for additional resources needed on difficult cases. The Office provides a co-ordination role within the network to guide and share prosecution practice and knowledge among the Crown Solicitor practices.

The Office also has responsibility for conducting appeals that arise out of criminal trials on indictment and from Crown appeals in summary matters, and uses the network of Crown Solicitors to complement its own resources assigned to addressing this function. Recent changes to the Court of Appeal's hearing procedures have increased the preparation work necessary in most cases, and the introduction of the Supreme Court is expected to place further pressure on the Office's available resources.

The demand for prosecution and appeal services depends on many factors, which are predominantly outside the Office's direct control. The rate of crime, and more importantly the number of indictments laid, drive the volume of cases. The time taken to bring a case to trial will depend upon a variety of factors such as the prosecution agency's workload, the complexity of the case in terms of preparatory steps such as the briefing of witnesses, defence tactics and the availability of court time for interlocutory arguments and for trial. It is difficult to accurately forecast the volume of cases in this area and, in particular, how long individual trials might take. This uncertainty has an impact upon budgeting for expenditure and the funding necessary from the Crown.

Crown Law Office Response to Emerging Legal Issues

The scan of current and 'emerging' legal issues has identified a number of actions that the Office will need to address. These include:

Legal Advice and Representation Services

The areas seen as most likely requiring additional resource during 2004/05 are the human rights' based issues, the foreshore and seabed legislative initiative, and further examination of contemporary claims under the Treaty of Waitangi. The extent of additional resource acquired will be dependent upon the Office being able to recover the cost of this activity from clients.

Other 'emerging' legal issues, identified during the environmental scan, will be addressed from within existing resources.

Legal Advisory Services to the Law Officers

The allocation of resources, to assist with the co-ordination of input into policy developments, was not able to be addressed in the 2003/04 year as planned. It is now a priority for the 2004/05 year, although additional funding may be necessary if this function is retained as a long term option.

Similarly, the resources needed to address the 'whole of government' legal risk assessment will be further assessed over the 2004/05 year.

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

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The Criminal Justice System: Crown prosecutions and appeals

Work contributing to a better understanding of the impacts on the cost of prosecution expenditure is being undertaken, and will continue in 2004/05, in an effort to improve the forecasts for long term funding. Part of this work, which involves studying the impact of policy and practice changes on cost, will involve other agencies in the justice sector, particularly the Ministry of Justice. Improvements to the quality and integrity of justice sector information systems, which are the focus of the various sector groups with responsibility for aspects of the information system strategy, have the potential to assist in achieving the forecasting objectives.

The impact on the Office's resources, of the additional work resulting from the changes to the Court of Appeal's procedures for appeal hearings, and the anticipated flow on effect of criminal appeals being heard in the new Supreme Court, will be reassessed in 2004/05.

Outcome Framework

Key Government Goals

Key Government goals have been developed to guide the work of the public sector in achieving sustainable development. These goals are intended to provide a framework and context for public sector organisations to develop and implement strategies, and to support operational decision-making. The Office's work, in common with other justice sector organisations, is focused towards the goal to "maintain trust in Government and provide strong social services".

Justice Sector Outcomes

The Government's goals have been incorporated into specific outcomes developed by organisations belonging to the justice sector, of which the Crown Law Office is part. The shared outcomes, which are described as 'Justice Sector End Outcomes', and which have an estimated 10 to 15 year timeframe for delivery, aim to achieve:

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

Sector Intermediate Outcomes, which are areas for improvement over the next three to five years, have now been agreed to by sector Chief Executives. These outcomes, and their supporting strategies, are set out in the Ministry of Justice's Statement of Intent for 2004/05. It is intended that these sector intermediate outcomes provide the basis for individual agencies to develop their own departmental intermediate outcomes. The successful development of sector and departmental intermediate outcomes, and their associated measures, is part of a long term goal aimed at demonstrating an improved accountability for the production and delivery of goods and services within the public sector.

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Contribution by the Crown Law Office to these Outcomes

The Office, along with other agencies within the justice sector, has been considering the extent of its contribution to the above sector 'end' and 'intermediate' outcomes. Of the two sector end outcomes, the Office's role and responsibilities contribute in a general way to the 'fairer, more credible and more effective justice system' end outcome. Within this end outcome, the most relevant sector intermediate outcome to the Office is the one which seeks "improved public confidence in the Police, Judiciary and other justice institutions". Strategies for this intermediate outcome are yet to be developed by the sector outcome working groups.

The development of 'intermediate departmental outcomes' for the Office, which demonstrate a logical link to the above wider justice sector outcomes, is likely to prove challenging. The nature of the legal advice and representation services provided by the Office to Government, departments and agencies do not easily lend themselves to being expressed in outcome terms by the Office, given that they comprise service based inputs to other Government policy and operational organisation outputs and, ultimately, their outcomes.

The provision of Crown prosecution and appeal services by the Office can be seen as part of the justice sector's overall delivery and management of the criminal justice system. The development of a 'departmental intermediate outcome' for this activity will benefit from the proposed collaborative approach being taken to develop the strategies for sector intermediate outcomes. Progress on developing suitable departmental intermediate outcomes is expected to be made in 2004/05.

In the meantime, the Office will continue to focus upon the following objectives as being its contribution to the justice and the wider public sector:

- protecting the Crown's legal interests,
- supporting the responsibilities of the Crown and its agencies,
- the maintenance of law and order, and
- the maintenance of public interest factors in the application of the law.

Crown Law Office Outputs

The resources required for the above contributions are obtained through an appropriation for Vote Attorney-General, which provides for the purchase of the following services, or Outputs:

- Legal advice and representation services to central government departments and Crown agencies (Output Class: Legal Advice and Representation)
- A national Crown prosecution service which undertakes criminal trials on indictment, and appeals arising out of summary prosecutions (Output Class: Supervision and Conduct of Crown Prosecutions)
- Conduct of appeals arising from criminal trials on indictment and from Crown appeals against sentence (Output Class: Conduct of Criminal Appeals)

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- Legal and administrative services for the Attorney-General and Solicitor-General in the exercise of Principal Law Officer functions (Output Class: The Exercise of Principal Law Officer Functions)

Each of the outputs purchased are described in more detail in the Statement of Objectives and Forecast Service Performance in the next section of this Statement of Intent. The following table summarises the contribution of the Office's output classes to the justice sector (and the wider public sector):

Output Class	Contribution to the justice and the wider public sector
Legal Advice and Representation	<ul style="list-style-type: none"> • 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
Supervision and Conduct of Crown Prosecutions	<ul style="list-style-type: none"> • the maintenance of law and order
Conduct of Criminal Appeals	<ul style="list-style-type: none"> • the maintenance of law and order
The Exercise of Principal Law Officer Functions	<ul style="list-style-type: none"> • protecting the Crown's legal interests • the maintenance of law and order • the maintenance of public interest factors in the application of the law

Work will be undertaken in 2004/05, to develop departmental intermediate outcomes to support sector intermediate outcomes and strategies as appropriate. This work will also attempt to identify and describe the interventions that link the outputs to the relevant outcomes.

Capability

Capability is the ability of the Office to deliver its strategy successfully through an appropriate combination of people, resources, systems and structures. These are commented upon in turn:

- *People:* The Office has acquired and developed staff who are specialised in areas of public and administrative law and who can demonstrate independence and critical judgement. Development of staff skills and expertise has been enhanced by a conscious decision taken in the early 1990's to "grow" the specialist expertise in Government related issues within the Office and only to brief out work that required skills and experience not possessed by the Office. Legal and support staff have access to continuing education opportunities designed to maintain currency of skills and knowledge and to upskill where the need arises. The Office adopts a similar approach to that of private law firms in assessing the level of staffing needed for its work. Given the largely demand based nature of the work, staff capacity and time utilisation is regularly monitored and used as a basis for making informed decisions on the recruitment of additional staff. Little difficulty has been

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experienced in recruiting well qualified, skilled and experienced legal and support staff whether needed for growth or for replacement. This process of addressing people resource needs is not expected to change in the 3 to 5 year timeframe.

The environment scan undertaken, which is described above, discussed emerging legal issues that were likely to have an impact on the people resources needed within the Office in the immediate and medium term. In the short term the Office will identify its need for assistance with policy input, which is currently estimated to require at least one additional counsel. Other staffing needs for legal advice and Crown prosecution work are, as advised above, under continuous review. Any funding for additional staff, which cannot be achieved within current appropriation levels of expenditure, will be planned for and included in the next annual budget cycle.

The Office has human resource management policies, procedures and systems in place, which recognise "good employer" responsibilities. These have been designed to ensure that staff are able to work in a safe and healthy office environment, participate fully in achieving the goals of the Office, and are presented with opportunities to develop personally and professionally. Strategies are being developed and updated continuously, in the context of a busy litigation practice, to address leadership, organisational culture, and work and family issues.

- *Resources:* The Office will be moving to new premises at the commencement of the 2004/05 year. The move is designed to better accommodate the growth in staff numbers which has taken place in response to a continuing increase in demand for legal advice and representation services. The new premises will enable improved interaction between legal teams and groups within the Office, and importantly, will allow clients better access to staff for advice and support in litigation matters.

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

The Office's primary role as a litigation practice requires the existence of litigation support systems and processes that are able to respond to the often urgent demand to identify and manage the volumes of documents embodied in cases. The efficient and effective management and processing of documents and the determination of strategies for cases are assisted by computer systems technology, and experienced support staff. The Office is continuing to develop its professional standards for the conduct of litigation. The standards are designed to encompass the wide range of litigation for which the Office is responsible, including judicial review, claims for damages, and actions alleging breach of rights. It has been important to establish a framework for litigation so that all practice groups and teams across the Office have a common understanding of the issues and desired approach.

- *Systems:* The legal advice and representation functions of the Office make heavy use of information technology and systems for the production and management of documents, the

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conduct of legal research, communication with clients, and the management of matters on behalf of those clients. Investment in the past has resulted in a stable and reliable technology platform that is able to progressively absorb any further change in the numbers of staff and the demand for new or updated applications. Recent developments in document management system technology have been evaluated and implemented to enable improved access to the Office's knowledge base of opinions and client documents, not only by staff, but also by clients on a selected case related basis. Providing clients with direct access to 'their' documents is seen as an important goal in keeping clients informed on progress with particular matters, and is considered to be more cost effective than existing communication practices.

- *Structures:* The Office's organisation structure, which is summarised in the section on Organisation Information included in this Statement of Intent, is expected to continue to benefit clients with its focus on constitutional, public law and criminal process issues.

Risk

Risks that might prevent the Office from achieving its outputs and outcomes in accordance with specified performance standards are under continuous review by management. The Office addresses risk on two levels – internal risk, and external risk:

Internal risk

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

This Statement has commented elsewhere about the options that exist to brief out work which requires specialist knowledge, or when the capacity of the Office is under pressure. This is generally seen as a short term option, with the Office having a preference for adjusting its internal capability to meet demands on its resource which are identified as having a longer term impact.

Systems and processes which ensure ready access to research and litigation resources are also subject to an ongoing review, to ensure that counsel have the right level of support in delivering services to clients. The Office has also reviewed the quality of its accommodation for staff and the proposed move is expected to improve the level of coordination and interaction between legal and support teams and resources for the benefit of clients.

Crown Solicitors use the nationwide network to share resources in managing unusual regional variations in demand for prosecution services.

External risk

These are risks that might arise where:

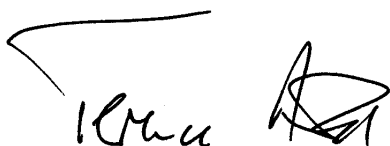
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- the Government is not able to achieve a public sector wide understanding, co-ordination and management of legal risks arising out of policy and operational activities;
- legislative changes directly impact on the costs associated with the Office's outputs, 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.

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

Development of the Statement of Intent

This Statement of Intent provides a description of the Office's role, a summary of 'emerging' legal issues which are expected to impact upon current resources, and how these issues will be addressed in 2004/05. Progress with implementing the Government's Managing for Outcomes initiatives has been slower than expected but reflects the difficulty of integrating an organisation of this nature into an outcome focussed framework. The Office will, however, continue to work with other justice sector agencies to refine the understanding of its role within the justice and the wider public sector framework, and to contribute to achieving improved synergies in defining and sharing information and coordination of budget initiatives.

Handwritten signature of Terence Arnold, consisting of a stylized 'T' followed by 'Arnold' and a large, bold, stylized 'A'.

Terence Arnold
Solicitor-General

Crown Law Office

Forecast Financial Statements & Statement of Responsibility

Financial Overview and Highlights

Forecast expenditure for Vote Attorney-General in 2004/05 totals \$45.544 million. It is intended to spend this amount as follows:

- \$16.174 million (35.5% of the total) on providing legal advice and representation services to central government departments.
- \$26.567 million (58.3% of the total) on providing a national Crown prosecution service, which undertakes criminal trials on indictment and related appeals.
- \$1.492 million (3.3% of the total) on the conduct of appeals arising from criminal trials on indictment and from Crown appeals against sentence.
- \$1.311 million (2.9% 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 \$16.174 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:

	2003/04	2004/05	
	Budgeted	Estimated	
	\$000	Actual	
		Forecast	
		\$000	
Revenue: Crown	29,141	29,141	29,370
Revenue: Other	14,859	14,859	16,174
Output expenses	44,000	44,000	45,544
Net surplus	-	-	-
Taxpayers' funds	1,936	1,936	2,436
Net cash flows from operating and investing activities	(3,922)	(3,922)	623

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Statement of Responsibility


The forecast financial statements for the Crown Law Office for the year ending 30 June 2005 contained in this report have been prepared in accordance with section 34A 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 department for the year ending 30 June 2005, 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 2005, 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 this information is consistent with the appropriations contained in the Estimates for the year ending 30 June 2005 that are being laid before the House of Representatives under section 9 of the Public Finance Act 1989.



Terence Arnold QC
Solicitor-General and Chief Executive



R J Turner
Practice Manager and Chief Financial Officer

10 May 2004

Crown Law Office

Statement of Forecast Financial Performance for the year ending 30 June 2005

	2003/04		2004/05
	Budgeted \$000	Estimated Actual \$000	Forecast \$000
Revenue			
Crown	29,141	29,141	29,370
Other	14,859	14,859	16,174
Total Revenue	44,000	44,000	45,544
Expenses			
Output Expenses:			
Personnel	11,610	11,610	12,028
Operating	31,845	31,845	32,386
Depreciation	380	380	923
Capital charge	165	165	207
Total Expenses	44,000	44,000	45,544
	(Note 3)		
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 19-24.

Crown Law Office

Statement of Forecast Financial Position as at 30 June 2005

	Actual Financial Position as at 30 June 2003 \$000	Estimated Financial Position as at 30 June 2004 \$000	Forecast Financial Position as at 30 June 2005 \$000
Assets			
Current Assets			
Cash and bank balances	3,950	28	651
Debtors and receivables	2,822	2,393	2,393
Total Current Assets	6,772	2,421	3,044
Non-Current Assets			
Fixed Assets (Note 4)	1,141	4,578	3,955
Total Non-Current Assets	1,141	4,578	3,955
Total Assets	7,913	6,999	6,999
Liabilities			
Current Liabilities			
Creditors and payables	5,187	4,374	3,874
Provision for payment of surplus	-	-	-
Provision for employee entitlements	591	490	490
Total Current Liabilities	5,778	4,864	4,364
Non-Current Liabilities			
Provision for employee entitlements	199	199	199
Total Non-Current Liabilities	199	199	199
Total Liabilities	5,977	5,063	4,563
Taxpayers' Funds			
General funds	1,640	1,640	2,140
Revaluation reserve	296	296	296
Total Taxpayers' Funds (Note 5)	1,936	1,936	2,436
Total Liabilities and Taxpayers' Funds	7,913	6,999	6,999

This statement should be read in conjunction with the accompanying Notes to the Forecast Financial Statements on pages 19-24.

Crown Law Office

Statement of Forecast Cash Flows for the year ending 30 June 2005

		2003/04	2004/05
		Budgeted	Forecast
		\$000	\$000
		Estimated	Actual
		\$000	\$000
Cash Flows for Operating Activities			
Cash provided from:			
Supply of outputs to:	Crown	29,141	29,141
	Other	14,859	14,859
Cash disbursed to:			
Cost of producing outputs:			
Output expenses		(43,940)	(43,940)
Capital charge		(165)	(165)
Net Cash Flows from Operating Activities	(Note 6)	(105)	1,423
Cash Flows from Investing Activities			
Cash provided from:			
Sale of fixed assets		-	-
Cash disbursed to:			
Purchase of fixed assets		(3,817)	(1,300)
Net Cash flows from Investing Activities		(3,817)	(1,300)
Cash Flows from Financing Activities			
Cash provided from:			
Capital Contribution from the Crown		-	500
Cash disbursed to:			
Payment of surplus to the Crown		-	-
Net Cash Flows from Financing Activities		-	500
Net Increase/(Decrease) in Cash Held		(3,922)	623
Add: Opening cash and bank balances		3,950	28
Closing Cash and Bank Balances		28	651

This statement should be read in conjunction with the accompanying Notes to the Forecast Financial Statements on pages 19-24.

Crown Law Office

Notes to the Forecast Financial Statements for the year ending 30 June 2005

1. Statement of Significant Assumptions

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

2. Statement of Accounting Policies

Reporting Entity

The Crown Law Office is a government department as defined by section 2 of the Public Finance Act 1989. These are forecast financial statements of the Crown Law Office prepared pursuant to section 34A of the Public Finance Act 1989.

Measurement System

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

Accounting Policies

Revenue

The Office 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

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

Cost Allocation Policy

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

Direct and Indirect Cost Assignment to Outputs

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

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

Crown Law Office

Notes to the Forecast Financial Statements - continued for the year ending 30 June 2005

2. Statement of Accounting Policies - continued

Work-in-Progress

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

Debtors and Receivables

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

Operating Leases

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

Fixed Assets

A revaluation of the library asset is carried out at least every three years based on a fair value for highest and best use. The purchase of new publications for the library between revaluations are capitalised at cost.

All other fixed assets, costing more than \$1000, 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%)
• 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.

Crown Law Office

Notes to the Forecast Financial Statements - continued for the year ending 30 June 2005

2. Statement of Accounting Policies – continued

- 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.

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

The Office 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 Unappropriated Expenditure and the Statement of Departmental and Non-Departmental Expenditure and Appropriations are inclusive of 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 the Office.

Changes in Accounting Policies

No changes in accounting policies are proposed.

Crown Law Office

Notes to the Forecast Financial Statements - continued for the year ending 30 June 2005

3. Reconciliation of Total Expenses to Appropriations

Departmental Output Classes	Total Expenses (GST-Exclusive) \$000	GST \$000	Appropriations (GST-Inclusive) \$000
Legal Advice and Representation	16,174	2,021	18,195
Supervision and Conduct of Crown Prosecutions	26,567	3,321	29,888
Conduct of Criminal Appeals	1,492	187	1,679
The Exercise of Principal Law Officer Functions	1,311	164	1,475
Total	45,544	5,693	51,237

The forecast financial statements in this report present expenses (and revenue) exclusive of GST, in accordance with generally accepted accounting practice. When appropriated by Parliament, these expenses are inclusive of GST, in accordance with legislation. Thus:

- the total GST-exclusive amounts for each departmental output class correspond to “Total Expenses” for 2004/05 appearing on page 14 of this Statement of Intent.
- the GST-inclusive amounts for each departmental output class correspond to the annual appropriations for 2004/05, which are recorded in the Estimates of Appropriations, Part B1 for Vote Attorney-General.

Crown Law Office

Notes to the Forecast Financial Statements - continued for the year ending 30 June 2005

4. Forecast Details of Fixed Assets by Category

	30 June 2004	30 June 2005 Forecast Position		
	Estimated Net Book Value Position \$000	Cost/Net Current Value \$000	Accumulated Depreciation \$000	Net Book Value \$000
Computer Equipment	196	1,762	1,358	404
Office Equipment	96	338	268	70
Furniture and Fittings	1,338	1,387	446	941
Leasehold Improvements	2,418	2,505	431	2,074
Library	530	756	290	466
Total	4,578	6,748	2,793	3,955

5. Forecast Movements in Taxpayers' Funds

	Estimated Position as at 30 June 2004 \$000	Forecast Position as at 30 June 2005 \$000
Taxpayers' funds at start of period	1,936	1,936
<i>Movements during the year (other than flows to and from the Crown):</i>		
Net surplus	-	-
Total recognised revenues and expenses for the period	-	-
<i>Adjustment for flows to and from the Crown:</i>		
Capital Contribution from the Crown	-	500
Provision for payment of surplus to the Crown	-	-
Total Adjustments for flows to and from the Crown	-	500
Taxpayers' Funds at the end of the period	1,936	2,436

Crown Law Office

Notes to the Forecast Financial Statements - continued for the year ending 30 June 2005

6. Reconciliation of Net Cash Flows From Operating Activities to Net Surplus/(Deficit) in the Statement of Forecast Financial Performance

	2003/04		2004/05
	Budgeted	Estimated	Forecast
	\$000	Actual	\$000
	\$000	\$000	\$000
Net Surplus from Forecast Statement of Financial Performance	-	-	-
<i>Non-Cash Items:</i>			
Depreciation	380	380	923
Other non-cash items	-	-	-
<i>Movement in Working Capital Items:</i>			
(Increase)/decrease in Debtors and receivables	429	429	-
Increase/(decrease) in Creditors and payables	(813)	(813)	500
Increase/(decrease) in Employee entitlements	(101)	(101)	-
Net Cash Flows from Operating Activities	(105)	(105)	1,423

Crown Law Office

Statement of Objectives and Forecast Service Performance for the year ending 30 June 2005

The Crown Law Office has committed to provide output classes in 2004/05, which meet the requirements of its Vote Minister and various purchasers in terms of their nature, timeliness, quality and quantity specifications, and cost.

Summary of Departmental Output Classes

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

Departmental Output Class	Description	Revenue: Crown \$000	Revenue: Other \$000	Total Expenses \$000	Surplus/ (deficit) \$000
Vote:					
Attorney- General					
Legal Advice and Representation	The provision of legal advice and representation services to central government departments and Crown agencies.	-	16,174	16,174	-
Supervision and Conduct of Crown Prosecutions	Provision of a national Crown prosecution service which conducts and administers criminal trials on indictable offences and appeals arising out of summary prosecutions.	26,567	-	26,567	-
Conduct of Criminal Appeals	Conduct of appeals arising from criminal trials on indictment and from Crown appeals against sentence.	1,492	-	1,492	-
The Exercise of Principal Law Officer Functions	The provision of legal and administrative services to the Attorney-General and Solicitor- General to assist them in the exercise of their Principal Law Officer functions.	1,311	-	1,311	-

Crown Law Office

Statement of Objectives and Forecast Service Performance for the year ending 30 June 2005

Output Class - 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 role to discharge the responsibilities of the Attorney-General and Solicitor-General to act in the public interest.

Service Performance:

<i>Measures</i>	<i>Standards</i>
Quantity	
Number of new instructions for legal advice.	500 – 550
Average number of requests for legal advice in progress during the year.	800 – 850
Number of new instructions in respect of litigation matters.	600 – 650
Average number of litigation matters in progress during the year.	2,050 – 2,150

Crown Law Office

Statement of Objectives and Forecast Service Performance for the year ending 30 June 2005

Output Class - Legal Advice and Representation - continued

Service Performance:

<i>Measures</i>	<i>Standards</i>
Quality and Timeliness	
Legal advice, including opinions, and representation services will be provided in accordance with the Office'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.
Questionnaires seeking feedback on performance will be issued to clients in respect of specific matters chosen at random. The questionnaire will request a response to a range of key service level criteria relevant to the matter selected including the response to instructions, the timely status reporting and completion of the matter, and the quality and cost effectiveness of advice and/or case management.	Questionnaires issued: 40 – 80 Overall satisfaction rating: 80% - 90%
Cost	
The output class is produced within budget.	\$16.174 million (GST exclusive)

Summary of Revenue and Cost:

Year	Appropriation GST incl. \$000	Cost GST excl. \$000	Total Revenue GST excl. \$000	Revenue Crown GST excl. \$000	Revenue Other GST excl. \$000
2004/05	18,195	16,174	16,174	-	16,174
2003/04	16,716	14,859	14,859	-	14,859

Crown Law Office

Statement of Objectives and Forecast Service Performance for the year ending 30 June 2005

Output Class - 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

Output: Crown Prosecution Services

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

Crown Law Office

Statement of Objectives and Forecast Service Performance for the year ending 30 June 2005

Output Class - Supervision and Conduct of Crown Prosecutions - continued

Output: Crown Prosecution Services

Service Performance:

<i>Measures</i>	<i>Standards</i>
Quantity	
Number of trials for indictable crime held in the:	
- District Court	1,200 – 1,300
- High Court.	140 – 180
Number of trials for indictable crime, where the complexity of the case requires a significant amount of preparation and court appearance time, held in the:	
- District Court	140 – 180
- High Court.	100 – 120
Number of other criminal matters conducted by the Crown Solicitors, comprising:	
- Bail Applications and Appeals	1,200 – 1,300
- Guilty Pleas 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.

Crown Law Office

Statement of Objectives and Forecast Service Performance for the year ending 30 June 2005

Output Class - 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.

Service Performance:

<i>Measures</i>	<i>Standards</i>
Quantity	
Number of Crown Solicitors practices to be reviewed.	2 – 4 reviews will be completed during the year.
Number of new applications from Crown Solicitors for special fees, classification of counsel and approval of additional counsel.	300 – 350
Quality and Timeliness	
Applications by Crown Solicitors for special fees, classification of counsel and approval of additional counsel will be considered in accordance with the Crown Solicitors Regulations 1994 and the Office'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 the Office's protocols, which support the application of the regulations, will be assessed at the time the application is considered. Feedback on the applications will be formally communicated to Crown Solicitors as appropriate.

Crown Law Office

Statement of Objectives and Forecast Service Performance for the year ending 30 June 2005

Output Class - Supervision and Conduct of Crown Prosecutions - continued

Output: Supervision of Crown Solicitor Network

Service Performance:

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 the Office to support the application of the above Regulations.

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

- case processing efficiency and effectiveness using a questionnaire and interview approach with the judiciary, clients and profession
- practice management case allocation, "good employer" responsibilities, financial reporting on cases, and compliance with the Regulations and the supporting protocols.

A report is to be prepared for the Solicitor-General by each Review Panel containing documentary evidence of the review process including the use of checklists and questionnaires with assessments and conclusions.

Crown Law Office

Statement of Objectives and Forecast Service Performance for the year ending 30 June 2005

Output Class - Supervision and Conduct of Crown Prosecutions - continued

Output: **Criminal Law Advice and Services**

Description: Criminal Law Advice and Services includes the provision of 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.

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.	380 – 420
Average number of requests for legal advice or determination of applications in relation to criminal law in progress during the year.	400 – 440
Number of new ministerials and parliamentary questions received.	35 – 50
Quality and Timeliness	
Legal advice, including opinions, and representation services will be provided in accordance with the Office's Professional Standards: Crown Law Advice and Conduct of Litigation, respectively.	Conformity with the guidelines set down in the standards as determined by the quality assurance review processes that have been developed to support the application of the standards.
Ministerial correspondence and parliamentary questions will be responded to within appropriate time frames.	Replies to ministerial correspondence will be completed within 20 working days of receipt in 90% of cases. All responses to parliamentary questions will be provided within required deadlines.

Crown Law Office

Statement of Objectives and Forecast Service Performance for the year ending 30 June 2005

Output Class - Supervision and Conduct of Crown Prosecutions - continued

Output: Criminal Law Advice and Services

Service Performance:

Measures

Standards

Cost

The output class is produced within budget. \$26.567 million (GST exclusive)

Summary of Revenue and Cost:

Year	Appropriation GST incl. \$000	Cost GST excl. \$000	Total Revenue GST excl. \$000	Revenue Crown GST excl. \$000	Revenue Other GST excl. \$000
2004/05	29,888	26,567	26,567	26,567	-
2003/04	29,506	26,228	26,228	26,228	-

Crown Law Office

Statement of Objectives and Forecast Service Performance for the year ending 30 June 2005

Output Class - Conduct of Criminal Appeals

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

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

Service Performance:

<i>Measures</i>	<i>Standards</i>
Quantity	
Number of appeals disposed of by the Court of Appeal / Supreme Court arising out of criminal trials on indictment, brought by:	
- the Crown	20 – 30
- offenders.	440 – 470
Decisions made to requests for the Solicitor-General to take Crown appeals in relation to:	
- sentence	40 – 50
- case stated or other appeals.	25 – 30
Quality and Timeliness	
Success rate for 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 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.

Crown Law Office

Statement of Objectives and Forecast Service Performance for the year ending 30 June 2005

Output Class - Conduct of Criminal Appeals - continued

Service Performance:

Measures

Standards

Quality and Timeliness (continued)

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

\$1.492 million (GST exclusive)

Summary of Revenue and Cost:

Year	Appropriation GST incl. \$000	Cost GST excl. \$000	Total Revenue GST excl. \$000	Revenue Crown GST excl. \$000	Revenue Other GST excl. \$000
2004/05	1,679	1,492	1,492	1,492	-
2003/04	1,885	1,676	1,676	1,676	-

Crown Law Office

Statement of Objectives and Forecast Service Performance for the year ending 30 June 2005

Output Class - 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 includes the review of legislation for compliance with the Bill of Rights Act 1990, and advice on the appointment processes for judges and Queen's Counsel.

Service Performance:

<i>Measures</i>	<i>Standards</i>
Quantity	
Number of new applications or requests for advice received for action on behalf of the Attorney-General and Solicitor-General.	120 – 140
Average number of applications or requests for legal advice in progress during the year.	300 – 320
Number of new ministerials and parliamentary questions received.	240 – 260
Quality and Timeliness	
Legal advice, including opinions, and representation services will be provided in accordance with the Office's Professional Standards: Crown Law Advice and Conduct of Litigation, respectively.	<p>Conformity with the guidelines set down in the standards as determined by the quality assurance review processes that have been developed to support the application of the standards.</p> <p>Quality, timeliness and effectiveness of services assessed in accordance with the standards agreed with the Attorney-General.</p>

Crown Law Office

Statement of Objectives and Forecast Service Performance for the year ending 30 June 2005

Output Class - The Exercise of Principal Law Officer Functions - continued

Service Performance:

<i>Measures</i>	<i>Standards</i>
Quality and Timeliness - continued	
Questionnaires seeking feedback on performance will be issued to clients in respect of specific matters chosen at random. The questionnaire will request a response to a range of key service level criteria relevant to the matter selected including the response to instructions, the timely status reporting and completion of the matter, and the quality and cost effectiveness of advice and/or case management.	Questionnaires issued: 5 – 15 Overall satisfaction rating: 80% – 90%
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	\$1.311 million (GST exclusive)

Summary of Revenue and Cost:

Year	Appropriation GST incl. \$000	Cost GST excl. \$000	Total Revenue GST excl. \$000	Revenue Crown GST excl. \$000	Revenue Other GST excl. \$000
2004/05	1,475	1,311	1,311	1,311	-
2003/04	1,392	1,237	1,237	1,237	-

Crown Law Office

Organisation Information

Governance Structure

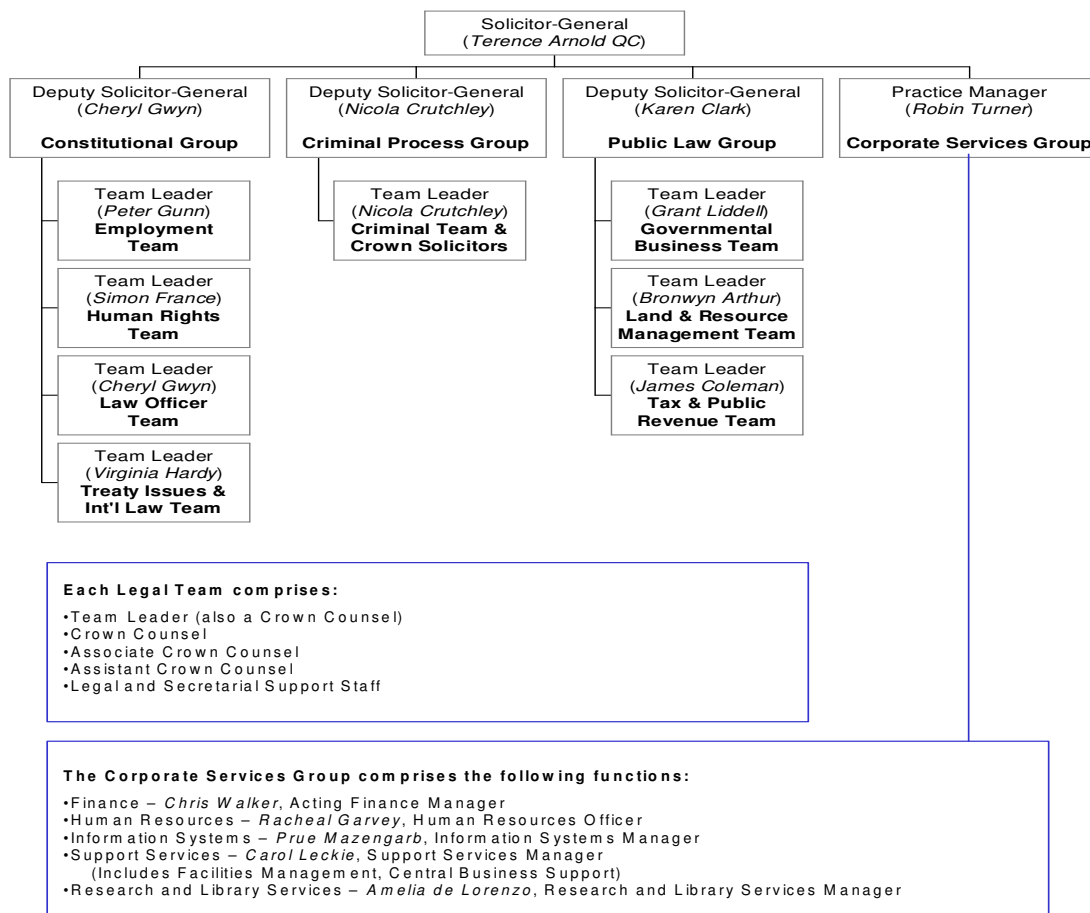
The Crown Law Office is a government department whose primary function is to support the two Law Officers of the Crown: the Attorney-General and the Solicitor-General, in the performance of their statutory duties and functions.

The Attorney-General, who concurrently holds offices as a Minister of the Crown with political responsibilities and as the senior Law Officer of the Crown, has principal responsibility for the government's administration of the law.

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

Organisation Structure

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



Crown Law Office

Legislative Responsibilities

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

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

Crown Solicitor Network

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

There are sixteen private law practitioners holding warrants as Crown Solicitors. Together with their partners and staff solicitors from the practice and the local prosecution panels, the Crown Solicitors undertake prosecution work in those centres where District Court and High Court jury trials are conducted. The Crown Solicitor warrants covers the following regions:

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

Office Accommodation

The Office is currently located in St Paul's Square, Thorndon and occupies three floors plus a mezzanine floor of office accommodation. From the beginning of the 2004/05 year, the Office is relocating to Unisys House, 56 The Terrace and will occupy four floors of office accommodation. This move enables the Office to effectively accommodate the growth in staff numbers made in response to the increased demand for legal advice and representation services.

The lease for the current premises, which expires on 31 December 2004, has been reassigned for the balance of the lease term.

Crown Law Office

Directory

Street Address

Address to 30 June 2004:

Level 12
St Paul's Square
45 Pipitea Street
Wellington

Address from 1 July 2004:

Level 10
Unisys House
56 The Terrace
Wellington

Postal Address

Address to 30 June 2004:

DX SP20208

or

PO Box 5012
Wellington

Address from 1 July 2004:

DX SP20208

or

PO Box 2858
Wellington

Other Contact Details (Remain the same after the shift)

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 the office)

hr@crownlaw.govt.nz (for information about employment opportunities)

Website:

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

Auditor

Audit New Zealand

Wellington

(on behalf of the Controller and Auditor-General)

Bankers

Westpac Banking Corporation

Wellington