

Statement of Intent

Crown Law

May 2008

Foreword: Attorney-General

As the Crown's legal advisor and representative Crown Law has a critical role to play in the Government's key themes of Economic Transformation, Families – Young and Old and National Identity. By providing high quality legal services Crown Law contributes to these themes across government.

This Statement of Intent sets out the outcomes where Crown Law will make a difference to the Justice sector and to all of government. It indicates how Crown Law's work will contribute to the desired outcomes, and the strategic goals that will enhance the services Crown Law offers.

As the Responsible Minister, I am satisfied the Statement of Intent is consistent with the policies and performance expectations of the Government.

For the year ahead, I will continue to look to Crown Law for high quality legal services and support to me in my role as the Attorney-General.

A handwritten signature in black ink, appearing to read 'M. Cullen', with a long horizontal flourish extending to the right.

Hon Dr Michael Cullen

Attorney-General

Introduction from the Solicitor-General

Crown Law is a government department, which operates as a legal practice within government. It provides legal advice to the Government and representation in the courts. Crown Law also gives advice to the Attorney-General and to the Solicitor-General in the exercise of their various statutory and other functions in the public interest.

Crown Law employs 93 counsel and 98 corporate and support staff. Each year we receive more than 500 new instructions for advice and over 700 new instructions in respect of litigation. The Crown Solicitors handle more than 2,000 trials for indictable crime and 4,500 other criminal matters including bail applications and appeals relating to summary prosecutions. Crown Law manages more than 500 criminal appeals each year.¹

To enhance its services, last year Crown Law adopted two strategic goals for development over the medium term. These goals are:

- ensuring the highest possible quality legal services are provided to government; and
- ensuring Crown Law is the most engaging and responsive workplace for legal and support staff. This Statement of Intent outlines a number of initiatives planned to promote these goals.

In October 2007, Cabinet passed a directive (EXG Min(07) 7/1) that I should lead a review of government expenditure on legal services. This review is to consider ways to enhance the government's current approach to managing legal risk and assess the effectiveness of government's expenditure on legal services. A progress report will have been provided to cabinet by June 1.

In 2008/09 Counsel and other staff in Crown Law will continue to manage a challenging and interesting portfolio of legal work. Almost every day Crown Law receives instructions to provide advice and/or to represent the Government in circumstances which present unique and professionally rewarding challenges to those employed in Crown Law.

Crown Law also works with the Justice sector agencies to support the Government's priorities and sector outcomes. Crown Law will continue its involvement in various Justice sector projects and wider Government initiatives.



Dr. David Collins QC

Solicitor-General and Chief Executive

¹ Figures based on the 2006/2007 Annual Report.

Nature and Scope of Functions

As a member of the Justice Sector, Crown Law is committed in its support of the Justice sector outcomes and the achievement of the Government's priorities.

The work of Crown Law comprises legal advice to, and legal representation of, the Crown thus contributing to the effective and lawful functioning of New Zealand's Government. Crown Law also supports the Law Officers, the Attorney-General and the Solicitor-General.

Legal services are provided to the Crown and government departments by in-house legal advisors, private sector legal advisors and Crown Law. In-house legal advisors typically instruct Crown Law.

Crown Law operates much like a private sector legal practice and charges for many of its legal advice and representation services to departments, always seeking to provide efficient and effective service. Key to this is the quality of the working relationship established with departmental internal legal advisors, and the strength of the organisational links with relevant departmental operational and policy functions.

Legal Advice and Representation

The Crown is subject to the rule of law and has an obligation to ascertain what the law is, comply with it and enforce it. This means that when providing advice Crown Law has an overarching duty to the public interest.

Thus Crown Law's clients have two needs; namely high quality advice, which addresses the immediate legal problem, and advice that takes into account the Crown's overriding obligations and interests.

The Cabinet Directions for the Conduct of Crown Legal Business 1993 direct 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, 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.

To further promote these outcomes across government, Crown Law provides leadership for legal services within government. Crown Law convenes the Chief Legal Advisers' Forum and supports PS Law, an opinion database and workspace for government lawyers, by sitting on the steering committee and contributing opinions. Crown Law plans to expand these activities by adding to its regular newsletters on legal developments and by hosting further seminars.

Supporting the Law Officers

Crown Law also supports the Law Officers of the Crown, the Attorney-General and the Solicitor-General, by providing legal advice and assisting them in the performance of their statutory and constitutional functions. Specific activities include advice and representation to support the following functions:

- supervision of charities;
- representation of the public interest;
- vexatious litigant proceedings;
- extraditions; and
- the exercise of a variety of other powers, duties and authorities arising from statutory powers and constitutional conventions.

Crown Law makes key contributions to the criminal justice system and the Law Officers' responsibilities through the supervision and conduct of the Crown prosecution function. 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 provides a co-ordination role within the network to guide and share prosecution practice and knowledge. Crown Law also oversees the prosecution work of the Serious Fraud Office, and conducts criminal appeals heard by the Court of Appeal and the Supreme Court.

Strategic Direction

Operating Environment Government Priorities

The government has set three high level, long term priorities for the next decade on which the success of the social, economic, political and cultural activities of the nation will be built:

- Economic Transformation
- Families – Young and Old; and
- National Identity.

Justice Sector Contribution to Government Priorities

Over the past year, the Justice sector has continued the redevelopment of its outcomes framework as part of the sector planning approach that is linked to the achievement of these priorities.

The sector's overall outcome is a "Safe and Just Society" for New Zealand. For this outcome to be achieved, communities need to be safe and individuals need to feel secure and that they live in a society where civil and democratic rights and obligations can be enjoyed.

The Justice sector supports *Economic Transformation* by providing effective administration and infrastructure for civil courts and tribunals so that national and international business transactions can be conducted with security and confidence.

The Justice sector supports *Families – Young and Old* by protecting the safety and security of individuals and communities, and ensuring that people can enjoy their civil and political rights. Reducing crime is a key contributor to safe communities – and it is also important to hold offenders to account, and mitigate the impact of crime.

The Justice sector contributes to core elements of New Zealand's *National Identity* by providing services that support the maintenance of effective constitutional arrangements.

The sector's contribution to public confidence in the justice system enhances New Zealand's reputation as a good place to live and raise children. The Justice sector has also had an increased role in facilitating New Zealand international relations.

Crown Law's Contribution to Justice Sector Outcomes

The table below illustrates the Justice sector outcomes towards which Crown Law's outcomes, activities and outputs contribute.

Shared Justice Sector Outcome	Crown Law Impacts	Crown Law Activities and Indicators	Crown Law Output Class
Offenders Held to Account	Effective Crown Prosecution Service	<ul style="list-style-type: none"> • Provision of and compliance with Solicitor-General's Prosecution Guidelines • Effective management of the Crown Solicitor warrants • Prosecution of criminal trials on indictment well managed and timely • Ensuring appeals arising out of summary prosecutions are well managed and timely • Conducting appeals arising out of criminal trials on indictment and from Crown appeals in a well managed and timely fashion 	<p>Supervision and conduct of Crown prosecutions</p> <p>Conduct of criminal appeals</p>
Trusted Justice System	<p>Coherent and consistent legal services across government</p> <p>Law Officers are supported</p> <p>Effective Crown Prosecution Service</p> <p>High quality legal advice and representation services are provided</p>	<ul style="list-style-type: none"> • Crown is a model litigant • Adherence to court rules and ethical obligations • Provision of legal advice • Conducting litigation including criminal prosecution • Leadership of government legal services through Chief Legal Advisers' Forum 	<p>Legal advice and representation</p> <p>Conduct of criminal appeals</p> <p>Supervision and conduct of Crown prosecutions</p> <p>Principal Law Officer functions</p>
International Connectedness	The Crown and its agencies are supported in meeting their legal responsibilities	<ul style="list-style-type: none"> • Participation in Pacific and other international legal fora • Provision of advice on international legal issues affecting New Zealand 	<p>Principal Law Officer functions</p> <p>Legal advice and representation</p>
Durable Settlement of Treaty Claims	<p>Democratic government under law and in the public interest</p> <p>The Crown and its agencies are supported in meeting their legal responsibilities</p>	<ul style="list-style-type: none"> • Legal advice on settlements, including during negotiations • Representation in the Waitangi Tribunal and courts • Advice on policy proposals with implications for Treaty settlements 	Legal advice and representation
Effective Constitutional Arrangements	<p>Democratic government under law and in the public interest</p> <p>Executive Government is conducted lawfully</p> <p>The Crown and its agencies are supported in meeting their legal responsibilities</p> <p>Law Officers are supported</p>	<ul style="list-style-type: none"> • Advice to the Attorney-General and Solicitor-General on constitutional issues and Law Officer functions • Advice to government agencies on operational legal issues • Advice to government agencies on the legal and constitutional implications of policy proposals • Representation of government agencies in litigation • Conduct of criminal prosecutions 	<p>Principal Law Officer functions</p> <p>Legal advice and representation</p> <p>Conduct of criminal appeals</p> <p>Supervision and conduct of Crown prosecutions</p>

State Sector Goals

In developing and managing its strategy, Crown Law has recognised the strategic “whole of Government” context in which we operate, as defined by the six State Services Development Goals:

Goal 1: Employer of Choice

Ensure the State Services is an employer of choice attractive to high achievers with a commitment to service.

Crown Law has begun a number of initiatives to ensure it continues to be an attractive employment option for existing staff and prospective employees. These initiatives include delivering leadership and managerial training and development, reviewing the approach to professional development and ensuring that the way Crown Law rewards staff reflects both their contribution and the employment market. Crown Law will also review its approach to ensuring staff maintain an appropriate balance between work and home life.

Goal 2: Excellent State Servants

Develop a strong culture of constant learning in the pursuit of excellence.

Professional development and translating this into valued results for clients is an ongoing priority. Crown Law is committed to improving access to professional development. The current focus is on developing an appropriate learning framework through which Crown Law can deliver a range of learning opportunities for staff including exchanges and secondments.

Goal 3: Networked State Services

Use technology to transform the provision of services for New Zealanders.

Crown Law supports PS Law, a secure Internet workspace on the Public Sector Intranet that is designed to assist lawyers in the public sector. Through PS Law, public sector lawyers can share their legal advice and intellectual property. Crown Law sits on the steering group for the workspace and also posts legal opinions that have relevance and interest to a wide public sector audience.

Goal 4: Co-ordinated State Agencies

Ensure the total contribution of government agencies is greater than the sum of its parts.

Crown Law leads the Chief Legal Advisers’ Forum, contributing to the quality of legal advice available to government. Initiatives are planned for the year ahead to build on these leadership functions.

Crown Law also collaborates with agencies involved in policy development by providing legal advice when requested. In addition, the Solicitor-General is a member of the Legislation Design Committee.

Crown Law participates fully in Justice sector processes that will progressively improve planning and management and the quality of services offered to the public by Justice sector agencies. e.g. the Pipeline project.

Goal 5: Accessible State Services

Enhance access, responsiveness and effectiveness, and improve New Zealanders' experience of State Services.

Crown Law provides legal services across government and contributes indirectly to this goal. Crown Law's approach to the conduct of litigation and management of functions such as the Attorney-General's role as protector of charities also contributes directly to this goal.

Goal 6: Trusted State Services

Strengthen trust in the State Services, and reinforce the spirit of service.

Crown Law provides advice to government agencies, which assists them to meet their legal responsibilities and effectively carry out their functions.

Crown Law's activities will have an impact on the lawful conduct of Executive Government and the ability of government to lawfully implement its chosen policies. Ultimately, Crown Law contributes to New Zealand's system of democratic government under law and in the public interest.

Strategic Direction

The role of Crown Law is to provide legal services to the Crown, which will ensure that the Crown's legal interests are protected, its responsibilities are lawfully carried out and to manage legal risk arising from the operations of government agencies and policy development.

Consistent with Crown Law's overall obligation to support New Zealand's system of democratic government, under law and in the public interest, the key strategies that will enable Crown Law's medium term goals are to

- support the Law Officers, the Attorney-General and Solicitor-General, in their work in a way that enables them to meet their obligations to make decisions independently and objectively in the public interest;
- demonstrate a proper understanding of the roles of each of the branches of government;
- take a "whole of government" perspective in carrying out our primary functions;
- 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;
- conduct itself consistently with the expectation of the Crown as a model litigant; and

- to create a work environment which stimulates and challenges all who work in Crown Law to meet the highest standards of public service, while recognising the need for a balanced and well-rounded personal life.

To enhance its services, the following two strategic goals have been adopted for development over the medium term;

- ensuring the highest possible quality legal services are provided to government; and
- ensuring Crown Law is the most engaging and responsive workplace for legal and support staff. This Statement of Intent outlines a number of initiatives planned to promote these goals.

Crown Law will comply with the Cabinet Committee directive EXG Min (07) 7/1 for the review of Government Expenditure on Legal Services.

Operating Intentions

Crown Law's Appropriations

To achieve these objectives, Vote Attorney-General provides for the purchase of four appropriations:

- The conduct of appeals from criminal trials on indictment and from Crown appeals against sentence
- Legal advice and representation services to the Crown via central government departments
- A national Crown prosecution service that undertakes criminal trials on indictment and related appeals
- Legal and administrative services for the Attorney-General and Solicitor-General to assist them in the exercise of their statutory functions and responsibilities.

Objective: Conduct of Criminal Appeals

What are we seeking to achieve?

Crown Law will conduct 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 and conviction to the Court of Appeal and Supreme Court.

By appropriately conducting criminal appeals Crown Law contributes to the Justice sector outcome of safer communities that requires that offenders be held to account. By its conduct in criminal appeals Crown Law also contributes to the outcome of a trusted Justice system in which civil and democratic rights and obligations are enjoyed.

What will we do to achieve this?

Make well-informed decisions within the statutory deadlines and conduct the appeals to the best of our ability in compliance with the court procedures and the requirements of the judiciary.

How will we demonstrate success in achieving this?

Success will be demonstrated if;

- The hearing of appeals against sentence and conviction is undertaken in accordance with the schedule of sitting days that are agreed by the court one month in advance, and the Crown seeks no requests for adjournment.
- Decisions to appeal by the Crown are taken in accordance with the statutory deadlines. Written submissions are filed within the timeframe stipulated in the relevant rules of the Court of Appeal and Supreme Court.
- Compliance rates of 100% are achieved with court procedures and requirements of the judiciary as specified in the Court of Appeal/ Supreme Court Practice Rules and Practice Notes.

Objective: Legal Advice and Representation

What are we seeking to achieve?

This objective comprises the effective provision of legal advice and representation services to the Crown, with special emphasis on matters of public and administrative law, including Treaty of Waitangi and revenue issues.

Through the delivery of efficient legal advice and representation, Crown Law will contribute to the outcomes of its clients and the wider public sector by protecting the Crown's legal interests and supporting the responsibilities of the Crown, so that the Government is able to lawfully implement its chosen policies and Executive Government is conducted lawfully. This, in turn, will contribute to the outcome of democratic government under law and in the public interest.

What will we do to achieve this?

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.

Crown Law will meet the Crown's obligation to be a model litigant thereby contributing to the Justice sector outcome of a trusted justice system by upholding public interest factors in the application of the law, including timely process and fair results.

How will we demonstrate success in achieving this?

The manner in which Crown Law delivers its Legal advice, including opinions, and representation services will be provided in accordance with Crown Law's Professional Standards

- Crown Law Advice
- Conduct of Litigation and the
- Quality assurance review process, which is used to support the application of the standards and will determine conformity with the guidelines.

Clients will express satisfaction with the relationships and processes delivered for them, through feedback processes and surveys.

Objective: Supervision and Conduct of Crown Prosecutions

What are we seeking to achieve?

This objective involves the provision of a national Crown prosecution service which undertakes criminal trials on indictment and appeals to the High Court, the supervision of the network of Crown Solicitors who deliver the prosecution service, conduct of extradition, and the provision of advice on criminal law matters to other government departments, Crown entities 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 Service
- Supervision of Crown Solicitor Network
- Criminal Law Advice and Services

Crown Law is responsible for prosecuting indictable crime throughout New Zealand, and contributes to effective Crown prosecution services and the justice sector outcome of safer communities that requires that offenders be held to account. By its conduct of Crown prosecutions Crown Law also contributes to the outcome of a trusted justice system in which civil and democratic rights and obligations are enjoyed.

Crown Prosecution Service What will we do to achieve this?

We will maintain the national Crown Prosecution Service, which 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.

Each Crown Solicitor practice will be reviewed on a cyclical basis to determine conformity to guidelines and various agreed case management practices.

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.

How will we demonstrate success in achieving this?

Prosecution services will have been provided in accordance with the prosecution guidelines and case management practices developed by the Solicitor-General and judiciary. Review of selected Crown Solicitors practices will show conformity to guidelines and various case management practice.

The success of prosecution services provided by Crown Solicitors will be determined by compliance review against a range of quality standards that 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; and
- compliance with the protocols and financial guidelines developed by Crown Law to support the application of the Regulations.

Supervision of Crown Solicitor Network What will we do to achieve this?

Crown Law will supervise the Crown Solicitor network including 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 undertake a performance review of each Crown Solicitor practice on a cyclical basis.

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.

How will we demonstrate success in achieving this?

The reviews of the performance of Crown Solicitors will assess compliance with the Crown Solicitor Regulations 1994, and various agreed case management practices. The review panel will comprise senior representatives from Crown Law and an independent advisor.

The panel will address two main areas:

- case processing efficiency using a questionnaire and interview approach with the judiciary, clients and profession; and
- 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.

Criminal Law Advice and Services

What will we do to achieve this?

Crown Law will provide advice in relation to criminal law and undertake 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.

How will we demonstrate success in achieving this?

Legal advice, including opinions and representation services will conform with the guidelines set down in Crown Law's Professional Standards as determined by the quality assurance review processes that have been developed to support the application of the standards.

Replies to ministerial correspondence will have been completed within 20 working days of receipt in 90% of cases.

All responses to parliamentary questions will have been provided within the required deadlines.

Objective: The Exercise of Principal Law Officer Functions

This output class covers the provision of legal advice and representation services 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 relating to or for the judiciary and the conduct of contempt proceedings.

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 Senior Counsel and the organisation of litigation skills courses for Pacific Island countries and participation in Pacific Island Law Officer Network (PILON).

What will we do to achieve this?

- 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
- Crown Law will brief the Attorney-General in a timely and relevant way on significant legal matters affecting the Crown
- Ministerial correspondence and parliamentary questions will be responded to within appropriate timeframes

How will we demonstrate success in achieving this?

- 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
- A weekly report will be provided to the Attorney-General advising on significant legal matters involving the Crown
- 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

Managing in a Changeable Operating Environment (Risk Management)

The greatest risk to Crown Law is impediments to its ability to deliver to clients and achieve its objectives and outputs. Crown Law addresses risk on two levels – internal and external.

The Management Board maintains oversight of Crown Law's risk management strategies. A risk management schedule, identifying the major risks, likelihood of occurrence and impact and mitigation strategies, is maintained and regularly reviewed.

A Business Continuity Plan has been developed to provide guidance in the event of a business interruption, such as a business crisis, national health emergency, a single building emergency or an area-wide disaster that could affect Crown Law and the services it provides to clients.

Internal Risk

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

Having the right people doing the right things is fundamental to the quality of the legal advice and representation and services offered by Crown Law. The matching of 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.

Initiatives to attract, develop and retain staff are underway. These initiatives are included in Crown Law's goal to be the most engaging and responsive workplace for legal and support staff.

Knowledge is commonly regarded as a key organisational asset. Risk can occur through the loss of knowledge that is critical to the performance of an organisation and is often experienced through loss of staff, technological malfunction, ineffective systems and processes and a culture where sharing is not the norm. Crown Law is developing a comprehensive knowledge strategy to maximise capture, storage, dissemination and leverage of information and knowledge across the organisation. This strategy will focus on the leveraging of knowledge through people, systems and technology. Work will continue in 2008/09 to streamline the integration of records and to improve physical records management.

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.

High priority continues to be given to undertaking a comprehensive review of Crown Law's existing and future technology requirements.

External Risk

These are risks that might arise if:

- the Government is not able to achieve a public sector-wide understanding, or co-ordinate and manage the legal outcome of policy and operational activities;
- legislative changes directly impact on the costs associated with Crown Law's output expenses, e.g. preparation and trial time in Crown prosecutions, and have the potential to expand legal activity in response to certain issues, eg human rights, Treaty issues;
- additional criminal jury capable courts are made available at short notice and appropriation is not available to resource the courts;
- new legislation or judicial decisions are made during the year e.g. Judicial practice notes, which establish requirements for which Crown Law has insufficient appropriation; and,
- the Solicitor-General is consulted in his capacity as Law Officer with increased frequency to the point where chargeable work is replaced significantly by non chargeable work putting unsustainable pressure on the appropriation.

Crown Law monitors external risks in conjunction with departmental legal advisors and management and provides advice to the Attorney-General on developments. Crown Law's proposals under Goal 1 to enhance its services will improve the level of interaction with departmental legal advisors.

The position of Crown Counsel (Policy) ensures relationships are maintained with agencies responsible for policy development that has potential legislative implications.

Crown Law is partly funded by departments paying for services. As this work is demand-driven this funding arrangement presents a risk. It is the Solicitor-General's intention to review Crown Law's funding arrangements as soon as feasible in order to reduce the risk of under-funding and overspending appropriation.

Organisational Health and Capability

The components of Crown Law's overall capability are its people, information and knowledge, and its systems, support and communications processes. Crown Law 's aim is to maintain or enhance its level of performance by pursuing the following capability objectives:

Promoting Leadership

Promoting Crown Law's legal leadership role will contribute to improved standards of legal advice across government. Currently Crown Law contributes to PS Law, an opinion database and workspace for government lawyers, and leads the Chief Legal Advisers' Forum. In addition, Crown Law provides a regular newsletter on employment law. Two further initiatives are planned for 2008/09:

- the development of a newsletter to summarise key national legal issues, supplemented by a more detailed report summarising key court decisions, legislative developments and other major legal issues; and
- additional seminars for lawyers in government.

Ensuring Crown Law is the most engaging and responsive workplace for legal and support staff

To offer its clients quality legal advice Crown Law must continue to attract staff of the highest quality. Crown Law aims to ensure that all staff know they are truly valued and have opportunities to continue their career development. This goal is also consistent with the State Sector development goal of being an employer of choice and encouraging the development of excellent state servants.

Crown Law's focus in the next two years is on:

- continuing to build leadership and management capability through providing opportunities for Team Leader and senior manager development;
- being clear about performance expectations through the development of competency frameworks and options to reward outstanding performance;
- reviewing Crown Law's approach to the provision of professional development to ensure that the need for a challenging career in the public service is addressed and also that Crown Law is able to respond to the varying needs of clients as an authoritative, trusted, responsive and cost-effective provider of legal services; and
- developing a work environment that is open and receptive to different and more flexible ways of working and which supports a balance between work and home.

Investment in People

Crown Law employs 191 staff of whom 93 are lawyers specialised in the areas of public, administrative and criminal law and 98 provide specialist support services.

All of Crown Law's outcomes are reliant on the calibre and integrity of its staff. Crown Law's focus is on developing and maintaining a talented workforce and providing an environment that supports the ongoing

application of key skills and knowledge. One of Crown Law's strategic goals for the next three years, is focused on those objectives.

In addition to those objectives Crown Law has in place policies and practices to promote the well-being and effective contribution of all staff, as well as processes to increase staff participation in decisions affecting them. There are also programmes for professional development including external and internal seminars for counsel and support staff.

Effective Structures and Systems

Crown Law's systems and structures are intended to enhance service to clients, promote external accountability and support proper management and governance.

Structures

Crown Law's organisational structure continues to focus on the effective delivery of legal services to clients by division into Constitutional, Public Law and Criminal Process and Human Rights Groups.

Crown Law's group and team structure is a convenient mechanism to manage Crown Law and its resources. A client approaching Crown Law for advice must be sure that the right mix of counsel will provide expertise. Co-ordination throughout Crown Law provides the flexibility to respond to clients' needs.

The Management Board comprising the Solicitor-General, Deputy Solicitors-General and Practice Manager support the team structure. This group focuses on strategy, development, monitoring of supporting policies and practices and assurance of organisational outputs and outcomes.

The Management Board consults and works with the Team Leader Forum and corporate managers on the management of Crown Law. The Team Leader Forum also meets regularly to discuss matters arising from the Team Leaders' role with a view to fostering continued learning and development and collaboration.

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. There will be a renewed focus on enabling staff to more efficiently use existing technologies for managing and processing information.

Crown Law continues to review and enhance its information systems. The most significant recent change is the implementation of electronic litigation support technology, to support the efficient and effective management of litigation by assisting with processing of documents and the determination of strategies for cases.

Knowledge management has become a major focus for Crown Law. An organisational knowledge strategy has been developed and an extensive knowledge audit was completed in 2007. As a result, Crown Law has identified a comprehensive range of knowledge initiatives, focussing on people, systems and technology.

Crown Law is in the process of improving its Information Technology platform. A new back and storage solution is being progressively put in place and will be rolled out in 2008/09.

Equal Employment Opportunities

Crown Law is an equal opportunity employer.

Crown Law commenced work on the Pay and Employment Equity Review for women in the second half of the 2007/08 financial year, the results of which were not available at the time of writing this report. The Management Board is confident that there are no significant issues in this regard, but intends reviewing the results to ascertain what if any action should be taken over the ensuing years.

Cost Effectiveness of Crown Law's Activities

An expectation of all publicly funded activities is that they are delivered in as cost-effective manner – that is, that the desired results are achieved for the minimum cost and represents value for money. Two key indicators are therefore needed to measure cost-effectiveness:

- Was the desired result achieved?
- Could it have been achieved with less funding: or could more have been achieved with the same funding, if things had been done differently?

Was the desired result achieved?

The performance indicators for each of our key initiatives are means of establishing whether we have been effective. Each outcome has a high level indicator that are a tool for monitoring progress toward Crown Law's outcomes. Impact and initiative measures also inform Crown Law's understanding of the effectiveness of this work.

How economically was the desired result achieved?

Determining if the cost of delivery is minimised is more difficult to measure. There are few relevant indicators that show the cost of Crown Law's operations are kept to a minimum however, a perception survey conducted through the government departments by Team Factors in 2006 measured Crown Law against 12 of the major New Zealand firms. The results showed Crown Law as first in the value for money indicator and 11th in terms of expense. Indicators such as the number of trials and the cost of trials are not useful to measure, as Crown Law is required to be reactive and has no control over the number or complexity of these undertakings.

Crown Law is committed to cost effectiveness, but the level of investment in measuring its outputs has to be balanced against the value derived from gathering the information. It is necessary to be judicious in the selection of indicators for measurement. For the period covered Crown Law will continue to measure cost performance over time. This involves assessment of the cost per hour of client services, and is accompanied by some analysis of cost drivers.

Departmental Capital Intentions

The forecast capital expenditure for property, plant and equipment is for the routine replacement and upgrade of mainly desktop computers and other minor asset purchases

The Crown Law Financial Management Information System is reliant on obsolete and unsupported software. It is expected that a contract will be signed for the preferred solution during the 2007/08 financial year, should the contract not be signed by 30 June 2008, provision has been made in the 2008/09 forecast capital expenditure for the software purchase.

Category	Forecast Expenditure \$000			
	2008/09	2009/10	2010/11	2011/12
Computer Hardware	182	200	200	500
Furniture and Fittings	30	20	20	20
Leasehold improvements	100	-	-	-
Library	25	25	25	25
Office Equipment	60	20	20	20
Total Property Plant and Equipment	397	265	265	565
Computer software – Other	570	200	50	50
Total Intangible assets	570	200	50	50

Additional Information

As of December 2007, The Minister of Finance has not specified any additional reporting requirements.