

2021–2025

# **Tauākī Whakamaunga Atu**

## Statement of Intent





**Te Tari Ture  
o te Karauna**  
Crown Law

Presented to the House of Representatives pursuant to section 39 of the Public Finance Act 1989.

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# Ngā ihirangi

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# Kupu takamua a te Rōia Matua

## Attorney-General's foreword

Nōku te whiwhi nui ki te whakaatu i te Tauākī Whakamaunga Atu a te Tari Ture o te Karauna 2021–2025.

I puta ake i ngā taiopenga o nā noa nei nā te urutā KOWHEORI-19 me te hiahia i runga i te kāwanatanga ki te urupare wawe i tētahi taiao panoni-tere i mārāma te whakaahua mai o te hiranga o taku tūranga ā-ture hei Rōia Matua – arā, te Āpiha Ture matua o te Karauna, e whai takohanga ana kia kawea ngā mahi a te kāwanatanga i runga anō i tā te ture e kī ai. He mahi waiwai tā te Tari Ture o te Karauna ki te tautoko i a au kia tutuki ai aku takohanga.

He waiwai ngā tohutohu ā-ture pono, awenga hoki mā te kāwanatanga ki te tuku i ōna whakaarotau me te tautiaki i te tikanga o te ture. Ko tētahi āhuatanga o Te Tari Ture o te Karauna e hira haere ake ana, ko tana mahi ki te āwhina i a mātou hei kaiwhakatau take, kia mārāma, ā, kia whakahaere mātou i ngā pānga ā-ture o ētahi momo whiringa kaupapahere, ā, kia mahi i runga i te manawanui.

Kua arotakehia e Te Tari Ture o te Karauna tana aronga rautaki i te horapaki onāianeio o te whakararu nui i te ao, te panoni o te pūnaha whakawā taihara, te kukunetanga o te hononga ā-karauna me te Māori, ā, me te whai whakaaro ki ngā hiahia o te kāwanatanga me ngā tāngata o Aotearoa. E arotahi ana ēnei takune rautaki ki te urupare ki ngā wero o te āhua e taea ai e Te Tari Ture o te Karauna te tuku i tana mahi e tutuki ai ngā putanga e wawatatia ana mō Aotearoa. Ko ngā whakaarotau ā-whakahaere kua tautuhia e Te Tari Ture o te Karauna, ka hanga haere i te āhua o tana mahi ki te whakarite kei a ia te āheinga ki te whakatutuki i ngā hiahia o tēnei kāwanatanga, me ngā kāwanatanga anamata.

E tūmanako ana ki te mahi tahi me te Rōia Tianara me Te Tari Ture o te Karauna i a ia e hiki ana i ēnei mānuka, me te tautoko i te tukunga o te moemoeā o te kāwanatanga mō Aotearoa.

It gives me great pleasure to present Crown Law's Statement of Intent 2021-2025.

Recent events brought about by the COVID-19 pandemic and the need for government to respond rapidly in a fast-changing environment have clearly demonstrated the importance of my constitutional role as Attorney-General – the senior Law Officer of the Crown responsible for ensuring that government is conducted according to law. Crown Law plays a critical role in supporting me to meet my constitutional responsibilities.

Credible and influential legal advice is crucial for government to deliver on its priorities and safeguard the rule of law. An increasingly important aspect of Crown Law's role is in assisting us as decision makers to understand and manage the legal implications of various

policy options and act with confidence.

Crown Law has reviewed its strategic direction in the current context of major global disruption, criminal justice system reform, an evolving Māori Crown relationship and taking into account the needs of government and New Zealanders. These strategic intentions are focused on responding to challenges in how Crown Law can best deliver its role in a way that achieves the desired outcomes for New Zealand. The organisational priorities Crown Law has identified will progressively shape how it works to ensure it has the capability to meet the needs of current and future governments.

I look forward to working with the Solicitor-General and Crown Law as it tackles these challenges and supports delivery of Government's vision for New Zealand.

## Minister's statement of responsibility

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



**Hon David Parker**  
Rōia Matua o te Karauna  
Attorney-General

30 September 2021

# Kupu whakataki a Te Rōia Mātāmua o te Karauna Solicitor-General's introduction

E whakahīhi ana Te Tari Ture o te Karauna mōna i tuku tohutohu me ngā ratonga ā-ture ki ngā kāwanatanga i ngā wā o ōna āhuatanga whakahirahira i ngā hītori o Aotearoa. I te wā e panoni ana, e kukune ana te porihanga, ka haere tonu ngā mahi urutau e noho hāngai tonu ai, whaihua tonu ai ā mātou mahi.

I tēnei tau kua whakahouhia tā mātou Rautaki Tari Ture o te Karauna ki te whakaata i te taiao ratonga tūmatanui e panoni ana, me te whakauru i ngā mea i ako mātou i ā mātou e mahi rerekē ana i te wā e arotahi kaha ana mātou ki te hautūtanga ā-ture e tino whai hua ai te pūnaha kāwanatanga (otirā ka tino kitea i te wā o te urupare KOWHEORI-19). Mā roto i tēnei arotahi mārama ki te mahi matua a tētahi Āpiha Ture teina, te Rōia Tianara, ka whakarite mātou i ngā āheinga tika, ngā pūnaha me ngā rauemi hoki ki te whakarato i te tautoko ā-ture whaihua ki ngā kāwanatanga.

E mārama ana mātou ki tā mātou e arotahi ana: ko ngā aronga me ngā motika e hiahiatia ana ki te whakataurite i roto i ā mātou tohutohu, whakatau take hoki; o te āwhina i ngā kāwanatanga ki te mahi i tā rātou i whakatau ai; me te whakaara i ngā hapori ki te manawa o te tika. Kāore ā mātou putanga kaupapahere hei whāinga; ko tā mātou mahi e here ana i a mātou

kia mārama whaihua ki te horopaki me te taiao e kāwana ai ngā kāwanatanga, ki te tuku i ngā tirohanga pai rawa mō te ture, me ngā tohutohu hoki. E tino mārama ana mātou he aha ngā mea hei haumitanga mā mātou e tutuki pai ai tērā. Ko tā ēnei takune rautaki he whakarato i tētahi ahunga mauroa mō Te Tari Ture o te Karauna, ā, he kawenga tonutanga, he arotahitanga o te tuaoma e takahia nei a mātou i ngā tau e toru kua hipa, e anga atu ana ki te mahi hautūtanga ā-ture motuhake.

Ka taea tēnei hōkai wawata nui ki te anamata nā runga i ngā āhuatanga i tutuki i mua. E whakapakari haere ana mātou i ā mātou pūkenga hei rōpū whakahaere iti me ngā pānga pūnaha nunui, me tētahi whakahaere e ako haere ana, e hiahia ana kia angitu rawa.

Ehara te angitu me te tuku i ngā ratonga whaihua i te āhua o te mahi, engari ko te pēhea e tutuki ai taua mahi. E noho ana te tangata i te manawa pū o ngā mahi e mahia ana e mātou. E hanga ana mātou i tēnei wāhi mahi whakaurunga, e rongō ana te katoa i tōna uara, te wairua whakaute, ā, e taea ana e rātou te whakauru ki ngā mahi me te kore tauārai. E hiahia ana mātou kia whai kaha o mātou tāngata mā te whai wāhi o ā rātou pūkenga, tirohanga hoki, e angitu ai tātou katoa.

Crown Law is proud to have delivered advice and legal services to governments throughout some of the most significant moments in Aotearoa's history. As society changes and evolves, we continue to adapt to remain relevant and effective in our work.

This year, we have refreshed our Crown Law Strategy to reflect the changing public service environment and incorporate what we've learned from working differently through our deliberate focus on legal leadership that best benefits the government system (especially noticed during the COVID-19 response). Through this refined focus on the core function of the junior Law Officer, the Solicitor-General, we ensure we will have the right capability, systems and resources to provide meaningful legal support to governments.

We are clear about where we are focused – on the interests and rights we need to balance in our advice and decision making, on helping governments do what they decide to do, and putting communities at the centre of justice. We have no policy outcomes to pursue – our

role requires us to meaningfully understand the context and environment within which governments govern to provide the best insights about and advice on the law. We are also clear about what we need to invest in to do that well. These strategic intentions provide an enduring direction for Crown Law and are a continuation and focusing of the journey that we have been on for the past three years towards a true legal leadership role.

We can take this ambitious step into the future because of what has come before. We are building on our strengths as a small organisation with big system impact and a learning organisation that wants to be as good as it can.

Success and delivering valuable services is not just about what we do but how we do it. I place people firmly at the centre of getting our work done. We are building an inclusive workplace where everyone feels valued, respected and able to contribute without barriers. We want our people to be empowered to contribute their skills and perspectives, enabling us all to achieve in the best way.

## Chief Executive's statement of responsibility

In signing this statement, I acknowledge that I am responsible for the information on the strategic intentions for the Crown Law Office. This information has been prepared in accordance with sections 38 and 40 of the Public Finance Act 1989.



### Una Jagose QC

Rōia Mātāmua o te Karauna me te Tumu Whakarae  
Solicitor-General and Chief Executive

30 September 2021

# Ā mātou mahi

## Our role and functions

For almost 150 years, Crown Law has provided independent legal advice and representation to successive governments, giving New Zealanders trust and confidence that decisions made by government are lawful.

In New Zealand, everyone is subject to the rule of law. This means that laws apply equally to everyone, all of the time, and that includes the government too. It's our job to advise and support the government – ministers and departments – to act according to law as they carry out their work for the benefit of Aotearoa New Zealand. One of the ways Crown Law does this is through supporting the Attorney-General and Solicitor-General to carry out important parts of their unique roles in an independent and non-political way, guided by the law.

In addition to being a Member of Parliament and a minister, the Attorney-General's Law Officer function requires them to see that the government is conducted according to law. The Attorney-General is supported in this legal role by the Solicitor-General (the junior Law Officer and Chief Executive of Crown Law). Together, the Attorney-General and Solicitor-General are the principal legal advisors to government. Through supporting the Attorney-General and Solicitor-General to carry out their roles effectively, we help successive governments deliver their policies and programmes with respect for the law.

Day to day, we provide advice and legal opinions as well as represent the Crown in court proceedings. Our expertise covers a wide range of areas including te Tiriti o Waitangi/Treaty of Waitangi, the protection of revenue, criminal law, constitutional and human rights, and public law – that includes advising on government engagement with and responses to reviews and inquiries, coordinating legal work to support the government's COVID-19 response, advising those who independently administer elections and representing the Crown in the Waitangi Tribunal in relation to historical claims and contemporary issues.

While we have no general responsibility for policy formulation or legislation, our role includes representation on the Legislation Design and Advisory Committee.

We are responsible for assisting the Solicitor-General with the supervision and oversight of the Crown Solicitor network, public prosecutions and the conduct of criminal appeals, giving confidence to ministers and New Zealanders that prosecutions are conducted fairly and in the public interest. All our work is carried out with the high standards



we expect of ourselves, our colleagues and partners.

Crown Law provides strategic leadership across the government legal system. This includes delivering advice that's relevant to many or all government departments on different topics and identifying legal risks facing the Crown. The Solicitor-General is the professional leader for more than 850 government lawyers who are part of the Government Legal Network. By providing resources and development opportunities for the network of in-house government lawyers, we are strengthening and growing the skills and expertise of the government legal sector.

Whatever their role, our people enjoy being part of an organisation that does interesting, meaningful and challenging work that has an impact on all New Zealanders.

We value being part of a collaborative and diverse New Zealand public service, working closely with colleagues across all agencies, and in particular the justice sector, as we collectively contribute to a better Aotearoa for everyone.

We are working hard with our colleagues across government to uphold the rule of law so that all New Zealanders can have confidence in government decisions and the criminal justice system – now and in the future.

# Tā mātou taiao whakahaere

## Our operating environment

The biggest change to our context for this Statement of Intent is the heightened expectation on the public sector in terms of responsiveness, support for the Māori Crown relationship, cross-government ways of working and focus on a system lens. These expectations are set out in the Public Service Act 2020 and reiterated through the public finance system reform – as seen for us through the Justice Cluster pilot for Budget 22. They drive us away from old, transactional ways of lawyering to new and collaborative ways of working.

The challenges to how we work and provide legal representation in various COVID-19 alert levels show how we must be ready to take a dynamic approach to support government in a rapidly changing environment. The operating model changes we implemented in recent years have meant that we were prepared to provide the quality legal response to a changing situation as it occurred, and our vision of cross-government coordination among legal teams was realised.

Supporting government to deliver its COVID-19 response will remain a focus as we continue to see implications on New Zealand and the world.

### The criminal justice system

There have been calls for reform of the criminal justice system over decades, particularly by Māori, who have experienced disproportionate harm in the justice system as both offenders and victims.

The Hāpaitia te Oranga Tangata Safe and Effective Justice programme opened fresh conversations about crime and justice, which have created space for change. Te Ao Mārama, being implemented for the District Court, focuses on the delivery of justice in modern-day Aotearoa New Zealand with a focus on restoration, rehabilitation and welcoming the strength of iwi and community into the court. Corrections' Hōkai Rangi strategy looks to address Māori over-representation in the system, including developing a kaupapa Māori-based pathway through the prison system and post release, and Police is implementing Te Pae Oranga – an iwi Māori-led restorative alternative to prosecution for lower-level offending – and the Reframe strategy to help reduce reoffending and improve outcomes for victims and offenders.

We recognise the need to stay abreast of these attitudinal and policy shifts and understand the implications on our various roles and how we can support implementation.

### Aligned justice sector

The justice sector is working to be more aligned and work collaboratively towards joint outcomes and priorities. A spending review is under way to understand how well the sector is meeting New Zealanders' needs, giving good value for money, and prepared to deliver into the future. To follow will be a three-year spending plan.

While this initiative will support stronger medium-term planning with more certainty on funding available to deliver wellbeing gains, it does mean we will need to adapt how we engage with the sector and central agencies.

## **Māori Crown relationship**

The Crown's relationships with Māori are evolving as an increasing number of hapū and iwi engage with the Crown in a post-settlement context. There is growing investment across government in fostering stronger relationships with Māori. The Public Service Act 2020 has,

for the first time, articulated the obligation on all public servants in supporting the Crown in its relationships with Māori under te Tiriti. Further, the law of Aotearoa New Zealand is increasingly reflecting tikanga as law.

To continue to provide independent legal advice to the Crown on its rights and obligations as Treaty partner, we need to be capable and ready to engage with Māori and understand the position of hapū and iwi.

All of these challenges have provided the background for our refreshed strategic intentions.

# Ngā whakaarotau kāwanatanga

## Government priorities

### Wellbeing approach

Government has committed to a well being approach to planning and investing in New Zealand and has clearly signalled that it wants to embed this approach across the public sector with a focus on broader measures of impact, consideration of long-term and intergenerational outcomes and a whole-of-government approach. It has recently introduced an ao Māori view of wellbeing through He Ara Waiora, which will extend into the public finance system. Over time, is intended to enable stronger evaluative thinking about the wellbeing impacts.

As a first step, we have demonstrated how our outcomes contribute to the five underpinning concepts of He Ara Waiora and have introduced measures of impact for our outcomes.

We have also included the Living Standards Framework *Civic engagement and governance* indicator ‘Trust in government institutions’ in our measures of impact, given its focus on how ‘good’ New Zealand’s governance is perceived to be and the procedural fairness of our society.

### Cross-government priorities

Government has adopted a set of priorities to drive cross-government work programmes:

- Continuing to keep New Zealanders safe from COVID-19.
- Accelerating the recovery and rebuild from the impacts of COVID-19.
- Laying the foundations for the future.

While Crown Law has a fundamental role in supporting government to deliver all of its policies lawfully, over the coming years, we have a specific focus on continuing to support the response to COVID-19 and in laying the foundations for the future including tackling climate change, creating a fairer New Zealand and strengthening the Māori Crown relationship.

### Justice sector outcomes

Crown Law is one of the six core justice sector agencies that are collaborating to support justice system performance and maintain public trust in it. Justice sector agencies are building

a plan and capability for working together focused on strengthening the Māori Crown relationship, reforming the criminal justice system, improving system performance and harnessing COVID-19 ways of working.

The Justice Sector Leadership Board has worked with ministers to agree a set of joint priorities for justice sector agencies:

- Improving outcomes for victims.
- Better access to justice.
- Addressing issues with remand.
- Better-enabled organisations and workforce.

# Ō mātou takune rautaki

## Our strategic intentions

Te Tari Ture o te Karauna Crown Law’s vision is to build a better Aotearoa through responsible, lawful government.

### We are legal leaders

- **Ngā kaitiaki o te ture** – legal experts.
- **Kaitiaki whakatau i te ture** – kaitiaki of the rule of law.
- **Nga kaihautū** – system leaders.

Legal leadership is more than responding to questions about the letter of the law. It is about taking a more strategic approach to help governments get ahead of legal implications, working more collaboratively with colleagues across the system and providing strategic insights to the system. It’s about being out in front, connected, proactive and enabling. All we do is in support of governments to deliver their intended programmes of work.

Over the past three years, we have been moving towards a more strategic approach to

and oversight of government legal work. This evolution has included some structural change, but primarily it is based on embedding an outcomes-focused approach to our work.

This section outlines our strategic intentions over the next four years. It is underpinned by our Crown Law Strategy and describes Crown Law’s contribution to supporting and improving the wellbeing of New Zealanders.

It is focused around the three outcomes at the heart of our strategic intentions:

- Democracy that serves all New Zealanders.
- Government decisions that inspire confidence.
- Justice that strengthens communities.



## Build a better Aotearoa through responsible, lawful government

### Who we are

*Ngā kaitiaki o te ture*

Legal experts

*Nga kaihautū*

System leaders

*Kaitiaki whakataua i te ture*

Kaitiaki of the Rule of Law

**Te Ao Māori**  
and **Te Tiriti** sit at the  
heart of everything we  
do at Crown Law

### How we work

We take **pride** in all we do

We **value** our **differences**

We **care** about each other

We **look after** the **mana**  
of other people

We **recognise** our  
**impact** on others

# 1

## OUTCOME ONE

# Democracy that serves all New Zealanders

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### The impacts we are working towards:

- New Zealanders are confident in our legal system and lawfulness of decisions.
- Governments protect and observe the rule of law.
- Our system of government is transparent and accountable.
- The Crown legal stance considers te ao Māori and enhances the Māori Crown relationship.
- New Zealanders consider engagement with government and its processes is worthwhile.

### Alignment with He Ara Waiora:

- **Tikanga** – making decisions in accordance with the right values and processes.
- **Tiakitanga** – guardianship, stewardship.
- **Whanaungatanga** – fostering strong relationships through kinship and/or shared experience that provide a shared sense of belonging.



## **We aim to increase confidence in our legal system**

At its core, the rule of law is a concept that all people – including the state and all its actors – are bound by and entitled to the benefit of laws that are openly made, applied prospectively, publicly accessible and subject to oversight by an independent judiciary. Effective rule of law underpins accountable government and respect for fundamental rights. Traditionally, the rule of law has been viewed as the domain of lawyers and judges, but everyday issues of safety, rights, justice and governance affect us all. Everyone is a stakeholder in the rule of law, and it is critical that citizens believe in the rule of law as a key element of our constitution so that successive governments are seen as legitimate.

This outcome relates to Crown Law speaking for the rule of law. It ranges from advising ministers on the meaning of the law and constitutional boundaries, defending the judicial system and legal process, ensuring that the Crown legal stance considers tikanga and te ao Māori and supports the Māori Crown relationship and leading and contributing to policy development and public debate, including supporting government to serve all New Zealanders by fairly balancing individual and community interest.

New Zealanders are entitled to expect that the government they elect will pursue their policy initiatives without undue impediment. However, governments have legitimacy not only because they are elected but also because they are subject to law and are held accountable for the lawfulness of their actions. We ensure the Crown's civil and criminal legal business is properly conducted and in accordance with values that reflect well upon the Crown.

This outcome of democracy that serves all New Zealanders includes a key component of intergenerational legitimacy – what is lawful today and what will be lawful tomorrow. It is our role to have an eye to the future and provide advice to government with that in mind – what will New Zealanders of the future want (and require)?

Judicial independence is a fundamental element of New Zealand's constitutional arrangements. Judges should be able to decide matters according to the law, free of any pressures. Appointments to most judicial positions are made by the Governor-General on the recommendation of the Attorney-General. We support this process of advising suitability of prospective candidates, assessed by legal ability, qualities of character, personal and technical skills, and reflection of society.

We also have a role to ensure the legal system – through Crown Law, the Crown Solicitor network, and the wider Government Legal Network – is inclusive and represents the diversity of New Zealand communities.

## What Crown Law will do to enable a democracy that serves all New Zealanders

- We will provide legal advice and other assistance to the Law Officers, including legal services involving questions of the lawfulness of the exercise of government power, constitutional questions in relation to te Tiriti and the New Zealand Bill of Rights Act 1990 and advice to government on the legal and constitutional implications of policy proposals.
- We will support the Māori Crown relationship through legal advice and representation around the exercise or scope of constitutional rights or duties of the Crown including in relation to te Tiriti and the Māori Crown relationship and the application of te Tiriti principles in administering legislation.
- We will continue to represent the Crown in the Waitangi Tribunal's remaining district inquiries and in a number of kaupapa inquiries (thematic inquiries that deal with nationally significant issues affecting Māori as a whole, such as the Mana Wāhine Inquiry and Housing Policy and Services Inquiry).
- Attention has also turned to other areas of the Māori Crown relationship such as post-settlement commitments, customary rights, litigation and social services delivery. We will support the continued development of the Māori Crown relationship as this work progresses. Some of the specific actions will include advice on particular Tiriti clauses in legislation, advice on a range of policy options that support the Tiriti partnership and working with the Parliamentary Counsel Office on dual-language advice in relation to Te Pire mō Te Reo Māori/Māori Language Bill.
- We will review the Cabinet Directions for the Conduct of Crown Legal Business. The Directions require the Solicitor-General, in consultation with ministers and government departments, to review the Directions and their operation every five years. These were last reviewed in 2016.
- We will continue to scrutinise COVID-19 legal instruments for rule of law compliance.
- We will support the Attorney-General in the relationship between the executive government and the judiciary, administer appointments of judges to the higher courts and administer appointments of Queen's Counsel.

## How we will know we’re succeeding

We will track progress towards this outcome through various key indicators, including the following:

Key performance indicator	Measures and source
Experience and perception of rule of law	<ul style="list-style-type: none"> <li>• Rule of Law Index</li> <li>• Due process of the law and rights of the accused element</li> <li>• Government powers are effectively limited by the judiciary element</li> </ul> <p><i>World Justice Project Rule of Law Index – New Zealand score/global rank</i></p>
Experience and perception of democracy	<ul style="list-style-type: none"> <li>• Civil rights element</li> <li>• Rule of law element – appointment of justices; judicial review; legal certainty</li> </ul> <p><i>Bertelsmann Sustainable Governance Indicators (Democracy) – New Zealand score/global rank</i></p>
Trust in government institutions	<ul style="list-style-type: none"> <li>• Level of trust in the public service</li> </ul> <p><i>Treasury Living Standards Framework</i></p>
Crown Law reputation	<ul style="list-style-type: none"> <li>• Public Sector Reputation Index</li> </ul> <p><i>Colmar Brunton Public Sector Reputation Index – Crown Law score</i></p>

## OUTCOME TWO

# 2

# Government decisions that inspire confidence

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### The impacts we are working towards:

- Governments are best placed to implement their policy choices lawfully.
- Government decision making is well evidenced and considers core constitutional values.
- Government decision making is future-focused, balancing risk and opportunity.
- Te ao Māori and Tiriti principles are reflected in government decision making.
- Government decisions are defensible and withstand scrutiny.
- Government lawyers are sought by decision makers as partners who add value.

### Alignment with He Ara Waiora:

- **Tikanga** – making decisions in accordance with the right values and processes.
- **Kotahitanga** – working in an aligned, coordinated way.

## **We aim to help governments implement their policy choices lawfully**

In order to do this well, it is critical that government decisions take all necessary considerations into account, are evidence-based and are lawfully and responsibly made with a process that is fair and uses consistent logic. Unlike other government agencies, we do not pursue particular policy or operational outcomes – we pursue the Crown’s commitment to the rule of law, and at times, we deliver advice that is unpopular. We cannot shy away from the tensions that emerge. We have to face them constructively with integrity and continue the principle of service to the Crown, to public service and to the rule of law.

This outcome focuses on continuously improving the quality of the services Crown Law provides, particularly in terms of advice that is provided at the right time and in the right way and is sought after by decision makers (not just because it is mandated by Cabinet).

Crown Law also has a role to ensure that we predict and influence the development of the law to help governments manage risk and make the most of opportunities and to support government decisions that will stand the test of time by considering future implications and impacts. The Solicitor-General and Crown Law are in a critical position to help shape the future of the law.

All lawyers in the Government Legal Network (GLN) are enablers of this outcome. As well as focusing on our own advice, we also aspire for government lawyers to be sought out by decision makers as partners who add real value. Achieving this outcome will mean successive governments are supported to implement their policy objectives lawfully, with better identification and management of risk and opportunity.

We have a responsibility to support the Crown as Tiriti partner. This requires us to help develop the capability of all government lawyers to be able to analyse and understand the place of tikanga and te ao Māori in the laws of Aotearoa. Improved capability in te reo Māori and tikanga will put government lawyers in the best position to continue to support governments as they implement their policy and operational options.

The increasing maturity of the GLN has seen a rise in collaboration between government lawyers, leading to better management of system-wide issues and enhanced capability building across the network. The new Public Service Act 2020 has a strong focus on system leadership, meaning this collaborative way of working is increasingly important and will remain a focus for us.

## What Crown Law will do to enable government decisions that inspire confidence

- We will complete and lead implementation of the Government Legal Services Strategy. This is the first strategy to look at the overall way in which legal services to the government are delivered, including by Crown Law and other departmental legal teams and through purchased services. The Strategy will identify how government's legal teams support successive governments across a range of portfolios through building and maintaining core Crown capabilities. It builds on the development of the GLN over the past decade. This Strategy sets out a clear purpose for government legal services, a statement of roles in providing the services and clear areas of focus for improvement and what success will look like. The Strategy focuses on smart use of legal system resource to assist all government lawyers to address the legal challenges New Zealand will face, deliver the transparent, fair and quality legal systems that New Zealanders rely on and ensure we are best placed to provide legal services that are responsive to the government's strategic priorities. A work programme will be developed and begun this financial year.
- We will gain understanding of the Crown's rights and obligations today and into the future relating to tikanga, which is part of our common law and increasingly of our statute law too. We must be ready to apply the principles and convention of our constitutional framework in all that we do – and undoubtedly that includes tikanga and te ao Māori. As part of this we advise agencies and ministers on the principles of te Tiriti in specific contexts and how they are interpreted and applied by the courts and the Waitangi Tribunal.
- We will continue engaging with departments to assist them in early identification and management of legal risk so that the Government is not impeded in the implementation of its chosen policies by legal challenge. This is done both through active engagement with the GLN and through improving and maintaining close working relationships with departmental lawyers. As part of this, we will continue to develop the Significant Crown Legal Risk Management Process. This will assist us to enhance our insight of legal risks across government (rather than agency by agency) to support a common understanding of the legal risks facing government.
- We will develop legal advice and guidance to address current and emerging legal issues and implications.
- We will continue to work across government to promote collaborative working and break down agency silos. Some of the key topical areas where we will be progressing this approach are COVID-19, Resource Management Act reform and climate change.

## How we will know we're succeeding

We will track progress towards this outcome through various key indicators, including the following:

Key performance indicator	Measures and source
Stakeholder satisfaction	<ul style="list-style-type: none"> <li>• Attorney-General satisfaction with the quality of advice and representation provided by Crown Law</li> <li>• Partner satisfaction with the quality of advice and representation provided by Crown Law</li> </ul> <p><i>Crown Law Satisfaction Survey</i></p>
Government Legal Network capability	<ul style="list-style-type: none"> <li>• Civil rights element</li> <li>• Rule of law element – appointment of justices; judicial review; legal certainty</li> </ul> <p><i>System Leadership Group and Crown Law Satisfaction Survey</i></p>

# 3

## OUTCOME THREE

# Justice that strengthens communities

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### The impacts we are working towards:

- Increased access to justice and civil redress.
- The justice system is solutions-focused.
- The justice system is open, transparent and impartial.
- Barriers to civil justice are removed.
- Victims are supported, have a voice and experience justice.
- Crown prosecutions and criminal appeals are high quality and progressed in the public interest.

### Alignment with He Ara Waiora:

- **Manaakitanga** – enhancing the mana of others through a process of showing proper care and respect.
- **Kotahitanga** – working in an aligned, coordinated way.
- **Tikanga** – making decisions in accordance with the right values and processes.



## **We aim to increase access to justice and civil redress**

The justice system is undergoing significant change, in both the criminal and civil spheres, towards a more solutions-focused approach.

Crown prosecutions are mainly conducted by Crown Solicitors – private practitioners appointed to prosecute under a warrant issued by the Governor-General. They conduct Crown prosecutions according to law guided by Prosecution Guidelines issued by the Solicitor-General. Other prosecutions are conducted by New Zealand Police and numerous other enforcement agencies that are responsible for enforcing a particular regulatory area. Ensuring that prosecutions are high quality and are progressed in the public interest is key to supporting system change. It is important that the Crown takes a socially responsible, holistic position on legal issues that takes the ‘whole of person’ into account and acts with a knowledge of community impacts.

Across the justice sector there is a move towards addressing the causes of offending and providing alternative pathways that prevent further harm. We can support that by ensuring that the Solicitor-General’s Prosecution Guidelines provide sufficient flexibility and clarity to allow for options that are in the public interest and ensuring that discretion in prosecution decisions continues to be applied in the best interest of the public.

We must also be conscious of and actively address institutional and cultural bias. We strive for a justice system that is open, transparent and impartial, consistent with te Tiriti and driven by strong relationships between Māori and the Crown.

For victims of crime, the criminal justice system is often ineffective and at times harmful. There is increased recognition that victims of crime and their families should not suffer further from their participation in the justice system. Crown Law, along with the rest of the justice sector, is working to make a shift focused on addressing victims’ needs, hearing their voices and providing the necessary support and information.

All citizens have a fundamental right to access an independent and impartial forum for resolving disputes. We are supportive of the work under way in the court to identify ways to improve access to civil justice, recognising that gaining more-timely resolutions and including only those procedural steps necessary to the issues at stake, will reduce the costs of litigation and therefore increase access to civil redress.

## What Crown Law will do to enable justice that strengthens communities

- We will revise the Solicitor-General's Prosecution Guidelines. The current version of the Guidelines was published in 2013, and in view of the changed environment that has evolved since then, a full review of the Prosecution Guidelines will be carried out to ensure they continue to be fit for purpose and align with the objectives of the criminal justice system in the context of the system reform under way. Phase One, including defining objectives, engagement options, outcomes and impact, will be a joint work programme connected to the Mana Ōrite partnership relationship between the Justice Sector Leadership Board and Ināia Tonu Nei.
- We will revise the Solicitor-General's Guidelines for Prosecuting Sexual Violence. This work focuses on the amendments arising out of the Sexual Violence Legislation Bill presently progressing through Parliament. A principal aim of the legislation is to reduce the retraumatisation victims of sexual violence may experience when they attend court and give evidence. The changes, if passed in their current form, will expand statutory presumptions around the giving of evidence (alternative ways or by video record), place limits on the admissibility of certain evidence (particularly related to complainants) and encourage judicial intervention in specific circumstances.
- We are actively considering what new topics would benefit from guidelines, and what areas may require revision or updating. We will engage with New Zealand Police, Crown Solicitors and government prosecuting agencies to draw on their experience with the operational side of the existing body of prosecution guidance and to generate insights, solicit views, identify needs and issues and receive user feedback.
- We will monitor the Crown Solicitor network to ensure it continues to be sustainably funded. This includes reviewing the Crown Solicitor funding model to ensure it is fit for purpose and sustainable for the next 3–5 years, given the current operating environment of significant criminal justice system reform and consistently increasing volumes and complexity of Crown prosecutions. This will be the first significant review of the bulk funding system since it was introduced in 2012/13 as a replacement for the previous invoice-based system.
- We will continue to develop the public prosecutions quality assurance framework and its underlying mechanisms for monitoring. This includes enhancing channels of communication and further developing expectations by which the Solicitor-General gives effect to her general oversight of all public prosecutions.
- We will continue to support the Māori Crown Prosecutors network, which includes the convening of a Māori Crown Prosecutors network hui as a standing component of the Crown Solicitors' Conference.
- We will ensure that the Crown Solicitor network reflects, so far as possible, the diversity in New Zealand's communities and is closely connected to its various local communities. This will allow prosecution practice to better reflect the long-term good of the community and to better respond to changes in the criminal justice system.

- We will respond to cases referred back to the appeal courts by the newly established Criminal Cases Appeal Commission and engage with systemic insights or themes that emerge from the Commission's work.
- We will participate in Justice Sector Leadership Board priorities for reforming the criminal justice system and in the officials' level working groups that scrutinise best practice for efficient and fair progress of prosecutions through the system. We will fully scope Crown Law's various roles in and contributions to cross-agency programmes focused on the justice system so that we can ensure we have the required capability and capacity to engage as and when required.

## How we will know we're succeeding

We will track progress towards this outcome through various key indicators, including the following:

Key performance indicator	Measures and source
Public perceptions of justice system	<ul style="list-style-type: none"> <li>• Confidence in the effectiveness of the criminal justice system as a whole</li> </ul> <p><i>Ministry of Justice New Zealand Crime and Victims Survey</i></p> <ul style="list-style-type: none"> <li>• Perception that criminal court processes are easy for the public to understand</li> <li>• Perception that criminal court processes treat victims with respect</li> </ul> <p><i>'Social wellbeing and perceptions of the criminal justice system' module<sup>1</sup></i></p>
Access to justice	<ul style="list-style-type: none"> <li>• People can access and afford civil justice element</li> <li>• Criminal system is impartial element</li> <li>• Criminal investigation system is effective element</li> </ul> <p><i>World Justice Project Rule of Law Index – New Zealand score/global rank</i></p>
Institutional trust	<ul style="list-style-type: none"> <li>• Level of trust in the courts (general population)</li> <li>• Level of trust in the courts by Māori</li> </ul> <p><i>Stats NZ General Social Survey</i></p>
Quality of prosecutions and appeals	<ul style="list-style-type: none"> <li>• Quality of public prosecutions</li> <li>• Quality of Crown prosecutions</li> </ul> <p><i>Crown Law Public Prosecutions Unit</i></p> <ul style="list-style-type: none"> <li>• Crown criminal appeals concluded in favour of the Crown</li> <li>• Defendant criminal appeals concluded in favour of the defendant</li> </ul> <p><i>Crown Law matter information</i></p>

<sup>1</sup> The Ministry of Justice New Zealand Crime and Victims Survey 'Social wellbeing and perceptions of the criminal justice system' module is carried out irregularly, possibly as infrequently as 5-yearly. We will work with the Ministry to identify if there is a more regular way to collate the data.

# Ka pēhea tā mātou tuku i ā mātou takune

## How we'll deliver on our intentions

The direction outlined in this Statement of Intent continues our progress from being 'just' the government's law firm to an agency supporting government to improve outcomes.

Over the past years, we have been shifting to a more strategic approach to government legal work. To deliver on these strategic intentions, we will invest in the following four priorities.

### **Cultural competency**

Te Tiriti o Waitangi is recognised as the foundation of a partnership between the Crown and Māori, and te ao Māori and tikanga Māori are increasingly influencing our conventions and law. We are focused on actively embracing te ao Māori and building the necessary capability to be better equipped to support the Crown in its partnership rights and obligations. We want to properly and meaningfully understand our 21st century obligations as a public service agency supporting the Crown.

Building the cultural competency of Crown Law is key to achieving our strategy by ensuring we have a workforce competent to enable identification and respectful engagement with

te ao Māori framing in all aspects of our work. Without this capability, we will not be fit to maintain our high reputation for independent advice to governments that supports them achieve their outcomes. Core to this is our strategy, He Rautaki Māori, and action plan. We are involving staff in plotting this path to the future.

### **Strategic leadership**

Beyond just understanding the risks for the Crown, we aim to be seen as a key source of strategic advice on emerging issues. This role requires us to lawyer differently.

While building on our capability to react and respond dynamically, we will also develop our capability and capacity focused on observation, analysis, insight and being at the right tables at the right time in order to provide strategic advice to government about emerging legal issues.

## System-wide impact

COVID-19 required a dynamic approach to legal advice in a rapidly changing environment, and during this time, our vision of cross-government coordination among legal teams was realised. We will build on these gains and leverage Crown Law's expertise and the strength of the Government Legal Network to enable better, more-efficient provision of legal advice and services across the Crown. We want to ensure Crown Law is investing effort in the right areas of system leadership to have the most impact in ensuring high-quality government legal services.

## Strategic capability

In order to successfully deliver on our role as legal leader within the public service, we need

to ensure Crown Law has all of the required capability, systems and processes. This means having the right people in the right job at the right time, turning data into insight for managerial decision making and ensuring we are sufficiently agile to work where and how we need to.

Key will be developing a workforce strategy that outlines the capability, capacity and culture required for Crown Law to meet its deliverables over the next four years and we will continue to prioritise systematisation in those areas that can best drive efficiency and progress towards our outcomes.

# Te raukaha me te kaha whakahaere

## Organisational capacity and capability

### Leadership and governance

Our Leadership Team includes the Solicitor-General (Chief Executive), three Deputy Solicitors-General and two Deputy Chief Executives. It is ultimately accountable for making sure Crown Law delivers the right services to government and that we're doing this properly and effectively. The Leadership Team ensures strategic direction is clear and that our collective efforts move us in that direction. To do this, focus is placed on strategic leadership and oversight, organisational performance and organisational health. The Leadership Team is supported in their role by the following.

#### **The Performance and Capability**

**Governance Committee** reviews Crown Law's operational management, focusing on ensuring we can perform and function effectively. This includes governance of strategic initiatives and of cross-functional work to enable organisational effectiveness (including security, information, people capability, finance, health and safety).

#### **The Professional Standards Governance**

**Group** reviews the professional performance of our legal services and takes responsibility for

strategic-level planning and identification of system issues.

#### **The Assurance and Risk Committee**

provides an independent perspective on Crown Law's strategic management. It identifies any obstacles or threats to the organisation's success at a strategic level and seeks to understand the strategic risks and opportunities facing Crown Law through an awareness of the current and future environment in which it operates.

**The GLN Governance Board** oversees the GLN and its activities. The Board may give direction to Crown Law's System Leadership Group, including commissioning work. The Board supports the Solicitor-General in her consideration of and response to legal risk matters.

### He Rautaki Māori

Crown Law has developed our He Rautaki Māori during 2021, which provides a holistic approach to ao Māori across all aspects of Crown Law's work. ***“Te ao Māori and te Tiriti sit at the heart of everything we do at Crown Law”.***

This strategy underpins our ability to deliver on our core role. It focuses us on ensuring that we are an organisation that adapts to a changing Aotearoa and actively strives to improve the way that we think, act and look. It has a focused set of actions around our knowledge and skills, environment, people and relationships over the next four years that will lead us to our vision.

## Diversity and inclusion

Crown Law's Leadership Team is committed to a diverse, inclusive, collaborative and engaged workforce. We recognise that, when people feel that they belong, we see higher employee engagement, retention of talent, improved staff wellbeing, improved performance and lower levels of unacceptable behaviour.

We recognise that Crown Law is not as ethnically diverse as other government agencies and the general population. We have established a working group to develop an Inclusion and Diversity Strategy in line with the public service Papa Pounamu work programme. The Strategy will set out a range of goals and targeted measures designed to deliver a more-diverse workforce and inclusive workplace.

Crown Law has good representation of women in all levels of the organisation. Despite this, a gender pay gap exists – primarily because most of our administrative staff are women. There is a more-even gender mix amongst our lawyers (particularly our more senior lawyers).

Role by role, there is almost no difference in the average pay of men and women. Crown Law employs more women than men (71% of Crown Law's staff are female), and 64% of our managers are female. Nonetheless, Crown Law has an active programme to tackle gender inequalities, including providing unconscious bias training to all managers and HR staff.

Our Gender Action Plan supports the goals of gender equality and greater inclusion of women. It has an overarching objective of helping us to remove barriers and create opportunities for women to advance their careers at Crown Law. Areas of focus include remuneration, flexible working, HR analytics, and diversity and inclusion. The Plan is under review and is likely to remain focused on analytics, monitoring relativities with the implementation of the new Remuneration Framework and undertaking work arising from the new ethnicity pay statistics.

Crown Law recently launched a refreshed flexible work policy as a default for all staff. We are committed to workplace flexibility so that we can be agile and fit for the future with talented staff who can meet the types of challenges we face.

In 2021/22, we will develop a Workforce Strategy for our organisation that articulates our people capability requirements, ideal workforce structure and detailed plans to support us to move to that future state.

## Ways of Working

Crown Law's Ways of Working are the values that guide our culture:

- We take **pride** in all we do.
- We value our **differences**.
- We look after the **mana** of other people.
- We recognise our **impact** on others.
- We **care** about each other.

We continue to embed our values. They encourage staff to understand the importance of not just what we do but how we do it, both internally and with our public sector colleagues.

## Health and safety

Crown Law has a strong commitment to the health and safety of staff (including contractors and other service providers) and making sure all staff feel safe and well. Health and safety is one of the strategic risks identified by Crown Law leadership. Our Health and Safety Panel is representative of the different roles and teams across Crown Law and meets quarterly to facilitate cooperation between Crown Law management and staff in instigating, developing and implementing measures, standards, rules and policies to ensure the health and safety for all Crown Law employees.

We have a programme of initiatives and actions to address our critical health and safety risks.

## Systems and processes

We are focused on ensuring that our staff have the systems and processes that they need to succeed. Over the next four years, we will:

- develop an Information Systems Strategic Plan and refresh our enterprise architecture
- continue to invest in information technology and communications

infrastructure that supports agility in our corporate functions and enables staff to work from anywhere

- implement a new financial management and legal practice management system that supports greater data analysis and business insight for decision making
- upgrade our payroll system and enhance reporting and analytics on our workforce.

## Capability performance indicators

- Employee demographics (gender, ethnicity).
- Cultural competency and bias training uptake.
- Gender pay gap.
- Gender equitable briefing (matters briefed to women) – by number and dollar value.
- Reported worksite accidents and lost-time injuries.







**Te Kāwanatanga  
o Aotearoa**  
New Zealand Government

[www.crownlaw.govt.nz](http://www.crownlaw.govt.nz)