



Premier & Cabinet

Type:

Premier's Memorandum

Identifier:

M2016-03

Status:

Active

M2016-03-Model Litigant Policy for Civil Litigation and Guiding Principles for Civil Claims for Child Abuse

Description

This Memorandum sets out the *Model Litigant Policy for Civil Litigation* (the **Model Litigant Policy**), which provides principles for maintaining proper standards in litigation and the provision of legal services in NSW. The Memorandum also incorporates the *NSW Guiding Principles for Government Agencies Responding to Civil Claims for Child Abuse* (the **Guiding Principles**).

Attachments

[Model Litigant Policy for Civil Litigation.pdf](#)

[NSW Government Guiding Principles for Government Agencies Responding to Civil Claims for Child Abuse.pdf](#)

Detailed Outline

The Model Litigant Policy applies to civil claims and civil litigation involving the State or its agencies. Compliance with the Model Litigant Policy is primarily the responsibility of the Head of each individual agency in consultation with the agency's principal legal officer. The Model Litigant Policy is founded upon the concepts of behaving ethically, fairly and honestly to model best practice in litigation.

The Model Litigant Policy is complemented by the Guiding Principles which apply to all Government agencies dealing with civil claims involving child abuse. The Guiding Principles seek to make litigation a less traumatic experience for victims and ensure a compassionate and consistent approach across NSW Government when dealing with civil claims for child abuse.

The Policy is not expressed to apply to State Owned Corporations. However, as the Policy provides a sound approach to the management of litigation and disputes, I urge share-holding Ministers and Boards of State Owned Corporations to agree to adopt the Policy by incorporating it into their Statements of Corporate Intent. This Memorandum should therefore be forwarded to all State Owned Corporations for their consideration.

For information and assistance contact Lida Kaban, General Counsel, Office of the General Counsel, Department of Justice on (02) 8346 1024 or by email at lida.kaban@justice.nsw.gov.au.

Overview

Who needs to know and/or comply with this?
Departments
Executive agencies related to Departments
Advisory Entities (including Boards and Committees)
Separate agencies
Statutory Authorities/Bodies
Subsidiaries of the NSW Government established under the Corporations Act

Compliance
Mandatory

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Phone	
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