



Solicitor for the Northern Territory
Model Litigant Policy

1. The Territory, its agencies and employees, and all lawyers acting for the Territory, must behave as a model litigant in handling all claims and litigation.
2. A model litigant will:-
 - a) act honestly, consistently and fairly;
 - b) deal with matters promptly;
 - c) avoid litigation where possible;
 - d) avoid unnecessary delay;
 - e) comply with Court orders/directions;
 - f) not seek to take advantage of an impecunious opponent;
 - g) keep the costs of litigation to a minimum;
 - h) admit facts it knows to be true;
 - i) not contest liability when appropriate;
 - j) not rely on technical defences where its interests are not prejudiced;
 - k) pay legitimate claims in accordance with legal principle and practice;
 - l) not pursue frivolous appeals (but will pursue appropriate appeals);
 - m) apologise if aware it has acted wrongfully or improperly;
 - n) appropriately test all claims;
 - o) not pay claims that are without merit, or where settlement is not in accordance with legal principle and practice;
 - p) claim privilege or public interest immunity where appropriate;
 - q) rely on the *Limitation Act*;
 - r) seek security for costs where appropriate;
 - s) oppose oppressive subpoenas / disclosure;
 - t) apply to strike out untenable claims; and
 - u) seek costs and pursue recovery of costs where appropriate.