

ATTORNEY GENERAL — MODEL LITIGANT GUIDELINES

1083. Hon Alison Xamon to the Leader of the House representing the Attorney General:

- (1) Will the Attorney General issue model litigant guidelines for legal practitioners acting for the State and its agencies?
- (2) If yes to (1), when?
- (3) If no to (1), why not?

Hon Sue Ellery replied:

- (1)–(3) The McGowan Government will soon be issuing some guiding principles in relation to civil litigation involving child sexual abuse as and when the *Civil Liability Legislation Amendment (Child Sexual Abuse Actions) Act 2018* commences. I recently signed off on these guidelines and I will be happy to provide the Hon Member with a copy at the appropriate time.

Generally, I have no plans to issue model litigant guidelines as the State of Western Australia, and its practitioners, have a duty to act fairly and honourably in the conduct of litigation.

The obligations on government practitioners do not differ from those incumbent upon all barristers and solicitors conducting litigation, albeit they are held to a higher standard. These obligations echo model litigant guidelines in other jurisdictions and it is difficult to envisage a way to express these higher standards for the purposes of codified guidelines.