

# RULE OF LAW

INSTITUTE OF AUSTRALIA

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*For immediate release*

media release

## **RoLIA welcomes Attorney-General's remarks on Model Litigant Rules**

The Rule of Law Institute of Australia today welcomed the comments of the Attorney-General the Hon Robert McClelland that 'any breach of the model litigant obligation would be unacceptable as the Australian government is committed to achieving the highest professional standards in its handling of claims and litigation'.

RoLIA CEO, Richard Gilbert, said 'RoLIA welcomes the remarks of the Attorney-General, as it is important that the message come from the highest levels of government that the Crown must behave as a model litigant when investigating and taking legal action against its citizens.

'However, the Government must take control of this situation and immediately commission an independent agency to conduct a thorough and consultative review of both the subject matter of the rules and also their administration.

'The review needs to be sooner rather than later as clearly there are unresolved issues which include the manner in which agencies are prosecuting cases and also the way in which breaches are being reported on and whether they should be the subject of sanction. Currently, there are numerous litigation actions in train and it is important that these be conducted fairly.

'Ultimately, the task of setting the rules for behaving as a model litigant resides with the Government and the Parliament, and the Government should not be relying on the High Court to rewrite the model litigant rules and their underlying procedures,' Mr Gilbert concluded.

For further comment please contact Richard Gilbert on 0417 247 998.

[RoLIA draft paper on model litigant rules](#)

The Australian, 12 August 2011, '[Federal Agencies Accused of Cover-up](#)' Chris Merritt

The Australian, 12 August 2011, [‘McClelland commits to model litigant rules’](#) Chris Merritt

The Australian, 12 August 2011, [‘McClelland fumes over end to breaches disclosure’](#) Chris Merritt