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20 May 2025

Erika Whittome

By email: fyi-request-30797-e2b162b4@requests.fyi.org.nz
Ref: H2025065766

Tēnā koe Erika

Response to your request for official information

Thank you for your request under the Official Information Act 1982 (the Act) to the Ministry of Health – Manatū Hauora (the Ministry) on 21 April 2025. You requested:

“A copy of the current model litigant policy, or any other policy, guideline, protocol, manual, or internal document or policy - by whatever name - that governs or provides guidance to MoH staff, legal teams, and/or external counsel on the conduct of litigation or legal proceedings.

** Copies of any previous versions of the above documents that have been in effect at any time since 2021, to the present.*

For each version identified, please indicate:

- * The title of the document;*
- * The period during which it was in effect (including commencement and, if applicable, end dates); and*
- * A brief description of the context in which the document is/was used (if not clear from the document itself).*

If such guidance exists in multiple formats (e.g., standalone documents, sections within a broader code of conduct or legal manual), I would appreciate receiving all relevant material. If no such documents exist, but internal practices or expectations equivalent to a model litigant approach are followed, please provide a description of those practices and how they are communicated and enforced.

The Ministry and lawyers (both internal and external) follow the instructions and guidance issued by Cabinet and the Solicitor-General about the conduct of Crown litigation. Section 18(d) of the Act applies to your request as this information is publicly available through the following links:

- [CO \(16\) 2: Cabinet Directions for the Conduct of Crown Legal Business 2016](#) – sets standards for consistent and fair litigation conduct
 - [The Solicitor-General’s Prosecution Guidelines](#) - gets general expectations for prosecutors and identify the integral guidance that prosecuting agencies should have in place.
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I trust this information fulfils your request. If you wish to discuss any aspect of your request with us, including this decision, please feel free to contact the OIA Services Team on: oiagr@health.govt.nz.

Under section 28(3) of the Act, you have the right to ask the Ombudsman to review any decisions made under this request. The Ombudsman may be contacted by email at: info@ombudsman.parliament.nz or by calling 0800 802 602.

Please note that this response, with your personal details removed, may be published on the Ministry website at: www.health.govt.nz/about-ministry/information-releases/responses-official-information-act-requests.

Nāku noa, nā

A handwritten signature in blue ink, appearing to be 'Phil Knipe', written in a cursive style.

Phil Knipe
Chief Legal Advisor
Government and Executive Services | Te Pou Whakatere Kāwanatanga