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The Crown has an obligation to act as a model litigant. In a broad sense this means that it must act in the public interest in the administration of justice. In Australia, where the obligation is articulated in the *Model Litigant Rules*, acting as a model litigant means that the Crown is not to start legal proceedings unless it is satisfied that litigation is the most suitable method of dispute resolution. Although the model litigant obligation has not yet been codified in New Zealand, there is no doubt that the Crown here ought to adhere to that same principle, namely, that litigation is a tool of last resort. To what extent does the Crown in New Zealand act as a model litigant, and what are the potential consequences of it failing to do so?