

# Legal Dispute Resolution Guidelines

These are guidelines that our internal and external lawyers will apply when dealing with civil legal disputes and litigation involving Westpac PNG.

## **Fair, quick, inexpensive**

We seek to facilitate the fair, quick and inexpensive resolution of the real issues in dispute.

We deal with every legal dispute promptly and avoid causing unnecessary delays in progressing matters.

We make special efforts to ensure that all communications with our customers are as clear and concise as possible.

## **Early assessment of claims against Westpac PNG**

Wherever possible, we make an early formal assessment of the prospects of successfully defending any legal claim made against us, and of our potential liability. We pay legitimate claims without litigation where our liability is clear. Where we consider it appropriate, we will make an interim or partial payment for amounts we accept are payable.

## **Alternative Dispute Resolution**

We genuinely consider engaging in alternative dispute resolution processes or settlement negotiations before initiating or defending legal proceedings. We don't commence Court proceedings unless we are satisfied that litigation is the most suitable method of dispute resolution.

## **Court and Tribunal Proceedings**

Where litigation is commenced, we:

- keep the costs of the litigation to a minimum
- focus on the real issues in dispute
- don't rely on technical defences unless Westpac PNG's interests would be prejudiced by the failure of the other party to comply with a particular requirement
- will only appeal a decision where we are satisfied that the appeal is appropriate, in light of our prospects advice and the benefit of obtaining clarity on important legal questions.

## Unrepresented Parties

Where we believe that an unrepresented party may be at a significant disadvantage (whether financial or otherwise) in the conduct of a dispute, we will consult with the Office of the Westpac Group Customer Advocate about support or assistance the Customer Advocate may be able to offer. The Customer Advocate can, for example, provide an objective perspective on the merits of a dispute, provide information about possible sources of free or low-cost or deferred-cost legal advice or representation, and provide information about financial counselling, community and other support services.

For this purpose, significant disadvantage includes vulnerability. Vulnerability is described as:

- a) age-related impairment
- b) cognitive impairment
- c) elder abuser
- d) family or domestic violence
- e) mental illness
- f) serious illness
- g) any other personal, or financial circumstance causing significant detriment.

We may become aware of your circumstances only if you tell us about them.

Where an unrepresented party needs additional time to consider issues and respond to court processes, we will support any reasonable request made.

## Apologies

We will apologise where we know we have done the wrong thing.

## Professional and ethical standards for Westpac PNG's lawyers

Our lawyers who represent Westpac PNG will act in accordance with the highest professional and ethical standards. Westpac PNG's lawyers will comply with the relevant Lawyers Act 1986.

In particular, our lawyers acknowledge that:

- their duty to the Court and to the administration of justice is paramount, and prevails to the extent of inconsistency with any other duty (including duties owed to Westpac PNG)
- they are required to be honest and courteous in all dealings in the course of legal practice.

## Steps Westpac PNG may take

In disputes and litigation, Westpac PNG may take steps to protect our legitimate interests. This may include, for example, seeking to strike out claims which do not have a sound basis, enforcing costs orders where awarded by a court, relying on limitation periods, opposing unreasonable processes and making legitimate claims for legal professional privilege. In taking these steps, Westpac PNG will apply these guidelines.