

## 1.CHECK LIMITATION PERIOD

ACTION	TIME LIMITATION	CAUSE OF ACTION ARISES FROM
1) Contract [Important]	6 years (LAA s 10(1)(a))	Breach
2) Tort [Important]	6 years (LAA s 10(1)(a))	damage is suffered
3) Defamation	1 year (LAA s 10AA)	from the date of publication
4) Personal injury [Important]	3 years (LAA s 11(1))	when injury suffered
5) Action on judgement	12 years (LAA s 10(4))	from date on which judgment becomes enforceable
6) Series of conversions / wrongful detention of a chattel	6 years (LAA s 12)	6 years from 1 <sup>st</sup> conversion
7) Recovery of land	12 years (LAA s 13)	from the date the right of action accrued to P
8) Child sexual abuse	no time limit (s 11A)	NA

Can contract out of limitation period: *Newton v SGIO*

- If younger than 18 or is of unsound mind > limitation period is postponed: LAA s 5(2), 29
- Unsound mind if: involuntary patient pursuant to Mental Health Act, Forensic Disability Client or Detained in Mental Health Service via court order
- If infant > must bring personal injury claim by when they are 21: PIPA s 19

### 2.If limitation period expired:

- Rights still remain in existence (ie cause of action/right), but cannot be enforced (ie barred)

### 3.Extension of limitation period

ie where P's are innocently unaware of their cause of action until too late: LAA pt 3

**NOTE:** Will not assist careless or tardy Plaintiffs or lawyers

Personal injury: 1 year extension (LAA s 31)

Defamation: Up to 3 year extension (LAA s 32A)

Mr Noonan did not look into the law > mere ignorance of strict time limits. Extension for defamation time limitation rejected: *Noonan*

## 2.JOINDER

### 1. Necessary parties

Each person whose presence is necessary to enable the court to adjudicate effectually and completely on all matters in a dispute in a proceeding must be included as a party to the proceeding: r 62(1)

### 2. Joinder of P's – joint entitlement

All parties entitled to the relief must be joined in the proceeding: r 63(1)

If party who is jointly entitled and refuses joinder > add them as D: r 63(2)

### 3. Joinder of P's (eg where several P against same D)

2 or more people may be P's if:

- a) Separate proceedings were brought by each of them and a common Q of law/fact arises in all proceedings; OR