

Overarching purpose (ss 7-9)

Paramount duty + lawyer cert

Who is bound + scope

Where it shows up in LDR

↑ OVERARCHING PURPOSE — ss 7 to 9

📄 s 7 — the umbrella

Facilitate the JUST, EFFICIENT, TIMELY and COST-EFFECTIVE resolution of the real issues in dispute.

The "why" of the whole Act.

⚖️ s 8 — court must give effect

When exercising or interpreting ANY of its powers, the court must further the s 7 purpose.

Reads INTO every rule of court.

See also SCR r 1.14.

📄 s 9 — list of objectives

- early settlement
- efficient use of judicial resources
- minimise delay
- proportionality of process to issues and amount in dispute

WHERE THIS APPLIES:

Topic 1 intro · Wk 3 Costs · Wk 4 Jurisdiction · Wk 5 Commencement · Wk 7 Discovery · Wk 11 Judgment. The s 7 umbrella is cited in almost every CPA argument.

⚖️ PARAMOUNT DUTY + LAWYER CERT

⚖️ s 16 — Paramount duty

Who owes it

Every person to whom the OOs apply.

To whom

To the COURT, not to the client.

Content

Further the administration of justice in any civil proceeding, including:

- interlocutory applications
- appeals
- ADR connected to proceeding

Trumps duty to client where conflict.

WHERE THIS APPLIES:

Wk 4 Jurisdiction · Wk 5 Commencement · Topic 2 ADR · Wk 6 Pleadings.

📄 s 42 — Proper basis certification

Who certifies

The legal practitioner acting for a party.

When

On filing the FIRST substantive doc, and any document with SIGNIFICANT amendments.

What is certified — s 42(1)(a)(b)(c)

- each allegation of fact has proper basis
- each denial has proper basis
- each non-admission has proper basis

Breach

Consequences in ss 45 and 46.

WHERE THIS APPLIES:

Wk 5 Originating process · Wk 6 Pleadings (paired with s 18) · Topic 1 intro · Wk 11 recap. Cert sits on EVERY pleading that goes out the door.

CPA
PURPOSE
+ WHO + DUTY

Page 1 of 3
Pt 2.1 + Pt 2.2 + s 42

📄 WHO IS BOUND + SCOPE

📄 s 10 — Who is bound (participants)

s 10(1) — primary list

- parties to the proceeding
- legal practitioners and law firms
- insurers + litigation funders

Special add-on

Expert witnesses owe s 24 only.

WHERE THIS APPLIES:

Wk 3 Costs (sanctions on lawyers) · Wk 4 · Wk 5 · Wk 7 Discovery.

📄 s 11 — Where OOs bite

"Any aspect" of a civil proceeding, including

- interlocutory applications
- appeals from a civil order/judgment
- ADR connected to the proceeding

WHERE THIS APPLIES:

Wk 3 Costs · Topic 2 ADR · Wk 9 Urgent applications (interlocutory).

📄 Relationship to other law

CPA is ADDITIONAL to

- rules of court (s 58)
- Evidence (Misc Prov) Act (s 59)

CPA does NOT override

- Charter of Human Rights and Responsibilities
- the law of privilege (s 6)

CPA stacks on top, never replaces.

WHERE THIS APPLIES:

Wk 7 Discovery (CPA stacks on SCR O 29) · Wk 8 Privilege (s 6 expressly preserves privilege).

PAGE 1 RECAP · Why + Who + Trump card

PAGE 2 NEXT → The 10 Overarching Obligations (ss 17-26)