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OBLIGATIONS TO THE COURT

Current as of May 2024

CIVIL PROCEDURE ACT 2010 (VIC)

The *Civil Procedure Act 2010* (Vic) has among others, “an overarching purpose in relation to the conduct of civil proceedings to facilitate the just, efficient, timely and cost-effective resolution” of disputes.¹

As a result of this “overarching purpose”, expert witnesses have “overarching obligations” to the court², including a paramount duty to the court³ and an overarching obligation:

- to act honestly;⁴
- to co-operate in the conduct of the civil proceedings;⁵
- not to mislead or deceive;⁶
- to narrow the issues in dispute;⁷
- to ensure costs are reasonable and proportionate;⁸
- to minimise delay;⁹ and
- not to use the information or documents for a purpose other than in connection the civil proceeding.¹⁰

In the event that a court is satisfied that an expert witness has contravened any overarching obligation, the court may make any order it considers appropriate in the interests of justice.¹¹ It is also possible for contraventions of some of the overarching obligations to constitute contempt of court.¹²

¹ *Civil Procedure Act 2010* (Vic) ss1(1)(c), 7(1).

² *Civil Procedure Act 2010* (Vic) s 10(3).

³ *Civil Procedure Act 2010* (Vic) s 16.

⁴ *Civil Procedure Act 2010* (Vic) s 17.

⁵ *Civil Procedure Act 2010* (Vic) s 20.

⁶ *Civil Procedure Act 2010* (Vic) s 21.

⁷ *Civil Procedure Act 2010* (Vic) s 23.

⁸ *Civil Procedure Act 2010* (Vic) s 24.

⁹ *Civil Procedure Act 2010* (Vic) s 25.

¹⁰ *Civil Procedure Act 2010* (Vic) s 27(1).

¹¹ *Civil Procedure Act 2010* (Vic) s 29.

¹² *Civil Procedure Act 2010* (Vic) s 27(2).