

CIVIL PROCEDURE ACT 2010:

A BRIEF INTRODUCTION

DEPARTMENT
OF JUSTICE

Contents

Preface	3
Resources	4
Chapter 1 – Preliminary	5
Chapter 2 – Overarching purpose and overarching obligations	6
Part 2.1 – Overarching purpose	6
Part 2.2 – Application of the overarching obligations	6
Part 2.3 – The overarching obligations	7
Part 2.4 – Sanctions for contravening the overarching obligations	7
Chapter 3 (Repealed)	8
Chapter 4 – Commencement and conduct of civil proceedings	9
Part 4.1 – Certification requirements on commencement of civil proceedings	9
Part 4.2 – Case management	10
Part 4.3 – Disclosure and discovery	11
Part 4.4 – Summary judgment	12
Chapter 5 – Appropriate dispute resolution	13
Chapter 6 – General	14
Part 6.1 – Rules of court and regulations	14
Part 6.2 – Transitional provisions	14
Part 6.3 – Consequential amendments to other Acts	14

PREFACE

The *Civil Procedure Act 2010* (the Act) reforms and modernises Victoria's civil procedure laws. The Act makes substantive changes and improvements to litigation procedures. In addition, the Act provides for an overarching purpose in relation to the conduct of civil proceedings and simplifies the language relating to civil procedure.

Civil Procedure Act 2010 – A Brief Introduction provides an overview of the key changes to civil procedure. It contains a short summary of each Chapter of the Act and directs readers to other relevant sections, court rules and legislation. It is intended to operate as a companion resource to the *Civil Procedure Act 2010 – Legislative Guide*. The Guide provides a detailed analysis of the Act and each of its sections, including legislative history, policy discussion and analysis of how each section works and interrelates with other parts of the Act.

This Brief Introduction is a short and more easily accessible way to find out about the main changes to civil procedure. However, it is not a substitute for the Guide, which is a more substantial and comprehensive resource. The Guide is particularly helpful in relation to more difficult issues or where more detailed information about the new laws is required.

This Brief Introduction is structured according to the chapters of the Act, which follows the process of a civil proceeding as follows:

- Chapter 1 – Preliminary
- Chapter 2 – Overarching purpose and overarching obligations
- Chapter 3 (Repealed)
- Chapter 4 – Commencement and conduct of civil proceedings
- Chapter 5 – Appropriate dispute resolution
- Chapter 6 – General.

This Brief Introduction also lists additional resources that may assist anyone seeking to understand the new laws.

The Civil Law Reform Project team in the Department of Justice has been responsible for the development of the Act, and has written and organised the publication of both the Guide and this Brief Introduction.

MARY-ANNE MACCALLUM

Manager, Civil Law Reform Project
7 April 2011

RESOURCES

A number of resources may assist anyone seeking to navigate and understand the Act.

Legislative Guide

The Legislative Guide is intended to assist those who will use and work with the Act. The Guide explains how the Act will operate and provides detailed information about each section of the Act. The structure of the legislative guide mirrors the structure of the Act. The Guide provides an overview of each chapter of the Act and for each section of the Act, information is explained under the following headings:

- Overview
- Legislative History
- Relevant Rules/Regulations/Forms
- Analysis of section
- Policy discussion.

The Guide will be available on the Department of Justice website as a free online resource, and is anticipated to be published in early 2011.

Case law

Case law referring to the Act has already begun to emerge. Three early decisions are of note, as follows:

- *Crowe v Trevor Roller Shutter Services Pty Ltd* [2010] VSC 536
- *Trevor Roller Shutter Services Pty Ltd v Crowe* [2010] VSCA 328
- *Thomas v Powercor Australia Limited (Ruling No 1)* [2010] VSC 489.

Links to these decisions are available from the Department of Justice's 'About the Civil Procedure Act 2010' website (<http://bit.ly/ddQN71>).

Other Resources

Other resources that may be of assistance in understanding the Act include the Second Reading Speech, Statement of Compatibility, the Explanatory Memorandum for the Act, the *Civil Procedure and Legal Profession Amendment Act 2011* and related materials, all of which are linked to from the Department of Justice's 'About the Civil Procedure Act 2010' website (<http://bit.ly/ddQN71>).

Related Links

About the Civil Procedure Act 2010 – Department of Justice – <http://bit.ly/ddQN71>

Law Institute of Victoria – www.liv.asn.au

Judicial College of Victoria – www.judicialcollege.vic.edu.au

The Victorian Bar – www.vicbar.com.au

CHAPTER 1

PRELIMINARY

Chapter 1 contains:

- a statement of the purposes of the Act (section 1)
- details of when it will commence (section 2)
- a definitions section (section 3)
- provisions dealing with the Act's application to the Crown and its relationship to the Charter and the law of privilege (section 4).

Section 1 of the Act sets out its main purposes, which are:

- to reform and modernise civil proceedings in the Supreme, County and Magistrates' Courts
- to simplify the language relating to civil procedure
- to provide for an overarching purpose to facilitate the just, efficient, timely and cost-effective resolution of the real issues in dispute (see Chapter 2, section 7)
- to amend various Acts to reflect the new procedures.

Section 1 also lists the main reforms provided for in the Act, including the overarching obligations (see Chapter 2), the case management reforms (see Chapter 4), the enhancement of appropriate dispute resolution (see Chapter 5), summary judgment reform (see Chapter 4, Part 4.4) and clarification of the courts' discovery sanctions (see Chapter 4, Part 4.3).

Section 2 provides that the Act commences on a day to be proclaimed. The Act commenced on 1 January 2011. The Act applies to all proceedings from that date whether or not the proceeding has already commenced prior to 1 January and whether or not the trial of the proceeding commenced prior to 1 January. However, there are two exceptions, as follows:

- section 73(3) provides that the Act's overarching obligations do not apply in cases where the trial has already commenced prior to 1 January 2011 (see Chapter 6)
- section 76(2) provides that the Act's new summary judgment provisions do not apply in cases where the trial has already commenced prior to 1 January 2011 (see Part 4.4).

Section 3 sets out the definitions of certain words and expressions used throughout the Act. Key definitions are analysed in some detail in the Legislative Guide. For present purposes, it should be noted that:

- the definition of **appropriate dispute resolution** is broad, capturing any negotiation process, and expressly includes mediation, early neutral evaluation, judicial resolution conferences and other forms of appropriate dispute resolution
- the definition of **civil proceeding** excludes criminal and quasi-criminal proceedings (examples of quasi-criminal proceedings are listed in section 4(2)). This definition is important because section 4 provides that the Act applies to all "civil proceedings"
- the definition of **substantive document** impacts upon when the certifications set out in Chapter 4 of the Act must be made. It includes most significant court documents filed at an early stage of proceedings.

Section 4 provides that the Act applies to all **civil proceedings** except:

- proceedings under the Acts listed in section 4(2), which are mostly quasi-criminal in nature, including the *Family Violence Protection Act 2008*, the *Stalking Intervention Orders Act 2008*, the *Sentencing Act 1991* and others
- proceedings in VCAT
- proceedings under a prescribed Act.

Section 5 provides that the Act binds the Crown. Thus, the Act applies to the Government when it is involved in a civil dispute and when it litigates in Victoria's courts.

Section 6 provides that nothing in the Act is intended to override the *Charter of Human Rights and Responsibilities Act 2006* or the doctrine of privilege.

CHAPTER 2

OVERARCHING PURPOSE AND OVERARCHING OBLIGATIONS

Summary

One of the main purposes of the Civil Procedure Act is to provide for an ‘overarching purpose’ in relation to the conduct of civil proceedings. That purpose is for the court to facilitate the just, efficient, timely and cost-effective resolution of the real issues in dispute (section 1(1)(c)).

The overarching purpose furthers many of the Act’s key themes: proportionality, the public interest in the early settlement of disputes by agreement between the parties, and the efficient conduct of the business of the court.

Lawyers should be aware of the overarching purpose because it will inform the manner in which courts will make orders and directions.

Another important purpose of the Act is to provide for overarching obligations for participants in civil proceedings. These obligations aim to improve standards of conduct in litigation.

The overarching obligations apply to litigants, lawyers, in some instances expert witnesses, and others who assist in litigation such as insurers and litigation funders. Lawyers should be aware of the overarching obligations because:

- they affect the obligations of lawyers
- they apply to clients and other involved persons
- upon filing new proceedings on or after 1 January 2011, litigants will be required to certify that they have read and understood the overarching obligations and lawyers will be required to certify that each case has a proper basis in fact and law (see Chapter 4 for further details)
- breach of the obligations may result in sanction by the court, including costs orders.

Chapter 2 of the Act sets out the overarching purpose and the overarching obligations as follows:

- Part 2.1 – Overarching purpose
- Part 2.2 – Application of the overarching obligations
- Part 2.3 – The overarching obligations
- Part 2.4 – Sanctions for contravening the overarching obligations.

Part 2.1 – Overarching purpose

Section 7 of the Act defines the overarching purpose of the Act and the rules of court in civil proceedings: to facilitate the just, efficient, timely and cost-effective resolution of the real issues in dispute, including through determination by the court, agreement between the parties or any appropriate dispute resolution.

Section 8 of the Act provides that a court must seek to give effect to the overarching purpose in exercising or interpreting any of its powers.

Section 9(1) sets out a list of objects that inform the overarching purpose when the court makes orders or gives directions, including justice, early settlement of disputes, efficient conduct of the court’s business, minimising delay and dealing with a proceeding in a manner proportionate to the complexity or importance of the issues in dispute and the amount in dispute. Section 9(2) lists a number of matters that the court may have regard to in making orders or giving directions, including the extent to which the parties have used reasonable endeavours to resolve the dispute and the extent to which the parties have had the benefit of legal advice and representation.

Part 2.2 – Application of the overarching obligations

Section 10 of the Act provides that the overarching obligations apply to:

- parties
- legal practitioners acting for parties
- law practices acting for parties
- any person who provides financial or other assistance and exercises any control or influence over the proceeding, including insurers and litigation funders
- expert witnesses (other than the obligations in sections 18, 19, 22 and 26).

The obligations do not apply to lay witnesses.

Section 11 provides that the overarching obligations apply to any aspect of a civil proceeding, including interlocutory applications, appeals and appropriate dispute resolution.

Section 12 provides that the overarching obligations prevail over any other obligation to the extent of any inconsistency. Further, it establishes the “paramount duty” (set out in section 16) as the most important overarching obligation.

Sections 13-15 deal with how lawyers are to balance the overarching obligations with their other obligations to the client and the court, as follows:

- the overarching obligations override the obligation to the client, to the extent of any inconsistency, and a lawyer is not required to comply with an inconsistent instruction from a client (section 13)
- a lawyer must not cause a client to contravene any overarching obligation (section 14)
- the duty to the court remains the fundamental obligation owed by lawyers (section 15).

Part 2.3 – The overarching obligations

Section 16 sets out the paramount duty to the court to further the administration of justice, which is the most important overarching obligation.

Sections 17-26 set out the other overarching obligations to:

- act honestly (section 17)
- not make any claim or response that is frivolous, vexatious, an abuse of process or does not have a proper basis (section 18)
- only take steps to resolve or determine the dispute (section 19)
- cooperate in the conduct of the civil proceeding (section 20)
- not mislead or deceive (section 21)
- use reasonable endeavours to resolve the dispute (section 22)
- narrow the issues in dispute (section 23)
- ensure costs are reasonable and proportionate (section 24)
- minimise delay (section 25)
- disclose the existence of critical documents (section 26)

Section 27 prevents the use of any documents received under section 26 for a purpose other than in connection with the civil proceeding.

Part 2.4 – Sanctions for contravening the overarching obligations

Section 28 provides that in exercising any power in relation to a civil proceeding (including costs discretion) a court may take into account any contravention of the overarching obligations.

Section 29 provides that a court may make any orders it considers appropriate in the interests of justice where satisfied that a person has contravened the overarching obligations. It sets out an inclusive list of the types of orders that a court may wish to make, including orders for costs, compensation for financial loss and orders that a person take steps to remedy the contravention. An order under this section may be made on application of a party or person with sufficient interest in the proceeding, or on the court's own motion.

Section 30 states that an application under section 29 is to be in accordance with the rules of court and made prior to the finalisation of the proceeding.

Section 31 enables the court to grant an extension of time for an application under section 29 if satisfied that the party was not aware of the contravention until after the finalisation of the proceeding.

CHAPTER 3 (Repealed)

Chapter 3 was repealed by the *Civil Procedure and Legal Profession Amendment Act 2011*, which commenced on 30 March 2011.

The principal purpose of this Act is to repeal the pre-litigation requirements contained in Chapter 3 of the Civil Procedure Act. Consequential changes are made to other relevant provisions of the Civil Procedure Act, including removal of the section 43 certification requirement. The courts will retain the power to provide for their own pre-litigation processes for specific types of matters if they wish.

Related links

The Civil Procedure and Legal Profession Amendment Bill 2011 Second Reading Speech and Statement of Compatibility – <http://www.justice.vic.gov.au/wps/wcm/connect/justlib/DOJ+Internet/Home/The+Justice+System/Justice+Legislation/JUSTICE+-+The+Civil+Procedure+and+Legal+Profession+Amendment+Bill+2011+Statement+of+Compatibility+and+Second+Reading+Speech>.

CHAPTER 4

COMMENCEMENT AND CONDUCT OF CIVIL PROCEEDINGS

Summary

The Civil Procedure Act reforms and modernises the commencement and conduct of civil proceedings in Chapter 4, by introducing:

- certification requirements at an early stage of civil proceedings to focus parties' and lawyers' minds on the overarching obligations and whether a claim has a proper basis
- clear legislative guidance to judges to actively manage cases in a manner that will promote the overarching purpose
- sanctions available to courts in relation to contravention of discovery obligations, in addition to a new set of rules around discovery contained in the rules of court
- a simplified and liberalised test for summary judgment.

Chapter 4 of the Act is structured as follows:

- Part 4.1 – Certification requirements on commencement of civil proceedings
- Part 4.2 – Case management
- Part 4.3 – Disclosure and discovery
- Part 4.4 – Summary judgment.

Part 4.1 – Certification requirements on commencement of civil proceedings

Overarching obligations certification

Section 41 provides that each party must personally certify, with its first substantive document filed, that it has read and understood the overarching obligations and the paramount duty. First substantive documents include originating motions, writs and defences (see definition of 'substantive document' in section 3). The rules of court provide a certification form (see 'Certification forms' below).

Proper basis certification

Section 42 provides that a legal practitioner must certify, with its client's first substantive document filed, that each allegation, denial and non-admission in the document has a proper basis. 'Proper basis' for an allegation or denial must be based on a reasonable belief as to the truth or untruth of the allegation or denial. 'Proper basis' of a non-admission means that the practitioner does not know whether a fact alleged is true or untrue. If a party is not represented by a legal practitioner it must make the proper basis certification. The rules of court provide a certification form (see 'Certification forms' below).

Certification forms

The courts have developed rules of court and certification forms, as follows:

- *Supreme Court (General Civil Procedure Rules) 2005* – Rules 4.09-4.11 and Forms 4A (overarching obligations certification), and 4B (proper basis certification) (inserted by S.R. No. 143/2010)
- *County Court Civil Procedure Rules 2008* – Rules 4.09-4.12 and Forms 4A (overarching obligations certification), and 4B (proper basis certification) (inserted by S.R. No. 145/2010)
- *Magistrates' Court General Civil Procedure Rules 2010* – Rules 4.09-4.11 and Forms 4A (overarching obligations certification), and 4B (proper basis certification) (inserted by S.R. No. 152/2010).

Practice Directions

The County and Magistrates' Courts have also published practice directions dealing with certification issues, as follows:

- County Court Practice Note, *Certification requirements and applications pursuant to the Civil Procedure Act 2010*, PNCI 7-2010, 12 November 2010 (available from County Court web site)
- Magistrates' Court Practice Direction, *Civil Procedure Act 2010*, No. 5 of 2010, 21 December 2010 (available from Magistrates' Court web site).

Failure to certify

Section 44 provides that a document may be filed at court without a relevant certification if urgently required. Urgent circumstances might include where a limitation period is about to expire, freezing orders, search orders and urgent interlocutory applications. Where this section is utilised, the person must file the relevant certification as soon as practicable after filing the document.

Section 45 provides that proceedings may be commenced despite a failure to certify.

Section 46 provides that the court may take into account any failure to certify in making any order it considers appropriate, including costs and procedural orders.

Part 4.2 – Case management

Section 47 provides that a court may give any direction or make any order it considers appropriate to further the overarching purpose. The section provides a list of the types of orders that a court may make to actively case manage civil proceedings, including:

- directions to ensure that the proceeding is conducted promptly and efficiently
- identifying the issues in dispute at an early stage
- encouraging the parties to cooperate, settle or use appropriate dispute resolution
- fixing timetables and making use of technology
- limiting the time for hearing, the number of witnesses, and the time for examination or cross-examination.

Section 48 provides that a court may give any direction or make any order it considers appropriate to further the overarching purpose in relation to pre-trial procedures. It provides a list of the types of matters with respect to which a court may make orders, including:

- timetables or timelines
- the use of appropriate dispute resolution
- case management conferences
- defining issues by pleadings or otherwise.

Section 49 provides that a court may give any direction or make any order it considers appropriate to further the overarching purpose in relation to the hearing of a civil proceeding. It provides a list of the types of matters with respect to which a court may make orders, including:

- the order in which evidence is to be given and questions of fact tried
- limiting the time to be taken by a trial
- limiting the use of and time taken by witnesses
- limiting the number of documents to be prepared or that a party may tender in evidence
- the place, time and mode of trial.

Section 50 provides that a court may order a lawyer to prepare a memorandum setting out the estimated length and cost of trial. The court may order the lawyer to give the memorandum to the court, a party or both.

Section 51 provides that, where a person contravenes a direction or order under this Part, the court may make any order that it considers appropriate, including:

- dismissing the civil proceeding
- striking out or limiting any claim or defence
- disallowing or rejecting any evidence
- directing the person to pay the costs of another party or person.

Section 52 provides that a court may revoke or vary any direction or order made under this Part.

Section 53 provides that nothing in this Part limits any other power or jurisdiction a court may have.

Part 4.3 – Disclosure and discovery

Scope of discovery

Section 54 provides that discovery is to be in accordance with the rules of court.

New rules of court in relation to discovery commenced on 1 January 2011, as follows:

- *Supreme Court (General Civil Procedure Rules) 2005* – Rules 29.01.1, 29.04(2), 29.05.1, 29.05.2, 29.17 and amended rule 29.02(1) and amended Form 29B (affidavit of documents) (inserted by S.R. No. 53/2010)
- *County Court Civil Procedure Rules 2008* – Rules 29.01.1, 29.04(2), 29.05.1, 29.05.2, 29.16 and amended rule 29.02(1) and amended Form 29B (affidavit of documents) (inserted by S.R. No. 145/2010)
- *Magistrates' Court General Civil Procedure Rules 2010* – Order 29 and Form 29B (S.R. No. 140/2010).

In each court, Rule 29.01.1 sets out the scope of discovery, as follows: *“the documents required to be discovered are any of the following documents of which the party giving discovery is, after a reasonable search, aware at the time discovery is given—*

- (a) documents on which the party relies;*
- (b) documents that adversely affect the party's own case;*
- (c) documents that adversely affect another party's case;*
- (d) documents that support another party's case.”*

Rule 29.01.1 also provides that:

- if a party giving discovery reasonably believes that a document is already in the possession of the party to which discovery is given, the party is not required to discover that document
- copies of documents already discovered are not required to be discovered.

Court powers in relation to discovery

Section 55 provides that a court may make any appropriate order or direction in relation to discovery. It provides a list of the type of orders that a court may make, including orders or directions:

- requiring or relieving a party from making discovery in whole or part
- limiting discovery
- that discovery occur in stages
- requiring discovery prior to the close of pleadings
- requiring documents to be indexed or arranged in a particular way.

Section 56 provides that a court may make any order or direction where there has been a failure to comply with discovery or a court order about discovery, or conduct intended to delay, frustrate or avoid discovery. It provides a list of the type of orders that a court may make, including orders or directions:

- that proceedings for contempt of court be initiated
- adjourning the proceeding with costs
- in respect of costs generally, including costs against any legal practitioner
- limiting the use of documents in evidence
- awarding compensation
- in respect of any adverse inference
- in relation to the referral to an appropriate disciplinary authority.

Section 57 provides that any party that has a reasonable basis for the belief that the other party may be misinterpreting its discovery obligations or failing to disclose discoverable documents may:

- cross-examine, or
- seek leave to conduct an oral examination of the deponent of the other party's affidavit of documents.

Section 58 provides that nothing in this Part derogates from the powers of the court to make rulings and orders in respect of an unavailable document.

Section 59 provides that the powers in this Part are in addition to any other powers of the court.

Part 4.4 – Summary judgment

Part 4.4, in sections 61-63, changes the test for summary judgment. The various formulations of the summary powers to terminate actions prior to 1 January 2011 were summarised by Chief Justice Barwick in *General Steel Industries Inc v Commissioner for Railways (NSW)* (1964) 112 CLR 125 at 129 as follows:

The test to be applied has been variously expressed: 'so obviously untenable that it cannot possibly succeed'; 'manifestly groundless'; 'so manifestly faulty that it does not admit of argument'; 'discloses a case which the Court is satisfied cannot succeed'; 'under no possibility can there be a good cause of action'; 'be manifest that to allow them (the pleadings) to stand would involve useless expense'.

Section 60 provides that the provisions of this Part relating to summary judgment apply to plaintiffs by counterclaim and defendants by counterclaim.

Section 61 provides that a plaintiff (or plaintiff by counterclaim) may apply for summary judgment on the ground that a defendant's defence, or part of that defence, has no real prospect of success.

Section 62 provides that a defendant (or defendant by counterclaim) may apply for summary judgment on the ground that a plaintiff's claim, or part of that claim, has no real prospect of success.

Section 63 provides the courts with power to give summary judgment if satisfied that a claim, defence or counterclaim has no real prospect of success. The court may do so on application or of its own motion.

The 'no real prospect of success' test for summary judgment is similar to that used in Queensland, the Federal Court and England and Wales.

Section 64 retains the court's discretion to allow a matter to proceed to trial despite there being no real prospect of success.

Section 65 provides that the powers in this Part are in addition to any other powers of the court.

CHAPTER 5

APPROPRIATE DISPUTE RESOLUTION

The Civil Procedure Act includes a small number of provisions dealing with appropriate dispute resolution (ADR). The main goal of these provisions is to further enhance ADR to encourage the courts to make more use of a wider variety of ADR processes to assist in resolving litigants' disputes.

Section 66 provides that a court may make an order, at any stage of a proceeding, referring a civil proceeding, or part of a civil proceeding, to appropriate dispute resolution. Such an order may be made without the consent of the parties if the ADR is not arbitration, reference to a special referee, expert determination and does not otherwise result in a binding outcome.

Section 67 provides that evidence of things said and done in a judicial resolution conference must not be admitted at trial, unless the court otherwise orders having regard to the interests of justice and fairness.

The Act does not provide for the inadmissibility of things said or done in other types of ADR. However:

- the inadmissibility of court-ordered mediation is provided for in the courts' legislation (see section 24A of the *Supreme Court Act 1986*, section 47B of the *County Court Act 1958* and section 108(2) of the *Magistrates' Court Act 1989*)
- the inadmissibility of all settlement negotiations is provided for in section 131 of the *Evidence Act 2008*.

Section 68 provides that a judicial officer conducting a judicial resolution conference has the same protection and immunity as a Judge of the Supreme Court, and is not compellable to give evidence of anything said or done in a conference.

Section 69 provides that the powers in this Chapter are in addition to any other powers of the court.

CHAPTER 6

GENERAL

Summary

Chapter 6 of the Civil Procedure Act sets out rule and regulation-making powers, transitional provisions dealing with date of commencement and consequential amendments as follows:

- Part 6.1 – Rules of court and regulations
- Part 6.2 – Transitional provisions
- Part 6.3 – Consequential amendments to other Acts

Part 6.1 – Rules of court and regulations

Section 70 provides the courts with power to make rules of court in respect of the matters in the Act.

Section 71 provides the Governor in Council with power to make regulations in respect of matters prescribed in, or necessary for, the Act.

Part 6.2 – Transitional provisions

The transitional provisions in sections 72-77 provide that the Act's provisions, in the vast majority of cases, commence on 1 January 2011. This is so whether or not the proceeding has already commenced prior to 1 January and whether or not the trial of the proceeding commenced prior to 1 January. However, there are two exceptions, as follows:

- section 73(3) provides that the Act's overarching obligations do not apply in cases where the trial has already commenced prior to 1 January 2011.
- Section 76(2) provides that the Act's new summary judgment provisions do not apply in cases where the trial has already commenced prior to 1 January 2011.

Section 78 provides the courts with the power to make any appropriate orders to resolve any difficulty arising from this part.

Section 79 provides the Governor in Council with the power to make regulations dealing with transitional matters.

Part 6.3 – Consequential amendments to other Acts

Sections 80-92 make a series of amendments to the *Supreme Court Act 1986*, *County Court Act 1958* and *Magistrates' Court Act 1989* consequential upon the reforms in the Civil Procedure Act. Explanations for each change are contained in the explanatory memorandum for the Civil Procedure Act.

