



Victoria

No. 19 of 1989

County Court (Amendment) Act 1989

[Assented to 16 May 1989]

The Parliament of Victoria enacts as follows:

PART 1—PRELIMINARY

Purposes

1. The purposes of this Act are—
 - (a) to ratify, validate and approve the County Court Rules of Procedure in Civil Proceedings 1989; and
 - (b) to make consequential amendments arising from the making of the Rules and certain other minor amendments of a consequential nature; and
 - (c) to make miscellaneous amendments to the *County Court Act* 1958.

Commencement

2. This Act comes into operation on a day to be proclaimed.

Principal Act

3. In this Act, the *County Court Act* 1958 is called the Principal Act.

No. 6230.
Reprinted to No
10013 and
amended by No
10117, 10262,
16/1986, 9771
(as amended by
No. 16/1986,
s. 11 (6)),
58/1986,
107/1986,
110/1986,
4/1987, 46/1987
and 85/1987.

PART 2—VALIDATION OF NEW COURT RULES

Validation of new Court Rules

4. (1) The County Court Rules of Procedure in Civil Proceedings 1989 conditionally made by the Judges of the County Court on 28 February 1989 are ratified, validated and approved.

(2) The Rules referred to in sub-section (1) are for all purposes to be taken to be Rules of Court made by the Judges of the County Court under the Principal Act.

PART 3—AMENDMENT OF THE *COUNTY COURT ACT 1958*
CONSEQUENT ON NEW COURT RULES**Amendments to section 3**

5. Section 3 of the Principal Act is amended as follows:

- (a) After “3.” insert “(1)”;
- (b) Omit “and in the rules”;
- (c) The definitions of “Action”, “Judgment” and “Matter” are repealed;
- (d) In the definition of “Party” for “an action or matter” substitute “a civil proceeding”;
- (e) The definition of “Pleading” is repealed;
- (f) After the definition of “Practitioner” insert—
 “**Proceeding**” means any matter in the Court.”;
- (g) In the definition of “Registrar” for “a registrar deputy registrar or assistant registrar” substitute “the registrar or a deputy registrar”;
- (h) For the definition of “Rules” substitute—
 “**Rules**” means the Rules of Court made by the Judges of the Court whether under the powers conferred by this Act or otherwise.”;
- (i) After the definition of “Rules” insert—
 “**Subordinate instrument**” has the same meaning as in section 3 of the *Interpretation of Legislation Act 1984*.”;
- (j) At the end of the section insert—
 “(2) In this or any other Act or enactment or in any subordinate instrument or other instrument a reference to a rule or decree of the Court is to be taken as a reference to an order of the Court.
 (3) If by this or any other Act or enactment or by any subordinate instrument or other instrument a procedure is prescribed for or in relation to any proceeding in the Court or for or in relation to any step or process in such a

proceeding and the County Court Rules of Procedure in Civil Proceedings 1989 prescribe a procedure that is applicable to such a proceeding or step or process, the procedure prescribed by those Rules applies despite the provisions of that Act, enactment, subordinate instrument or other instrument.

(4) A proceeding to which the County Court Rules of Procedure in Civil Proceedings 1989 apply must, despite anything in any Act or enactment, be commenced and conducted in accordance with those Rules and not otherwise.

(5) A judgment in any civil proceeding must be enforced in accordance with the County Court Rules of Procedure in Civil Proceedings 1989 and not otherwise.”.

Insertion of new sections 3A, 3B and 3C

6. After section 3 of the Principal Act insert—

Abolition of distinction between court and chambers

“3A. The distinction between court and chambers is abolished.”

Judge may exercise jurisdiction of Court

“3B. Any Judge of the Court may exercise at any time and place all the jurisdiction vested in the Court.”

Saving provision

“3C. The amendments made to this or any other Act by the *County Court (Amendment) Act 1989* do not affect any ministerial power exercisable by a Judge of the Court under this or that other Act.”.

Amendments to Part I

7. Part I of the Principal Act is amended as follows:

- (a) In the heading to Division 1 of Part I, after “COURT” insert “AND SITTINGS”;
- (b) In section 4 (1), omit “, actions, suits, matters”;
- (c) In section 4 (1A), omit “at Melbourne”;
- (d) Section 4 (1C) is repealed;
- (e) In section 4, for sub-sections (2) and (3) substitute—
“(2) Subject to the Rules, the Court may sit and act at any time and place.”;
- (f) For section 5 substitute—

Where Court to be held

“5. (1) The Court is to be held at such places as the Governor in Council by Order published in the *Government Gazette* directs.

(2) The Governor in Council may by Order published in the *Government Gazette* direct that the Court shall cease to be held at any place and may subsequently direct that it shall be again held at that place.”;

- (g) Section 5A is repealed;
- (h) After section 9 insert—

Protection of judges

“9A. A judge has in the performance of his or her duties as a judge the same protection and immunity as a Judge of the Supreme Court has in the performance of his or her duties as a Judge.”;

- (i) In section 14 (4), for “Revenue” substitute “Fund”;
- (j) In section 15—
 - (i) omit “either in court or in chambers” ; and
 - (ii) after “judge” (where first and secondly occurring) insert “or master”; and
 - (iii) after “judge” (where thirdly occurring) insert “or master (as the case requires)”;
- (k) In section 17A (6), omit “and in cases and matters depending therein”;
- (l) For section 18 substitute—

Appointment of registrar and deputy registrars

“18. (1) For the purposes of this Act and to assist in the administration of the Court there are, subject to the *Public Service Act 1974*, to be appointed—

- (a) a registrar; and
- (b) as many deputy registrars as are necessary.

(2) At every place at which the Court sits there shall be one or more deputy registrars.

(3) The registrar and deputy registrars have the duties, powers and functions provided by this or any other Act, the regulations and the Rules.

(4) The registrar and deputy registrars in the exercise of their powers and performance of their functions are subject to the directions of the Chief judge.

(5) A deputy registrar may, subject to this Act, the regulations and the Rules and to any directions of the registrar, exercise any of the powers or perform any of the functions of the registrar.

(6) A deputy registrar while acting under an appointment under sub-section (1) has the same powers and privileges and is subject to the same provisions, duties and

penalties for misbehaviour as if he or she were the registrar of the Court.”;

(m) Sections 19 and 20 are repealed;

(n) In section 21 (1)—

(i) omit “and such assistant registrars as aforesaid in cases requiring the same”; and

(ii) in paragraph (b), for “criminal proceedings, appeals, actions, and matters” substitute “proceedings”; and

(iii) after paragraph (cc) insert—

“(cd) file and authenticate judgments and orders and perform any acts necessary to give effect to the judgments or orders of the Court in any civil proceeding;”;

(o) In section 21 (2) —

(i) after “registrar” insert “or deputy registrar”; and

(ii) omit all words and expressions after “proof” to the end of the sub-section;

(p) In section 22 (1)—

(i) for “Every registrar” substitute “The registrar and every”; and

(ii) omit “and assistant registrar”; and

(iii) for “criminal proceeding, appeal, action, or matter” substitute “proceeding”;

(q) In section 22 (2)—

(i) for “a registrar or” substitute “the registrar or a”; and

(ii) omit “or assistant registrar”; and

(iii) after “judge” (where secondly occurring) insert “or master”; and

(iv) omit “or of any court of mines”;

(r) In section 24 (1)—

(i) for “a judge” substitute “the Court”; and

(ii) for “the judge” substitute “the Court”;

(s) In section 24 (2), for “the judge” substitute “the Court”;

(t) In section 25, for “Every registrar” substitute “The registrar and every deputy registrar,”;

(u) In section 26 (1), after “registrar” (wherever occurring) insert “or deputy registrar”;

(v) In section 26 (2)—

(i) after “registrar” (wherever occurring) insert “or deputy registrar”; and

(ii) for “suit” substitute “that proceeding”; and

(iii) for “action” substitute “proceeding”;

(w) In section 27, after “registrar” insert “, deputy registrar”;

- (x) In section 28 (1)—
 - (i) for “and assistant registrar” substitute “or a deputy registrar”; and
 - (ii) for “and assistant registrar’s” substitute “or the deputy registrar’s”;
- (y) In section 28A, for “Every registrar and assistant registrar” substitute “The registrar and every deputy registrar”;
- (z) In the heading preceding section 29, for “ACTIONS” substitute “PROCEEDINGS”;
- (za) In section 29 (1)—
 - (i) for “action” (where first occurring) substitute “proceeding”; and
 - (ii) for “a registrar deputy registrar or assistant registrar” substitute “the registrar or a deputy registrar”; and
 - (iii) for “such registrar deputy registrar or assistant registrar” substitute “the registrar or deputy registrar”; and
 - (iv) omit “or of a judge thereof”;
- (zb) In section 30 (1), for “action” substitute “proceeding”;
- (zc) Section 31 is repealed;
- (zd) In section 32 (2), for “levied” substitute “seized”;
- (ze) In section 33, for “judge” substitute “Court”;
- (zf) In section 34 (1)—
 - (i) for “A judge” substitute “The Court”; and
 - (ii) for “an action or matter” substitute “a proceeding”; and
 - (iii) for “the judge” substitute “the Court”; and
 - (iv) for “such judge” (wherever occurring) substitute “the Court”; and
 - (v) for “any such action or matter” substitute “the proceeding”;
- (zg) In section 34 (2)—
 - (i) for “judge” substitute “Court”; and
 - (ii) for “he” substitute “it”.

Amendments to Part II

8. Part II of the Principal Act is amended as follows:

- (a) In section 35, sub-sections (1), (3), (4) and (5) are repealed;
- (b) In section 36—
 - (i) for “action” (where first and fourthly occurring) substitute “proceeding”; and
 - (ii) for “summons” substitute “originating process”;

(c) In section 37 (1)—

- (i) in paragraph (a), for “, actions, suits, matters and other proceedings” substitute “and civil proceedings”; and
- (ii) in paragraph (b), for “actions” substitute “civil proceedings”; and
- (iii) in paragraph (c), for “actions” substitute “civil proceedings”;

(d) In section 37 (2)—

- (i) omit “, action, suit, matter”; and
- (ii) before “proceeding” insert “civil”; and
- (iii) for “actions” substitute “proceedings”;

(e) In section 37 (3)—

- (i) for “action” substitute “civil proceeding”; and
- (ii) for “claimant” (wherever occurring) substitute “plaintiff”;

(f) In section 38—

- (i) omit “, action, suit, matter” (where twice occurring); and
- (ii) before “proceeding” (where first and thirdly occurring) insert “civil”; and
- (iii) for “issue of the summons, application or other proceeding” substitute “filing of the originating process”;

(g) In section 39 (2)—

- (i) for “an action or matter” substitute “a civil proceeding”; and
- (ii) for “summons or other process by which the action or matter was commenced” substitute “originating process”; and
- (iii) for “the action or matter” (wherever occurring) substitute “the proceeding”;

(h) In section 39 (3)—

- (i) for “an action or matter” substitute “a civil proceeding”; and
- (ii) for “the action or matter” substitute “the proceeding”;

(i) In section 40—

- (i) for “actions or matters” (wherever occurring) substitute “civil proceedings”; and
- (ii) for “registrars” substitute “registrar, deputy registrars”;

(j) In section 46 (1)—

- (i) for “action or matter” (wherever occurring) substitute “civil proceeding”; and
- (ii) for “a judge” substitute “the Court”; and
- (iii) for “the judge” substitute “the Court”;

- (k) In section 46 (2), for “judge” substitute “Court”;
- (l) In section 46 (3), for “judge” substitute “Court”;
- (m) In section 46 (4)—
 - (i) for “judge” substitute “Court”; and
 - (ii) for “he” substitute “it”; and
 - (iii) for “him” substitute “it”; and
 - (iv) for “at the first court” substitute “at the first sitting”;
- (n) In section 47—
 - (i) for “action” (wherever occurring) substitute “civil proceeding”; and
 - (ii) for “a judge” substitute “the Court”; and
 - (iii) for “such judge” substitute “the Court”; and
 - (iv) for “he” (wherever occurring) substitute “it”;
- (o) In section 48 (1)—
 - (i) omit “or a judge”; and
 - (ii) for “case” substitute “proceeding”; and
 - (iii) for “any action or matter or any question arising therein” substitute “the whole or any part of the proceeding”; and
 - (iv) before “referee” insert “special”; and
 - (v) for “the judge” substitute “the Court”; and
 - (vi) for “action or matter” (where secondly occurring) substitute “proceeding”;
- (p) In section 49—
 - (i) omit “or a judge”; and
 - (ii) for “action or matter” (where first and thirdly occurring) substitute “civil proceeding”; and
 - (iii) omit “or his”; and
 - (iv) omit “, in any action or matter,”; and
 - (v) omit “in every such action or matter”;
- (q) In section 49A (1), omit “or a judge”;
- (r) Section 49A (2) is repealed;
- (s) In section 51, for “action” (wherever occurring) substitute “civil proceeding”;
- (t) In section 52, before “proceeding” insert “civil”;
- (u) In section 53—
 - (i) omit “or a judge”; and
 - (ii) omit “or any judge thereof”;
- (v) In section 53B, omit “and every judge of the court shall have and may exercise the powers conferred upon a judge by the said Act”;

- (w) In section 54—
 - (i) omit “or a Judge thereof”; and
 - (ii) omit “or of a Judge thereof”;
- (x) The heading “DIVISION 8A—DAMAGES” is repealed.

Repeal of Part III

- 9. Part III of the Principal Act is repealed.

Amendments to Part IV

- 10. Part IV of the Principal Act is amended as follows:

- (a) In the heading preceding section 57, for “ACTIONS” substitute “PROCEEDINGS”;
- (b) In section 57A (1)—
 - (i) for “an action of” substitute “a proceeding in”; and
 - (ii) for “action” (wherever occurring) substitute “proceeding”;
- (c) In section 57A (2), for “action” (wherever occurring) substitute “proceeding”;
- (d) In section 58—
 - (i) for “a judge thereof” substitute “the Supreme Court”; and
 - (ii) in paragraph (a), omit “a judge of”; and
 - (iii) in paragraph (b), for “judge” substitute “Court”;
- (e) In section 60, omit “, action or matter” (where twice occurring);
- (f) In section 64—
 - (i) for “action” (where first occurring) substitute “proceeding”; and
 - (ii) omit “a judge of”; and
 - (iii) for “action or matter” substitute “proceeding”.

Amendments to Part V

- 11. Part V of the Principal Act is amended as follows:

- (a) In the heading preceding section 65, for “ACTIONS OR MATTERS” substitute “CIVIL PROCEEDINGS”;
- (b) In section 65, for “actions or matters” substitute “civil proceedings”;
- (c) In section 66, for “action or matter” (wherever occurring) substitute “civil proceeding”;
- (d) In section 67 (1)—
 - (i) for “actions” (wherever occurring) substitute “civil proceedings”; and

- (ii) after “amount claimed” insert “or the value of the subject-matter”; and
- (iii) for “action” substitute “proceeding”;
- (e) In section 67 (2), for “cause notice thereof to be communicated to the other party to the said action, either by post or by causing the same to be delivered at his usual or last-known place of abode or business” substitute “give the other party such notice thereof as is directed by the Rules”;
- (f) Section 67 (3) is repealed;
- (g) In section 68 (1)—
 - (i) for “action” (where first occurring) substitute “civil proceeding”; and
 - (ii) for “action” (where secondly occurring) substitute “proceeding”;
- (h) In section 68 (2), for “action” substitute “civil proceeding”;
- (i) In section 69, for “action” substitute “civil proceeding”;
- (j) For section 70 substitute—

Verdict of jurors

“70. Subject to Part VI, where a jury has given a verdict, judgment must be entered in accordance with the verdict.”;

- (k) Section 71 is repealed;
- (l) In section 72 (1)—
 - (i) for “action or matter” (where first occurring) substitute “civil proceeding”; and
 - (ii) for “action or matter” (where secondly occurring) substitute “proceeding”.

Amendments to Part VI

12. Part VI of the Principal Act is amended as follows:

- (a) In section 73 (1)—
 - (i) for “action or matter” substitute “civil proceeding”; and
 - (ii) omit “or a judge”;
- (b) Section 73 (2) is repealed;
- (c) In section 73 (3)—
 - (i) for “The judge” substitute “The Court”; and
 - (ii) for “he” (wherever occurring) substitute “it”;
- (d) In section 73 (3A), for “a judge” substitute “the Court”;
- (e) In section 73 (4)—
 - (i) omit “or a judge thereof”; and
 - (ii) for “levied” substitute “seized”; and

- (iii) for “writ of execution” substitute “warrant of execution”;
- (f) In section 74 (1)—
 - (i) for “an action or matter” substitute “a civil proceeding”; and
 - (ii) omit “or a judge,”; and
 - (iii) for “such action or matter” substitute “the civil proceeding”;
- (g) In section 74 (3)—
 - (i) for “action or matter” (where first occurring) substitute “civil proceeding”; and
 - (ii) omit “a judge of”; and
 - (iii) for “action or matter” (where secondly and thirdly occurring) substitute “proceeding”; and
 - (iv) before “the judge before whom” insert “the Court constituted by”;
- (h) In section 74 (4)—
 - (i) omit “the judge of”; and
 - (ii) for “the said judge” (wherever occurring) substitute “the Court”;
- (i) In section 74 (7), omit “or a judge,”;
- (j) In section 76 (1)—
 - (i) for “The judge who” substitute “The Court which”; and
 - (ii) for “action or matter” substitute “civil proceeding”; and
 - (iii) for “he” substitute “it”;
- (k) In section 77—
 - (i) for “any judge” substitute “the Court” ; and
 - (ii) for “action or matter brought before him” substitute “civil proceeding before the Court”; and
 - (iii) for “writ of error writ of *certiorari* or otherwise” substitute “an application for an order in the nature of a prerogative writ”; and
 - (iv) for “of a judge of” substitute “by judgment or order of”; and
 - (v) for “action or matter” substitute “proceeding”; and
 - (vi) omit “or a judge”.

Amendments to Part VII

13. Part VII of the Principal Act is amended as follows:

- (a) In section 78 (1)—
 - (i) in paragraph (aa), for “an action” substitute “a proceeding”; and

- (ii) in paragraph (d), omit “and of the judges sitting in chambers”; and
 - (iii) in paragraph (e), for “cases” (where twice occurring) substitute “proceedings”; and
 - (iv) in paragraph (fa), for “actions, issues and applications” substitute “civil proceedings”; and
 - (v) in paragraph (fb), for “actions, issues and applications” substitute “civil proceedings”; and
 - (vi) after paragraph (h) insert—
 - “(ha) Any matter dealt with in any Rules of Court in force on the day on which the *County Court (Amendment) Act 1989* comes into operation;
 - (hb) The reinstatement of any proceeding, counterclaim or third-party claim that stands dismissed by operation of the Rules—
 - (i) whether the dismissal occurred before or after the commencement of the *County Court (Amendment) Act 1989*; and
 - (ii) whether or not any relevant period of limitation has expired;
 - (hc) The reference of any question arising in a proceeding to a special referee or officer of the Court for decision or opinion;
 - (hd) Any of the matters set out in section 39A;
 - (he) The payment of money into and out of the Court in satisfaction of claims to which arbitration agreements apply and the investment of such money;”;
- (b) For section 78 (4),(5),(6) and (7) substitute—
- “(4) The power to make Rules of Court extends to the repeal and amendment of Rules even if they have been ratified, validated and approved by the Parliament.
 - (5) In any case not provided for in this Act or by the Rules of Court, the general principles of practice and the rules observed in the Supreme Court may be adopted and applied to any proceeding with such modifications as may be necessary at the discretion of the Court before which the proceeding is being or to be heard.
 - (6) The Rules may be disallowed in whole or in part by resolution of either House of Parliament in accordance with the requirements of section 6 (2) of the *Subordinate Legislation Act 1962*.
 - (7) Disallowance under sub-section (6) is deemed to be disallowance by Parliament for the purposes of the *Subordinate Legislation Act 1962*.”;

- (c) In section 79A, for “(g)” substitute “(h)”.

Amendments to Part VIII

14. Part VIII of the Principal Act is amended as follows:

- (a) In section 80 (1)—
 - (i) for “judge” substitute “Court”; and
 - (ii) for “he” substitute “it”; and
 - (iii) for “any proceedings or any part thereof in any criminal proceeding, appeal, action, or matter” substitute “the whole or any part of any proceeding”; and
 - (iv) for “before him” substitute “by the Court”; and
 - (v) for “his opinion” substitute “its opinion”; and
 - (vi) for “proceedings” (where secondly occurring) substitute “proceeding”;
- (b) In section 80 (2), for “action or matter” substitute “proceeding”;
- (c) In section 80 (3), for “proceedings” substitute “proceeding”;
- (d) In section 81 (1)—
 - (i) for “The judge” substitute “The Court”; and
 - (ii) for “the proceedings in any criminal proceeding, appeal, action, or matter” substitute “any proceeding”; and
 - (iii) for “such judge” substitute “the Court”;
- (e) In section 81 (2), for “criminal proceedings, appeal, action or matter” substitute “proceeding”;
- (f) In section 83 (1)—
 - (i) for “action” (wherever occurring) substitute “proceeding”; and
 - (ii) for “summons” substitute “writ”; and
 - (iii) for “under this Act” substitute “in the County Court”; and
 - (iv) for “a judge of such court” substitute “the Supreme Court”;
- (g) In section 83 (2), for “such action” substitute “the proceeding”;
- (h) In section 84 (1), omit “or taken”;
- (i) In section 84 (2) (a), omit “and take or levy”;
- (j) Section 85 is repealed.

**PART 4—OTHER AMENDMENTS TO THE COUNTY COURT ACT
1958**

Other amendments to Principal Act

15. The Principal Act is amended as follows:

- (a) In section 37 (2) (c), after “writ” insert “or an order in the nature of a prerogative writ”;
- (b) After section 39 insert—

Agreements by next friend etc. on behalf of infants

“39A. (1) If a minor is or appears to be entitled to recover damages for bodily injury (other than injury caused by or arising out of the use of a motor car within the meaning of the *Transport Accident Act* 1986) and any parent or guardian or next friend of the minor or any person standing *in loco parentis* to the minor or the State Trust or a Master of the Supreme Court (as the case may be) believes that the amount of compensation in respect of the bodily injury offered or tendered by or on behalf of the person or body from whom or which the damages are claimed is reasonable and adequate having regard to—

- (a) the bodily injury sustained; and
- (b) the probability or otherwise of the minor succeeding in any proceeding in recovering damages against the person or body from whom or which the damages are claimed—

the parent or guardian or next friend or person standing *in loco parentis* or the State Trust or a Master of the Supreme Court (as the case may be) is entitled in the name and on behalf of the minor to enter into an agreement in writing with the person or body from whom or which the damages are claimed to accept the amount of compensation so offered or tendered.

(2) Every agreement entered into in accordance with sub-section (1)—

- (a) may be filed with the registrar or deputy registrar of the County Court at the sittings nearest or most convenient to the place of residence of the minor; and
- (b) if so filed must be accompanied by an affidavit made by the parent, guardian, next friend, person standing *in loco parentis*, a director of the State Trust or Master of the Supreme Court (as the case may be) who entered into the agreement verifying the facts on which the agreement is based and be supported by any affidavit required by the rules or by the County Court.

(3) As soon as practicable after the filing of an agreement under sub-section (2) the registrar or deputy registrar must submit it to the County Court.

(4) An agreement entered into in accordance with sub-section (1) does not have any force or effect until it has been filed and approved by order of the County Court in accordance with this section and any agreement so filed which is with the consent of the parties approved in an amended form is deemed to have been filed in the amended form.

(5) Every order under this section must among other things make any provision that the Court thinks proper for—

- (a) the payment into court of the whole or part of the compensation agreed to be paid; and
- (b) the allotment, investment, payment out of court or other application of the compensation (including money arising from investment) for the benefit of the minor but the Court may at any subsequent time (whether by variation of a former order or not) make any further order with respect to the allotment, investment, payment out of court or other application of the compensation (including money arising from investment) that appears to the Court to be proper having regard to the then existing circumstances.

(6) An order under this section must not be made unless the Court is satisfied with respect to—

- (a) the right of the parent, guardian, next friend or other person standing *in loco parentis* or of the State Trust or the Master of the Supreme Court to act for the minor; and
- (b) the reasonableness and adequacy in the circumstances of the amount of compensation; and
- (c) the genuineness of the agreement.

(7) When an order approving an agreement is made, the order—

- (a) must be recorded without fee by the registrar or deputy registrar in a special register; and
- (b) is enforceable in all respects as if the order were a judgment of the County Court.

(8) When an order approving an agreement has been complied with by the person or body from whom or which the damages are claimed, that person or body is released and discharged from all liability to the minor in respect of the bodily injury.

(9) This section is not limited by any other provision of this Act.

(10) Nothing in this section applies in any case where a proceeding has been commenced in a court by or on behalf of the minor for the recovery of damages for bodily injury.”;

(c) After section 48 insert—

Assessor

“48A. (1) The Court may in any civil proceeding call in the assistance of one or more specially qualified assessors and hear the proceeding wholly or partially with their assistance but shall not be bound by their opinion or findings.

(2) The Court may determine the remuneration of the assessors.”

Opinion of counsel

“48B. (1) The Court may require or receive the opinion of counsel for its assistance—

(a) in the investigation of the title to any land with a view to an investment of money in the purchase or on mortgage of that land or with a view to a sale of that land; or

(b) in settling the draft of an instrument; or

(c) in such other cases as are directed by the Rules—

but any party may object to the opinion and, if so, the question in dispute must be disposed of by the Court.

(2) The Court may determine the fee of counsel and how it shall be borne and paid.”;

(d) After section 49A insert—

Execution of instruments by order of Court

“49B. (1) If a person fails or refuses to comply with a judgment or order directing that person to execute a document or indorse a negotiable instrument, the Court may, on such terms and conditions as it considers just, order that the document be executed or that the instrument be indorsed by a person nominated by the Court.

(2) A document or instrument executed and indorsed under sub-section (1) operates and is for all purposes available as if it had been executed or indorsed by the person originally directed to do so.”.

(e) In section 50, for “Part VII. of the *Supreme Court Act 1958*” substitute “Part 5 of the *Supreme Court Act 1986*”;

(f) In section 67, for “\$40” substitute “\$5000”.

PART 5—CONSEQUENTIAL AMENDMENTS AND TRANSITIONALS

Consequential amendments

16. An Act specified in the heading to an item in the Schedule is amended as set out in that item.

Transitional provision

17. (1) The person who holds office as the registrar of the Court at Melbourne immediately before the commencement of this Act holds office as the registrar under and subject to this Act and the *Public Service Act 1974* on and from that commencement without any further appointment.

(2) Each person who holds office as a registrar of the Court (except the registrar of the Court at Melbourne) immediately before the commencement of this Act holds office as a deputy registrar under and subject to this Act and the *Public Service Act 1974* on and from that commencement without any further appointment.

(3) Each person who holds office as an assistant registrar of the Court immediately before the commencement of this Act holds office as a deputy registrar under and subject to this Act and the *Public Service Act 1974* on and from that commencement without any further appointment.

(4) Unless the context otherwise requires, any reference in this or any other Act or in any subordinate instrument or in any document or writing of any kind whatsoever to the registrar of the County Court is to be taken to refer to the registrar or any deputy registrar of the Court.

SCHEDULE

Section 16

CONSEQUENTIAL AMENDMENTS

1. Accident Compensation Act 1985

1.1 In section 51 (4), for "any registrar or assistant registrar of the County Court or a person acting as deputy of any registrar of the County Court" substitute "the registrar and any deputy registrar of the County Court".

1.2 In section 80 (1) (ba), for "any registrar or assistant registrar of the County Court or a person acting as deputy of any registrar of the County Court" substitute "the registrar or a deputy registrar of the County Court".

2. Administration and Probate Act 1958

2. In section 90, in the definition of "Court" omit "or a judge thereof".

3. Alcoholics and Drug-dependent Persons Act 1968

3.1 In section 11 (1)—

- (a) omit "a judge of"; and
- (b) omit "judge" (wherever occurring).

3.2 In section 11 (3), omit "judge" (wherever occurring).

3.3 In section 11 (5), before "judge" insert "court constituted by the".

3.4 In section 12 (3), omit "judge" (wherever occurring).

4. Appeal Costs Act 1964

4.1 In section 19 (1)—

- (a) for "an action" substitute "a proceeding"; and
- (b) for "the action" substitute "the proceeding".

4.2 In section 19 (1A), for "action or matter" substitute "proceeding".

4.3 In section 19A (1)—

- (a) for "an action" substitute "a proceeding"; and
- (b) for "action" (wherever else occurring) substitute "proceeding".

5. Architects Act 1958

5.1 In section 11 (4), for "a judge of the county court in chambers" substitute "the County Court".

5.2 For section 11 (5) substitute—

"(5) The decision of the court on an appeal under sub-section (4) is final and without appeal and the Board must give effect to the decision."

5.3 In section 12 (2), for "a judge of the county court in chambers" substitute "the County Court".

5.4 For section 12 (3) substitute—

"(3) The decision of the court on an appeal under sub-section (2) is final and without appeal and the Board must give effect to the decision."

6. Audit Act 1958

6. In section 8 (2)—

- (a) after "Registrar of the County Court;" insert "Deputy registrar of the County Court;"; and
- (b) omit "Registrar deputy registrar or assistant registrar of the county court;".

7. *Bail Act 1977*

7.1 In section 3, in the definition of "Court" omit "whether sitting in court or chambers or acting in any other manner whatsoever".

7.2 In section 4 (4) (i), omit "sitting in court or chambers".

8. *Building Control Act 1981*

8.1 For section 79 (2) substitute—

"(2) An appeal under sub-section (1) is by way of a re-hearing and the decision of the County Court is final and without appeal."

8.2 For section 100j (2) substitute—

"(2) An appeal under sub-section (1) is by way of a re-hearing and the decision of the County Court is final and without appeal."

8.3 For section 106 (2) substitute—

"(2) An appeal under sub-section (1) is by way of a re-hearing and the decision of the County Court is final and without appeal."

8.4 For section 125 (2) substitute—

"(2) An appeal under sub-section (1) is by way of a re-hearing and the decision of the County Court is final and without appeal."

9. *Business Names Act 1962*

9.1 In section 14 (1)—

(a) for "suit or action" (where first and secondly occurring) substitute "proceeding"; and

(b) for "all proceedings in the suit or action" substitute "the proceeding"; and

(c) for "proceedings" (where secondly occurring) substitute "proceeding".

9.2 In section 14 (2), for "in the case of the County Court by a Judge thereof in chambers" substitute "by the County Court".

10. *Children's Court Act 1973*

10.1 In section 53 (1)—

(a) for "judge" substitute "County Court"; and

(b) for "his" substitute "its".

10.2 In section 55 (1)—

(a) omit "the judge of"; and

(b) for "his" (where secondly occurring) substitute "its".

11. *Chiropodists Act 1968*

11.1 In section 16 (4)—

(a) omit "a Judge of"; and

(b) for "of the County Court" substitute "the County Court".

11.2 For section 16 (5) substitute—

"(5) The decision of the court on an appeal under sub-section (4) is final and without appeal."

12. *Chiropractors and Osteopaths Act 1978*

12. For section 15 (2) substitute—

"(2) The decision of the court on an appeal under sub-section (1) is final and without appeal."

13. *Cluster Titles Act 1974*

13. In section 21 (6), omit "by summons".

County Court (Amendment) Act 1989

14. *Commercial Arbitration Act 1984*

14. Section 62 is repealed.

15. *Country Fire Authority Act 1974*

15. In section 104, omit "by action".

16. *Crimes Act 1958*

- 16.1 In section 280, after "Supreme Court" insert "or of the County Court".
- 16.2 In section 353 (5)—
(a) omit "a judge of"; and
(b) omit "or he".
- 16.3 In section 359 (4), omit "a judge of".
- 16.4 In section 361 (1A)—
(a) omit "a judge of"; and
(b) omit "or before the judge"; and
(c) omit "or judge".
- 16.5 In section 390 (2), omit "or chairman".
- 16.6 In section 415 (1)—
(a) omit "a judge of"; and
(b) omit "or his".
- 16.7 In section 415 (1A)—
(a) omit "a judge of"; and
(b) omit "or judge"; and
(c) omit "or his".
- 16.8 In section 421 (4), omit "court or" (wherever occurring).
- 16.9 In section 456 (1)—
(a) for "action" (where first occurring) substitute "civil proceeding"; and
(b) for "action" (where secondly occurring) substitute "the civil proceeding was"; and
(c) for "sum is paid into court" substitute "offer of compromise is made"; and
(d) for "action" (where thirdly occurring) substitute "the civil proceeding".
- 16.10 In section 456 (2)—
(a) omit "becomes nonsuit or"; and
(b) for "his action" substitute "the civil proceeding".
- 16.11 In section 545, omit "action or".
- 16.12 In section 563—
(a) for "suit" substitute "proceeding"; and
(b) omit "of summons".
- 16.13 In section 566, in the definition of "Sentence" omit "or of the judge thereof".

17. *Crown Proceedings Act 1958*

- 17.1 In section 5 (3) (a)—
(a) in sub-paragraph (i) omit "a judge of"; and
(b) for "judge" (where secondly occurring) substitute "court".
- 17.2 In section 5 (3) (d), for "judge" (wherever occurring) substitute "court".
- 17.3 In section 5 (13), omit "and assistant registrar".
- 17.4 In section 6 (4)—

- (a) in paragraph (a) omit "a judge of"; and
- (b) for "judge" (where secondly occurring) substitute "court".
- 17.5 In section 6 (7), for "judge" (wherever occurring) substitute "court".
- 17.6 In section 6 (12) (c), omit "judge".
- 17.7 In section 6 (14), omit "and assistant registrar".
- 17.8 In section 7, for "writ of summons in any personal action" substitute "writ in any civil proceeding".
- 17.9 In section 10—
 - (a) for "statement of claim" (wherever occurring) substitute "indorsement of claim"; and
 - (b) for "an action" substitute "a civil proceeding".
- 17.10 In section 11, for "action" substitute "proceeding".
- 17.11 In section 12, omit "or any judge thereof".
- 17.12 In section 13, for "action" substitute "proceeding".
- 17.13 In section 14, for "an action" substitute "a proceeding".
- 17.14 In section 15—
 - (a) for "writs of execution" substitute "warrants of execution"; and
 - (b) for "action" substitute "proceeding"; and
 - (c) for "writ" (where first occurring) substitute "warrant"; and
 - (d) for "a *feri facias*" substitute "for seizure and sale".
- 17.15 In section 16, for "action" substitute "proceeding".
- 17.16 In section 18, for "action" substitute "proceeding".
- 17.17 In section 19, for "actions" substitute "proceedings".

18. *Dental Technicians Act 1972*

- 18.1 In section 10 (1), omit "a judge of".
- 18.2 For section 10 (2) substitute—

"(2) An appeal under sub-section (1) is by way of a re-hearing and the decision of the County Court is final and without appeal."
- 18.3 In section 24 (6), omit "a judge of";
- 18.4 For section 24 (7) substitute—

"(7) An appeal under sub-section (6) is by way of a re-hearing and the decision of the County Court is final and without appeal."

19. *Electric Light and Power Act 1958*

- 19. In section 37 (4), for "county courts" substitute "the County Court".

20. *Estate Agents Act 1980*

- 20.1 In section 14 (5) (c), for "a County Court judge" substitute "the County Court".
- 20.2 In section 71, the definition of "Court" is repealed.

21. *Evidence Act 1958*

- 21.1 In section 58A, in paragraph (b) of the definition of "Court" omit "or a judge thereof".
- 21.2 In section 123B (1), for paragraph (c) substitute—

"(c) The registrar of the County Court;
(ca) Any deputy registrar of the County Court;"
- 21.3 In section 123C (1) (b), after "Court" insert "or of the County Court".

County Court (Amendment) Act 1989

22. Fair Trading Act 1985

- 22.1 In section 35A (1) (c), for "an action" substitute "a proceeding".
- 22.2 In section 37 (1), for "action" substitute "proceeding".
- 22.3 In section 37 (2), for "An action" substitute "A proceeding".

23. Geelong Waterworks and Sewerage Act 1958

- 23.1 In section 114 (b)—
 - (a) omit "decree or" (where first and secondly occurring); and
 - (b) for "a decree or order" substitute "an order".
- 23.2 In section 155—
 - (a) for "action" (where first occurring) substitute "any proceeding is"; and
 - (b) for "action" (where secondly occurring) substitute "proceeding".
- 23.3 In section 159, for "action" substitute "proceeding".

24. Groundwater Act 1969

- 24. In section 68—
 - (a) omit "a judge of"; and
 - (b) for "whose decision" substitute "the decision of which".

25. Health Act 1958

- 25.1 In section 108AH (1), omit "a judge of".
- 25.2 For section 108AH (2) substitute—

"(2) The decision of the County Court on an appeal under sub-section (1) is final and without appeal."
- 25.3 In section 108AL (3) (h), omit "a judge of".
- 25.4 In section 387 (1)—
 - (a) omit "a judge of" (where first occurring); and
 - (b) for "a judge of the County Court nominated by the chairman of judges of the said Court" substitute "the Court".
- 25.5 In section 387 (1A)—
 - (a) omit "a judge of" (where first occurring); and
 - (b) for "a judge of the County Court nominated by the Chairman of judges of the County Court" substitute "the Court".
- 25.6 In section 387 (2)—
 - (a) for "judge so nominated" substitute "County Court"; and
 - (b) for "judge" (where secondly occurring) substitute "Court"; and
 - (c) for "judge's" substitute "Court's".

26. Historic Buildings Act 1981

- 26.1 In section 37 (1)—
 - (a) omit "a judge of" (wherever occurring); and
 - (b) for "the judge" (wherever occurring) substitute "the Court".
- 26.2 In section 37 (2)—
 - (a) for "judge" substitute "Court"; and
 - (b) for "he" (wherever occurring) substitute "it".
- 26.3 For section 37 (4) substitute—

"(4) An appeal under sub-section (1) is by way of a re-hearing."

27. Imprisonment of Fraudulent Debtors Act 1958

27.1 In section 14, for "any registrar" substitute "the registrar or a deputy registrar".

27.2 In section 15, after "registrar" insert "or deputy registrar".

27.3 In section 16 (3)—

- (a) omit "action or"; and
- (b) for "the judge thereof" substitute "it"; and
- (c) for "judge" (where secondly occurring) substitute "court"; and
- (d) for "writs of execution" substitute "warrants of execution".

27.4 In section 17 omit "cause suit matter or".

27.5 In section 19—

- (a) omit "any judge of"; and
- (b) for "such judge" (where first occurring) substitute "the court"; and
- (c) omit "under the hand of such judge"; and
- (d) after "registrar" insert "or deputy registrar".

27.6 In section 20—

- (a) after "registrar" insert "or deputy registrar"; and
- (b) omit "a judge of"; and
- (c) omit "under his hand"; and
- (d) for "he" (where first occurring) substitute "it".

27.7 In the Third Schedule—

- (a) in Form I—
 - (i) for "Plaint No." substitute "19 No."; and
 - (ii) for "Assistant Registrar" substitute "Deputy Registrar"; and
- (b) in Form II—
 - (i) for "Plaint No." substitute "19 No."; and
 - (ii) for "writs of execution" substitute "warrants of execution"; and
 - (iii) for "Assistant Registrar" substitute "Deputy Registrar"; and
- (c) in Form III—
 - (i) for "Plaint No." substitute "19 No."; and
 - (ii) for "assistant registrar" substitute "deputy registrar"; and
 - (iii) for "Assistant Registrar" substitute "Deputy Registrar"; and
- (d) in Form IV—
 - (i) for "Plaint No." substitute "19 No."; and
 - (ii) omit "a judge of"; and
 - (iii) for "assistant registrar" substitute "deputy registrar"; and
 - (iv) for "Assistant Registrar" substitute "Deputy Registrar".

28. Industrial and Provident Societies Act 1958

28.1 In section 38 (2), for "a county court" substitute "the County Court".

28.2 In section 39 (1), for "a county court" substitute "the County Court".

28.3 In section 39 (4), for "a county court" substitute "the County Court".

28.4 In section 39 (5), for "a county court" substitute "the County Court".

29. Instruments Act 1958

29.1 In section 3, in the definition of "Action" omit "action" (where secondly occurring).

29.2 In section 89—

- (a) for "a judge of the county court at Melbourne in chambers" substitute "the County Court at Melbourne"; and

County Court (Amendment) Act 1989

- (b) for "upon the return of such summons the judge" substitute "the Court".
- 29.3 In section 90—
 - (a) for "on the hearing of such summons it appears" substitute "it appears to the County Court"; and
 - (b) for "judge" (wherever occurring) substitute "Court".
- 29.4 In section 91 (2)—
 - (a) for "a judge as hereinbefore mentioned" substitute "the County Court"; and
 - (b) for "the judge" substitute "the Court".
- 29.5 In section 92—
 - (a) for "judge" (where first occurring) substitute "County Court"; and
 - (b) for "he" substitute "it"; and
 - (c) for "judge" (where secondly occurring) substitute "Court".
- 29.6 In section 129, omit "suit or other proceeding".

30. Judgment Debt Recovery Act 1984

30. In section 3, in paragraph (b) of the definition of "Proper officer of the court" for "registrar, deputy registrar or an assistant registrar" substitute "registrar or a deputy registrar".

31. Juries Act 1967

- 31.1 In section 11 (6), omit "a Judge of" (wherever occurring).
- 31.2 In section 15 (2), omit "or assistant registrar".
- 31.3 In section 17, for "action" substitute "civil proceeding".
- 31.4 In section 53, for "chairman of judges of the County Court" (wherever occurring) substitute "Chief Judge".
- 31.5 In section 57 (2), omit "or the judge of the court".
- 31.6 In section 57 (3), omit "or the judge of the court".

32. Land Tax Act 1958

- 32.1 In section 59 (1), omit "action or".
- 32.2 In section 59 (2)—
 - (a) omit "actions and"; and
 - (b) for "such action" substitute "such proceeding"; and
 - (c) for "an action" substitute "a proceeding".

33. Legal Profession Practice Act 1958

- 33. In section 111, omit "or before any judge or chairman of any of such Courts".

34. Local Government Act 1958

- 34.1 In section 157A (1), omit "action or" (wherever occurring).
- 34.2 For section 174 (2) substitute—

"(2) An appeal under sub-section (1) is by way of a re-hearing and the decision of the County Court is final and without appeal."
- 34.3 In section 304 (3), omit "judge of such".
- 34.4 In section 388 (2) (a)—
 - (a) omit "the particulars of demand annexed to any plaint summons issued out of"; and
 - (b) in sub-paragraph (ii)—
 - (i) omit "or within fourteen days after the service on him of the plaint summons (as the case may be)"; and

(ii) omit "out of which the plaint summons is issued".

34.5 In section 388 (2) (b), omit "or within fourteen days after the service on him of the plaint summons".

34.6 In section 388 (2) (c), omit "or plaint summons (as the case may be)".

34.7 In section 895—

(a) omit "any judge of"; and

(b) for "his" substitute "its".

35. Magistrates' Courts Act 1971

35.1 In section 75 (1) (r)—

(a) omit "a judge of"; and

(b) for "judge" (where secondly occurring) substitute "Court"; and

(c) for "he" substitute "it".

35.2 In section 75 (1) (s)—

(a) omit "or a judge"; and

(b) omit "or judge".

35.3 In section 75 (1) (t) (ii), omit "or judge" (wherever occurring).

36. Magistrates (Summary Proceedings) Act 1975

36.1 In section 114—

(a) for "action" (wherever occurring) substitute "proceeding"; and

(b) omit "or any judge thereof".

36.2 In section 160, for "the registrar of a County Court" substitute "the registrar or a deputy registrar of the County Court".

37. Maintenance Act 1965

37. In section 111 (3), omit "and the justices (if any) sitting in such court".

38. Marriage Act 1958

38.1 In section 161 (2), omit "any judge of".

38.2 In section 161 (3)—

(a) omit "or Judge"; and

(b) omit "or he" (wherever occurring).

38.3 In section 161 (4)—

(a) omit "or Judge" (wherever occurring); and

(b) omit "or him"; and

(c) omit "or he".

38.4 In section 161 (5)—

(a) omit "or Judge" (wherever occurring); and

(b) omit "or his".

38.5 In section 161 (6)—

(a) omit "or Judge"; and

(b) for "suit or action" substitute "proceeding".

38.6 In section 161 (7), omit "or Judge".

38.7 In section 161 (8A)—

(a) omit "or a judge"; and

(b) omit "or the judge".

38.8 In section 161 (9), omit "by action".

38.9 In section 161 (10), omit "or Judge".

39. *Mines Act 1958*

39.1 In section 50 (7), for "a registrar of the county court" substitute "the registrar or a deputy registrar of the County Court".

39.2 In section 91 (2)—

- (a) for "an action" substitute "a proceeding"; and
- (b) for "action" (where secondly and thirdly occurring) substitute "proceeding".

39.3 In section 126—

- (a) for "actions" (where first occurring) substitute "causes of action"; and
- (b) for "in any such action" substitute "in any such proceeding"; and
- (c) for "judge" substitute "Court".

39.4 In section 126 (k)—

- (a) for "an action" substitute "a proceeding"; and
- (b) for "action" (where secondly occurring) substitute "proceeding".

39.5 In section 186—

- (a) for "A judge of the" substitute "The"; and
- (b) omit "under the hand of such judge"; and
- (c) for "action" substitute "proceeding"; and
- (d) for "summons" substitute "originating process"; and
- (e) for "sealed" substitute "filed"; and
- (f) for "such judge or" substitute "the"; and
- (g) for "such judge" substitute "the Court".

39.6 In section 187—

- (a) omit "and every judge thereof"; and
- (b) for "actions appeals and proceedings" substitute "proceedings".

39.7 In section 188—

- (a) for "action" substitute "proceeding"; and
- (b) omit "the judge of".

39.8 In section 190—

- (a) for "A judge of the" substitute "The"; and
- (b) for "action or appeal" (wherever occurring) substitute "proceeding"; and
- (c) omit "under his hand"; and
- (d) for "clerk" substitute "registrar"; and
- (e) for "such judge" substitute "the Court"; and
- (f) for "the judge" (wherever occurring) substitute "the Court"; and
- (g) for "he" substitute "it".

39.9 In section 207—

- (a) for "actions" (where first occurring) substitute "causes of action"; and
- (b) for "actions" (wherever else occurring) substitute "proceedings".

39.10 In section 236 (2), omit "a judge of".

39.11 In section 236 (4), for "him" substitute "it".

39.12 In section 237A, omit "or a judge thereof".

39.13 In section 423 (5)—

- (a) omit "the judge of"; and
- (b) for "such judge" substitute "such Court".

40. Optometrists Registration Act 1958

40.1 In section 21 (1), for "a county court judge sitting in chambers" substitute "the County Court".

40.2 For section 21 (3) substitute—

"(3) The decision of the County Court on an appeal under sub-section (1) is final and without appeal."

41. Partnership Act 1958

41.1 In section 3, in the definition of "Court" omit "and judge".

41.2 In section 27 (2), omit "by summons".

42. Penalties and Sentences Act 1985

42.1 In section 14 (5), omit "or judge".

42.2 In section 15 (1), omit "or judge" (wherever occurring).

42.3 In section 15 (2), omit "or judge" (wherever occurring).

42.4 In section 16 (3), omit "or judge" (wherever occurring).

42.5 In section 16 (4), omit "or judge" (wherever occurring).

42.6 In section 16 (6), omit "or judge".

42.7 In section 20 (1), in paragraph (b) of the definition of "Proper officer" for "registrar, deputy registrar or assistant registrar" substitute "registrar or deputy registrar".

42.8 In section 25 (4), omit "or judge" (wherever occurring).

42.9 In section 25 (5), omit "or judge" (wherever occurring).

42.10 In section 25 (11), omit "or judge".

42.11 In section 28 (10), for "judge" substitute "court".

42.12 In section 33 (3), for "judge" substitute "court".

42.13 In section 92 (1), omit "or judge" (wherever occurring).

42.14 In section 92 (2), omit "or judge".

42.15 In section 93 (1), omit "judge or" (wherever occurring).

42.16 In section 93 (2), omit "judge or".

42.17 In section 93 (5), omit "judge or" (wherever occurring).

43. Physiotherapists Act 1978

43. For section 19 (2) substitute—

"(2) The decision of the court on an appeal under sub-section (1) is final and without appeal."

44. Police Regulation Act 1958

44.1 In section 44B (2), omit "a judge of".

44.2 In section 44B (3), for "judge" substitute "Court".

44.3 In section 44B (5), for "judge" substitute "Court".

44.4 In section 44B (6), for "A judge of the" substitute "The".

44.5 For section 44B (7) substitute—

"(7) For the purposes of this section, the Court may exercise any power that it could exercise in its civil jurisdiction except the power to award costs."

44.6 In section 44B (8), for "A judge" substitute "The Court".

44.7 In section 88B (3), omit "a judge of".

County Court (Amendment) Act 1989

44.8 In section 88B (4), (5) and (6), for "Judge" (wherever occurring) substitute "Court".

44.9 In section 91 (5), omit "a judge of".

44.10 In section 91A (6), omit "a judge of".

45. Public Service Act 1974

45.1 In section 4 (1), after paragraph (c) insert—

"(d) any master of the County Court";

45.2 In section 68, for "registrar or assistant registrar" (wherever occurring) substitute "deputy registrar".

46. Registration of Births Deaths and Marriages Act 1959

46.1 In section 15 (2), for "a judge" substitute "the County Court".

46.2 In section 16, omit "a judge of".

46.3 In section 25A (3), omit "a judge of".

46.4 In section 51 (3) (b), omit "a judge of".

47. Residential Tenancies Act 1980

47.1 In section 150 (1), omit "or a judge of the County Court".

47.2 In section 150 (3), omit "or judge".

47.3 In section 150 (4)—

(a) omit "or judge"; and

(b) omit "or to whom".

47.4 In section 150 (5), omit "or judge".

47.5 In section 150 (6), omit "or a judge of the County Court".

48. Settled Land Act 1958

48. Section 113 (1) is repealed.

49. Sewerage Districts Act 1958

49. In section 189 (2)—

(a) omit "any judge of"; and

(b) for "his" substitute "its".

50. State Superannuation Act 1988

50.1 In section 38 (2), omit "a judge of".

50.2 In section 38 (3), for "judge" (wherever occurring) substitute "Court".

50.3 In section 38 (4), for "judge" substitute "Court".

50.4 In section 38 (5), for "A judge of the" substitute "The".

50.5 For section 38 (6) substitute—

"(6) For the purposes of this section the Court may exercise any power that it could exercise in its civil jurisdiction except the power to award costs."

50.6 In section 38 (7), for "A judge" substitute "The Court".

51. Superannuation (Lump Sum Benefits) Act 1981

51. In section 18—

(a) for "a Judge of the County Court who" substitute "the County Court which";
and

(b) for "he" (where secondly occurring) substitute "it"; and

(c) for "his" (wherever occurring) substitute "its".

52. *Surveyors Act 1978*

52.1 In section 20 (1), for "a judge of the County Court in chambers" substitute "the County Court".

52.2 For section 20 (2) substitute—

"(2) The decision of the County Court on an appeal under sub-section (1) is final and without appeal."

53. *Transfer of Land Act 1958*

53. In section 4, in the definition of "Court" omit "or a Judge thereof".

54. *Transport Accident Act 1986*

54.1 In section 168 (1) (b), for "action" substitute "proceeding".

54.2 In section 168 (2) (a), after "registrar" insert "or deputy registrar".

54.3 In section 168 (2) (b), for "a County Court judge" substitute "the County Court".

54.4 In section 168 (3)—

(a) after "registrar" insert "or deputy registrar"; and

(b) for "a County Court judge" substitute "the County Court".

54.5 In section 168 (4), for "a County Court judge" substitute "the County Court".

54.6 In section 168 (5)—

(a) for "judge" (where first occurring) substitute "Court"; and

(b) in paragraph (b)—

(i) for "a County Court judge" substitute "the County Court"; and

(ii) for "the judge" substitute "the Court".

54.7 In section 168 (6), for "judge" substitute "Court".

54.8 In section 168 (7) (a), after "registrar" insert "or deputy registrar".

55. *Unclaimed Moneys Act 1962*

55.1 In section 6 (1), omit "action suit" (wherever occurring).

55.2 In section 8 (1), omit "suit action" (wherever occurring).

56. *Valuation of Land Act 1960*

56. In section 43(5), after "Registrar" (wherever occurring) insert "or deputy registrar".

57. *Warehousemen's Liens Act 1958*

57. In section 10 (2) (b)—

(a) omit " , upon order of a judge of such court made in court or in chambers,";
and

(b) for "such judge" substitute "the court".

County Court (Amendment) Act 1989

58. *Water Act 1958*

58. In section 278—

- (a) for “a county court judge” substitute “the County Court”; and
- (b) omit “made either by summons or by motion”; and
- (c) for “the judge” substitute “the Court”.

59. *Water and Sewerage Authorities (Restructuring) Act 1983*

59. In section 57 (2)—

- (a) for “a county court judge” substitute “the County Court”; and
- (b) for “his” substitute “its”.



NOTES

1. *Minister's second reading speech—*

Legislative Assembly: 21 March 1989

Legislative Council: 19 April 1989

2. The long title for the Bill for this Act was “A Bill to amend the *County Court Act 1958* and for other purposes.”.