



# TARGET COLLECTIONS PTY LTD

Providing a total credit management service  
Licensed Commercial Agent 830

## NEWSFLASH

### Civil Procedure Act 2010

Many of you will have read about the new civil procedure rules that came into operation on the 1st January 2011. These rules required a new process to be implemented before litigation commenced which made it compulsory for a claimant to enter into pre litigation discussions with their debtor before they could commence legal proceedings.

Significant issues became apparent with debt claims and the new Baillieu Government acted on this as one of their first election promises to repeal that part of the legislation. I advise that the proposed amendments to the Civil Procedure Act 2010 have now been made.

The pre litigation requirements provisions - Chapter 3, Sections 32 to 40 - and the requirement for pre litigation certification - Section 43 - have been repealed, effective the 30 March 2011. References to "Civil Disputes" have been deleted.

The Act now only applies in respect of Civil Proceedings, as defined, which are any proceedings in the Supreme, County or Magistrates' Courts, other than:

- criminal or quasi – criminal proceedings
- proceedings under the Acts referred to in Section 4(2) of the Act.

The Act still does not apply to proceedings in the Victorian Civil and Administrative Tribunal "VCAT".

The overarching obligations provisions remain unaltered, as does the requirement for overarching obligation certification and proper basis certification by the Solicitors for a Plaintiff and the Plaintiff themselves. These certificates are required to be signed by any Plaintiff that commences legal proceedings in Victoria.

For more information on this issue please email Michael Coldham at [mrc@andrice.com.au](mailto:mrc@andrice.com.au).

The Courts retain the discretion to refer a proceeding to appropriate alternative dispute resolution.

For those that cannot sleep you can view a copy of the legislation from this link

[http://www.austlii.edu.au/au/legis/vic/consol\\_act/cpa2010167/](http://www.austlii.edu.au/au/legis/vic/consol_act/cpa2010167/)



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## New Staff appointment

Target Collections has pleasure in announcing that appointment of Amanda Portelli as its latest member of staff. Amanda will be engaged as an account executive for new business, she joins Marisa Sia (Collections) and Suzanne Pearson (Law Clerk) as part of the Target team.

Amanda brings her previous experience in customer service and administration as well as a broad knowledge of Insurance Recoveries and Skip Tracing processes.

During her time as an Account Executive at DRA Mercantile, she was responsible for a queue of 300 debts varying in Clients and recovery scenarios. Amanda specialises in managing and negotiating settlements as well as interacting with Clients, Debtors, Insurers, Police Officers and Solicitors.

Amanda has brought her knowledge of the recoveries field and ACCC guidelines and applied it various Clients currently in use of Target Collections Services.

## Veda Advantage

Target Collections also announces that it has joined the Veda Advantage Group which will enable it to obtain skip traces and new address information from a large range of information services. Veda provides a fast and efficient credit reporting service. Target can now access the full suit of Veda services. If you are experience difficulties with the location of your debtors you can contact us for assistance in this area. For more information please direct your enquiry to Amanda on 03 9672 2640.

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