

Authorised Version No. 007
Victorian Civil and Administrative Tribunal
Rules 2008

S.R. No. 65/2008

Authorised Version incorporating amendments as at
25 January 2012

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The Rules Committee established by section 150 of the
Victorian Civil and Administrative Tribunal Act 1998
makes the following Rules:

ORDER 1—PRELIMINARY

1.01 Object

The object of these Rules is to regulate the
practice and procedure of the Victorian Civil and
Administrative Tribunal.

1.02 Authorising provisions

These Rules are made under section 157 of the
Victorian Civil and Administrative Tribunal
Act 1998 and all other enabling powers.

1.03 Commencement

These Rules come into operation on 30 June 2008.

1.04 Revocation

The Rules set out in Schedule 3 are **revoked**.

r. 1.05

Rule 1.05
(Heading)
amended by
S.R. No.
73/2010
rule 5(1).

1.05 Definitions

In these Rules—

Rule 1.05
def. of
*member in
charge of a list*
inserted by
S.R. No.
73/2010
rule 5(2).

member in charge of a list means a presidential member or a senior member nominated to be in charge of a list in accordance with Rule 2.04;

the Act means the **Victorian Civil and Administrative Tribunal Act 1998**.

1.06 Dispensing with compliance

The Tribunal may dispense with compliance with any of the requirements of these Rules, either before or after the occasion for compliance arises.

ORDER 2—TRIBUNAL DIVISIONS AND LISTS

PART 1—DIVISIONS OF THE TRIBUNAL

2.01 Divisions

- (1) The Tribunal shall exercise its functions in divisions.
- (2) For the purposes of subrule (1), the following divisions of the Tribunal are established—
 - (a) administrative division;
 - (b) civil division;
 - (c) human rights division.

2.02 Division Head

A presidential member nominated from time to time by the President shall be in charge of a division.

PART 2—DIVISION LISTS

2.03 Lists

- (1) Each division of the Tribunal shall exercise its functions in lists.
- (2) The following lists of the administrative division are established—
 - (a) general list;
 - (b) land valuation list;
 - (c) occupational and business regulation list;
 - (d) planning and environment list;
 - (e) taxation list.
- (3) The following lists of the civil division are established—
 - (a) civil claims list;
 - (b) credit list;

r. 2.03

**Rule 2.03
(3)(da)
inserted by
S.R. No.
154/2009
rule 5(1).**

- (c) domestic building list;
- (d) legal practice list;
- (da) owners corporation list;

- (e) real property list;
- (f) residential tenancies list;
- (g) retail tenancies list.

(4) The following lists of the human rights division are established—

- (a) anti-discrimination list;
- (b) guardianship list;

**Rule 2.03(4)(b)
amended by
S.R. No.
154/2009
rule 5(2)(a).**

(c) health and privacy list;

**Rule 2.03(4)(c)
inserted by
S.R. No.
154/2009
rule 5(2)(b).**

(d) mental health list.

**Rule 2.03(4)(d)
inserted by
S.R. No.
154/2009
rule 5(2)(b).**

(5) The functions to be exercised in each list are set out in Schedule 1.

(6) Any function capable of being exercised by the Tribunal that is not referred to in Schedule 1 is included in the general list of the administrative division.

2.04 List Heads

- (1) A presidential member, or a senior member, nominated by the President shall be in charge of a list.
- (2) The President may only nominate under subrule (1) a presidential member or senior member who, in the opinion of the President, has special knowledge of the law in relation to a class of matters in respect of which functions may be exercised in the list.

Rule 2.04(1)
amended by
S.R. No.
73/2010
rule 6(a).

Rule 2.04(2)
amended by
S.R. No.
73/2010
rule 6(b).

2.04A Assignment to cover short term absences

- (1) The President may assign a presidential member or a senior member to be a member in charge of a list if the person who is ordinarily the member in charge of a list is, for a short term not exceeding 3 months—
 - (a) absent; or
 - (b) for any other reason, unable to perform the duties of a member in charge of a list.
- (2) An assignment under subrule (1) cannot exceed 3 months.
- (3) A presidential member or a senior member assigned as a member in charge of a list under subrule (1) has all the powers and may perform all the duties of the member in charge of the list for whom he or she is acting.
- (4) The President may at any time terminate an assignment under this rule.

Rule 2.04A
inserted by
S.R. No.
73/2010 rule 7.

PART 3—WORKING ARRANGEMENTS

2.05 Entry of proceeding in list

- (1) The principal registrar must cause a proceeding to be entered in a list.
- (2) The President or a Vice-President may transfer a proceeding from a list to another list.
- (3) At the request of—
 - (a) a party to the proceeding; or
 - (b) the principal registrar; or
 - (c) a member—

Rule 2.05(3)
amended by
S.R. No.
73/2010
rule 8(1).

the member in charge of a list in which a proceeding is entered who may also be the member referred to in subparagraph (c) or, in the absence of that member in charge of a list, a member assigned to that list nominated by that member in charge of a list for the purposes of this subrule, may order the transfer of the proceeding from that list to another list.

- (4) An order can only be made under subrule (3) with the consent of—
 - (a) the member in charge of the list to which the proceeding is to be transferred; or
 - (b) in the absence of that member in charge of a list, a member assigned to that list nominated by the member in charge of that list for the purposes of this subrule.
- (5) An order under subrule (3)—
 - (a) may be made without the attendance of the parties to the proceeding; and

Rule 2.05(4)(a)
amended by
S.R. No.
73/2010
rule 8(2)(a).

Rule 2.05(4)(b)
amended by
S.R. No.
73/2010
rule 8(2)(b)(c).

(b) may be made on such terms and conditions as the member in charge of a list or member who makes the order thinks fit; and

Rule 2.05(5)(b)
amended by
S.R. No.
73/2010
rule 8(3).

(c) may include an order for costs.

(6) The principal registrar or a member, with the written consent of the parties, may transfer a proceeding from a list to another list.

2.06 Principal registrar may allocate proceedings to and transfer proceedings from lists

(1) Despite Schedule 1 and anything to the contrary in rule 2.05 and subject to subrule (2), the principal registrar may—

(a) enter a proceeding in any list;

(b) transfer a proceeding under rule 2.05 from a list to any other list.

(2) The principal registrar may only act under subrule (1) with the consent of—

(a) the President; or

(b) the member in charge of the list to which the proceeding would have been entered if Schedule 1 applied and the member in charge of the list to which the proceeding is to be entered or transferred.

Rule 2.06(2)(b)
amended by
S.R. No.
73/2010 rule 9.

2.07 Assignment of members

(1) The President must assign a member other than a Vice President to one or more lists, whether or not the particular list is in the same division.

(2) In making an assignment of a member to a particular list, the President must have regard to any special knowledge or experience relevant to determining the class of matters in respect of which functions may be exercised by the Tribunal in that list.

r. 2.07

- (3) An assignment under this rule must be in writing.
 - (4) A member, other than the President or a Vice-President, may only sit in a proceeding in a list to which he or she is assigned.
-

ORDER 3—REVIEW JURISDICTION

3.01 Form of application for order that statement of reasons be given for decision liable to review

An application under section 47(1) of the Act must be in writing and must specify—

- (a) the decision;
- (b) the name and title of the decision-maker; and
- (c) the date of the decision.

3.02 Functions under section 47(1) of the Act to be exercised in general list of administrative division

The functions of the Tribunal under section 47(1) of the Act are allocated to the general list of the administrative division.

3.03 Number of copies of documents to be lodged

The number of copies of a statement or document to be lodged for the purposes of section 49(1), 49(3) or 49(4) of the Act is—1.

ORDER 4—GENERAL PROCEDURE

4.01 Provisions of Order to be subject to Orders 5 and 6

Subject to Orders 5 and 6, this Order applies to any proceeding in the Tribunal.

4.02 Appointment of litigation guardian for a child

- (1) A person is eligible to be appointed by the Tribunal as the litigation guardian of a child who is a party to a proceeding if the person—
 - (a) is not a person under a disability; and
 - (b) has no interest in the proceeding adverse to that of the child.
- (2) An application by a person to be appointed as litigation guardian of a child must be in writing and must contain a certificate of the person applying to be appointed as litigation guardian or of the solicitor for the child that he or she knows or believes that—
 - (a) the person to whom the certificate relates is a child; and
 - (b) the person applying to be appointed as litigation guardian has no interest in the proceeding adverse to the person to whom the certificate relates.
- (3) Where the interests of a party who is a child so require, the Tribunal may appoint or remove a litigation guardian or substitute another person as litigation guardian.

4.03 Form of application

- (1) Subject to these Rules, an application to the Tribunal—
 - (a) if it is for review of a decision, must be in Form 1 in Schedule 2; and

(b) if it is for an order, must be in Form 2 in Schedule 2.

(2) A Form referred to in subrule (1) may contain any necessary modifications.

4.04 Form of referral

If no form of referral is otherwise required by these Rules, a referral to the Tribunal must be in Form 3 in Schedule 2.

4.05 Lodgement of application or referral

(1) An application or referral to the Tribunal must be lodged with the principal registrar.

(2) An application or referral may be lodged with the principal registrar by post, facsimile or other electronic transmission.

4.06 Lodgement of other documents by electronic transmission

(1) A party to an application or referral, or a person seeking to have a fee waived or reduced under section 132(1) of the Act, may, by electronic transmission to the principal registrar, lodge with the Tribunal any document relevant to the application, referral or the seeking of a reduction or waiver of a fee.

(2) The principal registrar may refuse to accept any document if he or she considers the document is illegible.

(3) The original of any document lodged with the Tribunal in accordance with this rule must be retained by or on behalf of the party on whose behalf it was lodged and provided to the Tribunal at the request of the principal registrar.

4.07 Notification of commencement

An applicant must serve a copy of an application or referral on each other party or other person entitled to notice of the application or referral under the Act, the enabling enactment or these Rules within 7 days after lodging the application or referral with the principal registrar.

4.08 Address for service of documents

- (1) An applicant must provide an address for service of documents in Victoria when making an application or referral.
- (2) Any party other than the applicant must, not later than 14 days after becoming a party, file with the principal registrar a statement of that party's address in Victoria for the service of documents.
- (3) Any party who wishes to change an address for service must notify the principal registrar and each other party that the party has a new address for service and notify that person of that address.
- (4) An address for service may include a telephone number for the receipt of facsimile transmissions and an address for the receipt of other electronic transmissions.

4.09 Counterclaim

- (1) Subject to the provisions of any Act or regulation, a counterclaim by one party against another party in a proceeding must be—
 - (a) in writing and contain any particulars required by these Rules; and
 - (b) accompanied by any documents or further information required by these Rules; and
 - (c) lodged in the same manner as an application.

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- (2) Unless otherwise provided by these Rules or ordered by the Tribunal, the party making the counterclaim must serve a copy of it on each other party within 7 days after lodgement.

4.10 Direction to submit to medical or other examination

- (1) If the physical or mental condition of a party is relevant to a proceeding, the Tribunal may direct the party to submit to a medical, psychological or other examination by an expert whom another party proposes to call as a witness or otherwise as the Tribunal directs.
- (2) The Tribunal may only make a direction under subrule (1) if satisfied—
- (a) that the examination is reasonably necessary in the interests of justice; and
 - (b) that there are no less restrictive means available to determine the party's physical or mental condition.

4.11 Notice of compulsory conference

The principal registrar must give notice of a compulsory conference in writing and in accordance with any other requirement of these Rules.

4.12 Notice of mediation

The principal registrar must give notice of a mediation in writing and in accordance with any other requirement of these Rules.

4.13 Notice of hearing

The principal registrar must give notice of the time and place for the hearing of a proceeding in writing and in accordance with any other requirement of these Rules.

4.14 Form of witness summons

A witness summons must be in Form 4 in Schedule 2 and must be issued by the principal registrar under the seal of the Tribunal.

4.15 Service of witness summons

- (1) A witness summons must be served—
 - (a) by the party who requested its issue, unless the Tribunal directs otherwise; or
 - (b) if it is issued at the initiative of the principal registrar or the Tribunal, as directed by the Tribunal.
- (2) When a summons is served, a sufficient sum is to be provided as conduct money.

4.16 Refusal to issue witness summons

If the principal registrar refuses to issue a witness summons at the request of a party, the principal registrar must inform the party of the right to apply to the Tribunal for a direction that a summons be issued.

4.17 Authentication of order

An order of the Tribunal is authenticated in accordance with section 116(1)(b) of the Act by—

- (a) being signed by a member of the Tribunal or the principal registrar and having the seal of the Tribunal affixed; or
- (b) if the order is entered into a computerised data storage or retrieval system, by a member of the Tribunal or the principal registrar entering confirmation of the order into that system.

4.18 Application for correction of order

A party who applies for the correction of an order of the Tribunal must do so in writing, giving particulars of the claimed mistake, error, miscalculation, misdescription or defect.

4.19 Re-opening an order

- (1) An application for review of an order under section 120 of the Act must be made within 14 days after the applicant becomes aware of the order.
- (2) No more than one application may be made under section 120 of the Act by the same person in respect of the same matter without leave of the Tribunal.

4.20 Extension or abridgment of time

- (1) The Tribunal may exercise any of the powers referred to in section 126(2) of the Act in any proceeding.
- (2) For the purposes of section 126 of the Act, all the enactments mentioned in Schedule 1, any other enactments which confer jurisdiction on the Tribunal and any regulations made under any of those enactments, are specified to be relevant enactments.

4.21 Form of warrant of arrest

For the purposes of section 137(2)(b) of the Act, the prescribed form of warrant is Form 5 of Schedule 2.

4.22 Form of warrant of committal

A warrant of committal must be in Form 6 in Schedule 2.

4.23 Alternative method of service of documents on party

In any case where section 140 of the Act provides that a notice, order or other document may be served on or given to a person by sending it to the person at an address specified by that section, the notice, order or other document may, if the person is a party, be instead sent by post, facsimile or other electronic transmission to the current address for service of documents of that person.

4.24 Form of register of proceedings and matters to be contained therein

The register may be kept in written or electronic form and shall contain, in respect of each proceeding commenced in the Tribunal—

- (a) a number identifying the proceeding;
- (b) the names of the parties;
- (c) a reference to the statutory provision conferring the relevant jurisdiction on the Tribunal;
- (d) if the proceeding is withdrawn, the date of withdrawal;
- (e) particulars of any final determination or order made by the Tribunal.

4.25 Classes of persons disqualified from being a professional advocate

- (1) For the purposes of section 62(8) of the Act, a person is disqualified from being a professional advocate if—
 - (a) the person, being or having been a legal practitioner, has been the subject of disciplinary proceedings under the law of Victoria, another State, a Territory or the Commonwealth and has been found guilty in those proceedings of professional

-
- misconduct (by whatever name called) or of another breach of professional standards, whereby the person is not currently permitted to practise; or
- (b) the person, being or having been a licensed estate agent or an agent's representative under the **Estate Agents Act 1980**, has been the subject of disciplinary proceedings under the law of Victoria, another State, a Territory or the Commonwealth and has been found guilty in those proceedings of professional misconduct (by whatever name called) or of another breach of professional standards, whereby the person is not currently permitted to practise as a licensed estate agent or an agent's representative under that Act; or
- (c) the person, either not being or having been a legal practitioner, or a licensed estate agent or an agent's representative under the **Estate Agents Act 1980**, has been the subject of disciplinary proceedings under the law of Victoria, another State, a Territory or the Commonwealth or under the rules of a professional or occupational association or other body relevant to the person and has been found guilty in those proceedings of professional misconduct (by whatever name called) or of another breach of professional or occupational standards.
- (2) A person referred to in subrule (1)(c) is disqualified from being a professional advocate unless a Presidential member makes an order that the professional misconduct (by whatever name called) or breach of professional standard was not of such gravity as to justify the disqualification of the advocate.

4.26 Principal registrar's powers in relation to adjournment and withdrawal of a proceeding

- (1) The principal registrar, on the application of a party and with the consent of the other parties, may adjourn the hearing of a proceeding.
 - (2) The principal registrar may hear and determine an application by consent of the parties for adjournment or withdrawal of a proceeding before the hearing commences.
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ORDER 5—ADMINISTRATIVE DIVISION

PART 1—LAND VALUATION LIST

5.01 Tribunal may direct disclosure of valuation evidence

- (1) A member of the Tribunal may direct that each party to a proceeding to which this rule applies give to the other party—
 - (a) the names of the valuers it proposes to call;
 - (b) the amount of the valuation placed by each valuer on the land that is the subject of the appeal; and
 - (c) details of all sales and rentals relied upon by the valuer in arriving at the valuation.
- (2) The member may give such a direction at any time on application by any party, or of his or her own motion.
- (3) If such a direction is given, a party may not call or rely on, without the leave of the Tribunal—
 - (a) any valuer whose name was not given to the other party; or
 - (b) any evidence of sales or rentals that was not given to the other party.
- (4) This rule applies to—
 - (a) a proceeding under the **Land Acquisition and Compensation Act 1986** or a proceeding to which that Act applies; and
 - (b) a proceeding under Part III of the **Valuation of Land Act 1960** or a proceeding to which that Part applies.

PART 2—OCCUPATIONAL AND BUSINESS REGULATION LIST

5.02 Form of application

- (1) An application under an enactment allocated to the occupational and business regulation list for a disciplinary inquiry must—
 - (a) be in writing; and
 - (b) state the provision under which it is made and the person who is the subject of the application.
- (2) Rule 4.03 does not apply to an application referred to in subrule (1).

5.03 Constitution of Tribunal in proceedings

- (1) Subject to subrule (4), any matter arising under a provision of the **Consumer Credit (Victoria) Act 1995** allocated to the occupational and business regulation list must be determined by the Tribunal constituted by at least 3 members including—
 - (a) a member being a person who has been admitted to legal practice for not less than 5 years; and
 - (b) a member who is a person with experience in the business of providing credit in connection with the supply of goods or services or a person with experience in the business of supplying goods or services; and
 - (c) a member who is a person who does not have such experience but has knowledge of the interests of natural persons who obtain or seek to obtain credit from credit providers.

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- (2) Subject to subrule (4), any matter arising under a provision of the **Estate Agents Act 1980** that is allocated to the occupational and business regulation list must be determined by the Tribunal constituted by at least 3 members including—
- (a) a member being a person who has been admitted to legal practice for not less than 5 years; and
 - (b) a member with experience in and who represents the interests of the real estate industry; and
 - (c) a member with knowledge of natural persons who use real estate industry services and who represents their interests.
- (3) Subject to subrule (4), any matter arising under a provision of the **Prostitution Control Act 1994** that is allocated to the occupational and business regulation list must be determined by the Tribunal constituted by at least 3 members including—
- (a) a member being a person who has been admitted to legal practice for not less than 5 years; and
 - (b) a member who shall be either—
 - (i) a barrister and solicitor of the Supreme Court or of the High Court of Australia with knowledge, experience and expertise in criminal law, company law or another area of law relevant to the functions of the Tribunal under the **Prostitution Control Act 1994**; or
 - (ii) a member of the police force of or above the rank of inspector; and

(c) a member who has knowledge of the prostitution industry in Victoria or of health, occupational health and safety, enforcement or general community issues relevant to the functions of the Tribunal under the **Prostitution Control Act 1994**.

(4) The President may determine that a particular matter may be determined by the Tribunal constituted otherwise than in accordance with the requirements of subrules (1), (2) or (3).

PART 3—PLANNING AND ENVIRONMENT LIST

5.04 Time within which statement of grounds must be lodged in case of proceeding under planning enactment

Rule 5.04
amended by
S.R. No.
1/2012 rule 4.

A person who is required by clause 56(1) of Schedule 1 to the Act to lodge with the Tribunal a statement of the grounds on which the person intends to rely at the hearing of a proceeding must lodge the statement with the Tribunal within the period directed by the Tribunal, or if there is no direction, within 14 days after being served with notice of the proceeding.

5.05 Applications to the planning and environment list

- (1) An application to the planning and environment list—
- (a) must be in writing; and
 - (b) must contain the following details with respect to the applicant and the respondent—
 - (i) full name; and
 - (ii) address for service; and
 - (c) must identify the Act, including the section, or other legislative provision under which it is brought; and

- (d) must contain a brief description of the issue or matter in dispute; and
- (e) must state the remedy being sought from the Tribunal.

(2) Rule 4.03 does not apply to an application referred to in subrule (1).

5.06 Referral of disputes—section 39(1) of the Planning and Environment Act 1987

- (1) A referral under section 39(1) of the **Planning and Environment Act 1987** must comply with the requirements set out in rule 5.05.
- (2) The referral must also contain—
 - (a) the date on which the person became aware of the alleged failure to comply; and
 - (b) the name of the Minister, planning authority or panel alleged to have failed to comply with Division 1, 2 or 3 of Part 3, or Part 8, of the **Planning and Environment Act 1987**.

5.07 Matters to be contained in notice given or published under section 83B of the Planning and Environment Act 1987

- (1) A notice given or published under section 83B of the **Planning and Environment Act 1987** must—
 - (a) set out clearly the location of the land to which the application for review relates; and
 - (b) set out the purposes for which the permit is sought; and
 - (c) in the case of an application to review a refusal to grant a permit, set out the grounds upon which the permit was refused; and

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- (d) state that all persons who may be materially affected by the grant of the permit—
- (i) will be entitled to be heard on the hearing of the application for review if, before a date specified in the statement, they give written notice to the principal registrar stating how they may be so affected and that they wish to be heard; and
 - (ii) even if a person does not give notice to the principal registrar in accordance with subparagraph (i), may apply in writing to be made a party to the application for review stating how the person may be affected by the grant of the permit; and
 - (iii) must, in a notice given in accordance with subparagraph (i) or in an application made in accordance with subparagraph (ii), state the grounds on which they intend to rely at the hearing.

- (2) A statement of the grounds on which a person intends to rely included in a notice referred to in subrule (1)(d)(i) or an application referred to in subrule (1)(d)(ii) is a statement for the purposes of clause 56(1) of Schedule 1 to the Act, even if the statement may not have been lodged within the period specified in rule 5.04.

5.08 Additional requirement if document is served electronically

An applicant in a proceeding under an enactment set out in clause 4 in Part 1 of Schedule 1 who serves the initiating document in that proceeding on another person by electronic transmission must, within 24 hours of sending the transmission

Victorian Civil and Administrative Tribunal Rules 2008
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r. 5.08

to that person, deliver or send by post to that
person a copy of that document.

* * * * *

**Rule 5.09
revoked by
S.R. No.
117/2010
rule 5.**

**ORDER 6—CIVIL DIVISION AND HUMAN RIGHTS
DIVISION**

PART 1—ANTI-DISCRIMINATION LIST

**Division 1—Complaints under the Equal Opportunity
Act 1995—Transitional Rules**

Order 6 Pt 1
Div. 1
(Heading)
inserted by
S.R. No.
97/2011 rule 5.

Rule 6.01
substituted by
S.R. No.
97/2011 rule 5.

6.01 Application of Division 1

- (1) This Division applies to proceedings, whether commenced before, on or after the commencement of the Victorian Civil and Administrative Tribunal (Anti Discrimination List Amendment) Rules 2011 to which—
 - (a) by virtue of Division 2 of Part 14 of the **Equal Opportunity Act 2010**, the **Equal Opportunity Act 1995**, as in force immediately before its repeal, continues to apply; or
 - (b) by virtue of Part 5 of the **Racial and Religious Tolerance Act 2001**, that Act, as in force immediately before 1 August 2011, continues to apply; or
 - (c) by virtue of section 164, the Act, as in force immediately before 1 August 2011, continues to apply.
- (2) In this Division, *complaint* includes a complaint under the **Racial and Religious Tolerance Act 2001** as in force immediately before 1 August 2011.

6.02 Notifications

- (1) If a complaint is referred to the Tribunal by the Minister or the Victorian Equal Opportunity and Human Rights Commission under the **Equal Opportunity Act 1995**, the referral must—
 - (a) include a copy of the complaint; and
 - (b) if the request for referral was made by the complainant, include a copy of that request; and
 - (c) state the names and addresses for service of the parties to the complaint, what unlawful conduct is claimed, and what enactment is claimed to be breached; and
 - (d) state the date of any decision of the Victorian Equal Opportunity and Human Rights Commission or the chief conciliator from which the referral arose and state the enactment under which that decision was made; and
 - (e) if the referral was made following a decision by the chief conciliator that it was not reasonably possible to successfully conciliate the complaint or that attempts at conciliation had been unsuccessful, state the date of the last conciliation meeting or conference before that decision was made.
- (2) Within 7 days after receiving a referral referred to in subrule (1), the principal registrar must give a copy of the referral to the complainant and the respondent.

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- (3) An application under section 23A of the **Racial and Religious Tolerance Act 2001** must—
- (a) include a copy of the complaint and of the Victorian Equal Opportunity and Human Rights Commission's decision to decline to entertain it; and
 - (b) state the names and addresses for service of the parties to the complaint.
- (4) If a complaint is referred to the Tribunal by the Minister or the Victorian Equal Opportunity and Human Rights Commission under the **Equal Opportunity Act 1995**, the complainant must give to the principal registrar written notice of the complainant's address in Victoria for service of documents within 7 days after receiving notice of the referral under subrule (1).
- (5) An applicant to the Tribunal under section 109, 121, 124 or 131 of the **Equal Opportunity Act 1995** must, when making the application, provide to the principal registrar an address for service of documents for each other party to the proceeding.
- (6) Rule 4.03 does not apply to an application referred to in this rule.

6.03 Interlocutory applications

- (1) This rule applies to an application to the Tribunal under section 109, 121, 124 or 131 of the **Equal Opportunity Act 1995**.
- (2) An application to which this rule applies must—
- (a) be accompanied by a copy of the complaint or, if the applicant does not have one, any information which the applicant is able to give about the nature of the complaint and the identity of the parties to it; and

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- (b) if the application relates to a determination of the Victorian Equal Opportunity and Human Rights Commission, give any information which the applicant is able to give about the nature and date of the determination; and
 - (c) if, under the **Equal Opportunity Act 1995** there are requirements to be met before the application can be made, include information that those requirements have been met; and
 - (d) in the case of an application under section 131 of the **Equal Opportunity Act 1995** for an interim order—
 - (i) state each order that is sought; and
 - (ii) be accompanied by an affidavit setting out the facts and circumstances on which the applicant relies.
- (3) Rule 4.03 does not apply to an application to which this rule applies.

6.04 Additional functions of principal registrar

The principal registrar may not reject, under section 71(1) of the Act—

- (a) an application made to the Tribunal under the **Equal Opportunity Act 1995** or the **Racial and Religious Tolerance Act 2001**; or
- (b) an application made under the **Victorian Civil and Administrative Tribunal Act 1998** in a proceeding under the **Equal Opportunity Act 1995** or the **Racial and Religious Tolerance Act 2001**.

r. 6.05

6.05 Rule 4.04 not to apply to proceedings under Equal Opportunity Act 1995 or the Racial and Religious Tolerance Act 2001

Rule 4.04 does not apply to proceedings under the **Equal Opportunity Act 1995** or the **Racial and Religious Tolerance Act 2001**.

6.06 Jurisdictional hearings and functions under section 156 of the Equal Opportunity Act 1995

When exercising its functions under section 156 of the **Equal Opportunity Act 1995**, the Tribunal shall be constituted as determined by the President.

Order 6 Pt 1
Div. 2
(Heading and
rules 6.06A–
6.06C)
inserted by
S.R. No.
97/2011 rule 6.

Division 2—Applications under the Equal Opportunity Act 2010 and the Racial and Religious Tolerance Act 2001

Rule 6.06A
inserted by
S.R. No.
97/2011 rule 6.

6.06A Application of Division

This Division applies to an application under—

- (a) section 122 of the **Equal Opportunity Act 2010**;
- (b) section 23 of the **Racial and Religious Tolerance Act 2001**.

Rule 6.06B
inserted by
S.R. No.
97/2011 rule 6.

6.06B Rule 4.03 does not apply

Rule 4.03 does not apply to an application to which this Division applies.

Rule 6.06C
inserted by
S.R. No.
97/2011 rule 6.

6.06C Information for applications

An application to which this Division applies must contain the following—

- (a) the names, addresses, telephone numbers and contact details of the applicant and each respondent;

- (b) details of the contravention alleged;
- (c) details of the remedy sought.

PART 2—CIVIL CLAIMS LIST

6.07 Application of these Rules to this List

- (1) This Part applies to a proceeding in the civil claims list.
- (2) Rules 4.03, 4.07 and 4.08 do not apply to a proceeding to which this Part applies.

6.08 Re-opening on substantive grounds

- (1) An application under section 120 of the Act must be in the form of an affidavit or statutory declaration that contains—
 - (a) the name, current address, telephone number and facsimile number (if any) of the applicant; and
 - (b) the number of the original proceeding for which the review is requested; and
 - (c) the date on which and the manner in which the applicant became aware of the order in respect of which a review is requested; and
 - (d) the reasons of the applicant for not attending or not being represented at the original hearing—

and must exhibit any documents in support of the matters referred to in subparagraphs (a) to (d).

- (2) On the lodgement of an application under section 120 of the Act the principal registrar—
 - (a) may require the applicant to comply with the requirements of subrule (1) by requesting the applicant to provide a further affidavit or statutory declaration; and

- (b) must advise the applicant and the other parties by notice of the procedures of the Tribunal with respect to the future conduct of the application.

6.09 Applications

An application in the civil claims list must be in writing and contain the following information—

- (a) the name, address and telephone and other contact details (including registration or identifying numbers if relevant) for the applicant and all respondents and any other parties the applicant claims have an interest in the matter;
- (b) if the goods are mortgaged or leased, the name, address, telephone and other contact details of any credit provider who has an interest in the goods;
- (c) a brief history of the dispute sufficient to inform the other parties what the application is about;
- (d) the remedy sought, including the amount if it is a monetary claim;
- (e) copies of documents upon which the applicant relies.

Note

See also rule 6.07.

6.10 Documents to accompany an application

- (1) For the purposes of section 67(1)(b) of the Act in applications to which this Part applies the documents required to accompany an application are—

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- (a) an extract of a business name of any respondent or any interested party which is not a company but has a registered business name;
 - (b) all relevant contract notes, documents and photographs;
 - (c) a copy of any contract for finance concerning the purchase, mortgage or lease of the goods the subject of the application; and
 - (d) additionally, in the case of an application pursuant to section 45(2) of the **Motor Car Traders Act 1986**, a copy of the agreement for the sale of the motor car and a copy of any contract for finance concerning the purchase of the motor car and any other documents the applicants have in their possession concerning the purchase of the motor car or any ancillary or incidental items in association with that purchase.
- (2) Nothing in subrule (1) precludes an application being accompanied by any other document the applicant considers relevant to the determination of the application.

6.11 Rejection of applications by principal registrar

For the purposes of section 71(2) of the Act, a requirement by the applicant that the principal registrar refer the application to the Tribunal for review of the rejection must be in writing received within 7 days after the applicant being informed of the rejection.

PART 3—CREDIT LIST

6.12 Notifications

- (1) For the purposes of section 67(1)(a) of the Act, an application under an enactment allocated to the credit list must be in writing and contain the names and addresses of each applicant and each respondent and state the provision of the enactment under which the application is made.
- (2) Rule 4.03 does not apply to an application referred to in subrule (1).

6.13 Function of the principal registrar

The principal registrar may not reject, under section 71(1) of the Act—

- (a) an application made to the Tribunal under an enactment allocated to the credit list; or
- (b) an application made under the **Victorian Civil and Administrative Tribunal Act 1998** in a proceeding under an enactment allocated to the credit list.

PART 4—DOMESTIC BUILDING LIST

6.14 Applications and dealings with applications

An application in a proceeding required by these Rules to be entered in the domestic building list must be in Form 7 in Schedule 2.

PART 5—GUARDIANSHIP LIST

6.15 Service by principal registrar

Subject to any order of the Tribunal, if the principal registrar undertakes service of an application, under section 72(2)(a) of the Act, in a proceeding entered in the guardianship list, service must take place within 21 days after lodgement of the application with the Tribunal.

6.16 Form of register of proceedings and matters contained therein

Despite the provisions of rule 4.24, in proceedings allocated to the guardianship list, the register contains only the following—

- (a) the number identifying the proceeding;
- (b) the date of commencement;
- (c) the names of the parties,
- (d) if the proceeding is withdrawn, the date of the withdrawal.

PART 6—REAL PROPERTY LIST

6.17 Form of claim in proceedings under the Water Act 1989 and the Water Industry Act 1994

A person who seeks relief under section 15(1), 16 or 157(1) of the **Water Act 1989** or section 74(1) of the **Water Industry Act 1994** must make a claim in Form 8 in Schedule 2.

6.18 Counterclaim

Any counterclaim in a proceeding under section 15(1), 16 or 157(1) of the **Water Act 1989** may be in Form 8 in Schedule 2, with any necessary modification.

PART 7—RESIDENTIAL TENANCIES LIST

6.19 Definition

In this Part—

Authority has the same meaning as in section 3(1) of the **Residential Tenancies Act 1997**.

6.20 Application of Part

- (1) This Part applies to a proceeding in the residential tenancies list.
- (2) Rules 4.03 and 4.08 do not apply to a proceeding in the residential tenancies list.

6.21 Mode of service

A copy of an application to the Tribunal under section 241, 277 or 301 of the **Residential Tenancies Act 1997** may be served by affixing the copy to the door giving access to the rented premises, room or caravan or by placing it in a prominent position at the site.

6.22 Service prior to lodgement

- (1) Despite rule 4.07, an applicant may serve a copy of a proposed application or referral under an enactment allocated to the residential tenancies list prior to the application being lodged with the principal registrar or a registrar of the Magistrates' Court.
- (2) If a copy of the proposed application or referral is served prior to being lodged, the application or referral must be lodged in accordance with rule 4.05 within 7 days after service of the copy.

6.23 Accompanying documents for electronic lodgement

Despite the provisions of rules 6.25 and 6.28, if an application has been lodged with the principal registrar by electronic communication to the Tribunal's information system for generating, sending, receiving, storing or otherwise processing electronic communications known as VCAT Online, any requirement of those rules that a document must accompany the application is satisfied if—

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- (a) in the case of an application referred to in rule 6.25(5) or rule 6.25(7) relating to a notice to vacate, the applicant has created the document using VCAT Online; and
 - (b) in the case of an application referred to in the following rules, the document is provided to the Tribunal at the hearing of the application or, at the request of the principal registrar at any time before or after the hearing—
 - (i) rule 6.25(6) relating to an application under section 322 of the **Residential Tenancies Act 1997**;
 - (ii) rule 6.25(7) relating to a notice of intention to vacate;
 - (iii) rule 6.25(11);
 - (iv) rule 6.25(14);
 - (v) rule 6.28(2).

6.24 Applications

For the purposes of section 67(1)(a) of the Act, applications must be in writing and specify—

- (a) the name, address, telephone number and facsimile number of the applicant, the respondent and any other party whom the applicant claims ought to be joined as a party;
- (b) if a party is a corporation, its Australian Company Number or Australian Registered Body Number;
- (c) the name, address, telephone number and facsimile number of any agent acting for the applicant, respondent or other party;
- (d) the address of the premises, room and rooming house, or caravan, site and caravan park the subject of the application;

- (e) a brief description of the remedy sought and the basis on which the remedy is sought;
- (f) whether or not a bond was paid by the tenant, resident, Director of Housing or some other person, and if so, for what respective amounts;
- (g) if a bond was paid, the relevant Residential Tenancies Bond Authority bond number or numbers;
- (h) any previous Tribunal file numbers relating to applications made in relation to the same tenancy agreement or agreement in relation to a residency right.

Note

See also rule 6.20.

6.25 Documents required to be included with certain applications

- (1) An application under section 46(1), 103(1) or 154(1) of the **Residential Tenancies Act 1997** (excessive rent or hiring charge) must be accompanied by a copy of the Director's report under section 45, 102 or 153 of that Act (as the case requires) with respect to the relevant rent or hiring charge.
- (2) An application under section 75(1), 132(1) or 191(1) of the **Residential Tenancies Act 1997** (non-urgent repairs) must be accompanied by a copy of the Director's report under section 74, 131 or 190 of that Act (as the case requires) with respect to the relevant premises, room, rooming house or caravan.
- (3) An applicant referred to in subrule (2) must serve a copy of the report referred to in that section with the copy of the application.

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- (4) An application under section 128(1) or 187(1) of the **Residential Tenancies Act 1997** (unreasonable house or caravan park rules) must be accompanied by a copy of the house rules or caravan park rules (as the case requires).
 - (5) An application under section 209 of the **Residential Tenancies Act 1997** must be accompanied by a copy of the breach of duty notice given under section 208.
 - (6) An application to the Tribunal under section 322, 323 or 324 of the **Residential Tenancies Act 1997** arising out of a notice to vacate under section 248, 282 or 307 of that Act must be accompanied by a copy of the order of the Tribunal with which it is alleged the tenant or resident has failed to comply.
 - (7) An application under Division 1 of Part 7 of the **Residential Tenancies Act 1997** (possession order) must be accompanied by a copy of any notice to vacate or notice of intention to vacate given in respect of the rented premises, room, site or caravan (as the case requires).
 - (8) A request for determination under section 339 of the **Residential Tenancies Act 1997** must—
 - (a) be verified by affidavit;
 - (b) be accompanied by a copy of the notice to vacate given in respect of the rented premises.
 - (9) In addition to the requirements of subrule (8), a request for determination relating to a notice to vacate under section 261 of the **Residential Tenancies Act 1997** must be accompanied by—
 - (a) a copy of the tenancy agreement relating to the rented premises; and

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- (b) a copy of the notice given in accordance with section 337(1) and (2) of that Act.
- (10) An application under section 374 of the **Residential Tenancies Act 1997** must be accompanied by a copy of the notice to leave given under section 368 of that Act.
- (11) An application under section 414(1) of the **Residential Tenancies Act 1997** (unpaid rent on abandonment) must—
- (a) be verified by affidavit; and
 - (b) be accompanied by a copy of any receipt or replacement receipt issued by the Authority to the applicant in respect of the bond.
- (12) In addition to the requirements of rule 6.26(7), an application under section 416 of the **Residential Tenancies Act 1997** must—
- (a) set out the name and address of the landlord; and
 - (b) be accompanied by a copy of any receipt or replacement receipt issued by the Authority to the applicant in respect of the bond.
- (13) In addition to the requirements of rule 6.26(8), an application under section 417 of the **Residential Tenancies Act 1997** made in circumstances referred to in section 418 of that Act or on the grounds set out in section 419 of that Act, must be accompanied by a copy of any receipt or replacement receipt issued by the Authority to the applicant in respect of the bond.
- (14) An application by a landlord under section 417 of the **Residential Tenancies Act 1997** to the Tribunal made in circumstances referred to in section 419(1) of that Act must be accompanied by—

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- (a) if paragraph (a), (b) or (c) of section 419(1) is applicable, a copy of the condition report prepared in respect of the rented premises under section 35, 97 or 148 of that Act; and
 - (b) a copy of any quotation, account or receipt on which the landlord relies to prove the claim.

6.26 Particulars to be provided with certain applications

- (1) An application—
 - (a) under section 322, 323 or 324 of the **Residential Tenancies Act 1997** arising out of a notice to vacate under sections 243, 244, 278, 279, 280, 302, 303 or 304 of that Act; or
 - (b) under section 374 of the **Residential Tenancies Act 1997** for the termination of a tenancy agreement or residency right—

must specify the acts, facts, matters and circumstances, including relevant dates, being relied on in support of the application.
- (2) An application under section 322, 323 or 324 of the **Residential Tenancies Act 1997** arising out of a notice to vacate under section 248, 282 or 307 of that Act must specify the acts, facts, matters and circumstances, including relevant dates, being relied on as constituting a failure to comply with an order of the Tribunal.
- (3) An application under section 322, 323 or 324 of the **Residential Tenancies Act 1997** arising out of a notice to vacate under sections 249, 283 or 308 of that Act must specify the acts, facts, matters and circumstances, including relevant dates, being relied on as the basis for giving the notice to vacate.

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- (4) An application under section 322, 323 or 324 of the **Residential Tenancies Act 1997** arising out of a notice to vacate under section 250, 284 or 309 of that Act must specify—
- (a) the illegal purpose alleged; and
 - (b) the acts, facts, matters and circumstances, including relevant dates, being relied on to establish that the rented premises were or the room, site or caravan was used for an illegal purpose.
- (5) An application under section 322 of the **Residential Tenancies Act 1997** arising out of a notice to vacate under section 252 of that Act must specify—
- (a) the statement alleged to have been made by the tenant; and
 - (b) the date on which it is alleged the statement was made.
- (6) An application under section 322 of the **Residential Tenancies Act 1997** arising out of a notice to vacate under section 262 of the **Residential Tenancies Act 1997** must specify—
- (a) the eligibility criterion or criteria which it is alleged the tenant has ceased to meet; and
 - (b) the date on which it is alleged the tenant ceased to meet the eligibility criterion or criteria.
- (7) An application under section 416 of the **Residential Tenancies Act 1997** must specify—
- (a) the amount of bond sought; and
 - (b) the basis on which the amount is sought; and
 - (c) the date on which the tenant vacated the rented premises;

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- (d) if made by the Director of Housing, set out the name of the tenant; and
 - (e) state whether any and what amount of bond was paid on behalf of the tenant by the Director of Housing; and
 - (f) set out the name and address of any person or body, other than the applicant, who the applicant believes may have an interest in an amount of the bond.
- (8) An application under section 417 of the **Residential Tenancies Act 1997** must specify—
- (a) the amount of bond sought; and
 - (b) the basis on which the amount is sought; and
 - (c) the date on which the tenant delivered up vacant possession of the rented premises or the date on which the landlord became aware that the tenant had abandoned the rented premises;
 - (d) specify the name of the tenant; and
 - (e) if section 418 applies, set out details of the amount of rent that has accrued and remains unpaid or if section 419 applies set out details of the compensation claimed; and
 - (f) specify whether any and what amount of bond was paid on behalf of the tenant by the Director of Housing; and
 - (g) set out the name and address of any person or body, other than the applicant, who the applicant believes may have an interest in an amount of the bond.
- (9) An application under section 452(5) or 452(6) of the **Residential Tenancies Act 1997** must specify—

- (a) the interest which the applicant claims to have in the tenancy agreement or the agreement in relation to the residency right; and
- (b) the circumstances in which the applicant's interest has arisen.

6.27 Additional particulars for certain applications

- (1) In addition to the requirements of rule 6.25(4), an application made under section 128(1) or 187(1) of the **Residential Tenancies Act 1997** (unreasonable house or caravan park rules) must—
 - (a) specify which rules are considered to be unreasonable; and
 - (b) specify the reasons why these rules are considered unreasonable.
- (2) In addition to the requirements of rule 6.25(8), a request for determination under section 339 of the **Residential Tenancies Act 1997** must—
 - (a) request the making of a possession order requiring the tenant to vacate the rented premises; and
 - (b) set out—
 - (i) the name and address of the landlord;
 - (ii) the name and address of the tenant; and
 - (iii) details of the tenant's continued occupation of the rented premises.
- (3) In addition to the requirements of rule 6.25(8), a request for determination relating to an application under section 335 of the **Residential Tenancies Act 1997** must—
 - (a) specify the details of the rent owing at the date of the affidavit;

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- (b) request the making of a determination of the amount of rent owing to the landlord by the tenant; and
- (c) request the making of a determination directing the Authority to pay out an amount of bond to or on account of the landlord in respect of the rent owing.
- (4) In addition to the requirements of rules 6.25(8) and 6.25(9), a request for determination relating to a notice to vacate under section 261 of the **Residential Tenancies Act 1997**—
- (a) may specify the details of the rent owing (if any) at the date of the affidavit;
- (b) may request the making of a determination of the amount of rent owing to the landlord by the tenant (if any);
- (c) may request the making of a determination directing the Authority to pay out an amount of bond to or on account of the landlord in respect of the rent owing (if any).
- (5) In addition to the requirements of rule 6.25(11), an application under section 414(1) of the **Residential Tenancies Act 1997** (unpaid rent on abandonment) must—
- (a) request the making of a determination of the amount of rent owing to the landlord by the tenant; and
- (b) request the making of a determination directing the Authority to pay out an amount of bond to or on account of the landlord in respect of the rent owing; and
- (c) set out—
- (i) the name and address of the landlord;
- (ii) the name of the tenant;

- (iii) the details of the rent owing at the date of the affidavit;
- (iv) details of the inquiries made by the landlord as to the whereabouts of the tenant; and
- (v) whether the bond was paid on behalf of the tenant by the Director of Housing; and
- (vi) the name and address of any person or body, other than the applicant, who the applicant believes may have an interest in an amount of the bond.

6.28 Documents and particulars required for certain applications

- (1) An application made under section 210 of the **Residential Tenancies Act 1997** must specify—
 - (a) the date on which the tenant delivered up vacant possession or abandoned the rented premises; and
 - (b) the breach of duty alleged; and
 - (c) the loss or damage caused by the breach; and
 - (d) the amount of compensation claimed.
- (2) An application made by a landlord under section 210 of the **Residential Tenancies Act 1997** for payment of compensation for loss or damage to the rented premises or a failure to keep them in a reasonably clean condition must be accompanied by a copy of the condition report as required by section 35 of that Act prepared in respect of the rented premises.
- (3) An application made under section 452 of the **Residential Tenancies Act 1997** for payment of compensation must specify—

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- (a) the date on which the resident vacated or abandoned the room, site or caravan; and
 - (b) the breach of duty alleged; and
 - (c) the loss or damage caused by the breach; and
 - (d) the amount of compensation claimed.
- (4) An application made by a rooming house owner, caravan park owner, or caravan owner under section 452 of the **Residential Tenancies Act 1997** for compensation for loss or damage to a room, site or caravan or a failure to keep them in a reasonably clean condition must be accompanied by a copy of the condition report as required by either section 97 or 148 of that Act.

6.29 Form of notice under section 346 of the Residential Tenancies Act 1997

For the purpose of section 346 of the **Residential Tenancies Act 1997** the notice must be in Form 9 in Schedule 2.

6.30 Warrant of possession

For the purposes of section 355(1)(a) of the **Residential Tenancies Act 1997**, a warrant of possession is in the prescribed form if it is in Form 10 in Schedule 2.

6.31 Withdrawal of proceedings

If an applicant withdraws an application pursuant to section 74 of the Act, the notification in writing of withdrawal of the application must state—

- (a) the name of the applicant, respondent or any other party to the proceeding;
- (b) the address of the premises, room and rooming house, or caravan, site and caravan park the subject of the application;
- (c) the date of lodgement of the application;

- (d) the tribunal file number (if known);
- (e) the hearing date of the application (if known); and
- (f) the venue for the hearing (if known).

6.32 Re-opening an order

- (1) An application referred to in rule 4.19(2) must be made in person by the party or representative appearing before the Tribunal between 9.30 a.m. and 12.00 noon or between 2.00 p.m. and 4.00 p.m. on any day on which the Tribunal sits.
- (2) Unless the Tribunal otherwise orders, on lodging the application, the applicant must forthwith give notice of the application to all other parties.

6.33 Review of certain determinations and orders

- (1) An application for review of a determination under section 479 of the **Residential Tenancies Act 1997** must be made on notice to all parties.
- (2) The application must—
 - (a) be in writing; and
 - (b) be supported by affidavit; and
 - (c) specify—
 - (i) the name and address of the landlord; and
 - (ii) the name of the tenant; and
 - (iii) the address of the rented premises; and
 - (iv) the date on which the applicant was given a copy of the determination made by the principal registrar or the Tribunal; and

-
- (v) details of the breach of, or failure to comply with, the **Residential Tenancies Act 1997** which the applicant alleges.

PART 8—RETAIL TENANCIES LIST

6.34 Form of application

An application under an enactment allocated to the retail tenancies list or in a proceeding in that list must be in Form 11 in Schedule 2.

6.35 Counterclaims

Any counterclaim in a proceeding in the retail tenancies list must be in Form 11 in Schedule 2, with any necessary modification.

SCHEDULES

SCHEDULE 1

ALLOCATION OF FUNCTIONS

PART 1—ADMINISTRATIVE DIVISION

1 General List

(1) The functions of the Tribunal under the enabling enactments set out in the items below are allocated to the general list of the administrative division.

1.1 **Accident Compensation Act 1985;**

1.2 **Adoption Act 1984** section 129A(1)(a) (decisions regarding fitness to adopt and approval to adopt);

1.3 **Associations Incorporation Act 1981;**

1.4 **Births, Deaths and Marriages Registration Act 1996;**

1.5 **Cemeteries and Crematoria Act 2003;**

1.6 **Children, Youth and Families Act 2005;**

1.7 **Co-operatives Act 1996;**

1.8 **Country Fire Authority Act 1958;**

1.9 **Dangerous Goods Act 1985;**

1.10 **Disability Act 2006** section 50 (decision as to disability);

1.11 **Domestic (Feral and Nuisance) Animals Act 1994** section 98(2) (declaration and registration of dangerous dogs);

1.12 **Drugs, Poisons and Controlled Substances Act 1981;**

1.13 **Electoral Act 2002;**

-
- 1.14 **Electricity Safety Act 1998**;
- 1.15 **Emergency Management Act 1986**;
- 1.16 **Emergency Services Superannuation Act 1986**;
- 1.17 **Equipment (Public Safety) Act 1994**;
- 1.18 **Estate Agents Act 1980** section 81(5A)
(claims against guarantee fund);
- 1.19 **Fisheries Act 1995**;
- 1.20 **Freedom of Information Act 1982**;
- * * * * *
- 1.22 **Gas Safety Act 1997**;
- * * * * *
- 1.27 **Livestock Disease Control Act 1994**;
- 1.28 **Local Government Act 1989** sections
38(2A) and 48 (decisions of municipal
electoral tribunal), section 133 (decision of
the Minister imposing a surcharge) and
clause 8 of Schedule 12 (decisions of
returning officer concerning how-to-vote
cards);
- 1.28A **Major Sporting Events Act 2009**;
- Sch. 1 Pt 1
cl. 1(1)
item 1.21
revoked by
S.R. No.
68/2010
rule 5(1).
- Sch. 1 Pt 1
cl. 1(1) items
1.23–1.26
revoked by
S.R. No.
154/2009
rule 11.
- Sch. 1 Pt 1
cl. 1(1)
item 1.28A
inserted by
S.R. No.
68/2010
rule 4(1).

Sch. 1

1.29 Melbourne and Metropolitan Board of Works Act 1958;

Sch. 1 Pt 1
cl. 1(1)
item 1.30
revoked by
S.R. No.
154/2009
rule 11.

* * * * *

1.31 Metropolitan Fire Brigades Act 1958;

1.32 Motor Car Traders Act 1986 section 79
(claims against guarantee fund);

1.33 Parliamentary Salaries and Superannuation Act 1968;

Sch. 1 Pt 1
cl. 1(1)
item 1.33A
inserted by
S.R. No.
68/2010
rule 4(2),
revoked by
S.R. No.
117/2010
rule 6(a).

* * * * *

1.33A Public Health and Wellbeing Act 2008
section 204;

Sch. 1 Pt 1
cl. 1(1)
item 1.33A
inserted by
S.R. No.
154/2009
rule 6.

1.33B Relationships Act 2008, Part 2.4 of
Chapter 2;

Sch. 1 Pt 1
cl. 1(1)
item 1.33B
inserted by
S.R. No.
117/2010
rule 6(b).

1.34 Road Management Act 2004;

1.35 Road Transport (Dangerous Goods) Act 1995;

* * * * *

Sch. 1 Pt 1
cl. 1(1)
item 1.36
revoked by
S.R. No.
68/2010
rule 5(2).

1.37 **State Employees Retirement Benefits Act 1979;**

1.38 **State Superannuation Act 1988;**

1.39 **Superannuation (Portability) Act 1989;**

1.40 **Transport Accident Act 1986;**

1.41 **Transport Superannuation Act 1988;**

1.42 **Travel Agents Act 1986** section 46 (claims against approved compensation schemes);

1.42A **Unclaimed Money Act 2008**, sections 59, 61 and 63;

Sch. 1 Pt 1
cl. 1(1)
item 1.42A
inserted by
S.R. No.
68/2010
rule 4(3).

1.43 **Victims of Crime Assistance Act 1996;**

1.44 **Victoria State Emergency Service Act 2005;**

1.45 **Victorian Plantations Corporation Act 1993;**

1.46 **Victorian Qualifications Authority Act 2000.**

(2) If the Tribunal has or had functions under any corresponding previous enactment of an enabling enactment set out in an item in subclause (1), or under regulations made under such a corresponding previous enactment, those functions are allocated to the general list of the administrative division.

2 Land Valuation List

(1) The functions of the Tribunal under the enabling enactments set out in the items below are allocated to the land valuation list of the administrative division.

- 2.1 **Flora and Fauna Guarantee Act 1988** section 43(12) (claims for compensation);
- 2.2 **Health Services Act 1988** section 67 (compulsory acquisition of land);
- 2.3 **Land Acquisition and Compensation Act 1986**;
- 2.4 **Local Government Act 1989** section 183 (differential rating);
- 2.5 **Mildura College Lands Act 1916** section 2(ec) (decision of Valuer-General on value of land);
- 2.6 **Mineral Resources (Sustainable Development) Act 1990** section 88 (compensation for loss caused by work under a licence);
- 2.7 **Pipelines Act 2005** section 154;
- 2.8 **Planning and Environment Act 1987** sections 94(5) (compensation as a result of order to stop development or cancellation or amendment of permit) and 105 (compensation for loss caused by reservation of land, restriction of access or road closure);
- 2.9 **Subdivision Act 1988** section 19 (valuation of land for public open space);
- 2.10 **Valuation of Land Act 1960** Part III (disputes on the value of land);
- 2.11 **Water Act 1989** section 266(6) (setting tariffs, fees under tariffs, valuation equalisation factors and valuations).

- (2) If the Tribunal has or had functions under any corresponding previous enactment of an enabling enactment set out in an item in subclause (1), or under regulations made under such a corresponding previous enactment, those functions are allocated to the land valuation list of the administrative division.

3 Occupational and Business Regulation List

- (1) The functions of the Tribunal under the enabling enactments set out in the items below are allocated to the occupational and business regulation list of the administrative division.

3.1 **Adoption Act 1984** section 129A(1)(b) (decisions regarding approval of adoption agencies) and 129A(1)(c) (decisions regarding accreditation of bodies);

3.2 **Agricultural and Veterinary Chemicals (Control of Use) Act 1992**;

3.3 **Architects Act 1991**;

3.4 **Biological Control Act 1986**;

3.4A **Building Act 1993** Division 12 of Part 12A;

Sch. 1 Pt 1
cl. 3(1)
item 3.4A
inserted by
S.R. No.
68/2010
rule 6(1).

3.5 **Children's Services Act 1996**;

3.6 **Consumer Credit (Victoria) Act 1995**
Part 4 (registration of credit providers) and
section 37I(1) (permission, including
conditions, to a disqualified person to engage
or be involved in finance broking);

Sch. 1

Sch. 1 Pt 1
cl. 3(1)
item 3.6A
inserted by
S.R. No.
68/2010
rule 6(2).

3.6A **Dairy Act 2000;**

3.7 **Dangerous Goods Act 1985;**

3.8 **Disability Act 2006** section 45 (registration of a disability service provider);

3.9 **Domestic (Feral and Nuisance) Animals Act 1994** section 98(1) (registration of premises to conduct a domestic animal business);

3.10 **Education and Training Reform Act 2006**, Division 14 of Part 2.6 and Part 4.8;

3.11 **Estate Agents Act 1980** except sections 56B(1) (see real property list) and 81(5A) (see general list);

3.12 **Firearms Act 1996** section 182 (decisions of Firearms Appeals Committee);

3.12A **Fundraising Act 1998;**

Sch. 1 Pt 1
cl. 3(1)
item 3.12A
inserted by
S.R. No.
68/2010
rule 6(3).

3.13 **Gambling Regulation Act 2003;**

Sch. 1 Pt 1
cl. 3(1)
item 3.13A
inserted by
S.R. No.
73/2010
rule 10.

3.13A Health Practitioner Regulation National Law (applied in Victoria by the **Health Practitioner Regulation National Law (Victoria) Act 2009**), Part 8, Divisions 12 and 13;

3.14 **Health Professions Registration Act 2005** Part 4;

-
- 3.15 **Health Services Act 1988** section 110
(decisions of Minister or Chief General
Manager under Part 4);
- 3.16 **Liquor Control Reform Act 1998**;
- 3.16A **Local Government Act 1989** sections 30,
81D, 81E, 81J(1)(b), 81K, 81L, 81Q
and 81R;
- 3.17 **Marine Act 1988** section 85 (cancellation
and suspension of certificates and licences);
- 3.18 **Meat Industry Act 1993** section 24
(licences to operate meat processing
facilities, alteration of buildings);
- 3.19 **Mineral Resources (Sustainable
Development) Act 1990**;
- 3.20 **Motor Car Traders Act 1986** except
sections 45 (see civil claims list) and 79
(see general list)
- 3.21 **Occupational Health and Safety Act 2004**;
- 3.21A Occupational Health and Safety Regulations
2007;
- 3.22 **Owner Drivers and Forestry Contractors
Act 2005** section 41 (dispute between
contractor and hirer);
- 3.23 **Owners Corporations Act 2006** Part 6 and
Part 12;

Sch. 1 Pt 1
cl. 3(1)
item 3.16A
inserted by
S.R. No.
68/2010
rule 6(4).

Sch. 1 Pt 1
cl. 3(1)
item 3.21A
inserted by
S.R. No.
68/2010
rule 6(5).

Sch. 1

Sch. 1 Pt 1
cl. 3(1)
item 3.23A
inserted by
S.R. No.
68/2010
rule 6(6).

3.23A **Pipelines Act 2005** sections 64, 83 and 182;

3.24 **Prevention of Cruelty to Animals Act 1986**
section 33 (licensing of scientific
establishments and breeding establishments);

3.25 **Private Security Act 2004** Part 7;

3.26 **Professional Boxing and Combat Sports
Act 1985** (licences, permits and registration);

3.27 **Prostitution Control Act 1994**;

Sch. 1 Pt 1
cl. 3(1)
item 3.27A
inserted by
S.R. No.
154/2009
rule 7.

3.27A **Public Health and Wellbeing Act 2008**
section 207;

3.28 **Public Transport Competition Act 1995**;

3.29 **Racing Act 1958**;

Sch. 1 Pt 1
cl. 3(1)
item 3.29A
inserted by
S.R. No.
68/2010
rule 6(7).

3.29A **Rail Safety Act 2006** Part 7;

3.30 **Second-Hand Dealers and Pawnbrokers
Act 1989** sections 9B and 14 (correction of
register);

3.31 **Surveying Act 2004** section 33 (review of
decision, finding or determination);

3.32 **Therapeutic Goods (Victoria) Act 1994**
section 71 (licensing of wholesale supply);

3.33 **Trade Measurement Act 1995** section 59
(licensing and discipline);

- 3.34 **Transport Act 1983** except section 56
(see planning and environment list);
- 3.35 **Travel Agents Act 1986** except section 46
(see general list);
- 3.36 **Utility Meters (Metrological Controls) Act 2002**;
- 3.37 **Veterinary Practice Act 1997** section 55
(registration and discipline);
- 3.38 **Victoria State Emergency Service Act 2005**;

3.38A Victoria State Emergency Service
Regulations 2006;

Sch. 1 Pt 1
cl. 3(1)
item 3.38A
inserted by
S.R. No.
68/2010
rule 6(8).

3.39 **Wildlife Act 1975**;

3.40 **Working with Children Act 2005**.

- (2) If the Tribunal has or had functions under any corresponding previous enactment of an enabling enactment set out in an item in subclause (1), or under regulations made under such a corresponding previous enactment, those functions are allocated to the occupational and business regulation list of the administrative division.

4 Planning and Environment List

- (1) The functions of the Tribunal under the enabling enactments set out in the items below are allocated to the planning and environment list of the administrative division.

4.1 **Aboriginal Heritage Act 2006**;

4.2 **Catchment and Land Protection Act 1994**
section 48 (land use conditions and land
management notices);

-
- 4.3 **Conservation, Forests and Lands Act 1987** section 76 (variation and termination of land management co-operative agreements);
 - 4.4 **Environment Protection Act 1970**;
 - 4.5 **Extractive Industries Development Act 1995**;
 - 4.6 **Flora and Fauna Guarantee Act 1988** sections 34(3), 41 and 41A (interim conservation orders);
 - 4.7 **Heritage Act 1995**;
 - 4.8 **Local Government Act 1989** sections 185 (imposition of special rate or charge) and 185AA (imposition of special rate or charge);
 - 4.9 **Mineral Resources (Sustainable Development) Act 1990** except sections 88 (see land valuation list), 94 and 95 (see occupational and business regulation list);
 - 4.10 **Owners Corporations Act 2006** Part 6;
 - 4.11 **Planning and Environment Act 1987** except sections 94(5) and 105 (see land valuation list);
 - 4.12 **Plant Health and Plant Products Act 1995** section 39 (costs and expenses of inspectors);
 - 4.13 **Subdivision Act 1988** except sections 19 (see land valuation list), 36 and 39 (see real property list);
 - 4.14 **Transport Act 1983** section 56 (decisions of the Public Transport Corporation or Roads Corporation);
 - 4.15 **Water Act 1989** except sections 19 (see real property list) and 266(6) (see land valuation list);

4.16 **Water Industry Act 1994** except section 74
(see real property list).

- (2) If the Tribunal has or had functions under any corresponding previous enactment of an enabling enactment set out in an item in subclause (1), or under regulations made under such a corresponding previous enactment, those functions are allocated to the planning and environment list of the administrative division.

5 Taxation List

- (1) The functions of the Tribunal under the enabling enactments set out in the items below are allocated to the taxation list of the administrative division.

5.1 Business Franchise Acts;

5.2 **First Home Owner Grant Act 2000**;

5.3 **Taxation Administration Act 1997**.

- (2) If the Tribunal has or had functions under any corresponding previous enactment of an enabling enactment set out in an item in subclause (1), or under regulations made under such a corresponding previous enactment, those functions are allocated to the taxation list of the administrative division.

PART 2—CIVIL DIVISION

6 Civil Claims List

- (1) The functions of the Tribunal under the enabling enactments set out in the items below are allocated to the civil claims list of the civil division.

6.1 **Domestic Building Contracts Act 1995**;

6.2 **Fair Trading Act 1999**;

-
- 6.3 **Motor Car Traders Act 1986** section 45
(rescission of agreement of sale of motor car);
 - 6.4 **Owner Drivers and Forestry Contractors Act 2005**;
 - 6.5 **Owners Corporations Act 2006** Part 6 and Part 11, Divisions 1, 2, 3 and 4;
 - 6.6 **Retirement Villages Act 1986**.

- (2) If the Tribunal has or had functions under any corresponding previous enactment of an enabling enactment set out in an item in subclause (1), or under regulations made under such a corresponding previous enactment, those functions are allocated to the civil claims list of the civil division.

7 Credit List

- (1) The functions of the Tribunal under the enabling enactments set out in the items below are allocated to the credit list of the civil division.

- 7.1 **Chattel Securities Act 1987** section 25
(compensation for extinguishment of security interest);
- 7.2 **Credit Act 1984**;
- 7.3 **Credit (Administration) Act 1984**;
- 7.4 **Consumer Credit (Victoria) Act 1995**
except Part 4 and section 37I(1) (see occupational and business regulation list);
- 7.5 **Fair Trading Act 1999**.

- (2) If the Tribunal has or had functions under any corresponding previous enactment of an enabling enactment set out in an item in subclause (1), or under regulations made under such a corresponding previous enactment, those

functions are allocated to the credit list of the civil division.

8 Domestic Building List

- (1) The functions of the Tribunal under the enabling enactments set out in the items below are allocated to the domestic building list of the civil division.

8.1 **Building Act 1993** except Division 12 of Part 12A;

Sch. 1 Pt 2
cl. 8(1)
item 8.1
amended by
S.R. No.
68/2010 rule 7.

8.2 **Domestic Building Contracts Act 1995**;

8.3 **Fair Trading Act 1999**;

8.4 **House Contracts Guarantee Act 1987**;

8.5 **Owners Corporations Act 2006** Part 6 and Part 11, Divisions 1, 2, 3 and 4.

- (2) If the Tribunal has or had functions under any corresponding previous enactment of an enabling enactment set out in an item in subclause (1), or under regulations made under such a corresponding previous enactment, those functions are allocated to the domestic building list of the civil division.

9 Legal Practice List

- (1) The functions of the Tribunal under the enabling enactments set out in the items below are allocated to the legal practice list of the civil division.

9.1 **Fair Trading Act 1999** (dispute between a legal practitioner and a client of a legal practitioner);

9.2 **Legal Profession Act 2004**.

Sch. 1

- (2) If the Tribunal has or had functions under any corresponding previous enactment of an enabling enactment set out in an item in subclause (1), or under regulations made under such a corresponding previous enactment, those functions are allocated to the legal practice list of the civil division.

Sch. 1 Pt 2
cl. 9A
inserted by
S.R. No.
154/2009
rule 8.

9A Owners Corporation List

- (1) The functions of the Tribunal under the enabling enactments set out in the items below are allocated to the owners corporation list of the civil division.

9A.1 **Owners Corporations Act 2006** Part 6 and Part 11;

9A.2 **Subdivision Act 1988** Part 5, and sections 36 and 39 (other disputes);

9A.3 **Fair Trading Act 1999**.

- (2) If the Tribunal has or had functions under any corresponding previous enactment of an enabling enactment set out in an item in subclause (1), or under regulations made under such a corresponding previous enactment, those functions are allocated to the owners corporation list of the civil division.

10 Real Property List

- (1) The functions of the Tribunal under the enabling enactments set out in the items below are allocated to the real property list of the civil division.

10.1 **Estate Agents Act 1980** section 56B(1) (disputes about commission and outgoings);

10.2 **Fair Trading Act 1999**;

10.3 **Owners Corporations Act 2006** Part 6 and Part 11;

Sch. 1 Pt 2
cl. 10(1)
item 10.3
substituted by
S.R. No.
154/2009
rule 9(a).

10.4 **Property Law Act 1958** Part IV;

10.5 **Sale of Land Act 1962** section 44;

10.6 **Subdivision Act 1988** sections 36 and 39
(other disputes);

Sch. 1 Pt 2
cl. 10(1)
item 10.6
amended by
S.R. No.
154/2009
rule 9(b).

10.7 **Water Act 1989** section 19 (civil liability arising from various causes);

10.8 **Water Industry Act 1994** section 74
(liability of licensee).

- (2) If the Tribunal has or had functions under any corresponding previous enactment of an enabling enactment set out in an item in subclause (1), or under regulations made under such a corresponding previous enactment, those functions are allocated to the real property list of the civil division.

11 Residential Tenancies List

- (1) The functions of the Tribunal under the enabling enactments set out in the items below are allocated to the residential tenancies list of the civil division.

11.1 **Disability Act 2006** Part 5 Division 2;

11.2 **Fair Trading Act 1999**;

11.3 **Housing Act 1983**;

11.4 **Landlord and Tenant Act 1958**;

11.5 **Owners Corporations Act 2006** Part 6 and Part 11, Divisions 1, 2, 3 and 4;

11.6 **Residential Tenancies Act 1997**;

11.7 **Retirement Villages Act 1986**.

- (2) If the Tribunal has or had functions under any corresponding previous enactment of an enabling enactment set out in an item in subclause (1), or under regulations made under such a corresponding previous enactment, those functions are allocated to the residential tenancies list of the civil division.

12 Retail Tenancies List

- (1) The functions of the Tribunal under the enabling enactments set out in the items below are allocated to the retail tenancies list of the civil division.

12.1 **Fair Trading Act 1999**;

12.2 **Retail Leases Act 2003**.

- (2) If the Tribunal has or had functions under any corresponding previous enactment of an enabling enactment set out in an item in subclause (1), or under regulations made under such a corresponding previous enactment, those functions are allocated to the retail tenancies list of the civil division.

PART 3—HUMAN RIGHTS DIVISION

13 Anti-discrimination List

- (1) The functions of the Tribunal under the enabling enactment set out in the items below are allocated to the anti-discrimination list of the human rights division.

13.1 Equal Opportunity Act 2010;

Sch. 1 Pt 3
cl. 13(1)
item 13.1
substituted by
S.R. No.
97/2011 rule 7.

13.2 Racial and Religious Tolerance Act 2001.

- (2) If the Tribunal has or had functions under any corresponding previous enactment of an enabling enactment set out in an item in subclause (1), or under regulations made under such a corresponding previous enactment, those functions are allocated to the anti-discrimination list of the human rights division.

14 Guardianship List

- (1) The functions of the Tribunal under the enabling enactments set out in the items below are allocated to the guardianship list of the human rights division.

14.1 Disability Act 2006 Part 5 Division 3,
Part 7, Part 8 Divisions 1, 3 and 5;

14.2 Guardianship and Administration Act 1986;

14.3 Instruments Act 1958 Division 6 of
Part XIA;

14.4 Medical Treatment Act 1988 section 5C
(enduring powers of attorney);

14.5 Trustee Companies Act 1984.

- (2) If the Tribunal has or had functions under any corresponding previous enactment of an enabling enactment set out in an item in subclause (1), or under regulations made under such a corresponding previous enactment, those functions are allocated to the guardianship list of the human rights division.

Sch. 1

Sch. 1 Pt 3
cl. 15
inserted by
S.R. No.
154/2009
rule 10.

15 Health and Privacy List

- (1) The functions of the Tribunal under the enabling enactments set out in the items below are allocated to the health and privacy list of the human rights division.

15.1 **Assisted Reproductive Treatment Act 2008**;

15.2 **Health Records Act 2001**;

15.3 **Information Privacy Act 2000**;

15.4 **Public Health and Wellbeing Act 2008**
section 122.

- (2) If the Tribunal has or had functions under any corresponding previous enactment of an enabling enactment set out in an item in subclause (1), or under regulations made under such a corresponding previous enactment, those functions are allocated to the health and privacy list of the human rights division.

Sch. 1 Pt 3
cl. 16
inserted by
S.R. No.
154/2009
rule 10.

16 Mental Health List

- (1) The functions of the Tribunal under the enabling enactments set out in the items below are allocated to the mental health list of the human rights division.

16.1 **Mental Health Act 1986** section 79
(decisions of Secretary), section 120
(decisions of Mental Health Review Board).

- (2) If the Tribunal has or had functions under any corresponding previous enactment of an enabling enactment set out in an item in subclause (1), or under regulations made under such a corresponding previous enactment, those functions are allocated to the mental health list of the human rights division.

SCHEDULE 2

FORMS

FORM 1

Victorian Civil and Administrative Tribunal Rules 2008

Rule 4.03

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL 20 No. Registry

Name of applicant—

Address—

Address for service of documents—

(if different from above)

Name of respondent—

Address—

Address for service of documents—

(if different from above)

APPLICATION FOR REVIEW OF A DECISION

I apply to the Victorian Civil and Administrative Tribunal to have the following decision reviewed—

1. The decision is—
2. The decision was made by—
 - (a) Name of person or body—
 - (b) (If applicable) Title or office of decision-maker—
3. Date of decision—

My reasons for making the application are—

Signature—

Date—

Victorian Civil and Administrative Tribunal Rules 2008
S.R. No. 65/2008

Sch. 2

To—
The Principal Registrar
Victorian Civil and Administrative Tribunal
[*address*]
[*telephone number*]

FORM 2

Victorian Civil and Administrative Tribunal Rules 2008

Rule 4.03

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL 20 No.
Registry

Name of applicant—

Address—

Address for service of documents—

(if different from above)

Name of respondent—

Address—

Address for service of documents—

(if different from above)

APPLICATION FOR ORDER

I apply to the Victorian Civil and Administrative Tribunal for *(describe the order sought and include reference to the Act (including the section) or other legislative provision giving power to make order sought)*—

My reasons for making the application are—

Signature—

Date—

To—

The Principal Registrar

Victorian Civil and Administrative Tribunal

[*address*]

[*telephone number*]

Victorian Civil and Administrative Tribunal Rules 2008
S.R. No. 65/2008

Sch. 2

FORM 3

Victorian Civil and Administrative Tribunal Rules 2008

Rule 4.04

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL 20 No. Registry

Name of applicant—

Address—

Address for service of documents—

(if different from above)

REFERRAL

I refer the following matter to the Victorian Civil and Administrative Tribunal *(include reference to the Act (including the section) or other legislative provision authorising the referral)*—

Signature—

Date—

To—

The Principal Registrar

Victorian Civil and Administrative Tribunal

[*address*]

[*telephone number*]

FORM 4

Victorian Civil and Administrative Tribunal Rules 2008

Rule 4.14

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL 20 No. Registry

Applicant—

Respondent—

SUMMONS TO APPEAR

To:

Name—

Address—

You are summoned pursuant to section 104 of the **Victorian Civil and Administrative Tribunal Act 1998** to appear before the Victorian Civil and Administrative Tribunal at *[address of Tribunal]*

at _____ a.m./p.m. on *[date]*, or, if notice of a later day is given to you by the Tribunal *[or identify party seeking the attendance of the person summoned]* or the solicitor for that party, the later day, and until you are excused from further attending

* to give evidence; and

* to produce the following documents—

Principal registrar

Date—

This summons has been issued at the—

** request of the complainant;*

** request of the respondent;*

** direction of the principal registrar;*

** direction of the Tribunal.*

**Delete if inapplicable.*

Victorian Civil and Administrative Tribunal Rules 2008
S.R. No. 65/2008

Sch. 2

Note:

1. Certain fees and allowances are payable to a witness.
 2. Failure to attend at the time and place specified above without reasonable excuse may render you liable to imprisonment, a fine, or both, as well as a daily penalty until you attend or produce the document as required, under section 134 of the **Victorian Civil and Administrative Tribunal Act 1998**.
 3. The Tribunal may direct your apprehension if you fail to attend.
-

FORM 5

Victorian Civil and Administrative Tribunal Act 1998

Victorian Civil and Administrative Tribunal Rules 2008

Rule 4.21

ARREST WARRANT

TO ALL MEMBERS OF THE POLICE FORCE OF THE STATE OF
VICTORIA

Arrest [*Name*] and bring him or her before the Victorian Civil and Administrative Tribunal forthwith to answer a charge of contempt of the Tribunal as follows [*insert details of the charge*], and if it is not practicable to bring him or her before the Tribunal forthwith, detain him or her in custody, and when it is practicable to bring him or her before the Tribunal, do so forthwith.

Dated

President or Vice President
(*as the case requires*)

FORM 6

Victorian Civil and Administrative Tribunal Act 1998

Victorian Civil and Administrative Tribunal Rules 2008

Rule 4.22

WARRANT OF COMMITTAL

TO ALL MEMBERS OF THE POLICE FORCE OF THE STATE OF
VICTORIA

AND TO THE GOVERNOR OF THE PRISON AT [*PLACE*]

[*Name*]

of [*Place*]

has this day been found guilty of contempt of the Victorian Civil and
Administrative Tribunal as follows [*insert details of the contempt*] and
ordered by the Tribunal to be imprisoned for a term of [*period*]

You the members of the Police Force are authorised and required to take him
or her to the abovementioned prison and deliver him or her to the Governor
of that prison together with this warrant.

And you the Governor of the abovementioned prison are authorised and
required to receive him or her into your custody in the prison and to imprison
him or her for the term specified above.

Dated

President

FORM 7

Victorian Civil and Administrative Tribunal Rules 2008

APPLICATION

Rule 6.14

VICTORIAN CIVIL AND ADMINISTRATIVE
TRIBUNAL

20 No.
Registry

DOMESTIC BUILDING LIST

Name of applicant(s)—

Address(es)—*[include phone/fax number(s)]*

Status—*[specify whether owner, builder,
sub-contractor, architect or other]*

Address for service of documents—

[if different from above]

Site address *[if different from above]*

Name of Respondent(s)—

Address(es)—*[include phone number/fax number(s)]*

Status—*[specify whether owner, builder, sub-contractor,
architect, insurer, or other]*

ORDERS SOUGHT

I apply to the Tribunal for the following orders—

[describe the order or orders sought e.g. \$ as cost of rectification]

on the following grounds—

*[give a brief description of the ground or grounds e.g. stairway poorly
constructed]*

The total claimed does *[or does not]* exceed \$10 000.

Total claimed—\$

Victorian Civil and Administrative Tribunal Rules 2008
S.R. No. 65/2008

Sch. 2

Insurance appeals—

[*give insurer's reference number and date decision received*]—

ref.— date—

Signature—

Date—

To—

The Principal Registrar

Victorian Civil and Administrative Tribunal

[*address*]

[*telephone number*]

FORM 8

Victorian Civil and Administrative Tribunal Rules 2008

Rules 6.17 and 6.18

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL 20 No. Registry

Name of claimant—

Address—

Address for service of documents—

(if different from above)

Name of respondent—

CLAIM

under the ***Water Act 1989/*Water Industry Act 1994**

I make this claim under [*here specify the particular provision of Division 2 of Part 2 or section 157 of the **Water Act 1989** or section 74(1) of the **Water Industry Act 1994** under which the claim is made and relief is being sought*].

STATEMENT OF THE CLAIM

[*Set out the material facts relied on including dates and any necessary particulars*]

REMEDY SOUGHT

[*Specify the remedy being sought*]

Signature—

Date—

Victorian Civil and Administrative Tribunal Rules 2008
S.R. No. 65/2008

Sch. 2

To—

The Principal Registrar

Victorian Civil and Administrative Tribunal

[*address*]

[*telephone number*]

*delete if inapplicable

FORM 9

Victorian Civil and Administrative Tribunal Act 1998

Victorian Civil and Administrative Tribunal Rules 2008

Rule 6.29

**NOTICE (UNDER SECTION 346 OF THE RESIDENTIAL
TENANCIES ACT 1997) TO OCCUPANT TO APPEAR BEFORE
TRIBUNAL**

Address of premises—

1. Take notice that the Victorian Civil and Administrative Tribunal has ordered the occupants of the above premises to appear before the Tribunal sitting at _____ on the _____ day of _____ at _____ a.m./p.m. to show cause why a warrant of possession should not be issued.
2. Take notice that it has been stated that the occupants of the premises include (*Names*)

but that THIS ORDER APPLIES TO ALL OCCUPANTS OF THE ABOVE PREMISES, WHETHER NAMED OR NOT.

Date:

Principal Registrar

NOTE: Failure to appear may result in the issue of a warrant of possession of the above premises.

FORM 10

Victorian Civil and Administrative Tribunal Rules 2008

Rule 6.30

WARRANT OF POSSESSION

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

Registry ref:

RESIDENTIAL TENANCIES LIST

Name of Applicant(s)—

Name of Respondent—

TO: *OFFICER IN CHARGE, POLICE STATION at [*place*], or
*[*Name of authorised person*]

TAKE NOTICE that on [*date*] the Victorian Civil and Administrative Tribunal ordered that the *tenant/*resident vacate *rented premises/*a room and rooming house/*a site or caravan at—

[*insert details*]

AND that a warrant of possession issue.

YOU are authorised, within [*insert number of days, not to exceed 30*] days of the day on which this warrant was issued—

- (a) to enter the *rented premises/*room and rooming house/*site or caravan, by force if necessary; and
- (b) with such assistance as is necessary, to compel all persons for the time being occupying the *rented premises/*room/*site or caravan to vacate and give possession of them to the applicant.

NOTES

1. Section 355(3) of the **Residential Tenancies Act 1997** provides that a warrant of possession does not authorise the person to whom it is directed to remove any goods from rented premises or a room in a rooming house or a site or caravan.
2. Section 355(4) of the **Residential Tenancies Act 1997** provides that entry under a warrant of possession must not be made—
 - (a) between the hours of 6 p.m and 8 a.m; or
 - (b) on a Sunday or public holiday.
3. Despite note 1, section 360 of the **Residential Tenancies Act 1997** provides for the sheriff, after a warrant of possession has been returned to the Principal Registrar, to remove a caravan and any goods of value in it from a caravan park and to store the caravan and goods in a safe place.

Date of issue—[*date*]

[*Signed*]

Principal Registrar

*delete if inapplicable

FORM 11

Victorian Civil and Administrative Tribunal Rules 2008

APPLICATION

Rules 6.34 and 6.35

VICTORIAN CIVIL AND ADMINISTRATIVE
TRIBUNAL

20 No.
Registry

RETAIL TENANCIES LIST

Name of applicant(s)—

Address(es)—*[include phone/fax number(s)]*

Status—*[specify whether landlord, tenant,
assignee or other]*

Address for service of documents—

[if different from above]

Site address *[if different from above]*

Name of Respondent(s)—

Address(es)—*[include phone number/fax number(s)]*

Status—*[specify whether landlord, tenant,
assignee or other]*

ORDERS SOUGHT

I apply to the Tribunal for the following orders—

[describe the order or orders sought e.g. \$ by way of compensation]

on the following grounds—

[give a brief description of the ground or grounds]

The total claimed does *[or does not]* exceed \$15 000.

Total claimed— \$

Signature—

Date—

Victorian Civil and Administrative Tribunal Rules 2008
S.R. No. 65/2008

Sch. 2

To—

The Principal Registrar

Victorian Civil and Administrative Tribunal

[*address*]

[*telephone number*]

SCHEDULE 3

Rule 1.04

REVOKED STATUTORY RULES

<i>S.R. No</i>	<i>Title</i>
87/1998	Victorian Civil and Administrative Tribunal Rules 1998
93/1998	Victorian Civil and Administrative Tribunal (Amendment No. 1) Rules 1998
24/1999	Victorian Civil and Administrative Tribunal (Amendment No. 2) Rules 1999
80/1999	Victorian Civil and Administrative Tribunal (Amendment No. 3) Rules 1999
115/1999	Victorian Civil and Administrative Tribunal (Amendment No. 4) Rules 1999
33/2000	Victorian Civil and Administrative Tribunal (Amendment No. 5) Rules 2000
108/2000	Victorian Civil and Administrative Tribunal (Amendment No. 6) Rules 2000
24/2001	Victorian Civil and Administrative Tribunal (Amendment No. 7) Rules 2001
97/2001	Victorian Civil and Administrative Tribunal (Amendment No. 8) Rules 2001
175/2001	Victorian Civil and Administrative Tribunal (Amendment No. 9) Rules 2001
124/2002	Victorian Civil and Administrative Tribunal (Amendment No. 10) Rules 2002
81/2003	Victorian Civil and Administrative Tribunal (Amendment No. 11) Rules 2003
110/2003	Victorian Civil and Administrative Tribunal (Amendment No. 12) Rules 2003
29/2004	Victorian Civil and Administrative Tribunal (Amendment No. 13) Rules 2004
154/2004	Victorian Civil and Administrative Tribunal (Amendment No. 14) Rules 2004
34/2005	Victorian Civil and Administrative Tribunal (Amendment No. 15) Rules 2005

Victorian Civil and Administrative Tribunal Rules 2008
S.R. No. 65/2008

Sch. 3

<i>S.R. No</i>	<i>Title</i>
54/2006	Victorian Civil and Administrative Tribunal (Amendment No. 16) Rules 2006
165/2006	Victorian Civil and Administrative Tribunal (Amendment No. 17) Rules 2006
52/2007	Victorian Civil and Administrative Tribunal (Amendment No. 18) Rules 2007
124/2007	Victorian Civil and Administrative Tribunal (Amendment No. 19) Rules 2007

Dated: 18 June 2008

KEVIN H. BELL, *President*

MARILYN HARBISON, *Vice-President*

IAIN J. K. ROSS, *Vice-President*

M. F. MACNAMARA, *Member*

MARGARET L. BAIRD, *Member*

ENDNOTES

1. General Information

The Victorian Civil and Administrative Tribunal Rules 2008, S.R. No. 65/2008 were made on 18 June 2008 by the Rules Committee established by section 150 of the **Victorian Civil and Administrative Tribunal Act 1998**, under section 157 of the **Victorian Civil and Administrative Tribunal Act 1998**, No. 53/1998 and came into operation on 30 June 2008: rule1.03.

The Victorian Civil and Administrative Tribunal Rules 2008 will sunset 10 years after the day of making on 18 June 2018 (see section 5 of the **Subordinate Legislation Act 1994**).

2. Table of Amendments

This Version incorporates amendments made to the Victorian Civil and Administrative Tribunal Rules 2008 by statutory rules, subordinate instruments and Acts.

Victorian Civil and Administrative Tribunal (Lists Amendment) Rules 2009,
S.R. No. 154/2009

Date of Making: 7.12.09
Date of Commencement: 1.1.10: rule 3

Victorian Civil and Administrative Tribunal (Amendment No. 1) Rules 2010,
S.R. No. 68/2010

Date of Making: 16.7.10
Date of Commencement: 30.7.10: rule 3

Victorian Civil and Administrative Tribunal (Amendment No. 2) Rules 2010,
S.R. No. 73/2010

Date of Making: 27.7.10
Date of Commencement: 1.8.10: rule 3

Victorian Civil and Administrative Tribunal (Amendment No. 3) Rules 2010,
S.R. No. 117/2010

Date of Making: 22.10.10
Date of Commencement: 25.10.10: rule 3

Victorian Civil and Administrative Tribunal (Anti Discrimination List Amendment)
Rules 2011, S.R. No. 97/2011

Date of Making: 5.9.11
Date of Commencement: 19.9.11: rule 3

Victorian Civil and Administrative Tribunal (Major Cases List Amendment) Rules
2012, S.R. No. 1/2012

Date of Making: 23.1.12
Date of Commencement: 25.1.12: rule 3

Endnotes

3. Explanatory Details

No entries at date of publication.