

Authorised Version No. 001
Victorian Civil and Administrative Tribunal
(Fees) Interim Regulations 2012

S.R. No. 147/2012

Authorised Version as at
16 December 2012

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1 Objectives

The objectives of these Regulations are to prescribe—

- (a) fees payable for the commencement and hearing of proceedings in VCAT;
- (b) fees payable for—
 - (i) the issuing of warrants and summons to witnesses;
 - (ii) the transfer of proceedings to the Major Cases List;
 - (iii) inspection of a proceedings file and provision of a copy of the register or document from a proceedings file;
 - (iv) the provision of ancillary services by VCAT;
- (c) other matters relating to fees payable under the **Victorian Civil and Administrative Tribunal Act 1998**.

2 Authorising provision

These Regulations are made under section 161 of the **Victorian Civil and Administrative Tribunal Act 1998**.

3 Commencement

These Regulations come into operation on 16 December 2012.

4 Revocation

The following Regulations are **revoked**—

- (a) the Victorian Civil and Administrative Tribunal (Fees) Regulations 2001¹;
- (b) the Victorian Civil and Administrative Tribunal (Fees) (Amendment) Regulations 2003²;
- (c) the Victorian Civil and Administrative Tribunal (Fees) (Amendment) Regulations 2004³;
- (d) the Victorian Civil and Administrative Tribunal (Fees) (Amendment) Regulations 2005⁴;
- (e) the Victorian Civil and Administrative Tribunal (Fees) (Amendment) Regulations 2007⁵;
- (f) the Victorian Civil and Administrative Tribunal (Fees) (Further Amendment) Regulations 2007⁶;
- (g) the Victorian Civil and Administrative Tribunal (Fees) Amendment Regulations 2010⁷;
- (h) the Victorian Civil and Administrative Tribunal (Fees) Amendment Regulations 2011⁸;
- (i) the Victorian Civil and Administrative Tribunal (Fees) Amendment Regulations 2012⁹.

5 Definitions

In these Regulations—

commencement, in relation to a proceeding, includes the lodgement of—

- (a) an application;
- (b) a claim;
- (c) a counterclaim;
- (d) a third party notice;
- (e) any other originating process;

hearing includes any accompanied site visits or any inspection occurring as part of a hearing;

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

Victoria Planning Provisions has the same meaning as in the **Planning and Environment Act 1987**.

6 Fees

- (1) The fees set out in the Scale of Fees in the Schedule are payable at the Tribunal as specified in that Schedule and in accordance with this regulation.
- (2) If a proceeding is commenced under more than one enabling enactment, only one fee is payable.
- (3) If the fees differ according to the enabling enactment concerned, the applicable fee is the higher or highest fee in the Scale of Fees in the Schedule for that enabling enactment.

7 Reduction of fees payable

For the purposes of section 132 of the Act, the principal registrar may reduce a fee payable under the Act or the regulations to an amount that is not less than the relevant fee payable in the previous financial year if—

- (a) a fee has been tendered to the principal registrar that is not less than the relevant fee payable in the previous financial year; and
- (b) the principal registrar considers that the cost to the Tribunal of collecting the difference between the amount of the fee tendered and the correct fee exceeds the amount of that difference.

8 Expiry

These Regulations expire on 15 June 2013.

SCHEDULE

SCALE OF FEES

**PART 1—FEES FOR
COMMENCEMENT OF PROCEEDINGS**

1. No fee is payable for the commencement of proceedings under the following enabling enactments or provisions of enabling enactments—
 - 1.1 **Adoption Act 1984** section 129A(1)(a);
 - 1.2 **Assisted Reproductive Treatment Act 2008**;
 - 1.3 **Children, Youth and Families Act 2005**;
 - 1.4 **Disability Act 2006**;
 - 1.5 **Equal Opportunity Act 2010**;
 - 1.6 **Freedom of Information Act 1982** applications under section 50(2) if—
 - (a) the application is for the review of a deemed decision under section 53 refusing to grant access to a document; or
 - (b) the applicant is a natural person and the document to which access is sought contains information relating to the applicant's personal affairs;
 - 1.7 **Guardianship and Administration Act 1986**;
 - 1.8 **Health Records Act 2001**;
 - 1.9 **Information Privacy Act 2000**;
 - 1.10 **Instruments Act 1958**;
 - 1.11 **Legal Profession Act 2004**, Part 4;
 - 1.12 **Medical Treatment Act 1988**;
 - 1.13 **Mental Health Act 1986** (except section 79);
 - 1.14 **Public Health and Wellbeing Act 2008** sections 122 and 204;

- 1.15 **Racial and Religious Tolerance Act 2001**
section 23A;
- 1.16 **Residential Tenancies Act 1997** Part 10;
- 1.17 **Supported Residential Services (Private Proprietors) Act 2010** sections 105 and 121;
- 1.18 **Trustee Companies Act 1984**.
- 2. For the commencement of proceedings under the following enabling enactments—
 - 2.1 **Australian Consumer Law and Fair Trading Act 2012** (where the claim is for a sum of less than \$10 000);
 - 2.2 **Credit Act 1984** sections 47, 62, 74(5), 76, 81, 85B (if the application is not made by a credit provider), 93, 95(1), 97, 104, 106, 107(8), 110(1), 111, 112, 114, 115, 116(7), 118 and 139(6);
 - 2.3 **Domestic Building Contracts Act 1995**
(where the claim is for a sum of less than \$10 000);
 - 2.4 **Environment Protection Act 1970**
sections 33(1)(b) and 33A(1)(b);
 - 2.5 **Motor Car Traders Act 1986** section 45;
 - 2.6 **Owners Corporations Act 2006** except section 191;
 - 2.7 **Planning and Environment Act 1987**
sections 39(1), 87, 89, 93, 114, 120, 121, 123, 149, 149A, 149B and 184;
 - 2.8 **Residential Tenancies Act 1997** except Part 10;
 - 2.9 **Subdivision Act 1988** sections 34A, 34B, 34D, 34E, 34G, 36, 39 and 40;
 - 2.10 **Supported Residential Services (Private Proprietors) Act 2010** section 123;
 - 2.11 **Water Act 1989** section 19. 3·1 fee units

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- 3. For the commencement of proceedings under the following enabling enactments—
 - 3.1 **Credit Act 1984** for any application (other than an application by the Director) to the Tribunal that is not otherwise referred to in these Regulations;
 - 3.2 **Local Government Act 1989** section 183;
 - 3.3 **Valuation of Land Act 1960.** 12.9 fee units

 - 4. For the commencement of proceedings under section 50(2) of the **Freedom of Information Act 1982** except—
 - (a) applications for review of a deemed decision under section 53 refusing to grant access to a document; or
 - (b) if the applicant is a natural person and the document to which access is sought contains information relating to the applicant's personal affairs. 17.5 fee units

 - 5. For the commencement of proceedings under the following enabling enactments—
 - 5.1 **Aboriginal Heritage Act 2006**;
 - 5.2 **Accident Compensation Act 1985**;
 - 5.3 **Accident Towing Services Act 2007**;
 - 5.4 **Adoption Act 1984** (except section 129A(1)(a));
 - 5.5 **Agricultural and Veterinary Chemicals (Control of Use) Act 1992**;
 - 5.6 **Architects Act 1991**;
 - 5.7 **Associations Incorporation Act 1981**;
 - 5.8 **Australian Consumer Law and Fair Trading Act 2012**—
 - (a) where the claim is for the sum of \$10 000 or more but less than \$100 000; or
 - (b) where the claim has no monetary value;
 - 5.9 **Biological Control Act 1986**;

- 5.10 **Births, Deaths and Marriages Registration Act 1996;**
- 5.11 **Building Act 1993;**
- 5.12 **Bus Safety Act 2009;**
- 5.13 **Catchment and Land Protection Act 1994;**
- 5.14 **Cemeteries and Crematoria Act 2003;**
- 5.15 **Chattel Securities Act 1987;**
- 5.16 **Children's Services Act 1996;**
- 5.17 **Climate Change Act 2010;**
- 5.18 **Conservation, Forests and Lands Act 1987;**
- 5.19 **Conveyancers Act 2006;**
- 5.20 **Co-operatives Act 1996;**
- 5.21 **Country Fire Authority Act 1958;**
- 5.22 **Credit Act 1984** sections 85, 85B and 86 if—
 - (a) the application is made by a credit provider; and
 - (b) the number of contracts that are the subject of the application does not exceed 3000;
- 5.23 **Dairy Act 2000;**
- 5.24 **Dangerous Goods Act 1985;**
- 5.25 **Domestic Animals Act 1994;**
- 5.26 **Domestic Building Contracts Act 1995—**
 - (a) where the amount sought is \$10 000 or more, but is less than \$100 000; or
 - (b) where no specific amount is sought;
- 5.27 **Drugs, Poisons and Controlled Substances Act 1981** section 69B;
- 5.28 **Duties Act 2000;**
- 5.29 **Education and Training Reform Act 2006;**
- 5.30 **Electoral Act 2002;**
- 5.31 **Electricity Safety Act 1998;**

- 5.32 **Emergency Management Act 1986;**
- 5.33 **Emergency Services Superannuation Act 1986;**
- 5.34 **Environment Protection Act 1970** except sections 33(1)(b) and 33A(1)(b);
- 5.35 **Equipment (Public Safety) Act 1994;**
- 5.36 **Estate Agents Act 1980;**
- 5.37 **Firearms Act 1996;**
- 5.38 **First Home Owner Grant Act 2000;**
- 5.39 **Fisheries Act 1995;**
- 5.40 **Flora and Fauna Guarantee Act 1988;**
- 5.41 **Fundraising Act 1998;**
- 5.42 **Gambling Regulation Act 2003;**
- 5.43 **Gas Safety Act 1997;**
- 5.44 **Health Practitioner Regulation National Law (Victoria) Act 2009;**
- 5.45 **Health Services Act 1988;**
- 5.46 **Heritage Act 1995;**
- 5.47 **House Contracts Guarantee Act 1987;**
- 5.48 **Land Acquisition and Compensation Act 1986;**
- 5.49 **Land Tax Act 2005;**
- 5.50 **Liquor Control Reform Act 1998;**
- 5.51 **Livestock Disease Control Act 1994;**
- 5.52 **Local Government Act 1989** except section 183;
- 5.53 **Major Sporting Events Act 2009;**
- 5.54 **Major Transport Projects Facilitation Act 2009;**
- 5.55 **Meat Industry Act 1993;**
- 5.56 **Metropolitan Fire Brigades Act 1958;**

- 5.57 **Mineral Resources (Sustainable Development) Act 1990**;
- 5.58 **Motor Car Traders Act 1986** except applications under section 45;
- 5.59 **Occupational Health and Safety Act 2004**;
- 5.60 Occupational Health and Safety Regulations 2007^{f0};
- 5.61 **Owners Corporations Act 2006** section 191;
- 5.62 **Owner Drivers and Forestry Contractors Act 2005**;
- 5.63 **Parliamentary Salaries and Superannuation Act 1968**;
- 5.64 **Payroll Tax Act 2007**;
- 5.65 **Pipelines Act 2005**;
- 5.66 **Planning and Environment Act 1987**—
- (a) sections 78, 81, 82, 82B, 97P and 97Q;
 - (b) sections 77, 79, 80 and 87A if the estimated cost of the development is less than \$5 000 000;
- 5.67 **Plant Biosecurity Act 2010**;
- 5.68 **Prevention of Cruelty to Animals Act 1986**;
- 5.69 **Private Security Act 2004**;
- 5.70 **Professional Boxing and Combat Sports Act 1985**;
- 5.71 **Property Law Act 1958**;
- 5.72 **Public Health and Wellbeing Act 2008** section 207;
- 5.73 **Racing Act 1958**;
- 5.74 **Retail Leases Act 2003**—
- (a) where the amount sought is less than \$100 000; or
 - (b) where no specific amount is sought;

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- 5.75 **Retirement Villages Act 1986;**
 - 5.76 **Road Management Act 2004;**
 - 5.77 Road Safety (Vehicles) Regulations 2009¹¹;
 - 5.78 **Sale of Land Act 1962;**
 - 5.79 **Second-Hand Dealers and Pawnbrokers Act 1989;**
 - 5.80 **Sex Work Act 1994;**
 - 5.81 **State Employees Retirement Benefits Act 1979;**
 - 5.82 **State Superannuation Act 1988;**
 - 5.83 **Subdivision Act 1988** except sections 34A, 34B, 34D, 34E, 34G, 36, 39 and 40;
 - 5.84 **Superannuation (Portability) Act 1989;**
 - 5.85 **Supported Residential Services (Private Proprietors) Act 2010** section 206;
 - 5.86 **Surveying Act 2004;**
 - 5.87 **Taxation Administration Act 1997;**
 - 5.88 **The Constitution Act Amendment Act 1958;**
 - 5.89 **Therapeutic Goods (Victoria) Act 2010;**
 - 5.90 **Transport Accident Act 1986;**
 - 5.91 **Transport (Compliance and Miscellaneous) Act 1983;**
 - 5.92 **Transport Superannuation Act 1988;**
 - 5.93 **Travel Agents Act 1986;**
 - 5.94 **Unclaimed Money Act 2008;**
 - 5.95 **Veterinary Practice Act 1997;**
 - 5.96 **Victims of Crime Assistance Act 1996;**
 - 5.97 **Victoria State Emergency Service Act 2005;**
 - 5.98 Victoria State Emergency Service Regulations 2006¹²;
 - 5.99 **Victorian Plantations Corporation Act 1993;**

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- 5.100 **Water Act 1989** except section 19;
- 5.101 **Water Industry Act 1994**
- 5.102 **Wildlife Act 1975**;
- 5.103 **Working with Children Act 2005**. 25·7 fee units
6. For the commencement of proceedings under the following enabling enactments—
- 6.1 **Australian Consumer Law and Fair Trading Act 2012** where the claim is for a sum of \$100 000 or more;
- 6.2 **Domestic Building Contracts Act 1995** where the claim is for a sum of \$100 000 or more;
- 6.3 **Retail Leases Act 2003** where the claim is for a sum of \$100 000 or more. 51·5 fee units
7. For the commencement of proceedings under the following enabling enactments—
- 7.1 **Credit Act 1984** sections 85, 85B and 86 (if the application is made by a credit provider and the number of contracts that are the subject of the application exceeds 3000);
- 7.2 **Planning and Environment Act 1987** sections 77, 79, 80 and 87A if the estimated cost of the development is \$5 000 000 or more and the proceedings are not entered in the Major Cases List within the Planning and Environment List. 103 fee units
8. For the commencement of proceedings under sections 77, 79, 80 and 87A of the **Planning and Environment Act 1987** if—
- (a) the proceedings are in respect of a development that does not include a dwelling (within the meaning of the *Victoria Planning Provisions* as defined in section 3(1) of the **Planning and Environment Act 1987**) where—
- (i) the estimated cost of that development is \$5 000 000 or more; and

- (ii) the proceedings are, by election of the applicant, entered in the Major Cases List within the Planning and Environment List; or
- (b) the proceedings are in respect of a development of any kind where—
- (i) the estimated cost of that development is \$10 000 000 or more; and
- (ii) the proceedings are, by election of the applicant, entered in the Major Cases List within the Planning and Environment List. 245·5 fee units
9. For the commencement of a proceeding under any enabling enactment not shown in this Schedule. 25·7 fee units

PART 2—HEARING FEES

1. For hearing proceedings arising under the **Domestic Building Contracts Act 1995** or the **Retail Leases Act 2003**—
- (a) for each day or part of a day up to day 5 (except for the first day if the amount sought in the claim is \$10 000 or less); 10·3 fee units
- (b) for each day or part of days 6 to 9; 20·6 fee units
- (c) for each day or part of a day after day 9. 25·7 fee units
2. For hearing proceedings arising under section 77, 79, 80 and 87A of the **Planning and Environment Act 1987** if the proceedings are entered in the Major Cases List within the Planning and Environment List—for each day or part of a day. 254·9 fee units
3. For hearing proceedings arising under section 82 or 82B of the **Planning and Environment Act 1987** if the proceedings are entered in the Planning and Environment List and are subsequently transferred to the Major Cases List within the Planning and Environment List—for each day or part of a day. 254·9 fee units

PART 3—OTHER FEES

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| 1. | For the issue of a summons to witness. | 1 fee unit |
| 2. | For the purposes of section 144(4) of the Act the prescribed fees are— | |
| | (a) for inspection of the register by a person who is not a party to the proceeding; | 2·6 fee units |
| | (b) for provision of a copy of any part of the register. | 50c per page |
| 3. | For the purposes of section 145(2) of the Act the prescribed fee is | 2·6 fee units |
| 4. | For the purposes of section 146(3) of the Act the prescribed fees are— | |
| | (a) for inspection of the file in the proceeding by a person who is not a party to the proceeding; | 2·6 fee units |
| | (b) for provision of a copy of any part of the file. | 50c per page |
| 5. | For the issue of a warrant of possession under section 351 of the Residential Tenancies Act 1997 . | 6·2 fee units |
| 6. | For the transfer of proceedings arising under section 82 or 82B of the Planning and Environment Act 1987 if— | |
| | (a) the proceedings are in respect of a development that does not include a dwelling (within the meaning of the <i>Victoria Planning Provisions</i> as defined in section 3(1) of the Planning and Environment Act 1987) where— | |
| | (i) the estimated cost of that development is \$5 000 000 or more; and | |
| | (ii) the proceedings are entered in the Planning and Environment List and are subsequently transferred to the Major Cases List within the Planning and Environment List; or | |

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- (b) the proceedings are in respect of a development of any kind where—
- (i) the estimated cost of that development is \$10 000 000 or more; and
 - (ii) the proceedings are entered in the Planning and Environment List and are subsequently transferred to the Major Cases list within the Planning and Environment List. 219.8 fee units
7. For the issue of a warrant to remove a resident under section 129 of the **Supported Residential Services (Private Proprietors) Act 2010**. 6.2 fee units
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ENDNOTES

1. General Information

The Victorian Civil and Administrative Tribunal (Fees) Interim Regulations 2012, S.R. No. 147/2012 were made on 11 December 2012 by the Governor in Council under section 161 of the **Victorian Civil and Administrative Tribunal Act 1998**, No. 53/1998 and came into operation on 16 December 2012: regulation 3.

The Victorian Civil and Administrative Tribunal (Fees) Interim Regulations 2012 will expire on 15 June 2013: see regulation 8.

2. Table of Amendments

There are no amendments made to the Victorian Civil and Administrative Tribunal (Fees) Interim Regulations 2012 by statutory rules, subordinate instruments and Acts.

3. Explanatory Details

- ¹ Reg. 4(a): S.R. No. 160/2001. Reprint No. 1 as at 18 April 2005. Reprinted to S.R. No. 17/2005 and subsequently amended by S.R. Nos 58/2007, 133/2007, 14/2010, 136/2011 and 50/2012.
- ² Reg. 4(b): S.R. No. 56/2003.
- ³ Reg. 4(c): S.R. No. 73/2004.
- ⁴ Reg. 4(d): S.R. No. 17/2005.
- ⁵ Reg. 4(e): S.R. No. 58/2007.
- ⁶ Reg. 4(f): S.R. No. 133/2007.
- ⁷ Reg. 4(g): S.R. No. 14/2010.
- ⁸ Reg. 4(h): S.R. No. 136/2011.
- ⁹ Reg. 4(i): S.R. No. 50/2012.
- ¹⁰ Schedule, Part 1, item 5.60: S.R. No. 54/2007 as amended by S.R. Nos 140/2007, 18/2010, 93/2010 and 57/2012.
- ¹¹ Schedule, Part 1, item 5.77: S.R. No. 118/2009 as amended by S.R. Nos 26/2010, 33/2010, 35/2010, 80/2010, 116/2010, 136/2010, 51/2011, 10/2012, 25/2012, 37/2012 and 71/2012.
- ¹² Schedule, Part 1, item 5.73: S.R. No. 130/2006 as amended by S.R. No. 69/2012.

Fee Units

These Regulations provide for fees by reference to fee units within the meaning of the **Monetary Units Act 2004**.

The amount of the fee is to be calculated, in accordance with section 7 of that Act, by multiplying the number of fee units applicable by the value of a fee unit.

The value of a fee unit for the financial year commencing 1 July 2012 is \$12.53. The amount of the calculated fee may be rounded to the nearest 10 cents.

The value of a fee unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a fee unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.