

Authorised Version

**Victorian Civil and Administrative Tribunal
(Miscellaneous Amendments) Rules 2018**

S.R. No. 187/2018

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Authorised Version

STATUTORY RULES 2018

S.R. No. 187/2018

Victorian Civil and Administrative Tribunal Act 1998

Victorian Civil and Administrative Tribunal (Miscellaneous Amendments) Rules 2018

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

1 Object

The object of these Rules is to amend the Victorian Civil and Administrative Tribunal Rules 2018—

- (a) to provide that a member of the Tribunal, in addition to the principal registrar, may authenticate an order of the Tribunal by affixation of the seal of the Tribunal;
- (b) to amend the list of Tribunal functions that may be exercised by the principal registrar;
- (c) to amend the functions of the legal practice list and the review and regulation list of the Tribunal; and
- (d) to make other minor amendments.

2 Authorising provisions

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

3 Commencement

These Rules come into operation on 1 November 2018.

4 Principal Rules

In these Rules, the Victorian Civil and Administrative Tribunal Rules 2018¹ are called the Principal Rules.

5 Authentication of order

In Rule 4.22(c) of the Principal Rules, after "by" **insert** "a member of the Tribunal or".

6 Principal registrar may exercise certain Tribunal functions

(1) After Rule 10.01(c) of the Principal Rules **insert—**

"(ca) striking out a proceeding with a right to apply for reinstatement for failure to provide information requested by the Tribunal;"

(2) After Rule 10.01(e) of the Principal Rules **insert—**

"(ea) reinstatement of a proceeding struck out for failure to provide information where the information is subsequently provided;

(eb) determining consent applications to bring forward a hearing time or hearing date;

(ec) determining applications for the withdrawal of a duplicate proceeding;"

(3) In Rule 10.01(r) of the Principal Rules, for "where no" **substitute** ", whether or not".

(4) After Rule 10.01(s) of the Principal Rules
insert—

- "(sa) in the case of a function of the Tribunal for proceedings in the guardianship list of the Human Rights Division—
- (i) cancelling a hearing and determining the withdrawal of an application where a represented person or a proposed represented person has died;
 - (ii) directing an administrator to lodge accounts or pay the annual fee by a specified date;
 - (iii) revoking an administration order and appointing an alternative administrator where the administrator has failed to lodge accounts or pay the annual fee;
 - (iv) waiving the annual fee in respect of estates which are the subject of an administration order; or
 - (v) determining applications for adjournments where the hearing is a routine reassessment of an administration order or guardianship order;"

7 Legal Practice List

In clause 1(1) of Schedule 1 to the Principal Rules, item 1.2 is **revoked**.

8 Planning and Environment List

In clause 2(1) of Schedule 1 to the Principal Rules, in item 2.26, for "list);" **substitute** "list).".

9 Review and Regulation List

- (1) In clause 3(1) of Schedule 1 to the Principal Rules, after item 3.12 **insert**—
"3.12A **Business Licensing Authority Act 1998**";.
- (2) In clause 3(1) of Schedule 1 to the Principal Rules, in item 3.48 **omit "Sporting"**.

Dated: 26 October 2018

MICHELLE QUIGLEY, *President*

FELICITY HAMPEL, *Vice President*

MARGARET BAIRD, *Senior Member*

BILL SIBONIS, *Member*

Endnotes

¹ Rule 4: S.R. No. 77/2018.