

**Authorised Version No. 015**  
**Victorian Civil and Administrative Tribunal**  
**(Fees) Regulations 2001**

**S.R. No. 160/2001**

Authorised Version incorporating amendments as at  
3 January 2012

**TABLE OF PROVISIONS**

<i>Regulation</i>	<i>Page</i>
1 Objectives	1
2 Authorising provisions	1
3 Commencement	1
4 Fees	1

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<b>ENDNOTES</b>	<b>15</b>
1. General Information	15
2. Table of Amendments	16
3. Explanatory Details	18

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**Authorised Version No. 015**  
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**1 Objectives**

The objectives of these Regulations are—

- (a) to prescribe fees payable with respect to proceedings in the Victorian Civil and Administrative Tribunal; and
- (b) to prescribe a fee for the issue of a warrant of possession; and
- (c) to prescribe fees for the inspection of the register of proceedings and the provision of copies of proceedings file.

**2 Authorising provisions**

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

**3 Commencement**

These Regulations come into operation on 1 February 2002.

**4 Fees**

- (1) The fees payable at the Victorian Civil and Administrative Tribunal are set out in the Scale of Fees in the Table.
- (2) If a proceeding is commenced under more than one enabling enactment, only one fee is payable.

Reg. 4(4)  
inserted by  
S.R. No.  
56/2003  
reg. 4(1),  
revoked by  
S.R. No.  
56/2003  
reg. 5<sup>1</sup>, new  
reg. 4(4)  
inserted by  
S.R. No.  
17/2005  
reg. 4(1).

- (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 for that enabling enactment.
- (4) 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 VCAT of collecting the difference between the amount of the fee tendered and the correct fee exceeds the amount of that difference.

Reg. 4 Table  
amended by  
S.R. Nos  
1/2002  
reg. 4(a)–(l),  
17/2002  
reg. 3(a)(b),  
56/2003  
reg. 4(2),  
73/2004  
reg. 4(a)–(c),  
88/2004  
reg. 4(Sch. 1  
item 50),  
17/2005  
reg. 4(2)(a)(b),  
58/2007 reg. 4,  
133/2007  
reg. 4, 14/2010  
reg. 3,  
136/2011  
reg. 5.

**TABLE**  
**SCALE OF FEES**

- A. COMMENCEMENT OF PROCEEDINGS**
  1. No fee is payable for the commencement of proceedings under the following enabling enactments or provisions of enabling enactments—
    - (a) **Adoption Act 1984** section 129A(1)(a);
    - (b) **Children and Young Persons Act 1989**;
    - (c) **Community Services Act 1970**;
    - (d) **Equal Opportunity Act 1995**;
    - (e) **Freedom of Information Act 1982** applications under section 50(2) if—
      - (i) the application is for the review of a deemed decision under section 53 refusing to grant access to a document; or

- (ii) the applicant is a natural person and the document to which access is sought contains information relating to the applicant's personal affairs;
  - (f) **Guardianship and Administration Act 1986**;
  - (faa) **Health Records Act 2001**;
  - (fab) **Information Privacy Act 2000**;
  - (fa) **Instruments Act 1958**;
  - (fb) **Medical Treatment Act 1988**;
  - (g) **Mental Health Act 1986** (except section 79);
  - (ga) **Public Health and Wellbeing Act 2008** sections 122, 204;
  - (gb) **Racial and Religious Tolerance Act 2001** section 23A;
  - (h) **Residential Tenancies Act 1997** Part 10.
  - (i) **Trustee Companies Act 1984**
2. (1) For registering an order made in another jurisdiction under section 108 of the **Consumer Credit (Victoria) Code**.
- (2) For the commencement of proceedings under the following enabling enactments—
- (a) **Consumer Credit (Victoria) Code**—
    - (i) sections 34(5), 35, 36(6), 44(4), 47(3), 68(1), 69, 72(1), 77(1), 79, 80(4)(c), 82(b), 83(1), 88(1), 89(1), 92, 93, 94(2), 98, 107(1), 109(1), 111, 112(4), 156(2)(e), 157(1) and 172(4)(b);
    - (ii) section 101 if the application is not made by a credit provider or the Director;
    - (iii) section 114 if the application is not made by a credit provider or the Director;

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- (b) **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);
- (ba) **Domestic Building Contracts Act 1995** (where the amount sought is under \$10 000);
- (c) **Environment Protection Act 1970** sections 33(1)(b) and 33A(1)(b);
- (d) **Fair Trading Act 1999** (where the amount sought is under \$10 000);
- (da) **Landlord and Tenant Act 1958**;
- (e) **Motor Car Traders Act 1986** section 45;
- (ea) **Owners Corporations Act 2006** except section 191;
- (f) **Planning and Environment Act 1987** sections 39(1), 87, 89, 93, 114, 120, 121, 123, 149, 149A, 149B and 184;
- (g) **Residential Tenancies Act 1997** except Part 10;
- (h) **Small Claims Act 1973**;
- (i) **Subdivision Act 1988** sections 34A, 34B, 34D, 34E, 34G, 36, 39 and 40;
- (j) **Water Act 1989** section 19;
- (k) **Water Industry Act 1994** section 74 3.1 fee units
3. For the commencement of proceedings under the following enabling enactments—
- (a) **Consumer Credit (Victoria) Code** for any application (other than an application by the Director) to the Tribunal that is not otherwise referred to in these Regulations;

- (b) **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;
- (c) **Consumer Credit (Victoria) Act 1995** sections 37N and 37O;
- (d) **Credit (Administration) Act 1984**;
- (e) **Local Government Act 1989** section 183;
- (f) **Valuation of Land Act 1960.** 12.9 fee units
- 3A. 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
4. For the commencement of proceedings under the following enabling enactments—
- (a) **Accident Compensation Act 1985**;
- (b) **Adoption Act 1984** section 129A;
- (c) **Agricultural and Veterinary Chemicals (Control of Use) Act 1992**;
- (d) **Architects Act 1991**;
- (e) **Barley Marketing Act 1993**;
- (f) **Births, Deaths and Marriages Registration Act 1996**;
- (g) **Biological Control Act 1986**;
- (h) **Building Act 1993**;
- (i) **Catchment and Land Protection Act 1994**;

- (j) **Chattel Securities Act 1987;**
- (k) **Children's Services Act 1996;**
- (l) **Conservation, Forests and Lands Act 1987;**
- (m) **Consumer Credit (Victoria) Code** section 101 (if the application is made by a credit provider and the number of contracts that are the subject of the application does not exceed 3000);
- (n) **Country Fire Authority Act 1958;**
- (o) **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 does not exceed 3000;
- (p) **Dairy Act 2000;**
- (q) **Dangerous Goods Act 1985;**
- (r) **Debits Tax Act 1990;**
- (s) **Dental Practice Act 1999;**
- (t) **Domestic Building Contracts Act 1995** where the amount sought is \$10 000 or more, but is less than \$100 000 or where no specific amount is sought;
- (u) **Domestic (Feral and Nuisance) Animals Act 1994;**
- (v) **Drugs, Poisons and Controlled Substances Act 1981** section 69B;
- (w) **Education Act 1958;**
- (x) **Emergency Management Act 1986;**
- (y) **Emergency Services Superannuation Act 1986;**
- (z) **Environment Protection Act 1970** except sections 33(1)(b) and 33A(1)(b);

- (za) **Equipment (Public Safety) Act 1994;**
- (zb) **Estate Agents Act 1980;**
- (zc) **Extractive Industries Development Act 1995;**
- (zd) **Fair Trading Act 1999** where the claim is \$10 000 or more, but is less than \$100 000;
- (ze) **Financial Institutions Duty Act 1982;**
- (zf) **Firearms Act 1996;**
- (zg) **First Home Owner Grant Act 2000;**
- (zh) **Flora and Fauna Guarantee Act 1988;**

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- (zj) **Gaming No. 2 Act 1997;**
- (zk) **Health Act 1958;**
- (zka) **Health Professions Registration Act 2005;**
- (zl) **Health Services Act 1988;**
- (zm) **Heritage Act 1995;**
- (zn) **House Contract Guarantee Act 1987;**
- (zo) **Industrial and Provident Societies Act 1958;**
- (zp) **Infertility Treatment Act 1995;**

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- (zr) **Land Acquisition and Compensation Act 1986;**
- (zs) **Land Tax Act 1958;**
- (zt) **Liquor Control Reform Act 1998;**
- (zu) **Litter Act 1987;**
- (zv) **Livestock Disease Control Act 1994;**

- (zw) **Local Government Act 1989**  
except section 183;
- (zx) **Lotteries Gaming and Betting Act 1966;**
- (zy) **Marine Act 1988;**
- (zz) **Meat Industry Act 1993;**
- (zza) **Medical Practice Act 1994;**

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- (zzc) **Metropolitan Fire Brigades Act 1958;**
- (zzd) **Mildura College Lands Act 1916** section 2(ec) (decision of Valuer-General on value of land);
- (zze) **Mineral Resources Development Act 1990;**
- (zzf) **Motor Car Traders Act 1986**  
except applications under section 45;
- (zzg) **Nurses Act 1993;**
- (zzh) **Occupational Health and Safety Act 1985;**
- (zzi) Occupational Health and Safety (Certification of Plant Users and Operators) Regulations 1994<sup>2</sup>;
- (zzj) **Optometrists Registration Act 1996;**
- (zzk) **Osteopaths Registration Act 1996;**
- (zzka) **Owners Corporations Act 2006**  
section 191;
- (zzl) **Parliamentary Salaries and Superannuation Act 1968;**
- (zzm) **Pay-roll Tax Act 1971;**
- (zzn) **Physiotherapists Registration Act 1998;**
- (zzo) **Pipelines Act 1967** section 22B;

- (zzp) **Planning and Environment Act 1987**—
  - (i) sections 78, 81, 82, 82B, 97P and 97Q;
  - (ii) sections 77, 79, 80 and 87A if the estimated cost of the development is less than \$5 000 000;
- (zzq) **Plant Health and Plant Products Act 1995**;
- (zzr) **Podiatrists Registration Act 1997**;
- (zzs) **Prevention of Cruelty to Animals Act 1986**;
- (zzt) **Private Agents Act 1966**;
- (zzu) **Professional Boxing and Martial Arts Act 1985**;
- (zzv) **Prostitution Control Act 1994**;
- (zzva) **Public Health and Wellbeing Act 2008** section 207;
- (zzw) **Public Transport Competition Act 1995**;
- (zzx) **Racing Act 1958**;
- (zzy) **Retail Tenancies Reform Act 1998** where the amount sought is less than \$100 000 or where no specific amount is sought;
- (zzz) **Road Transport (Dangerous Goods) Act 1995**;
- (zzza) **Second-Hand Dealers and Pawnbrokers Act 1989**;
- (zzzb) **State Employees Retirement Benefits Act 1979**;
- (zzzc) **State Superannuation Act 1988**;
- (zzzd) **Subdivision Act 1988** except sections 34A, 34B, 34D, 34E, 34G, 36, 39 and 40;

- (zzze) **Superannuation (Portability) Act 1989;**
- (zzzf) **Taxation Administration Act 1997;**
- (zzzg) **Tertiary Education Act 1993;**
- (zzzh) **The Constitution Act Amendment Act 1958;**
- (zzzi) **Therapeutic Goods (Victoria) Act 1994;**
- (zzzj) **Trade Measurement Act 1995**  
section 59;
- (zzzk) **Transport Accident Act 1986;**
- (zzzl) **Transport Act 1983;**
- (zzzm) **Transport (Roads and Property) Regulations 1993<sup>3</sup>;**
- (zzzn) **Transport Superannuation Act 1988;**
- (zzzo) **Travel Agents Act 1986;**

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- (zzzq) **Veterinary Practice Act 1997;**
- (zzzr) **Victims of Crime Assistance Act 1996;**
- (zzzs) **Victoria State Emergency Service Act 1987;**
- (zzzt) **Victoria State Emergency Service Regulations 1995<sup>4</sup>;**
- (zzzu) **Victorian Plantations Corporation Act 1993;**
- (zzzv) **Vocational Education and Training Act 1990;**
- (zzzw) **Water Act 1989** except  
section 19;
- (zzzx) **Water Industry Act 1994**  
(except section 74);
- (zzzy) **Wildlife Act 1975.**

25.7 fee  
units

5. For the commencement of proceedings under the following enabling enactments—
- (a) **Domestic Building Contracts Act 1995** if the amount sought is \$100 000 or more;
  - (b) **Fair Trading Act 1999** if the amount sought is \$100 000 or more;
  - (c) **Retail Tenancies Reform Act 1998** where the amount sought is \$100 000 or more; 51.5 fee units
6. For the commencement of proceedings under the following enabling enactments—
- (a) **Consumer Credit (Victoria) Code** section 101 (if the application is made by a credit provider and the number of contracts that are the subject of the application exceeds 3000);
  - (b) **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);
  - (c) **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
- 6A. 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—

r. 4

S.R. No. 160/2001

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|--|--|---|
| <ul style="list-style-type: none"> <li>(i) the estimated cost of that development is \$5 000 000 or more; and</li> <li>(ii) the proceedings are, by election of the applicant, entered in the Major Cases List within the Planning and Environment List; or</li> </ul>   | <ul style="list-style-type: none"> <li>(b) the proceedings are in respect of a development of any kind where—                             <ul style="list-style-type: none"> <li>(i) the estimated cost of that development is \$10 000 000 or more; and</li> <li>(ii) the proceedings are, by election of the applicant, entered in the Major Cases List within the Planning and Environment List;</li> </ul> </li> </ul> | <p>245.5<br/>fee units</p>  |
| <p>7. For the commencement of a proceeding under any enabling enactment not shown in this Table</p>  |  | <p>25.7 fee<br/>units</p>   |
| <b>B. HEARING FEES</b>   |  |   |
| <p>1. For hearing proceedings arising under the <b>Domestic Building Contracts Act 1995</b> or the <b>Retail Tenancies Reform Act 1998</b>—</p> <ul style="list-style-type: none"> <li>(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)</li> <li>(b) for each day or part of days 6 to 9</li> <li>(c) for each day or part of a day after day 9</li> </ul> |  | <p>10.3 fee<br/>units</p> <p>20.6 fee<br/>units</p> <p>25.7 fee<br/>units</p> |
| <p>2. For hearing proceedings arising under section 77, 79, 80 and 87A of the <b>Planning and Environment Act 1987</b> if the proceedings are entered in the Major Cases List within the Planning and Environment List—for each day or part of a day</p>   |  | <p>254.9<br/>fee units</p>  |

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|----------------------|---|--------------------|
| 3.                   | For hearing proceedings arising under section 82 or 82B of the <b>Planning and Environment Act 1987</b> 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<br>fee units |
| <b>C. OTHER FEES</b> |   |                    |
| 1.                   | For lodgement of a bill of costs for assessment by the registrar  | 12.9 fee<br>units  |
| 2.                   | For the issue of a summons to witness   | 1 fee<br>unit      |
| 3.                   | For inspection of a proceeding file by a person who is not a party to the proceeding  | 2.6 fee<br>units   |
| 4.                   | For inspection of each additional proceeding file at the same time as the first proceeding file by a person who is not a party to the proceeding  | \$4                |
| 5.                   | For the provision by the registrar of a copy of the register or a document from a proceedings file  | 50c per<br>page    |
| 6.                   | For the issue of a warrant of possession under section 351 of the <b>Residential Tenancies Act 1997</b>   | 6.2 fee<br>units   |
| 7.                   | For the transfer of proceedings arising under section 82 or 82B of the <b>Planning and Environment Act 1987</b> 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 <b>Planning and Environment Act 1987</b> ) where—  |                    |
|                      | (i) the estimated cost of that development is \$5 000 000 or more; and  |                    |

r. 4

S.R. No. 160/2001

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- (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
  - (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
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**ENDNOTES**

**1. General Information**

The Victorian Civil and Administrative Tribunal (Fees) Regulations 2001, S.R. No. 160/2001 were made on 18 December 2001 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 1 February 2002: regulation 3.

The Victorian Civil and Administrative Tribunal (Fees) Regulations 2001 will sunset on 17 December 2012: see Subordinate Legislation (Victorian Civil and Administrative Tribunal (Fees) Regulations 2001) Extension Regulations 2011, S.R. No. 144/2011.

## 2. Table of Amendments

This Version incorporates amendments made to the Victorian Civil and Administrative Tribunal (Fees) Regulations 2001 by statutory rules, subordinate instruments and Acts.

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Victorian Civil and Administrative Tribunal (Fees) (Amendment) Regulations 2002, S.R. No. 1/2002

*Date of Making:* 22.1.02  
*Date of Commencement:* 1.2.02: reg. 3

Victorian Civil and Administrative Tribunal (Fees) (Further Amendment) Regulations 2002, S.R. No. 17/2002

*Date of Making:* 13.3.02  
*Date of Commencement:* 13.3.02

Victorian Civil and Administrative Tribunal (Fees) (Amendment) Regulations 2003, S.R. No. 56/2003

*Date of Making:* 11.6.03  
*Date of Commencement:* 16.6.03: reg. 3

Victorian Civil and Administrative Tribunal (Fees) (Amendment) Regulations 2004, S.R. No. 73/2004

*Date of Making:* 29.6.04  
*Date of Commencement:* 1.7.04: reg. 3

Monetary Units Regulations 2004, S.R. No. 88/2004

*Date of Making:* 29.6.04  
*Date of Commencement:* 1.7.04: reg. 3

Victorian Civil and Administrative Tribunal (Fees) (Amendment) Regulations 2005, S.R. No. 17/2005

*Date of Making:* 12.4.05  
*Date of Commencement:* 18.4.05: reg. 3

Victorian Civil and Administrative Tribunal (Fees) (Amendment) Regulations 2007, S.R. No. 58/2007

*Date of Making:* 26.6.07  
*Date of Commencement:* 1.7.07: reg. 3

Victorian Civil and Administrative Tribunal (Fees) (Further Amendment) Regulations 2007, S.R. No. 133/2007

*Date of Making:* 11.12.07  
*Date of Commencement:* 31.12.07: reg. 3

Victorian Civil and Administrative Tribunal (Fees) Amendment Regulations 2010, S.R. No. 14/2010

*Date of Making:* 2.3.10  
*Date of Commencement:* 2.3.10

Victorian Civil and Administrative Tribunal (Fees) Regulations 2001

S.R. No. 160/2001

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**Endnotes**

Victorian Civil and Administrative Tribunal (Fees) Amendment Regulations 2011,  
S.R. No. 136/2011

*Date of Making:* 29.11.11

*Date of Commencement:* 3.1.12: reg. 3

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### 3. Explanatory Details

<sup>1</sup> Reg. 4(4): Revoked by regulation 5 of S.R. No. 56/2003 with effect from 16 September 2003.

<sup>2</sup> Reg. 4: S.R. No. 108/1994. Reprint No. 2 as at 17 July 1998. Reprinted to S.R. No. 5/1998.

<sup>3</sup> Reg. 4: S.R. No. 268/1993. Reprint No. 2 as at 23 March 2000. Reprinted to S.R. No. 123/1999.

<sup>4</sup> Reg. 4: S.R. No. 17/1995.