



Victoria Government Gazette

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SPECIAL

Subordinate Legislation Act 1994

REGULATORY IMPACT STATEMENT

Victorian Civil and Administrative Tribunal (Fees) Regulations 2001

A Regulatory Impact Statement has been prepared in relation to the proposed Victorian Civil and Administrative Tribunal (Fees) Regulations 2001.

The Victorian Civil and Administrative Tribunal ("VCAT") is an important facet of Victoria's justice system. It is an accessible forum providing a timely, efficient and cost-effective dispute resolution service. Its members have a broad range of specialised skills to hear and determine the widest range of complex matters. It is a valuable adjunct to the more formal venues provided by the Courts. Unless VCAT is properly funded it will not be able to effectively continue to deliver this statewide service with delays and case backlogs kept in check.

At the time of VCAT's establishment in 1998, a transitional fee table was established which, for the most part, followed the existing fees in the different bodies that had been amalgamated. Subsequently other powers, including those under the Fair Trading Act, were vested in VCAT without establishing an associated fee structure. Consequently the fee structure lacks a consistent approach to cost recovery and charging principles, and presents a number of irregularities.

The proposed regulations establish a simplified five tier fee structure that will serve to reduce compliance costs for both the Tribunal's clients and its registry. The specific fee exemptions for anti-discrimination, guardianship and adoption matters have been expanded.

The proposed regulations will see a number of \$25 fees increased to \$30, and the general fee of \$170 increased to \$250. Civil claims over \$10,000 will attract a fee of \$250, with a fee of \$500 for claims exceeding \$100,000. A new fee of \$1000 for fast-tracked developer's planning appeal cases where the project value exceeds \$5m is proposed. Fees in relation to Retail Tenancy matters and Domestic Building disputes will remain unchanged.

At present fee collection represents only 10.3% of the Tribunal's operational costs. Under the proposed changes the recovery rate will still only amount to 13.5% of the operational costs.

The impact statement examines alternative options and concludes that the proposed fee regime presents the most effective method of fee collection.

Public comments and submissions on the Regulatory Impact Statement are invited. Copies of the Regulatory Impact Statement may be obtained from the Department of Justice website at www.justice.vic.gov.au or by telephoning Mr John Isaacs on (03) 8619 6305.

Written submissions on the Regulatory Impact Statement and the accompanying draft regulations will be received up to 28 days from the date of publication of this notice. All submissions will be treated as public documents.

Submissions should be addressed to: Mr John Isaacs, Court Services, Department of Justice, Level 5/552 Lonsdale Street, Melbourne, 3000.

PETER HARMSWORTH
Secretary
Department of Justice

Gazette Services

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