



Victoria Government Gazette

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Subordinate Legislation Act 1994

DEPARTMENT OF JUSTICE AND REGULATION

Notice of Decision

Victorian Civil and Administrative Tribunal (Fees) Regulations 2016

I, Martin Pakula, Attorney-General, and Minister responsible for administering the **Victorian Civil and Administrative Tribunal Act 1998**, give notice under section 12 of the **Subordinate Legislation Act 1994** of my decision to make the proposed Victorian Civil and Administrative Tribunal (Fees) Regulations 2016 (Proposed Regulations).

The objective of the Proposed Regulations is to prescribe the fees payable in respect of proceedings in the Victorian Civil and Administrative Tribunal (VCAT). A regulatory impact statement (RIS) was prepared in relation to the Proposed Regulations.

A notice announcing the availability of the RIS was placed in the Government Gazette on 24 March 2016 and in the Herald Sun and The Age on 26 March 2016. The notices invited public comment, with a closing date for submissions of 2 May 2016. Forty-eight submissions were received in response.

I have decided that the Proposed Regulations should be made, with amendments. The Proposed Regulations will commence on 1 July 2016.

The amendments to the Proposed Regulations are as follows, noting that fees expressed in fee units are at the full-price (corporate fee) amount:

- a reduced fee for objectors in planning matters who wish to become parties. Under the RIS, these matters would attract a fee of 5.5 fee units, but will now attract a fee of two fee units. There remains no fee for submitting a statement of grounds;
- a new ground allowing for fees to be waived in the Residential Tenancies Division where the proceedings have arisen in the context of family violence;
- adjustments to the fee arrangements which, under the RIS, would apply to Civil Division claims between \$3,001 and \$10,000. These arrangements will now apply to claims from \$3,001 to \$15,000. Under the RIS, application fees for claims from \$3,001 to \$10,000 attracted a fee of 18.3 fee units, and from \$10,001 to \$15,000, 47 fee units. The \$3,001 to \$15,000 range will now attract a fee of 21 fee units. Claims in the expanded bracket will also be able to take advantage of the exemption from day one hearing fees, and for concession payers, complete exemption from hearing and application fees;
- removal of the application fees for:
 - applications by standard and concession fee payers for exemptions under section 89(5) (a) of the **Equal Opportunity Act 2010**. Under the RIS, these matters attracted a fee of 64 fee units. They will now be free for standard and concession fee payers. Corporate fee payers will continue to pay a fee of 64 fee units;
 - applications for costs in the Civil or Administrative Divisions, where they are made before final orders are made in the proceeding. Under the RIS, these applications attracted a fee of 36 or 64 fee units. They will now be free where the application is made before final orders are made in the proceeding;
 - applications for urgent injunctions in the Residential Tenancies List. Under the RIS, an additional fee of 21 fee units was payable to have an application for an injunction heard urgently. No additional fee will now be payable where the matter is in the Residential Tenancies Division; and

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- applications seeking the review of deemed refusals by the Freedom of Information Commissioner brought under section 50 of the **Freedom of Information Act 1982**. Under the RIS, these applications attracted a fee of 64 fee units. They will now be free;
- removal of day one hearing fees for:
 - matters in the Residential Tenancies Division, which under the RIS may have attracted a fee of 35 fee units; and
 - matters under the **Owners Corporation Act 2006**, (provided that they are not section 191 applications) which under the RIS attracted a fee of 35 fee units;
- adjustments to the application fees for:
 - matters in the Civil Division, where they are claims for unspecified sums of money. Under the RIS, these matters attracted fees of 77 or 161 fee units. They will now attract a fee of 47 units; and
 - matters under the **Owners Corporation Act 2006**, where they are not section 191 applications and are not claiming sums of money. Under the RIS, these matters attracted fees of 47 fee units. They will now attract a fee of 6.3 fee units;
- a change to when hearing fees are paid. Currently, these fees are paid by 9.30 am on the morning of the hearing. They will now need to be paid by 4.30 pm on the day prior; and
- a number of minor and technical amendments to clarify the practical operation of the regulations.

MARTIN PAKULA, MP
Attorney-General

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