

Version No. 005
Victorian Civil and Administrative Tribunal
Rules 1998

S.R. No. 87/1998

Version incorporating amendments as at 1 July 1999

TABLE OF PROVISIONS

<i>Regulation</i>	<i>Page</i>
ORDER 1—GENERAL	1
1.01 Object	1
1.02 Authorising provisions	1
1.03 Commencement	1
1.04 Definition	1
ORDER 2—TRIBUNAL DIVISIONS AND LISTS	1
PART 1—DIVISIONS OF THE TRIBUNAL	2
2.01 Divisions	2
2.02 Division Head	2
PART 2—DIVISION LISTS	2
2.03 Lists	2
2.04 List Heads	3
PART 3—WORKING ARRANGEMENTS	3
2.05 Entry of proceeding in list	3
2.06 Assignment of members	4
ORDER 3—REVIEW JURISDICTION	5
3.01 Form of application for order that statement of reasons be given for decision liable to review	5
3.02 Functions under section 47(1) of the Act to be exercised in general list of administrative division	5
3.03 Number of copies of documents to be lodged	5

<i>Regulation</i>	<i>Page</i>
ORDER 4—GENERAL PROCEDURE	5
4.01 Provisions of Order to be subject to Orders 5 and 6	5
4.02 Appointment of litigation guardian for a child	5
4.03 Form of application	6
4.04 Form of referral	6
4.05 Lodgement of application or referral	6
4.06 Notification of commencement	7
4.07 Address for service of documents	7
4.08 Counterclaim	7
4.09 Direction to submit to medical examination	8
4.10 Notice of compulsory conference	8
4.11 Notice of mediation	8
4.12 Notice of hearing	8
4.13 Form of witness summons	9
4.14 Service of witness summons	9
4.15 Refusal to issue witness summons	9
4.16 Authentication of order	9
4.17 Application for correction of order	9
4.18 Re-opening an order	10
4.19 Extension or abridgment of time	10
4.20 Form of warrant of arrest	10
4.21 Form of warrant of committal	10
4.22 Alternative method of service of documents on party	11
4.23 Form of register of proceedings and matters to be contained therein	11
ORDER 5—ADMINISTRATIVE DIVISION	11
PART 1—GENERAL LIST	12
5.01 Time within which copy of application or referral to be served in case of proceeding in general list	12
5.01.1 Freedom of Information Act 1982 —Application for review may also contain application for order	12
PART 2—LAND VALUATION LIST	12
5.02 Tribunal may direct disclosure of valuation evidence	12
5.03 Principal registrar's powers in relation to adjournment and withdrawal of certain proceedings	13

<i>Regulation</i>	<i>Page</i>
PART 3—OCCUPATIONAL AND BUSINESS REGULATION LIST	13
5.04 Conditions to which right to inspect proceeding file to be subject	14
5.05 Form of application	14
5.06 Constitution of Tribunal in proceedings	14
PART 4—PLANNING LIST	17
5.07 Time within which statement of grounds must be lodged in case of proceeding under planning enactment	17
5.08 Matters to be contained in notice given or published under section 83B of the Planning and Environment Act 1987	17
5.09 Additional requirement if document is served electronically	18
PART 5—TAXATION LIST	19
5.10 Conditions to which right to inspect proceedings file to be subject	19
ORDER 6—CIVIL DIVISION	19
PART 1—ANTI-DISCRIMINATION LIST	19
6.01 Notifications	19
6.02 Particulars of complaint and defence	21
6.03 Documents to be relied on at hearings	21
6.04 Interlocutory applications	22
6.05 Additional functions of principal registrar	22
6.06 Certain rules not to apply to proceedings under Equal Opportunity Act 1995	23
6.07 Jurisdictional hearings and functions under section 156 of the Equal Opportunity Act 1995	23
6.08 Conditions to which right to inspect proceeding file to be subject	23
PART 2—CIVIL CLAIMS LIST	24
6.09 Application of these Rules to this List	24
6.10 Re-opening on substantive grounds	24
6.11 Applications	25
6.12 Documents to accompany an application	26
6.13 Rejection of applications by principal registrar	27
6.14 Notification of commencement by principal registrar	27
PART 3—CREDIT LIST	28

<i>Regulation</i>	<i>Page</i>
6.15 Notifications	28
6.16 Function of the Principal Registrar	28
6.17 Conditions to which right of inspection of proceedings file to be subject	29
6.18 Transfers of classes of proceedings	29
PART 4—DOMESTIC BUILDING LIST	30
6.19 Applications and dealings with applications	30
6.20 Counterclaims	30
PART 5—GUARDIANSHIP LIST	30
6.21 Service by principal registrar	30
6.22 Conditions to which right to inspect register of proceedings to be subject	30
6.23 Conditions to which right of party to inspect proceeding file to be subject	31
6.24 Conditions to which right of person other than party to inspect proceeding file to be subject	33
PART 6—REAL PROPERTY LIST	33
Division 1—Proceedings under the Subdivision Act 1988	33
6.25 Definitions	33
6.26 Application for leave—section 36	34
6.27 Referral of disputes—section 39 of the Subdivision Act 1988	35
Division 2—Proceedings under the Estate Agents Act 1980	36
6.28 Interpretation	36
6.29 Referral of disputes	36
6.30 Procedure for determination	37
Division 3—Proceedings under the Water Act 1989 and the Water Industry Act 1994	37
6.31 Form of claim	37
6.32 Counterclaim	37
Division 4—Compulsory Conference and Mediation	37
6.33 Definition	38
6.34 Notices	38
6.35 Provision of information before compulsory conference	38
6.36 Report on compulsory conference	38
PART 7—RESIDENTIAL TENANCIES LIST	38
6.37 Application of Part	38

<i>Regulation</i>	<i>Page</i>
6.37.1 Service prior to lodgement	39
6.37.2 Applications	39
6.38 Documents required to be included with certain applications	39
6.39 Particulars required to be included with certain applications	44
6.40 Form of notice under section 346 of the Residential Tenancies Act 1997	44
6.41 Withdrawal of proceedings	44
6.42 Re-opening an order	44
PART 8—RETAIL TENANCIES LIST	45
6.43 Form of application	45
6.44 Counterclaims	45
PART 9—TRANSITIONAL	45
7.01 Transitional provision	45
7.02 Transitional provision	45
 SCHEDULES	 47
SCHEDULE 1—Allocation of functions	47
SCHEDULE 2—Forms	57
Form 1—Application for review of a decision	57
Form 2—Application for order	58
Form 3—Referral	59
Form 4—Summons to appear	60
Form 5—Arrest warrant	62
Form 6—Arrest warrant	63
Form 7—Warrant of committal	64
Form 8—Application	65
Form 9—Claim	67
Form 10—Notice (under section 346 of the Residential Tenancies Act 1997) to occupant to appear before tribunal	69
Form 11—Application	70
 NOTES	 72
1. General Information	72

<i>Regulation</i>	<i>Page</i>
2. Table of Amendments	73
3. Explanatory Details	74

Version No. 005
Victorian Civil and Administrative Tribunal
Rules 1998

S.R. No. 87/1998

Version incorporating amendments as at 1 July 1999

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

ORDER 1—GENERAL

1.01 *Object*

The object of these Rules is to regulate the practice and procedure of the Victorian Civil and Administrative Tribunal.

1.02 *Authorising provisions*

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

1.03 *Commencement*

These Rules come into operation on 1 July 1998.

1.04 *Definition*

In these Rules—

"the Act" means the **Victorian Civil and Administrative Tribunal Act 1998**.

ORDER 2—TRIBUNAL DIVISIONS AND LISTS

PART 1—DIVISIONS OF THE TRIBUNAL

2.01 *Divisions*

- (1) The Tribunal shall exercise its functions in divisions.
- (2) For the purposes of sub-rule (1), the following divisions of the Tribunal are established—
 - (a) administrative division;
 - (b) civil division.

2.02 *Division Head*

A Vice President nominated from time to time by the President shall be in charge of a division.

PART 2—DIVISION LISTS

2.03 *Lists*

- (1) Each division of the Tribunal shall exercise its functions in lists.
- (2) The following lists of the administrative division are established—
 - (a) general list;
 - (b) land valuation list;
 - (c) occupational and business regulation list;
 - (d) planning list;
 - (e) taxation list.
- (3) The following lists of the civil division are established—
 - (a) anti-discrimination list;
 - (b) civil claims list;
 - (c) credit list;
 - (d) domestic building list;

- (e) guardianship list;
 - (f) real property list;
 - (g) residential tenancies list;
 - (h) retail tenancies list.
- (4) The functions to be exercised in each list are set out in Schedule 1.
- (5) Any function capable of being exercised by the Tribunal that is not referred to in Schedule 1 shall be deemed to have been included in the general list of the administrative division.

2.04 *List Heads*

- (1) A Deputy President nominated by the President shall be in charge of a list.
- (2) The President may only nominate under sub-rule (1) a Deputy President who has, in the opinion of the President, special knowledge of the law in relation to a class of matters in respect of which functions may be exercised in the list.

PART 3—WORKING ARRANGEMENTS

2.05 *Entry of proceeding in list*

- (1) The principal registrar must cause a proceeding to be entered in a list.
- (2) The President may transfer a proceeding from a list to another list.
- (3) A Vice President in charge of a division may transfer a proceeding from a list in that division to another list in that division.
- (4) At the request of—
- (a) a party to the proceeding; or
 - (b) the principal registrar—

Rule 2.05(4)
substituted by
S.R. No.
24/1999 rule 4.

the Deputy President in charge of a list in which a proceeding is entered, or a member assigned to that list nominated by that Deputy President for the purposes of this sub-rule, may order the transfer of the proceeding from that list to another list.

- (5) An order can only be made under sub-rule (4) with the consent of the Deputy President in charge of the list to which the proceeding is to be transferred, or a member assigned to that list nominated by that Deputy President for the purposes of this sub-rule.

Rule 2.05(5)
inserted by
S.R. No.
24/1999 rule 4.

- (6) An order under sub-rule (4) may be made without the attendance of the parties to the proceeding and may be made on such terms and conditions as the Deputy President or member who makes the order thinks fit and may include an order for costs.

Rule 2.05(6)
inserted by
S.R. No.
24/1999 rule 4.

- (7) The principal registrar may, with the consent of the parties, transfer a proceeding from a list to another list.

Rule 2.05(7)
inserted by
S.R. No.
24/1999 rule 4.

2.06 *Assignment of members*

- (1) The President must assign a member other than a Vice President to one or more lists, whether or not the particular list is in the same division.
- (2) In making an assignment of a member to a particular list, the President must have regard to any special knowledge or experience relevant to determining the class of matters in respect of which functions may be exercised by the Tribunal in that list.
- (3) An assignment under this Rule must be in writing.
- (4) A member, other than the President or a Vice-President, may only sit in a proceeding in a list to which he or she is assigned.

ORDER 3—REVIEW JURISDICTION**3.01 *Form of application for order that statement of reasons be given for decision liable to review***

An application under section 47(1) of the Act must be in writing and must specify—

- (a) the decision;
- (b) the name and title of the decision-maker; and
- (c) the date of the decision.

3.02 *Functions under section 47(1) of the Act to be exercised in general list of administrative division*

The functions of the Tribunal under section 47(1) of the Act are allocated to the general list of the administrative division.

3.03 *Number of copies of documents to be lodged*

The number of copies of a statement or document to be lodged for the purposes of section 49(1), (3) or (4) of the Act is— 1.

ORDER 4—GENERAL PROCEDURE**4.01 *Provisions of Order to be subject to Orders 5 and 6***

Subject to Orders 5 and 6, this Order applies to any proceeding in the Tribunal.

4.02 *Appointment of litigation guardian for a child*

- (1) A person is eligible to be appointed by the Tribunal as the litigation guardian of a child who is a party to a proceeding if the person is not a person under a disability and has no interest in the proceeding adverse to that of the child.
 - (2) An application by a person to be appointed as litigation guardian of a child must be in writing and must contain a certificate of the person applying to be appointed as litigation guardian or
-

of the solicitor for the child that he or she knows or believes that—

- (a) the person to whom the certificate relates is a child; and
 - (b) the person applying to be appointed as litigation guardian has no interest in the proceeding adverse to that person.
- (3) Where the interests of a party who is a child so require, the Tribunal may appoint or remove a litigation guardian or substitute another person as litigation guardian.

4.03 *Form of application*

An application to the Tribunal must—

- (a) if it is for review of a decision, be in Form 1 in Schedule 2;
- (b) if it is for an order, be in Form 2 in Schedule 2.

4.04 *Form of referral*

If no form of referral is otherwise required by these Rules, a referral to the Tribunal must be in Form 3 in Schedule 2.

4.05 *Lodgement of application or referral*

- (1) An application or referral to the Tribunal must be lodged with the principal registrar.
- (2) An application or referral may be lodged with the principal registrar by post, facsimile or other electronic transmission.
- (3) Despite sub-rule (1), if the applicant resides in Victoria more than 40 kilometres from the post office at the corner of Elizabeth Street and Bourke Street, Melbourne, the application or referral may be lodged with a registrar of the Magistrates' Court unless the application or referral calls for

the exercise of a function assigned by these Rules to the planning list of the administrative division.

4.06 *Notification of commencement*

An applicant must serve a copy of an application or referral on each other party or other person entitled to notice of the application or referral under the Act, the enabling enactment or these Rules within 7 days after lodging the application or referral with the principal registrar or a registrar of the Magistrates' Court.

4.07 *Address for service of documents*

- (1) An applicant must provide an address for service of documents in Victoria when making an application or referral.
- (2) Any party other than the applicant must, not later than 14 days after becoming a party, file with the principal registrar a statement of that party's address in Victoria for the service of documents.
- (3) Any party who wishes to change an address for service must notify the principal registrar and each other party that the party has a new address for service and notify that person of that address.
- (4) An address for service may include a telephone number for the receipt of facsimile transmissions and an address for the receipt of electronic transmissions.

4.08 *Counterclaim*

- (1) Subject to the provisions of any Act or regulation, a counterclaim by one party against another party in a proceeding must be—

-
- (a) in writing and contain any particulars required by these Rules; and
 - (b) accompanied by any documents or further information required by these Rules; and
 - (c) lodged in the same manner as an application.
- (2) Unless otherwise provided by these Rules or ordered by the Tribunal, the party making the counterclaim must serve a copy of it on each other party within 7 days after lodgement.

4.09 *Direction to submit to medical examination*

The Tribunal may, where the physical or mental condition of a party is relevant to a proceeding, require the party to submit to medical examination by an expert whom another party proposes to call as a witness.

4.10 *Notice of compulsory conference*

The principal registrar must give notice of a compulsory conference in writing and in accordance with any other requirement of these Rules.

4.11 *Notice of mediation*

The principal registrar must give notice of a mediation in writing and in accordance with any other requirement of these Rules.

4.12 *Notice of hearing*

The principal registrar must give notice of the time and place for the hearing of a proceeding in

writing and in accordance with any other requirement of these Rules.

4.13 *Form of witness summons*

A witness summons must be in Form 4 in Schedule 2 and must be issued by the principal registrar under the seal of the Tribunal.

4.14 *Service of witness summons*

- (1) A witness summons must be served—
 - (a) by the party who requested its issue, unless the Tribunal directs otherwise; or
 - (b) if it is issued at the initiative of the principal registrar or the Tribunal, as directed by the Tribunal.
- (2) When a summons is served, a sufficient sum is to be provided as conduct money.

4.15 *Refusal to issue witness summons*

If the principal registrar refuses to issue a witness summons at the request of a party, the principal registrar must inform the party of the right to apply to the Tribunal for a direction that a summons be issued.

4.16 *Authentication of order*

An order may be authenticated by being signed by a member of the Tribunal or the principal registrar and having the seal of the Tribunal affixed.

4.17 *Application for correction of order*

A party who applies for the correction of an order of the Tribunal must do so in writing, giving

particulars of the claimed mistake, error,
miscalculation, misdescription or defect.

4.18 *Re-opening an order*

- (1) An application for review of an order under section 120 of the Act must be made within 14 days after the applicant becomes aware of the order.
- (2) No more than 2 applications may be made under section 120 of the Act in respect of the same order without leave of the Tribunal.

4.19 *Extension or abridgment of time*

- (1) The Tribunal may exercise any of the powers referred to in section 126(2) of the Act in any proceeding.
- (2) For the purposes of section 126 of the Act, all the enactments mentioned in Schedule 1 and any regulations made under any of those enactments, are specified to be relevant enactments.

4.20 *Form of warrant of arrest*

- (1) If the Tribunal directs the apprehension of a person under section 134(2) of the Act the Tribunal must issue a warrant of arrest must be in Form 5 in Schedule 2.
- (2) If the Tribunal directs the apprehension of a person under section 137(2) of the Act, the Tribunal must issue a warrant of arrest in Form 6 of Schedule 2.

4.21 *Form of warrant of committal*

A warrant of committal must be in Form 7 in Schedule 2.

4.22 *Alternative method of service of documents on party*

In any case where section 140 of the Act provides that a notice, order or other document may be served on or given to a person by sending it to the person at an address specified by that section, the notice, order or other document may, if the person is a party, be instead sent by post, facsimile or other electronic transmission to the current address for service of documents of that person.

4.23 *Form of register of proceedings and matters to be contained therein*

The register may be kept in written or electronic form and shall contain, in respect of each proceeding commenced in the Tribunal—

- (a) a number identifying the proceeding;
- (b) the names of the parties;
- (c) a reference to the statutory provision conferring the relevant jurisdiction on the Tribunal;
- (d) if the proceeding is withdrawn, the date of withdrawal;
- (e) particulars of any final determination or order made by the Tribunal.

ORDER 5—ADMINISTRATIVE DIVISION

PART 1—GENERAL LIST

5.01 *Time within which copy of application or referral to be served in case of proceeding in general list*

Rule 5.01
amended by
S.R. No.
24/1999 rule 5.

For the purposes of section 72(1) of the Act, the time within which an applicant must serve a copy of an application or referral in the case of a proceeding in the general list is 7 days after the application or referral is lodged with the principal registrar.

5.01.1 *Freedom of Information Act 1982—Application for review may also contain application for order*

Rule 5.01.1
inserted by
S.R. No.
80/1999 rule 5.

- (1) An application for review of a decision under the **Freedom of Information Act 1982** may also contain an application for an order under section 27D of that Act.
- (2) An application referred to in paragraph (1) must be in Form 1 of Schedule 2 with any necessary modification.

PART 2—LAND VALUATION LIST

5.02 *Tribunal may direct disclosure of valuation evidence*

- (1) A member of the Tribunal may direct that each party to a proceeding to which this Rule applies give to the other party—
 - (a) the names of the valuers it proposes to call;
 - (b) the amount of the valuation placed by each valuer on the land that is the subject of the appeal; and
 - (c) details of all sales and rentals relied upon by the valuer in arriving at the valuation.
- (2) The member may give such a direction at any time on application by any party, or of his or her own motion.

- (3) If such a direction is given, a party may not call or rely on, without the leave of the Tribunal—
 - (a) any valuer whose name was not given to the other party; or
 - (b) any evidence of sales or rentals that was not given to the other party.
- (4) This Rule applies to—
 - (a) a proceeding under the **Land Acquisition and Compensation Act 1986** or a proceeding to which that Act applies; and
 - (b) a proceeding under Part III of the **Valuation of Land Act 1960** or a proceeding to which that Part applies.

5.03 *Principal registrar's powers in relation to adjournment and withdrawal of certain proceedings*

- (1) The principal registrar may on the application of a party made at least 7 days before the date fixed for the hearing of a proceeding to which this Rule applies adjourn the hearing of the proceeding.
- (2) The principal registrar may hear and determine an application by consent of the parties for adjournment or withdrawal of any proceeding to which this Rule applies.
- (3) This Rule applies to a proceeding under Part III of the **Valuation of Land Act 1960** or a proceeding to which that Part applies.

**PART 3—OCCUPATIONAL AND BUSINESS REGULATION
LIST**

5.04 *Conditions to which right to inspect proceeding file to be subject*

In the case of an application for review under an enactment allocated to the occupational and business regulation list, a party or other person shall not be entitled to inspect a file relating to the proceeding except to the extent that a member of the Tribunal being a person who has been admitted to legal practice for not less than 5 years authorises its inspection by the party or other person.

5.05 *Form of application*

- (1) An application under an enactment allocated to the occupational and business regulation list for a disciplinary inquiry must be in writing and state the provision under which it is made and the person who is the subject of the application.
- (2) Rule 4.03 does not apply to an application referred to in sub-rule (1).

5.06 *Constitution of Tribunal in proceedings*

- (1) Any matter arising under a provision of the **Consumer Credit (Victoria) Act 1995** allocated to the occupational and business regulation list must be determined by the Tribunal constituted by at least 3 members including—
 - (a) a member being a person who has been admitted to legal practice for not less than 5 years; and
 - (b) a member who is a person with experience in the business of providing credit in connection with the supply of goods or services or a person with experience in the business of supplying goods or services; and
 - (c) a member who is a person who does not have such experience but has knowledge of the

interests of natural persons who obtain or seek to obtain credit from credit providers.

- (2) Any matter arising under a provision of the **Estate Agents Act 1980** that is allocated to the occupational and business regulation list must be determined by the Tribunal constituted by at least 3 members including—
 - (a) a member being a person who has been admitted to legal practice for not less than 5 years; and
 - (b) a member with experience in and who represents the interests of the real estate industry; and
 - (c) a member with knowledge of natural persons who use real estate industry services and who represents their interests.
 - (3) Any matter arising under a provision of the **Motor Car Traders Act 1986** that is allocated to the occupational and business regulation list must be determined by the Tribunal constituted by at least 3 members including—
 - (a) a member being a person who has been admitted to legal practice for not less than 5 years; and
 - (b) a member who represents the interests of the retail motor car industry; and
 - (c) a member who represents the interests of consumers.
 - (4) Any matter arising under a provision of the **Prostitution Control Act 1994** that is allocated to the occupational and business regulation list must be determined by the Tribunal constituted by at least 3 members including—
-

-
- (a) a member being a person who has been admitted to legal practice for not less than 5 years; and
 - (b) a member who shall be either—
 - (i) a barrister and solicitor of the Supreme Court or of the High Court of Australia with knowledge, experience and expertise in criminal law, company law or another area of law relevant to the functions of the Tribunal under the **Prostitution Control Act 1994**; or
 - (ii) a member of the police force of or above the rank of inspector; and
 - (c) a member who has knowledge of the prostitution industry in Victoria or of health, occupational health and safety, enforcement or general community issues relevant to the functions of the Tribunal under the **Prostitution Control Act 1994**.
- (5) Any matter arising under a provision of the **Travel Agents Act 1986** that is allocated to the occupational and business regulation list must be determined by the Tribunal constituted by at least 3 members including—
- (a) a member being a person who has been admitted to legal practice for not less than 5 years; and
 - (b) a member with experience in the business of a travel agent; and
 - (c) a member with knowledge of the interests of natural persons who use the services of travel agents.
- (6) Sub-rules (3) and (5) do not apply to a review of a decision of—
-

- (a) the Motor Car Traders Licensing Authority established under Part 7 of the **Motor Car Traders Act 1986**; and
- (b) a decision of the Travel Agents Licensing Authority established under Part 5 of the **Travel Agents Act 1986**.

PART 4—PLANNING LIST

5.07 *Time within which statement of grounds must be lodged in case of proceeding under planning enactment*

A person who is required by clause 56(1) of Schedule 1 to the Act to lodge with the Tribunal a statement of the grounds on which the person intends to rely at the hearing of a proceeding must lodge the statement with the Tribunal within 14 days after being served with notice of the proceeding.

5.08 *Matters to be contained in notice given or published under section 83B of the Planning and Environment Act 1987*

- (1) A notice given or published under section 83B of the **Planning and Environment Act 1987** shall—
 - (a) set out clearly the location of the land to which the application for review relates; and
 - (b) set out the purposes for which the permit is sought; and
 - (c) in the case of an application to review a refusal to grant a permit, set out the grounds upon which the permit was refused; and
 - (d) state that all person who may be materially affected by the grant of the permit—
 - (i) will be entitled to be heard on the hearing of the application for review if

before a date specified in the statement they give written notice to the principal registrar stating how they may be so affected and that they wish to be heard; and

- (ii) even if a person does not give notice to the principal registrar in accordance with sub-paragraph (i), may apply in writing to be made a party to the application for review stating how the person may be affected by the grant of the permit; and
 - (iii) must, in a notice given in accordance with sub-paragraph (i) or in an application made in accordance with sub-paragraph (ii), state the grounds on which they intend to rely at the hearing.
- (2) A statement of the grounds on which a person intends to rely included in a notice referred to in sub-rule (1)(d)(i) or an application referred to in sub-rule (1)(d)(ii) is a statement for the purposes of clause 56(1) of Schedule 1 to the Act, even if the statement may not have been lodged within the period specified in Rule 5.07.

5.09 *Additional requirement if document is served electronically*

An applicant in a proceeding under an enactment set out in clause 4 in Part 1 of Schedule 1 who serves the initiating document in that proceeding on another person by electronic transmission must, within 24 hours of sending the transmission

to that person, deliver or send by post to that person a copy of that document.

PART 5—TAXATION LIST

5.10 *Conditions to which right to inspect proceedings file to be subject*

In the case of an application for review under an enactment allocated to the taxation list, a party or other person shall not be entitled to inspect a file relating to the proceeding except to the extent that its inspection has been authorised by a member of the Tribunal or by the Commissioner of Taxation.

ORDER 6—CIVIL DIVISION

PART 1—ANTI-DISCRIMINATION LIST

6.01 *Notifications*

- (1) If a complaint is referred to the Tribunal by the Minister or the Equal Opportunity Commission under the **Equal Opportunity Act 1995**, the principal registrar must give written notice of the referral to the complainant and the respondent within 7 days after the Tribunal receives the referral.
- (2) For the purposes of section 72(1) of the Act, the time within which an applicant must serve a copy of an application or referral in a proceeding under the **Equal Opportunity Act 1995** is—
 - (a) in the case of an application, 5 days after the application is lodged with the Tribunal; and
 - (b) in the case of a referral, 7 days after the applicant receives notice of the referral under sub-rule (1).

-
- (3) The principal registrar must give written notice of the holding of a compulsory conference to each party to a proceeding under the **Equal Opportunity Act 1995** at least 7 days before the date when it is to be held.
 - (4) For the purpose of section 88(3) of the Act, the principal registrar must give written notice of the holding of a mediation in a proceeding under the **Equal Opportunity Act 1995** at least 7 days before the date when it is to be held.
 - (5) For the purpose of section 99(1) of the Act, notice of the time and place of the hearing of a proceeding under the **Equal Opportunity Act 1995** must be given—
 - (a) at least 2 days before the date of the hearing, in the case of an application for an interim order under section 131 of that Act; and
 - (b) at least 7 days before the date of the hearing, in the case of an application under section 109, 121 or 124 of that Act; and
 - (c) at least 14 days before the date of the hearing, in the case of the hearing of a complaint.
 - (6) If a complaint is referred to the Tribunal by the Minister or the Equal Opportunity Commission under the **Equal Opportunity Act 1995**, the complainant must give to the principal registrar written notice of the complainant's address in Victoria for service of documents within 7 days after receiving notice of the referral under sub-rule (1).
 - (7) An applicant to the Tribunal under section 109, 121, 124 or 131 of the **Equal Opportunity Act 1995** must, when making the application, provide
-

to the principal registrar an address for service of documents for each other party to the proceeding.

6.02 Particulars of complaint and defence

- (1) If the Tribunal directs (whether at a compulsory conference or otherwise) a complainant under the **Equal Opportunity Act 1995** to lodge with the Tribunal particulars of complaint, those particulars must—
 - (a) be in numbered paragraphs; and
 - (b) set out as briefly as possible the material facts on which the complainant relies and the relief which the complainant seeks.
- (2) If the Tribunal directs (whether at a compulsory conference or otherwise) a respondent to a complaint under the **Equal Opportunity Act 1995** to lodge with the Tribunal particulars of defence, those particulars must—
 - (a) respond to the allegations set out in the particulars of complaint; and
 - (b) set out any defence on which the respondent relies.

6.03 Documents to be relied on at hearings

- (1) If a party in a proceeding under the **Equal Opportunity Act 1995** intends, at the hearing of the complaint, to tender in evidence, or adduce evidence on the substance of, a medical report that party must serve a copy of the report on each other party at least 7 days before the date fixed for the hearing of the complaint.
 - (2) A party in a proceeding under the **Equal Opportunity Act 1995** who tenders a document as evidence in that proceeding must provide the Tribunal with a copy of that document, as well as the original.
-

6.04 *Interlocutory applications*

- (1) This Rule applies to an application to the Tribunal under section 109, 121, 124 or 131 of the **Equal Opportunity Act 1995**.
- (2) An application to which this Rule applies must—
 - (a) be accompanied by a copy of the complaint or, if the applicant does not have one, any information which the applicant is able to give about the nature of the complaint and the identity of the parties to it; and
 - (b) if the application relates to a determination of the Equal Opportunity Commission, give any information which the applicant is able to give about the nature and date of the determination; and
 - (c) if, under the **Equal Opportunity Act 1995** there are requirements to be met before the application can be made, include information that those requirements have been met; and
 - (d) in the case of an application under section 131 of the **Equal Opportunity Act 1995** for an interim order—
 - (i) state each order that is sought; and
 - (ii) be accompanied by an affidavit setting out the facts and circumstances on which the applicant relies.

6.05 *Additional functions of principal registrar*

- (1) The principal registrar may not reject, under section 71(1) of the Act—
 - (a) an application made to the Tribunal under the **Equal Opportunity Act 1995**; or
-

(b) an application made under the **Victorian Civil and Administrative Tribunal Act 1998** in a proceeding under the **Equal Opportunity Act 1995**.

(2) In addition to his or her other functions, the principal registrar has the following functions in relation to proceedings under the **Equal Opportunity Act 1995**—

- (a) to provide information or advice in relation to the provisions of the **Equal Opportunity Act 1995** and the practice and procedure of the Tribunal; and
- (b) to act as mediator in a proceeding, if nominated under section 88(1) of the Act.

6.06 *Certain rules not to apply to proceedings under Equal Opportunity Act 1995*

Rules 4.04 and 4.05(3) do not apply to proceedings under the **Equal Opportunity Act 1995**.

6.07 *Jurisdictional hearings and functions under section 156 of the Equal Opportunity Act 1995*

- (1) The Tribunal may give any directions it considers appropriate in determining any question raised in a proceeding under the **Equal Opportunity Act 1995** as to its jurisdiction under that Act.
- (2) When exercising its functions under section 156 of the **Equal Opportunity Act 1995**, the Tribunal shall be constituted as determined by the President.

Rule 6.08
substituted by
S.R. No.
80/1999 rule 6.

6.08 *Conditions to which right to inspect proceeding file to be subject*

For the purposes of section 146(4)(a) of the Act, the right conferred on a person (other than a party) by section 146(3) of the Act to inspect and copy a

file in a proceeding under section 109, 121, 124 or 131 of the **Equal Opportunity Act 1995** is subject to the condition that the person may only inspect and copy the file after the complaint to which the proceeding relates has been referred to the Tribunal.

PART 2—CIVIL CLAIMS LIST

6.09 *Application of these Rules to this List*

- (1) This Part applies to a proceeding in the civil claims list.
- (2) Rules 4.03, 4.06 and 4.07 do not apply to a proceeding to which this Part applies.

6.10 *Re-opening on substantive grounds*

- (1) Despite Rule 4.18, except with the leave of the Tribunal only one application may be made by the same party under section 120 of the Act in respect of the same matter.
- (2) An application pursuant to section 120 of the Act must be in writing and contain the following information—
 - (a) the name, current address, telephone number and facsimile number (if any) of the applicant;
 - (b) the name of any person who the applicant claims is a sufficiently interested party;
 - (c) the number of the original proceeding for which the review is requested;
 - (d) the date on which and the manner in which the applicant became aware of the order in respect of which a review is requested;
 - (e) the reasons for the application for review; and

- (f) the signature of the applicant.
- (3) On receipt of an application under section 120 of the Act the principal registrar must inform the applicant that the Tribunal may order costs in accordance with clause 85 of Schedule 1 to the Act and section 109 of the Act.

6.11 Applications

- (1) For the purposes of section 67(1)(a) of the Act applications to which this Part applies must be in writing and include the following—
 - (a) the name, address, telephone number and facsimile number of the applicant, the respondent and all other parties who the applicant claims have a sufficient interest in the claim;
 - (b) where a party is a corporation, the ACN number of that party;
 - (c) if the goods are mortgaged or leased, the name, address, telephone number and facsimile number of any credit provider who has an interest in the goods;
 - (d) a brief description of the goods and/or services provided and the date of the transaction;
 - (e) if any respondent or sufficiently interested party has at any stage asked for the payment of money the amount asked, when and how much (if any) was paid and to whom;
 - (f) the remedy sought either as a refund, rectification work or compensation, return of goods or compensation, other matters or a combination of any of the preceding matters;
 - (g) a brief history of the dispute (with any relevant documents); and
-

-
- (h) additionally, in the case of an application pursuant to section 45(2) of the **Motor Car Traders Act 1986**, the grounds pursuant to which application for rescission of the contract is made by specifying any or a combination of the following—
- (i) that a false representation has been made in relation to an odometer reading of the motor car;
 - (ii) that the agreement for sale of the motor car does not contain the prescribed particulars, terms and conditions;
 - (iii) that the motor car is substantially different from the motor car represented in the prescribed notice.
- (2) When complying with the requirements of paragraph (i) of sub-rule (1), the applicant must also state the manner in which a false representation or the failure to contain the prescribed particulars or the substantial difference in the motor car is alleged to have occurred.

6.12 Documents to accompany an application

For the purposes of section 67(1)(b) of the Act in applications to which this Part applies the documents required to accompany an application are—

- (a) an extract of a business name of any respondent or any sufficiently interested party which is not a company but has a registered business name;
- (b) all relevant contract notes, documents and photographs;

- (c) a copy of any contract for finance concerning the purchase, mortgage or lease of the goods the subject of the application;
- (d) when an application is made in relation to a claim arising under the **Small Claims Act 1973**, a cheque for all moneys payable to the Small Claims Trust Account for those amounts demanded by the respondent which have not been paid to the respondent; and
- (e) additionally, in the case of an application pursuant to section 45(2) of the **Motor Car Traders Act 1986**, a copy of the agreement for the sale of the motor car and a copy of any contract for finance concerning the purchase of the motor car and any other documents the applicants have in their possession concerning the purchase of the motor car or any ancillary or incidental items in association with that purchase.

6.13 *Rejection of applications by principal registrar*

- (1) In applications to which this Part applies, for the purposes of section 71(3) of the Act the principal registrar must inform the applicant of the rejection of the application and the right of referral for review by the Tribunal within 5 days after the rejection.
- (2) For the purposes of section 71(2) of the Act, a requirement by the applicant that the principal registrar refer the application to the Tribunal for review of the rejection must be in writing received within 7 days after the applicant being informed of the rejection.

6.14 *Notification of commencement by principal registrar*

In applications to which this Part applies, for the purposes of clause 79(1)(a) and 79(1)(b) of

Schedule 1 to the Act the time period for service by the principal registrar shall be within 28 days after lodgement of the application and for the purposes of clause 79(1)(c) of Schedule 1 to the Act the period for service by the principal registrar shall be within 10 days after the giving of a direction by the Tribunal.

PART 3—CREDIT LIST

6.15 Notifications

- (1) If a matter is referred to the Tribunal under section 74(3), 116(4) or 139(4) of the **Credit Act 1984** or there is an application under section 102(4) of that Act, the principal registrar must give written notice of the referral or application to the Secretary to the Department of Justice, the applicant and any party affected.
- (2) For the purposes of section 67(1)(a) of the Act, an application under the **Credit Act 1984** must be in writing and contain the names and addresses of each applicant and each respondent and set out the claim made.
- (3) Rule 4.03 does not apply to an application referred to in sub-rule (2).
- (4) For the purposes of section 72(1) of the Act, the Secretary to the Department of Justice is entitled to notice of an application under section 85 or 86 of the **Credit Act 1984**.
- (5) If the address for service given to the Tribunal by a party to a proceeding under an enactment allocated to the credit list changes, the party must give written notice of the change to the principal registrar within 7 days.

6.16 Function of the Principal Registrar

The principal registrar may not reject, under section 71(1) of the Act—

- (a) an application made to the Tribunal under an enactment allocated to the credit list; or
- (b) an application made under the **Victorian Civil and Administrative Tribunal Act 1998** in a proceeding under an enactment allocated to the credit list.

6.17 *Conditions to which right of inspection of proceedings file to be subject*

- (1) For the purpose of section 146(4)(a) of the Act the rights conferred on a party by section 146(2) of the Act to inspect the file in a proceeding under an enactment allocated to the credit list do not include inspection or copying of material on that file that does not directly relate to a party.
- (2) For the purpose of section 146(4)(a) of the Act the rights conferred on a person (other than a party) by section 146(3) of the Act to inspect the file in a proceeding under an enactment allocated to the credit list do not include inspection or copying of material of a personal nature on that file except to the extent authorised by the Tribunal.

6.18 *Transfers of classes of proceedings*

Despite Rule 2.03(4), the Deputy President in charge of the credit list may and the principal registrar, if required by the Deputy President in charge of the credit list to do so, must transfer to the civil claims list an application in any of the following classes of proceedings—

- (a) applications under section 62, 74, 95, 102, 110, 111, 112, 116 or 118 of the **Credit Act 1984**;

- (b) applications under section 68, 69, 85, 88, 89, 92, 93, 94, 171 or 172 of the **Consumer Credit (Victoria) Act 1995**.

PART 4—DOMESTIC BUILDING LIST

6.19 *Applications and dealings with applications*

An application in a proceeding required by these Rules to be entered in the domestic building list must be in Form 8 in Schedule 2.

6.20 *Counterclaims*

Any counterclaim in a proceeding in the domestic building list must be in Form 8 in Schedule 2, with any necessary modification.

PART 5—GUARDIANSHIP LIST

6.21 *Service by principal registrar*

Subject to any order of the Tribunal, if the principal registrar undertakes service of an application, under section 72(2)(a) of the Act, in a proceeding entered in the guardianship list, service must take place within 21 days after lodgement of the application with the Tribunal.

6.22 *Conditions to which right to inspect register of proceedings to be subject*

For the purposes of section 144(5)(a) of the Act, the rights conferred on a party and a person other than a party by section 144(3) and (4) of the Act to inspect and obtain a copy of any part of the register relating to a proceeding under an enactment allocated to the guardianship list are subject to the condition that the party or person may inspect and obtain a copy of the part of the register relating to the proceeding limited to—

- (a) the number identifying the proceeding;

- (b) the date of commencement;
- (c) the names of the parties,
- (d) a reference to the statutory provision conferring the relevant jurisdiction on the Tribunal;
- (e) particulars of any final determination or order of the Tribunal.

6.23 *Conditions to which right of party to inspect proceeding file to be subject*

For the purposes of section 146(4)(a) of the Act, the rights conferred on a party by section 146(2) of the Act to inspect and obtain a copy of any part of the file relating to a proceeding allocated to the guardianship list are subject to the following conditions—

- (a) the proposed represented person or represented person may inspect or obtain a copy of the file relating to the proceeding except to the extent that a member of the Tribunal is satisfied that the proposed represented person or represented person should not be entitled personally to inspect or otherwise have access to all or any part of the file (including a part of a document in the file), because the inspection or access by the proposed represented person or represented person would—
 - (i) cause serious harm to the health of the proposed represented person or represented person or to the health or safety of another person; or
 - (ii) involve the unreasonable disclosure of information relating to the personal affairs of any person; or

-
- (iii) breach a confidentiality provision imposed by a person who supplied information that is contained in that part of the file;
 - (b) the principal registrar or a member of the Tribunal may permit a person representing the proposed represented person or represented person before the Tribunal to inspect or obtain a copy of the file relating to the proceeding or otherwise have access to any document that is not available to the proposed represented person or represented person under this Rule;
 - (c) any other party to the proceeding may before the hearing inspect and obtain a copy of that part of the file only that is constituted by the application form, the report from the Public Advocate, the report from the administrator and all other documents that contain adverse criticism of him or her, but only if a member of the Tribunal is satisfied that the inspection or obtaining of a copy of that part of the file by the party would not—
 - (i) cause serious harm to the health or safety of another person; or
 - (ii) involve the unreasonable disclosure of information relating to the personal affairs of any person; or
 - (iii) breach a confidentiality provision imposed by a person who supplied information that is contained in the documents or document;
 - (d) any other party may after the hearing inspect and obtain a copy of the file relating to the proceeding limited to all documents that were relied on by a member of the Tribunal
-

in making the decision except those documents in respect of which a member of the Tribunal is satisfied that such inspection or access by that party would—

- (i) cause serious harm to the health or safety of another person; or
- (ii) involve the unreasonable disclosure of information relating to the personal affairs of any person; or
- (iii) breach a confidentiality provision imposed by a person who supplied information that is contained in the documents.

6.24 *Conditions to which right of person other than party to inspect proceeding file to be subject*

For the purposes of section 146(4)(a) of the Act, the rights conferred on a person other than a party by section 146(3) of the Act to inspect and obtain a copy of any part of a file relating to a proceeding allocated to the guardianship list are subject to the condition that the person shall not be entitled to inspect and obtain a copy of any part of the file relating to the proceeding except to the extent (if any) that a member of the Tribunal authorises the person to do so.

PART 6—REAL PROPERTY LIST

Division 1—Proceedings under the Subdivision Act 1988

6.25 *Definitions*

- (1) In this Division—

"Council" means the Council of the municipal district in which the land in the plan is located;

"Deputy President" means the Deputy President in charge of the real property list.

- (2) In this Division other expressions have the respective meanings that they have in the **Subdivision Act 1988**.

6.26 Application for leave—section 36

- (1) An owner may apply to the Tribunal for leave under section 36 of the **Subdivision Act 1988** by lodging an application with the principal registrar of the Tribunal with a copy of any relevant plan or document and serving a copy of the application and the plan or document on the Registrar of Titles, the Council and, if section 36(1)(e) of the **Subdivision Act 1988** applies, the owner served with a notice of intention to apply referred to in sub-rule (2).
- (2) An application under section 36(1)(e) of the **Subdivision Act 1988** may be made within 30 days after the day on which the applicant gives to the owner of the land burdened or to be burdened by the easement to be removed or acquired a notice of intention to apply.
- (3) The application must contain—
- (a) the name and address of the applicant;
 - (b) the date on which the applicant gave notice of intention to apply under sub-rule (2);
 - (c) the name of the municipal district in which the land the subject of the application is located;
 - (d) a description (sufficient for identification) of the land burdened or benefited or to be

- burdened or benefited by the easement to be removed or acquired;
- (e) the names and addresses of the owners of the land referred to in paragraph (d);
 - (f) the statement of the Council or referral agency under section 36(1) of the **Subdivision Act 1988**;
 - (g) a statement that the application is made under section 36 of the **Subdivision Act 1988**; and
 - (h) a statement indicating whether leave is sought to remove a right of way or to remove or acquire the easement.
- (4) At or before the hearing of an application under section 36 of the **Subdivision Act 1988**, the Registrar of Titles or a person nominated by the Registrar of Titles may make a written or oral submission on the application to the Tribunal and the Tribunal may take that submission into account in making its determination.

6.27 Referral of disputes—section 39 of the Subdivision Act 1988

- (1) An owner, an applicant under the **Subdivision Act 1988**, a Council or a referral authority may refer a dispute to the Tribunal under section 39 of the **Subdivision Act 1988** by—
 - (a) lodging with the principal registrar of the Tribunal notice of referral and a copy of any relevant plan, agreement or document; and
 - (b) serving a copy of the notice of referral and the plan, agreement or document on each other party to the dispute.
 - (2) A person may refer a dispute under section 39 of the **Subdivision Act 1988** within 30 days after the
-

day on which the person gives to each other party to the dispute notice of intention to refer the dispute or, if different parties are notified on different dates, the day on which the last notice is given.

- (3) The notice of referral must contain—
- (a) the name and address of the person who referred the dispute;
 - (b) the name and address of each party to the dispute;
 - (c) a description of any land to which the dispute relates that is sufficient to identify the land;
 - (d) the date or dates on which the person gave notice of intention to refer under sub-rule (2);
 - (e) a description of the nature of the dispute and the remedy sought; and
 - (f) a statement that the dispute is referred under section 39 of the **Subdivision Act 1988**.

Division 2—Proceedings under the Estate Agents Act 1980

6.28 Interpretation

In this Division expressions have the same meanings as they have in the **Estate Agents Act 1980**.

6.29 Referral of disputes

- (1) The Director may refer a dispute to the Tribunal as to the amount of commission or outgoings charged by an estate agent by—
- (a) lodging with the principal registrar of the Tribunal a notice of referral; and
-

- (b) serving a copy of the notice of referral on each party to the dispute.
- (2) The notice of referral must contain—
 - (a) the name and address of each party to the dispute;
 - (b) a description of the notice of the dispute and the remedy sought; and
 - (c) a statement that the referral is made pursuant to section 56B of the **Estate Agents Act 1980**.

6.30 Procedure for determination

As soon as convenient after the referral, the Tribunal must convene a directions hearing and thereupon give such directions as may be necessary or expedient for the determination of the dispute.

Division 3—Proceedings under the Water Act 1989 and the Water Industry Act 1994

6.31 Form of claim

A person who seeks relief under section 15(1), 16 or 157(1) of the **Water Act 1989** or section 74(1) of the **Water Industry Act 1994** must make a claim in Form 9 in Schedule 2.

6.32 Counterclaim

Any counterclaim in a proceeding under section 15(1), 16 or 157(1) of the **Water Act 1989** may be in Form 9 in Schedule 2, with any necessary modification.

Division 4—Compulsory Conference and Mediation

6.33 Definition

In this Division—

"Deputy President" means the Deputy President in charge of the real property list.

6.34 Notices

Notice of mediation or compulsory conference must be given to each party to a proceeding in the same manner as notice of hearing is given.

6.35 Provision of information before compulsory conference

Unless the Tribunal otherwise orders, at least 7 days prior to the date fixed for a compulsory conference each party to the proceeding must file and serve on every other party a short statement of that party's case and any other information which is likely to facilitate the efficient conduct of the conference including any expert reports upon which that party will rely.

6.36 Report on compulsory conference

If a proceeding does not resolve at a compulsory conference the person presiding must furnish a report to the Deputy President as to the conference and the issues remaining in dispute between the parties and may give such directions as may be expedient for the hearing and determination of the proceeding.

PART 7—RESIDENTIAL TENANCIES LIST

6.37 Application of Part

- (1) This Part applies to a proceeding in the residential tenancies list.
- (2) Rules 4.03 and 4.07 do not apply to a proceeding in the residential tenancies list.

**Rule 6.37(2)
amended by
S.R. No.
93/1998 rule 4.**

Rule 6.37.1
inserted by
S.R. No.
93/1998 rule 5.

6.37.1 *Service prior to lodgement*

- (1) Despite Rule 4.06, an applicant may serve a copy of an application or referral under an enactment allocated to the residential tenancies list prior to the application being lodged with the principal registrar or a registrar of the Magistrates' Court.
- (2) If a copy of the application or referral is served prior to being lodged, the application or referral must be lodged in accordance with Rule 4.05 within 7 days after service of the copy.

Rule 6.37.1(2)
amended by
S.R. No.
24/1999 rule 6.

6.37.2 *Applications*

For the purposes of section 67(1)(a) of the Act applications must be in writing and include—

- (a) the name, address, telephone number and facsimile number of the applicant, the respondent and any other party whom the applicant claims ought to be joined as a party;
- (b) if a party is a corporation, its Australian Company Number or Australian Registered Body Number;
- (c) the name, address, telephone number and facsimile number of any agent acting for the applicant, respondent or other party;
- (d) the address of the premises, room and rooming house, or caravan, site and caravan park the subject of the application;
- (e) a brief description of the remedy sought and the basis on which the remedy is sought.

Rule 6.37.2
inserted by
S.R. No.
93/1998 rule 5.

6.38 *Documents required to be included with certain applications*

- (1) An application under section 46(1), 103(1) or 154(1) of the **Residential Tenancies Act 1997** (excessive rent or hiring charge) must be accompanied by a copy of the Director's report under section 45, 102 or 153 of that Act (as the case requires) with respect to the relevant rent or hiring charge.
 - (2) An application under section 75(1), 132(1) or 191(1) of the **Residential Tenancies Act 1997** (non-urgent repairs) must be accompanied by a copy of the Director's report under section 74, 131 or 190 of that Act (as the case requires) with respect to the relevant premises, room, rooming house or caravan.
 - (3) An applicant referred to in sub-rule (2) must serve a copy of the report referred to in that section with the copy of the application.
 - (4) An application under section 128(1) or 187(1) of the **Residential Tenancies Act 1997** (unreasonable house or caravan park rules) must—
 - (a) be accompanied by a copy of the house rules or caravan park rules (as the case requires);
 - (b) specify which rules are considered to be unreasonable; and
 - (c) specify the reasons why these rules are considered unreasonable.
 - (5) An application under section 209 of the **Residential Tenancies Act 1997** must be accompanied by a copy of the breach of duty notice given under section 208.
 - (6) An application under section 344(1) of the **Residential Tenancies Act 1997** must be accompanied by an affidavit stating—
 - (a) the applicant's interest in the premises; and
-

- (b) the circumstances in which the premises have been occupied without licence or consent;
 - (c) the circumstances in which the applicant's claim to possession arises;
 - (d) if the person occupying the premises is not named in the application, the steps that the applicant has taken to ascertain and identify the person occupying the premises; and
 - (e) particulars of the tenancy agreement under which the applicant claims the premises have been rented premises within the preceding 12 months.
- (7) An application under Division 1 of Part 7 of the **Residential Tenancies Act 1997** (possession order) must be accompanied by a copy of any notice to vacate or notice of intention to vacate given in respect of the rented premises, room, site or caravan (as the case requires).
- (8) A request for determination under section 339 of the **Residential Tenancies Act 1997** must—
 - (a) be verified by affidavit;
 - (b) request the making of a possession order requiring the tenant to vacate the rented premises;
 - (c) set out—
 - (i) the name and address of the landlord;
 - (ii) the name and address of the tenant; and
 - (iii) details of the tenant's continued occupation of the rented premises;

-
- (d) be accompanied by a copy of the notice to vacate given in respect of the rented premises.
- (9) In addition to the requirements of sub-rule (8), a request for determination relating to an application under section 335 of the **Residential Tenancies Act 1997** must—
- (a) specify the details of the rent owing at the date of the affidavit;
 - (b) request the making of a determination of the amount of rent owing to the landlord by the tenant; and
 - (c) request the making of a determination directing the Authority to pay out an amount of bond to or on account of the landlord in respect of the rent owing.
- (10) In addition to the requirements of sub-rule (8), a request for determination relating to a notice to vacate under section 261 of the **Residential Tenancies Act 1997**—
- (a) must be accompanied by—
 - (i) a copy of the tenancy agreement relating to the rented premises; and
 - (ii) a copy of the notice given in accordance with section 337(1) and (2) of that Act;
 - (b) may specify the details of the rent owing (if any) at the date of the affidavit;
 - (c) may request the making of a determination of the amount of rent owing to the landlord by the tenant (if any);
 - (d) may request the making of a determination directing the Authority to pay out an amount
-

of bond to or on account of the landlord in respect of the rent owing (if any).

- (11) An application under section 374 of the **Residential Tenancies Act 1997** must be accompanied by a copy of the notice to leave given under section 368 of that Act.
- (12) An application under section 414(1) of the **Residential Tenancies Act 1997** (unpaid rent on abandonment) must—
- (a) be verified by affidavit; and
 - (b) request the making of a determination of the amount of rent owing to the landlord by the tenant; and
 - (c) request the making of a determination directing the Authority to pay out an amount of bond to or on account of the landlord in respect of the rent owing; and
 - (d) set out—
 - (i) the name and address of the landlord;
 - (ii) the name of the tenant;
 - (iii) the details of the rent owing at the date of the affidavit;
 - (iv) details of the inquiries made by the landlord as to the whereabouts of the tenant; and
 - (v) whether the bond was paid on behalf of the tenant by the Director of Housing.
- (13) An application under section 419(1) of the **Residential Tenancies Act 1997** (compensation for loss or damage) must be accompanied by a copy of the condition report prepared in respect of the rented premises under section 35, 97 or 148 of that Act (as the case requires).
-

6.39 *Particulars required to be included with certain applications*

An application under section 210 of the **Residential Tenancies Act 1997** must specify—

- (a) the breach of duty alleged; and
- (b) the loss or damage caused by the breach.

6.40 *Form of notice under section 346 of the Residential Tenancies Act 1997*

For the purpose of section 346 of the **Residential Tenancies Act 1997** the notice shall be in Form 10 in Schedule 2.

6.41 *Withdrawal of proceedings*

If an applicant withdraws an application pursuant to section 74 of the Act, the notification in writing of withdrawal of the application must state—

- (a) the name of the applicant, respondent or any other party to the proceeding;
- (b) the address of the premises, room and rooming house, or caravan, site and caravan park the subject of the application;
- (c) the date of lodgement of the application;
- (d) the tribunal file number (if known);
- (e) the hearing date of the application (if known); and
- (f) the venue for the hearing (if known).

6.42 *Re-opening an order*

- (1) No more than 2 applications may be made by the same party under section 120 of the Act in respect of the same matter, except with the leave of the Tribunal.

- (2) An application for leave under this Rule must be made in person by the party or representative appearing before the Tribunal between 9.30 a.m. and 12.00 noon or between 2.00 p.m. and 4.00 p.m. on any day on which the Tribunal sits.

Order 6 Part 8
(Heading)
amended by
S.R. No.
93/1998 rule 6.

PART 8—RETAIL TENANCIES LIST

6.43 *Form of application*

An application under an enactment allocated to the retail tenancies list or in a proceeding in that list must be in Form 11 in Schedule 2.

Rule 6.44
amended by
S.R. No.
93/1998 rule 7.

6.44 *Counterclaims*

Any counterclaim in a proceeding in the retail tenancies list must be in Form 11 in Schedule 2, with any necessary modification

Pt 9 (Heading
and rules
7.01, 7.02)
inserted by
S.R. No.
24/1999 rule 7.
Rule 7.01
inserted by
S.R. No.
24/1999 rule 7.

PART 9—TRANSITIONAL

7.01 *Transitional provision*

The amendment to Rule 5.01 made by the Victorian Civil and Administrative Tribunal (Amendment No. 2) Rules 1999 does not apply to applications or referrals lodged with the principal registrar before the commencement of those Rules.

Rule 7.02
inserted by
S.R. No.
24/1999 rule 7.

7.02 *Transitional provision*

The amendment to Rule 6.37.1(2) made by the Victorian Civil and Administrative Tribunal (Amendment No. 2) Rules 1999 does not apply to copies of applications or referrals served prior to

Victorian Civil and Administrative Tribunal Rules 1998

S.R. No. 87/1998

being lodged with the Tribunal, if service took
place before the commencement of those Rules.

SCHEDULES

SCHEDULE 1

ALLOCATION OF FUNCTIONS

PART 1—ADMINISTRATIVE DIVISION

1. *General List*

The functions of the Tribunal under the following enabling enactments are allocated to the general list of the administrative division—

- (a) **Accident Compensation Act 1985**;
- (b) **Adoption Act 1984** section 129A(1)(a) (decisions regarding fitness to adopt and approval to adopt);
- (c) **Births, Deaths and Marriages Registration Act 1996**;
- (d) **Children and Young Persons Act 1989**;
- (e) **Community Services Act 1970**;
- (f) **Country Fire Authority Act 1958**;
- (g) **Dangerous Goods Act 1985**;
- (h) **Domestic (Feral and Nuisance) Animals Act 1994** section 98(2) (declaration and registration of dangerous dogs);
- (i) **Drugs, Poisons and Controlled Substances (Amendment) Act 1997**;
- (j) **Emergency Management Act 1986**;
- (k) **Emergency Services Superannuation Act 1986**;
- (l) **Equipment (Public Safety) Act 1994**;
- (m) **Estate Agents Act 1980** section 81(5A) (claims against guarantee fund);
- (n) **Freedom of Information Act 1982**;
- (o) **Gaming No. 2 Act 1997**;
- (p) **Health Act 1958** section 125 (compensation for seizure of property);
- (q) **Hospitals Superannuation Act 1988**;

-
- (r) **Industrial and Provident Societies Act 1958;**
 - (s) **Infertility Treatment Act 1995;**
 - (t) **Livestock Disease Control Act 1994;**
 - (u) **Local Authorities Superannuation Act 1988;**
 - (v) **Local Government Act 1989** sections 38(2A) and 48 (decisions of municipal electoral tribunal), section 133 (decision of the Minister imposing a surcharge) and clause 7 of Schedule 5 (decisions of returning officer concerning how-to-vote cards);
 - (w) **Lotteries Gaming and Betting Act 1966** section 7A (decisions of Victorian Casino and Gaming Authority under Part 1);
 - (x) **Mental Health Act 1986** sections 79 (decision of Chief General Manager), 120 (decisions of Mental Health Review Board);
 - (y) **Metropolitan Fire Brigades Act 1958;**
 - (z) **Motor Car Traders Act 1986** section 79 (claims against guarantee fund);
 - (za) **Occupational Health and Safety Act 1985;**
 - (zb) **Parliamentary Salaries and Superannuation Act 1968;**
 - (zc) **Road Transport (Dangerous Goods) Act 1995;**
 - (zd) **State Employees Retirement Benefits Act 1979;**
 - (ze) **State Superannuation Act 1988;**
 - (zf) **Superannuation (Portability) Act 1989;**
 - (zg) **Tertiary Education Act 1993;**
 - (zh) **The Constitution Act Amendment Act 1958;**
 - (zi) **Transport Accident Act 1986;**
 - (zj) **Transport Superannuation Act 1988;**
 - (zk) **Travel Agents Act 1986** section 46 (claims against approved compensation schemes);
 - (zl) **Victims of Crime Assistance Act 1996;**
 - (zm) **Victoria State Emergency Service Act 1987;**
 - (zn) **Victorian Plantations Corporation Act 1993;**
 - (zo) **Vocational Education and Training Act 1990.**
-

2. Land Valuation List

The functions of the Tribunal under the following enabling enactments are allocated to the land valuation list of the administrative division—

- (a) **Flora and Fauna Guarantee Act 1988** section 43(12) (claims for compensation);
- (b) **Gift Duty Act 1971** section 36(1)(a) (so much of the decision of the Commissioner as relates to the value of land);
- (c) **Health Services Act 1988** section 67 (compulsory acquisition of land);
- (d) **Land Acquisition and Compensation Act 1986**;
- (e) **Land Tax Act 1958** section 25(1)(a) (so much of decision of the Commissioner as relates to the value of land);
- (f) **Local Government Act 1989** section 183 (differential rating);
- (g) **Mildura College Lands Act 1916** section 2(ec) (decision of Valuer-General on value of land);
- (h) **Mineral Resources Development Act 1990** section 88 (compensation for loss caused by work under a licence);
- (ha) **Pipelines Act 1967** section 22B (objections to compulsory acquisition of native title rights and interests);
- (i) **Planning and Environment Act 1987** sections 94(5) (compensation as a result of order to stop development or cancellation or amendment of permit) and 105 (compensation for loss caused by reservation of land, restriction of access or road closure);
- (j) **Probate Duty Act 1962** section 19A(1)(a) (so much of the decision of the Commissioner as relates to the value of land);
- (k) **Stamps Act 1958** section 33B(1)(a) (so much of decision of the Commissioner as relates to the value of land);
- (l) **Subdivision Act 1988** section 19 (valuation of land for public open space);
- (m) **Valuation of Land Act 1960** Part III (disputes on the value of land);

Sch. 1 Pt 1
cl. 2(ha)
inserted by
S.R. No.
80/1999
rule 7(1)(a).

- (n) **Water Act 1989** section 266(6) (setting tariffs, fees under tariffs, valuation equalisation factors and valuations).

3. Occupational and Business Regulation List

The functions of the Tribunal under the following enabling enactments are allocated to the occupational and business regulation list of the administrative division—

- (a) **Adoption Act 1984** section 129A(1)(b) (decisions regarding approval of adoption agencies);
- (b) **Agricultural and Veterinary Chemicals (Control of Use) Act 1992**;
- (c) **Architects Act 1991**;
- (d) **Barley Marketing Act 1993**;
- (e) **Biological Control Act 1986**;
- (ea) **Chiropractors Registration Act 1996**;

Sch. 1 Pt 1
cl. 3(ea)
inserted by
S.R. No.
80/1999
rule 7(1)(b).

- (f) **Consumer Credit (Victoria) Act 1995** Part 4 (registration of credit providers) and section 37I(1) (permission, including conditions, to a disqualified person to engage or be involved in finance broking);

Sch. 1 Pt 1
cl. 3(f)
amended by
S.R. No.
80/1999
rule 7(1)(c).

- (g) **Dairy Industry Act 1992**;
- (h) **Dangerous Goods Act 1985**;
- (i) **Domestic (Feral and Nuisance) Animals Act 1994** section 98(1) (registration of premises to conduct a domestic animal business);
- (j) **Education Act 1958** section 55 (endorsement of school to accept overseas students);
- (k) **Estate Agents Act 1980** except sections 56B(1) (see real property list) and 81(5A) (see general list);
- (l) **Extractive Industries Development Act 1995** sections 39 (quarry manager's certificates) and 40 (panel inquiry into quarry manager's fitness);

Sch. 1 Pt 1
cl. 3(pa)
inserted by
S.R. No.
80/1999
rule 7(1)(d).

-
- (m) **Farm Produce Wholesale Act 1990** section 20 (licensing of wholesalers);
 - (n) **Finance Brokers Act 1969**;
 - (o) **Firearms Act 1996** section 182 (decisions of Firearms Appeals Committee);
 - (p) **Health Services Act 1988** section 110 (decisions of Minister or Chief General Manager under Part 4);
 - (pa) **Liquor Control Reform Act 1998**;
 - (q) **Lotteries Gaming and Betting Act 1966** section 10D (licensing of amusement machine operators);
 - (r) **Marine Act 1988** section 85 (cancellation and suspension of certificates and licences);
 - (s) **Meat Industry Act 1993** section 24 (licences to operate meat processing facilities, alteration of buildings);
 - (t) **Medical Practice Act 1994** section 60 (registration and discipline of medical practitioners);
 - (u) **Mineral Resources Development Act 1990** sections 94 (mine manager's certificates) and 95 (panel inquiries into fitness of mine managers);
 - (v) **Motor Car Traders Act 1986** except sections 45 (see civil claims list) and 79 (see general list)
 - (w) **Nurses Act 1993** section 58 (registration and discipline of nurses);
 - (x) **Occupational Health and Safety Act 1985** section 59(6)—Occupational Health and Safety (Certification of Plant Users and Operators) Regulations 1994 regulation 28 (certificates of competency, authorisation of certificate assessors);
 - (y) **Optometrists Registration Act 1996** section 58 (registration and discipline of optometrists);
 - (z) **Osteopaths Registration Act 1996** section 56 (registration and discipline of optometrists);
 - (za) **Podiatrists Registration Act 1997** section 56 (registration and discipline of optometrists);
-

(zb) **Prevention of Cruelty to Animals Act 1986** section 33
(licensing of scientific establishments and breeding
establishments);

(zba) **Private Agents Act 1966**;

Sch. 1 Pt 1
cl. 3(zba)
inserted by
S.R. No.
80/1999
rule 7(1)(e).

(zc) **Professional Boxing and Martial Arts Act 1985** (licences,
permits and registration);

(zd) **Prostitution Control Act 1994**;

(ze) **Public Transport Competition Act 1995**;

(zf) **Second-Hand Dealers and Pawnbrokers Act 1989** sections
9B and 14 (correction of register);

(zg) **Therapeutic Goods (Victoria) Act 1994** section 71
(licensing of wholesale supply);

(zh) **Trade Measurement Act 1995** section 59 (licensing and
discipline);

(zi) **Transport Act 1983** except section 56 (see land valuation
list);

(zj) **Travel Agents Act 1986** except section 46 (see general list);

(zk) **Veterinary Practice Act 1997** section 55 (registration and
discipline);

(zl) **Victoria State Emergency Service Act 1987** section
31(2)(d)—Victoria State Emergency Service Regulations
1995 regulation 12 (discipline of members);

(zm) **Vocational Education and Training Act 1990** section 81
(registration of non-college providers);

(zn) **Wildlife Act 1975**.

4. Planning List

The functions of the Tribunal under the following enabling
enactments are allocated to the planning list of the administrative
division—

(a) **Catchment and Land Protection Act 1994** section 48 (land
use conditions and land management notices);

Sch. 1 Pt 1
cl. 4(l)
amended by
S.R. No.
93/1998 rule 8.

- (b) **Conservation, Forests and Lands Act 1987** section 76 (variation and termination of land management co-operative agreements);
- (c) **Environment Protection Act 1970**;
- (d) **Extractive Industries Development Act 1995** except sections 39 and 40 (see occupational and business licensing list);
- (e) **Flora and Fauna Guarantee Act 1988** sections 34(3), 41 and 41A (interim conservation orders);
- (f) **Heritage Act 1995**;
- (g) **Litter Act 1987** section 8G (litter abatement notices);
- (h) **Local Government Act 1989** sections 185 (imposition of special rate or charge) and 185AA (imposition of special rate or charge);
- (i) **Mineral Resources Development Act 1990** except sections 88 (see land valuation list), 94 and 95 (see occupational and business licensing list);
- (j) **Planning and Environment Act 1987** except sections 94(5) and 105 (see land valuation list);
- (k) **Plant Health and Plant Products Act 1995** section 39 (costs and expenses of inspectors);
- (l) **Subdivision Act 1988** except sections 19 (see land valuation list), 36 and 39 (see real property list);
- (m) **Transport Act 1983** section 56 (decisions of the Public Transport Corporation or Roads Corporation)—Transport (Roads and Property) Regulations 1993 regulation 18;
- (n) **Water Act 1989** except sections 19 (see real property list) and 266(6) (see land valuation list);
- (o) **Water Industry Act 1994** except section 74 (see real property list).

5. Taxation List

The functions of the Tribunal under the following enabling enactments are allocated to the taxation list of the administrative division—

-
- (a) Business Franchise Acts;
 - (b) **Debits Tax Act 1990**;
 - (c) **Financial Institutions Duty Act 1982**;
 - (d) **Gift Duty Act 1971** with the exception of section 36(1)(a) to the extent that the decision of the Commissioner relates to the value of land;
 - (e) **Land Tax Act 1958** with the exception of section 25(1)(a) to the extent that the decision of the Commissioner relates to the value of land;
 - (f) **Pay-Roll Tax Act 1971**;
 - (g) **Probate Duty Act 1962** with the exception of section 19A(1)(a) to the extent that the decision of the Commissioner relates to the value of land;
 - (h) **Stamps Act 1958** with the exception of section 33B(1)(a) to the extent that the decision of the Commissioner relates to the value of land;
 - (i) **Taxation Administration Act 1997**.

PART 2—CIVIL DIVISION

1. *Anti-discrimination List*

The functions of the Tribunal under the following enabling enactment are allocated to the anti-discrimination list of the civil division—

Equal Opportunity Act 1995.

2. *Civil Claims List*

The functions of the Tribunal under the following enabling enactments are allocated to the civil claims list of the civil division—

- (a) **Motor Car Traders Act 1986** section 45 (rescission of agreement of sale of motor car);
- (b) **Small Claims Act 1973**.

3. *Credit List*

The functions of the Tribunal under the following enabling enactments are allocated to the credit list of the civil division—

Victorian Civil and Administrative Tribunal Rules 1998

S.R. No. 87/1998

Sch. 1 Pt 2
cl. 3(d)
amended by
S.R. No.
80/1999
rule 7(2)(b).

- (a) **Chattel Securities Act 1987** sections 25 (compensation for extinguishment of security interest) and 26 (compensation in relation to registrable goods);
- (b) **Credit Act 1984**;
- (c) **Credit (Administration) Act 1984**;
- (d) **Consumer Credit (Victoria) Act 1995** except Part 4 and section 37I(1) (see occupational and business regulation list).

4. Domestic Building List

The functions of the Tribunal under the following enabling enactments are allocated to the domestic building list of the civil division—

- (a) **Building Act 1993**;
- (b) **Domestic Building Contracts Act 1995**;
- (c) **House Contracts Guarantee Act 1987**.

5. Guardianship List

The functions of the Tribunal under the following enabling enactments are allocated to the guardianship list of the civil division—

- (a) **Guardianship and Administration Act 1986**;
- (b) **Instruments Act 1958** section 118;
- (c) **Medical Treatment Act 1988** section 5C (enduring powers of attorney);
- (d) **Mental health Act 1986** section 86 (decisions for major medical procedures)
- (e) **Trustee Companies Act 1984**.

6. Real Property List

The functions of the Tribunal under the following enabling enactments are allocated to the real property list of the civil division—

- (a) **Estate Agents Act 1980** section 56B(1) (disputes about commission and outgoings);
- (b) **Subdivision Act 1988** sections 36 and 39 (other disputes);

(c) **Water Act 1989** section 19 (civil liability arising from various causes);

(d) **Water Industry Act 1994** section 74 (liability of licensee).

7. Residential Tenancies List

The functions of the Tribunal under the following enabling enactments are allocated to the residential tenancies list of the civil division—

Residential Tenancies Act 1997.

8. Retail Tenancies List

The functions of the Tribunal under the following enabling enactments are allocated to the retail tenancies list of the civil division—

Retail Tenancies Reform Act 1998.

SCHEDULE 2

FORMS

FORM 1

Victorian Civil and Administrative Tribunal Rules 1998

Rule 4.03

VICTORIAN CIVIL AND ADMINISTRATIVE
TRIBUNAL

19 No.
Registry

Name of applicant—

Address—

Address for service of documents—

(if different from above)

APPLICATION FOR REVIEW OF A DECISION

I apply to the Victorian Civil and Administrative Tribunal to have the following decision reviewed—

1. The decision is—
2. The decision was made by—
 - (a) Name of person or body—
 - (b) (If applicable) Title or office of decision-maker—
3. Date of decision—

My reasons for making the application are—

Signature—

Date—

To—

The Principal Registrar

Victorian Civil and Administrative Tribunal

[address]

[telephone number]

FORM 2

Victorian Civil and Administrative Tribunal Rules 1998

Rule 4.03

VICTORIAN CIVIL AND ADMINISTRATIVE
TRIBUNAL

19 No.
Registry

Name of applicant—

Address—

Address for service of documents—

(if different from above)

APPLICATION FOR ORDER

I apply to the Victorian Civil and Administrative Tribunal for *(describe the order sought and include reference to the Act (including the section) or other legislative provision giving power to make order sought)*—

My reasons for making the application are—

Signature—

Date—

To—

The Principal Registrar

Victorian Civil and Administrative Tribunal

[address]

[telephone number]

FORM 3

Victorian Civil and Administrative Tribunal Rules 1998

Rule 4.04

VICTORIAN CIVIL AND ADMINISTRATIVE
TRIBUNAL

19 No.
Registry

Name of applicant—

Address—

Address for service of documents—

(if different from above)

REFERRAL

I refer the following matter to the Victorian Civil and Administrative Tribunal *(include reference to the Act (including the section) or other legislative provision authorising the referral)*—

Signature—

Date—

To—

The Principal Registrar

Victorian Civil and Administrative Tribunal

[*address*]

[*telephone number*]

Victorian Civil and Administrative Tribunal Rules 1998

S.R. No. 87/1998

Sch. 2

FORM 4

Victorian Civil and Administrative Tribunal Rules 1998

Rule 4.13

VICTORIAN CIVIL AND ADMINISTRATIVE
TRIBUNAL

19 No.
Registry

Applicant—

Respondent—

Sch. 2 Form 4
amended by
S.R. No.
80/1999 rule 8.

SUMMONS TO APPEAR

To:

Name—

Address—

You are summoned pursuant to section 104 of the **Victorian Civil and Administrative Tribunal Act 1998** to appear before the Victorian Civil and Administrative Tribunal at *[address of Tribunal]* at a.m./p.m. on *[date]*, or, if notice of a later day is given to you by the Tribunal *[or identify party seeking the attendance of the person summoned]* or the solicitor for that party, the later day, and until you are excused from further attending

* to give evidence; and

* to produce the following documents—

Principal registrar

Date—

This summons has been issued at the—

* request of the complainant;

* request of the respondent;

* direction of the principal registrar;

* direction of the Tribunal.

*Delete where inapplicable.

Note:

1. Certain fees and allowances are payable to a witness.
 2. Failure to attend at the time and place specified above without reasonable excuse may render you liable to imprisonment, a fine, or both, as well as a daily penalty until you attend or produce the document as required, under section 134 of the **Victorian Civil and Administrative Tribunal Act 1998**.
 3. The Tribunal may direct your apprehension if you fail to attend.
-

FORM 5

Victorian Civil and Administrative Appeals Tribunal Act 1998

Victorian Civil and Administrative Tribunal Rules 1998

Rule 4.20(1)

ARREST WARRANT

TO ALL MEMBERS OF THE POLICE FORCE OF THE STATE OF
VICTORIA

Arrest [*Name*] and bring him or her before the Victorian Civil and
Administrative Tribunal forthwith to give evidence or produce documents (as
the case requires), which he or she failed to do as required by a summons,
and if this is not practicable to bring him or her before the Tribunal
forthwith, detain him or her in custody, and when it is practicable to bring
him or her before the Tribunal, do so forthwith.

Dated

President or Vice President
(*as the case requires*)

FORM 6

Victorian Civil and Administrative Appeals Tribunal Act 1998

Victorian Civil and Administrative Tribunal Rules 1998

Rule 4.20(2)

ARREST WARRANT

TO ALL MEMBERS OF THE POLICE FORCE OF THE STATE OF
VICTORIA

Arrest [*Name*] and bring him or her before the Victorian Civil and
Administrative Tribunal forthwith to answer a charge of contempt of the
Tribunal, and if it is not practicable to bring him or her before the Tribunal
forthwith, detain him or her in custody, and when it is practicable to bring
him or her before the Tribunal, do so forthwith.

Dated

President or Vice President
(*as the case requires*)

FORM 7

Victorian Civil and Administrative Tribunal Act 1998

Victorian Civil and Administrative Tribunal Rules 1998

Rule 4.21

WARRANT OF COMMITTAL

TO ALL MEMBERS OF THE POLICE FORCE OF THE STATE OF
VICTORIA

AND TO THE GOVERNOR OF THE PRISON AT [*PLACE*]

[*Name*]

of [*Place*]

has this day been found guilty of contempt of this Tribunal and ordered by
this Tribunal to be imprisoned for a term of [*Period*]

You the members of the Police Force are authorised and required to take him
or her to the above-mentioned prison and deliver him or her to the Governor
of that prison together with this warrant.

And you the Governor of the above-mentioned prison are authorised and
required to receive him or her into your custody in the prison and to imprison
him or her for the term specified above.

Dated

President

FORM 8

Victorian Civil and Administrative Tribunal Rules 1998

APPLICATION

Rules 6.19 and 6.20

VICTORIAN CIVIL AND ADMINISTRATIVE
TRIBUNAL

19 No.
Registry

DOMESTIC BUILDING LIST

Name of applicant(s)—

Address(es)—*[include phone/fax number(s)]*

Status—*[specify whether owner, builder,
sub-contractor, architect or other]*

Address for service of documents—

[if different from above]

Site address *[if different from above]*

Name of Respondent(s)—

Address(es)—*[include phone number/fax number(s)]*

Status—*[specify whether owner, builder, sub-contractor,
architect, insurer, or other]*

ORDERS SOUGHT

I apply to the Tribunal for the following orders—

[describe the order or orders sought e.g. \$ as cost of rectification]

on the following grounds—

*[give a brief description of the ground or grounds e.g. stairway poorly
constructed]*

The total claimed does *[or does not]* exceed \$10 000.

Total claimed—\$

Insurance appeals—

Victorian Civil and Administrative Tribunal Rules 1998

S.R. No. 87/1998

Sch. 2

[give insurer's reference number and date decision received]—

ref.— date—

Signature—

Date—

To—

The Principal Registrar

Victorian Civil and Administrative Tribunal

[address]

[telephone number]

FORM 9

Victorian Civil and Administrative Tribunal Rules 1998

Rules 6.31 and 6.32

VICTORIAN CIVIL AND ADMINISTRATIVE
TRIBUNAL

19 No.
Registry

Name of claimant—

Address—

Address for service of documents—

(if different from above)

Name of respondent—

CLAIM

under the ***Water Act 1989/*Water Industry Act 1994**

I make this claim under *[here specify the particular provision of Division 2 of Part 2 or section 157 of the **Water Act 1989** or section 74(1) of the Water Industry Act 1994 under which the claim is made and relief is being sought]*.

STATEMENT OF THE CLAIM

[Set out the material facts relied on including dates and any necessary particulars]

REMEDY SOUGHT

[Specify the remedy being sought]

**[delete if inapplicable]*

Signature—

Date—

To—

The Principal Registrar

Victorian Civil and Administrative Tribunal Rules 1998

S.R. No. 87/1998

Sch. 2

Victorian Civil and Administrative Tribunal

[*address*]

[*telephone number*]

FORM 10

Victorian Civil and Administrative Appeals Tribunal Act 1998

Victorian Civil and Administrative Tribunal Rules 1998

Rule 6.40

**NOTICE (UNDER SECTION 346 OF THE RESIDENTIAL
TENANCIES ACT 1997) TO OCCUPANT TO APPEAR
BEFORE TRIBUNAL**

Address of premises—

1. Take notice that the Victorian Civil and Administrative Appeals Tribunal has ordered the occupants of the above premises to appear before the Tribunal sitting at _____ on the _____ day of _____ at _____ a.m./p.m. to show cause why a warrant of possession should not be issued.
2. Take notice that it has been stated that the occupants of the premises include (*Names*)

but that THIS ORDER APPLIES TO ALL OCCUPANTS OF THE
ABOVE PREMISES, WHETHER NAMED OR NOT.

Date:

Principal Registrar

NOTE: Failure to appear may result in the issue of a warrant of possession of the above premises.

FORM 11

Victorian Civil and Administrative Tribunal Rules 1998

APPLICATION

Rules 6.43 and 6.44

VICTORIAN CIVIL AND ADMINISTRATIVE
TRIBUNAL

19 No.
Registry

RETAIL TENANCIES LIST

Name of applicant(s)—

Address(es)—*[include phone/fax number(s)]*

Status—*[specify whether landlord, tenant,
assignee or other]*

Address for service of documents—

[if different from above]

Site address *[if different from above]*

Name of Respondent(s)—

Address(es)—*[include phone number/fax number(s)]*

Status—*[specify whether landlord, tenant,
assignee or other]*

ORDERS SOUGHT

I apply to the Tribunal for the following orders—

[describe the order or orders sought e.g. \$ by way of compensation]

on the following grounds—

[give a brief description of the ground or grounds]

The total claimed does *[or does not]* exceed \$15 000.

Total claimed—\$

Signature—

Date—

To—

The Principal Registrar
Victorian Civil and Administrative Tribunal
[*address*]
[*telephone number*]

Dated: 1 July 1998

MURRAY B. KELLAM, *President*

FRED G. DAVEY, *Vice-President*

TIM WOOD, *Vice-President*

TIMOTHY HOLT, *Member*

PETER SALLMAN, *Member*

NOTES

1. General Information

The Victorian Civil and Administrative Tribunal Rules 1998, S.R. No. 87/1998 were made on 1 July 1998, by the Rules Committee established by section 150 of the **Victorian Civil and Administrative Tribunal Act 1998**, under section 157 of the **Victorian Civil and Administrative Tribunal Act 1998**, No. 53/1998 and came into operation on 1 July 1998: rule 1.03.

The Victorian Civil and Administrative Tribunal Rules 1998 will sunset 10 years after the day of making on 1 July 2008 (See section 5 of the **Subordinate Legislation Act 1994**).

2. Table of Amendments

This Version incorporates amendments made to the Victorian Civil and Administrative Tribunal Rules 1998 by statutory rules, subordinate instruments and Acts.

Victorian Civil and Administrative Tribunal (Amendment No. 1) Rules 1998,
S.R. No. 93/1998

Date of Making: 17.7.98

Date of Commencement: 17.7.98

Victorian Civil and Administrative Tribunal (Amendment No. 2) Rules 1999,
S.R. No. 24/1999

Date of Making: 9.3.99

Date of Commencement: 9.3.99

Victorian Civil and Administrative Tribunal (Amendment No. 3) Rules 1999,
S.R. No. 80/1999

Date of Making: 29.6.99

Date of Commencement: Rules 1–4, 6, 7(1)(a)(c)(e), 8 on 29.6.99: rule 3(1);
rules 5, 7(1)(b)(d)(2)(b) on 1.7.99: rule 3(2)

3. Explanatory Details

No entries at date of publication.