

Version No. 034**Victorian Civil and Administrative Tribunal
Rules 1998****S.R. No. 87/1998**

Version incorporating amendments as at 6 December 2004

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Version No. 034

**Victorian Civil and Administrative Tribunal
Rules 1998**

S.R. No. 87/1998

Version incorporating amendments as at 6 December 2004

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**.

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Order 2—Tribunal Divisions and Lists

r. 2.01

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;
 - (c) human rights division.

Rule 2.01(2)(b)
 substituted by
 S.R. No.
 175/2001
 rule 5.

Rule 2.01(2)(c)
 inserted by
 S.R. No.
 175/2001
 rule 5.

Rule 2.02
 amended by
 S.R. No.
 29/2004 rule 5.

2.02 Division Head

A presidential member 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;

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(d) planning and environment list;

Rule 2.03(2)(d)
substituted by
S.R. No.
175/2001
rule 6(1).

(e) taxation list.

(3) The following lists of the civil division are established—

* * * * *

Rule 2.03(3)(a)
revoked by
S.R. No.
175/2001
rule 6(2).

(b) civil claims list;

(c) credit list;

(d) domestic building list;

* * * * *

Rule 2.03(3)(e)
revoked by
S.R. No.
175/2001
rule 6(2).

(f) real property list;

(g) residential tenancies list;

(h) retail tenancies list.

(3A) The following lists of the human rights division are established—

Rule 2.03(3A)
inserted by
S.R. No.
175/2001
rule 6(3).

(a) anti-discrimination list;

(b) guardianship 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.

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2.04 List Heads

Rule 2.04(1)
 amended by
 S.R. No.
 29/2004
 rule 6(1).

- (1) A presidential member nominated by the President shall be in charge of a list.

Rule 2.04(2)
 amended by
 S.R. No.
 29/2004
 rule 6(2).

- (2) The President may only nominate under sub-rule (1) a presidential member 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

Rule 2.05(2)
 amended by
 S.R. No.
 115/1999
 rule 4(1).

- (1) The principal registrar must cause a proceeding to be entered in a list.
- (2) The President or a Vice-President may transfer a proceeding from a list to another list.

Rule 2.05(3)
 revoked by
 S.R. No.
 115/1999
 rule 4(2).

* * * * *

Rule 2.05(4)
 substituted by
 S.R. Nos
 24/1999 rule 4,
 115/1999
 rule 4(3),
 amended by
 S.R. No.
 29/2004
 rule 7(1).

- (4) At the request of—
- (a) a party to the proceeding; or
 - (b) the principal registrar; or
 - (c) a member—
- the presidential member in charge of a list in which a proceeding is entered who may also be the member referred to in sub-paragraph (c) or in the absence of that presidential member a member assigned to that list nominated by that presidential member for the purposes of this sub-rule, may order the transfer of the proceeding from that list to another list.

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|--|---|
| <p>(5) An order can only be made under sub-rule (4) with the consent of the presidential member in charge of the list to which the proceeding is to be transferred, or in the absence of that presidential member, a member assigned to that list nominated by the presidential member of that list for the purposes of this sub-rule.</p> | <p>Rule 2.05(5) inserted by S.R. No. 24/1999 rule 4, substituted by S.R. No. 115/1999 rule 4(4), amended by S.R. No. 29/2004 rule 7(2).</p> |
| <p>(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 presidential member or member who makes the order thinks fit and may include an order for costs.</p> | <p>Rule 2.05(6) inserted by S.R. No. 24/1999 rule 4, amended by S.R. No. 29/2004 rule 7(3).</p> |
| <p>(7) The principal registrar or a member may with the written consent of the parties, transfer a proceeding from a list to another list.</p> | <p>Rule 2.05(7) inserted by S.R. No. 24/1999 rule 4, amended by S.R. No. 115/1999 rule 4(5).</p> |

2.05.1 Principal Registrar may allocate proceedings to and transfer proceedings from lists

Rule 2.05.1 inserted by S.R. No. 29/2004 rule 8.

- (1) Despite Schedule 1 and anything to the contrary in Rule 2.05 and subject to sub-rule (2), the principal registrar may—
- (a) enter a proceeding in any list;
 - (b) transfer a proceeding under Rule 2.05 from a list to any other list.
- (2) The principal registrar may only act under sub-rule (1) with the consent of—
- (a) the President; or
 - (b) the presidential member in charge of the list to which the proceeding would have been entered if Schedule 1 applied and the

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r. 2.06

presidential member in charge of the list to which the proceeding is to be entered or transferred.

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.

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Order 4—General Procedure

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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.

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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 and environment list of the administrative division.

Rule 4.05(3)
amended by
S.R. No.
175/2001
rule 7(1).

Rule 4.05.1
inserted by
S.R. No.
33/2000 rule 4.

4.05.1 Lodgement of other documents by facsimile

- (1) A party to an application or referral, or a person seeking to have a fee waived or reduced under section 132(1) of the Act, may by facsimile to the principal registrar, lodge with the Tribunal any document relevant to the application, referral or the seeking of a reduction or waiver of a fee.

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- (2) The principal registrar may refuse to accept any document if he or she considers the document is illegible.
- (3) The original of any document lodged with the Tribunal in accordance with this Rule must be retained by or on behalf of the party on whose behalf it was lodged and provided to the Tribunal at the request of the principal registrar.

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.

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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 of the Tribunal is authenticated in accordance with section 116(1)(b) of the Act by—

- (a) being signed by a member of the Tribunal or the principal registrar and having the seal of the Tribunal affixed; or
- (b) if the order is entered into a computerised data storage or retrieval system, by a member of the Tribunal or the principal registrar entering confirmation of the order into that system.

Rule 4.16
substituted by
S.R. No.
33/2000 rule 5.

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Order 4—General Procedure

r. 4.17

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 one application may be made under section 120 of the Act in respect of the same matter without leave of the Tribunal.

Rule 4.18(2)
amended by
S.R. Nos
29/2004 rule 9,
154/2004
rule 5.

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

* * * * *

Rule 4.20(1)
revoked by
S.R. No.
124/2002
rule 4(1).

- (2) For the purposes of section 137(2)(b) of the Act, the prescribed form of warrant is Form 6 of Schedule 2.

Rule 4.20(2)
substituted by
S.R. No.
124/2002
rule 4(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.

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ORDER 5—ADMINISTRATIVE DIVISION

PART 1—GENERAL LIST

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

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

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.

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

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

- (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.

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- (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) Subject to sub-rule (7), 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

Rule 5.06(1)
 amended by
 S.R. No.
 108/2000
 rule 3(1).

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- (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) Subject to sub-rule (7), 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—
- Rule 5.06(2)
amended by
S.R. No.
108/2000
rule 3(2).
- (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) Subject to sub-rule (7), 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—
- Rule 5.06(3)
amended by
S.R. No.
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rule 3(3).
- (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.
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Rule 5.06(4)
 amended by
S.R. No.
108/2000
rule 3(4).

- (4) Subject to sub-rule (7), 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**.

Rule 5.06(5)
 amended by
S.R. No.
108/2000
rule 3(5).

- (5) Subject to sub-rule (7), 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

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- (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**.
- (7) The President may determine that a particular matter may be determined by the Tribunal constituted otherwise than in accordance with the requirements of sub-rules (1), (2), (3), (4) or (5).

Rule 5.06(7)
 inserted by
 S.R. No.
 108/2000
 rule 3(6).

PART 4—PLANNING AND ENVIRONMENT LIST

Order 5 Pt 4
 (Heading)
 substituted by
 S.R. No.
 175/2001
 rule 7(2).

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.

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- (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.

5.09.1 Prompt Final Hearing Procedure

- (1) This Rule applies to a proceeding under sections 39, 78, 80 (unless an objector is entitled to be given notice of the application for review), 81, Division 3 of Part 4, Part 4A, Division 5 of Part 6 and section 184 of the **Planning and Environment Act 1987**.
- (2) A party may request the principal registrar for a prompt final hearing.
- (3) On receipt of a request under sub-rule (2), the principal registrar may list the proceeding for a prompt final hearing.
- (4) If an address for a person or body on an application or referral is incorrect, that person or body, after being advised by the principal registrar of a hearing date, but in any event no later than 4.00 p.m. 2 days before the prompt final hearing of the proceeding, must file with the Tribunal a statement of address in Victoria for the service of documents.

Rule 5.09.1
inserted by
S.R. No.
110/2003
rule 5.

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- (5) A person who intends to contest a proceeding and 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 the proceeding must lodge the statement with the Tribunal no later than 4.00 p.m., two days before the day fixed for the prompt final hearing of the proceeding.

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.

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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—

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- (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).
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- (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.

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- (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.

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6.08 Right to inspect proceeding files subject to condition

Rule 6.08
substituted by
S.R. Nos
80/1999 rule 6,
154/2004
rule 6.

For the purposes of section 146(4) 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—

- (a) the **Equal Opportunity Act 1995**; or
- (b) the **Racial and Religious Tolerance Act 2001**—

is subject to the condition that the person may only inspect and copy the file or part of the file if a member of the Tribunal has given a direction or made an order authorising the person to conduct an inspection of the file or part of the file or make a copy of the file or part of the file.

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

Rule 6.10
substituted by
S.R. No.
115/1999
rule 5.

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Rule 6.10(1)(2)
revoked by
S.R. No.
29/2004
rule 10.

- (3) An application under section 120 of the Act must be in the form of an affidavit or statutory declaration that contains—

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- (a) the name, current address, telephone number and facsimile number (if any) of the applicant; and
- (b) the number of the original proceeding for which the review is requested; and
- (c) the date on which and the manner in which the applicant became aware of the order in respect of which a review is requested; and
- (d) the reasons of the applicant for not attending or not being represented at the original hearing—

and must exhibit any documents in support of the matters referred to in sub-paragraphs (a) to (d).

- (4) On the lodgement of an application under section 120 of the Act the principal registrar—
 - (a) may require the applicant to comply with the requirements of sub-rule (3) by requesting the applicant to provide a further affidavit or statutory declaration; and
 - (b) must advise the applicant by notice in Form 7A and the other parties by notice in Form 7B, of the procedures of the Tribunal with respect to the future conduct of the application; and
 - (c) must, as soon as practicable, list the application for hearing.
- (5) The Tribunal may—
 - (a) of its own motion; or
 - (b) at the request of the principal registrar; or

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- (c) at the request of the applicant—
 give any directions for the conduct of the
 application which the Tribunal thinks conducive
 to its effective, complete, prompt and economical
 determination.
- (6) A direction may concern, but is not restricted to—
- (a) whether or not the attendance at the Tribunal
 of any witness, including the applicant, is
 required;
 - (b) the variation of any requirement concerning
 the content of and the giving of notices under
 sub-rule (4).
- (7) On the determination of the application the
 principal registrar must give a copy of the
 determination of the Tribunal to the parties.

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, the date of the transaction
 and the date the dispute arose;

Rule 6.11(1)(d)
substituted by
S.R. No.
115/1999
rule 6(1).

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Rule 6.11(1)(e)
substituted by
S.R. No.
115/1999
rule 6(1).

Rule 6.11(1)(f)
substituted by
S.R. No.
115/1999
rule 6(1).

Rule 6.11(1)(g)
substituted by
S.R. No.
115/1999
rule 6(1).

Rule 6.11(1)(h)
revoked by
S.R. No.
115/1999
rule 6(1).

Rule 6.11(2)
revoked by
S.R. No.
115/1999
rule 6(2).

Rule 6.12
amended by
S.R. No.
115/1999
rule 7 (ILA
s. 39B(2)).

- (e) if the application includes a claim under the **Small Claims Act 1973**, whether 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) specify—
 - (i) the remedy sought; and
 - (ii) whether the claim is brought under any one or more of the **Fair Trading Act 1999**, the **Small Claims Act 1973** or the **Motor Car Traders Act 1986**; and
 - (iii) the amount claimed;
- (g) a brief history of the dispute (with any relevant documents).

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6.12 Documents to accompany an application

- (1) 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;

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- (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.
- (2) Nothing in sub-rule (1) precludes an application being accompanied by any other document the applicant considers relevant to the determination of the application.

Rule 6.12(2)
 inserted by
 S.R. No.
 115/1999
 rule 7.

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.

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- (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

- (1) 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.
- (2) For the purposes of section 72(2)(a) of the Act, in a proceeding entered in the civil claims list and subject to any order of the Tribunal, if the principal registrar undertakes service of an application on behalf of the applicant, the time period for service shall be within 28 days after lodgement of the application with the Tribunal.

6.14.1 Counterclaim

Rules 6.09 to 6.14 apply with any necessary modification to a counterclaim.

Rule 6.14
amended by
S.R. No.
115/1999
rule 8 (ILA
s. 39B(2)).

Rule 6.14(2)
inserted by
S.R. No.
115/1999
rule 8.

Rule 6.14.1
inserted by
S.R. No.
115/1999
rule 9.

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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, within 7 days after the referral or application is lodged with the principal registrar or with a registrar of the Magistrates' Court, give written notice of the referral or application to the Secretary to the Department of Justice, the applicant and any person by or against whom the claim is made.

Rule 6.15(1)
amended by
S.R. No.
97/2001
rule 4(1).
- (2) For the purposes of section 67(1)(a) of the Act, an application under an enactment allocated to the credit list must be in writing and contain the names and addresses of each applicant and each respondent and state the provision of the enactment under which the application is made.

Rule 6.15(2)
amended by
S.R. No.
97/2001
rule 4(2).
- (3) Rule 4.03 does not apply to an application referred to in sub-rule (2).
- (3A) a referral of an application to the Tribunal under sections 74(3), 116(4) and 139(4) of the **Credit Act 1984** must be in writing and must, unless the information is already included in the application, set out—
 - (a) the names and addresses of each applicant and each respondent;
 - (b) the provision of that Act under which the referral is made;
 - (c) the nature of the claim.

Rule 6.15(3A)
inserted by
S.R. No.
97/2001
rule 4(3).
- (3B) Rule 4.04 does not apply to a referral referred to in sub-rule (3A).

Rule 6.15(3B)
inserted by
S.R. No.
97/2001
rule 4(3).

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Rule 6.15(4)
substituted by
S.R. No.
97/2001
rule 4(4).

- (4) For the purposes of section 72(1) of the Act—
- (a) the time within which an applicant must serve a copy of an application or referral in a proceeding entered in the credit list is 14 days after the application or referral is lodged with the principal registrar or a registrar of the Magistrates' Court; and
 - (b) the Secretary to the Department of Justice is entitled to a notice of an application under section 85, 85B or 86 of the **Credit Act 1984** or Division 1 of Part 6 of the Consumer Credit (Victoria) Code.
- (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

Rule 6.17(1)
amended by
S.R. No.
97/2001
rule 5(1).

- (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 if a member of the Tribunal is satisfied that—

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- (a) the material does not directly relate to that party; and
 - (b) access to the material would involve unreasonable disclosure of the personal affairs of a person.
- (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 if a member of the Tribunal is satisfied that access to the material would involve unreasonable disclosure of the personal affairs of a person.

Rule 6.17(2)
 amended by
 S.R. No.
 97/2001
 rule 5(2).

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) Code.

Rule 6.18(b)
 amended by
 S.R. No.
 97/2001 rule 6.

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.

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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

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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

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- (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**.

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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**;

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- (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.

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- (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.

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- (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.

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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.

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PART 7—RESIDENTIAL TENANCIES LIST

6.36.1 Definition

In this Part—

"Authority" has the same meaning as in section 3(1) of the **Residential Tenancies Act 1997**.

Rule 6.36.1
inserted by
S.R. No.
81/2003 rule 5.

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.

6.37.1 Mode of service

A copy of an application to the Tribunal under section 241, 277 or 301 of the **Residential Tenancies Act 1997** may be served by affixing the copy to the door giving access to the rented premises, room or caravan or by placing it in a prominent position at the site.

Rule 6.37.1
inserted by
S.R. No.
93/1998 rule 5,
amended by
S.R. No.
24/1999 rule 6,
substituted by
S.R. No.
115/1999
rule 10,
amended by
S.R. No.
33/2000 rule 6.

6.37.1A 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 6.37.1A
inserted by
S.R. No.
115/1999
rule 10.

Rule 6.37.1B
inserted by
S.R. No.
24/2001 rule 3.

6.37.1B Accompanying documents for electronic lodgement

Despite the provisions of Rules 6.38 and 6.39.1, if an application has been lodged with the principal registrar by electronic communication to the Tribunal's information system for generating, sending, receiving, storing or otherwise processing electronic communications known as VCAT Online, any requirement of those Rules that a document must accompany the application is satisfied if—

- (a) in the case of an application referred to in Rule 6.38(5) or Rule 6.38(7) relating to a notice to vacate, the applicant has created the document using VCAT Online; and
- (b) in the case of an application referred to in the following Rules, the document is provided to the Tribunal at the hearing of the application or, at the request of the principal registrar at any time before or after the hearing—
 - (i) Rule 6.38(5.1) relating to an application under section 322 of the **Residential Tenancies Act 1997**;
 - (ii) Rule 6.38(6);
 - (iii) Rule 6.38(7) relating to a notice of intention to vacate;
 - (iv) Rule 6.38(12);
 - (v) Rule 6.38(13);
 - (vi) Rule 6.39.1(2).

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6.37.2 Applications

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

- (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;
- (f) whether or not a bond was paid by the tenant, resident, Director of Housing or some other person, and if so, for what respective amounts;
- (g) if a bond was paid, the relevant Residential Tenancies Board Authority bond number or numbers;
- (h) any previous Tribunal file numbers relating to applications made in relation to the same tenancy agreement or agreement in relation to a residency right.

Rule 6.37.2
 inserted by
 S.R. No.
 93/1998 rule 5,
 amended by
 S.R. No.
 115/1999
 rule 11(a).

Rule 6.37.2(f)
 inserted by
 S.R. No.
 115/1999
 rule 11(b).

Rule 6.37.2(g)
 inserted by
 S.R. No.
 115/1999
 rule 11(b).

Rule 6.37.2(h)
 inserted by
 S.R. No.
 115/1999
 rule 11(b).

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.

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- (5.1) An application to the Tribunal under section 322, 323 or 324 of the **Residential Tenancies Act 1997** arising out of a notice to vacate under section 248, 282 or 307 of that Act must be accompanied by a copy of the order of the Tribunal with which it is alleged the tenant or resident has failed to comply.
- (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).

Rule 6.38(5.1)
 inserted by
 S.R. No.
 115/1999
 rule 12(1).

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- (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**—

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- (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
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Rule 6.38
(12)(d)(v)
amended by
S.R. No.
81/2003
rule 6(1)(a).

Rule 6.38
(12)(d)(vi)
inserted by
S.R. No.
81/2003
rule 6(1)(b).

Rule 6.38
(12)(e)
inserted by
S.R. No.
81/2003
rule 6(1)(c).

Rule 6.38
(12.1)
inserted by
S.R. No.
81/2003
rule 6(2).

(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; and

- (vi) the name and address of any person or body, other than the applicant, who the applicant believes may have an interest in an amount of the bond; and

(e) be accompanied by a copy of any receipt or replacement receipt issued by the Authority to the applicant in respect of the bond.

(12.1) In addition to the requirements of Rule 6.39(7), an application under section 416 of the **Residential Tenancies Act 1997** must—

- (a) set out the name and address of the landlord; and
- (b) if made by the Director of Housing, set out the name of the tenant; and
- (c) state whether any and what amount of bond was paid on behalf of the tenant by the Director of Housing; and

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- (d) set out the name and address of any person or body, other than the applicant, who the applicant believes may have an interest in an amount of the bond; and
 - (e) be accompanied by a copy of any receipt or replacement receipt issued by the Authority to the applicant in respect of the bond.
- (12.2) In addition to the requirements of Rule 6.39(8), an application under section 417 of the **Residential Tenancies Act 1997** made in circumstances referred to in section 418 of that Act or on the grounds set out in section 419 of that Act, must—
- (a) specify the name of the tenant; and
 - (b) if section 418 applies, set out details of the amount of rent that has accrued and remains unpaid or if section 419 applies set out details of the compensation claimed; and
 - (c) specify whether any and what amount of bond was paid on behalf of the tenant by the Director of Housing; and
 - (d) set out the name and address of any person or body, other than the applicant, who the applicant believes may have an interest in an amount of the bond; and
 - (e) be accompanied by a copy of any receipt or replacement receipt issued by the Authority to the applicant in respect of the bond.
- (13) An application by a landlord under section 417 of the **Residential Tenancies Act 1997** to the Tribunal made in circumstances referred to in section 419(1) of that Act must be accompanied by—

**Rule 6.38
(12.2)
inserted by
S.R. No.
81/2003
rule 6(2).**

**Rule 6.38(13)
substituted by
S.R. No.
115/1999
rule 12(2).**

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- (a) if paragraphs (a), (b) or (c) of section 419(1) are applicable, a copy of the condition report prepared in respect of the rented premises under section 35, 97 or 148 of that Act; and
- (b) a copy of any quotation, account or receipt on which the landlord relies to prove the claim.

6.39 Particulars to be provided with certain applications

- (1) An application—
 - (a) under section 322, 323 or 324 of the **Residential Tenancies Act 1997** arising out of a notice to vacate under sections 243, 244, 278, 279, 280, 302, 303 or 304 of that Act; or
 - (b) under section 374 of the **Residential Tenancies Act 1997** for the termination of a tenancy agreement or residency right—

must specify the acts, facts, matters and circumstances, including relevant dates, being relied on in support of the application.
- (2) An application under section 322, 323 or 324 of the **Residential Tenancies Act 1997** arising out of a notice to vacate under section 248, 282 or 307 of that Act must specify the acts, facts, matters and circumstances, including relevant dates, being relied on as constituting a failure to comply with an order of the Tribunal.
- (3) An application under section 322, 323 or 324 of the **Residential Tenancies Act 1997** arising out of a notice to vacate under sections 249, 283 or 308 of that Act must specify the acts, facts, matters and circumstances, including relevant dates, being relied on as the basis for giving the notice to vacate.

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- (4) An application under section 322, 323 or 324 of the **Residential Tenancies Act 1997** arising out of a notice to vacate under section 250, 284 or 309 of that Act must specify—
- (a) the illegal purpose alleged; and
 - (b) the acts, facts, matters and circumstances, including relevant dates, being relied on to establish that the rented premises were or the room, site or caravan was used for an illegal purpose.
- (5) An application under section 322 of the **Residential Tenancies Act 1997** arising out of a notice to vacate under section 252 of that Act must specify—
- (a) the statement alleged to have been made by the tenant; and
 - (b) the date on which it is alleged the statement was made.
- (6) An application under section 322 of the **Residential Tenancies Act 1997** arising out of a notice to vacate under section 262 of the **Residential Tenancies Act 1997** must specify—
- (a) the eligibility criterion or criteria which it is alleged the tenant has ceased to meet; and
 - (b) the date on which it is alleged the tenant ceased to meet the eligibility criterion or criteria.
- (7) An application under section 416 of the **Residential Tenancies Act 1997** must specify—
- (a) the amount of bond sought; and
 - (b) the basis on which the amount is sought; and
 - (c) the date on which the tenant vacated the rented premises.
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Rule 6.39(9)
amended by
S.R. No.
33/2000
rule 7(a).

Rule 6.39(9)(a)
amended by
S.R. No.
33/2000
rule 7(b).

Rule 6.39.1
inserted by
S.R. No.
115/1999
rule 13.

- (8) An application under section 417 of the **Residential Tenancies Act 1997** must specify—
 - (a) the amount of bond sought; and
 - (b) the basis on which the amount is sought; and
 - (c) the date on which the tenant delivered up vacant possession of the rented premises or the date on which the landlord became aware that the tenant had abandoned the rented premises.
- (9) An application under section 452(5) or (6) of the **Residential Tenancies Act 1997** must specify—
 - (a) the interest which the applicant claims to have in the tenancy agreement or the agreement in relation to the residency right; and
 - (b) the circumstances in which the applicant's interest has arisen.

6.39.1 Documents and particulars required for certain applications

- (1) An application made under section 210 of the **Residential Tenancies Act 1997** must specify—
 - (a) the date on which the tenant delivered up vacant possession or abandoned the rented premises; and
 - (b) the breach of duty alleged; and
 - (c) the loss or damage caused by the breach; and
 - (d) the amount of compensation claimed.
- (2) An application made by a landlord under section 210 of the **Residential Tenancies Act 1997** for payment of compensation for loss or damage to the rented premises or a failure to keep them in a reasonably clean condition must be

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accompanied by a copy of the condition report as required by section 35 of that Act prepared in respect of the rented premises.

- (3) An application made under section 452 of the **Residential Tenancies Act 1997** for payment of compensation must specify—
 - (a) the date on which the resident vacated or abandoned the room, site or caravan; and
 - (b) the breach of duty alleged; and
 - (c) the loss or damage caused by the breach; and
 - (d) the amount of compensation claimed.
- (4) An application made by a rooming house owner, caravan park owner, or caravan owner under section 452 of the **Residential Tenancies Act 1997** for compensation for loss or damage to a room, site or caravan or a failure to keep them in a reasonably clean condition must be accompanied by a copy of the condition report as required by either section 97 or 148 of that Act.

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.

6.40.1 Warrant of possession—application for order extending time

- (1) An application under section 354(1) of the **Residential Tenancies Act 1997** for an order extending the time in which a warrant of possession may be executed may be made to the Tribunal orally or in writing.
- (2) If the application is made orally, the application must be made in person by the applicant or his or her representative appearing before the Tribunal

Rule 6.40.1
 inserted by
 S.R. No.
 115/1999
 rule 14.

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between 9.30 a.m. and 12 noon or between 2.00 p.m. and 4.00 p.m. on any day on which the Tribunal sits.

- (3) If the application is made in writing, the application must—
- (a) be supported by affidavit; and
 - (b) request the making of an order extending the time in which the warrant of possession may be executed; and
 - (c) set out—
 - (i) the name and address of the landlord; and
 - (ii) the name of the tenant; and
 - (iii) the address of the rented premises; and
 - (iv) the date until which the extension is sought; and
 - (v) the circumstances which are alleged to make the extension necessary.
- (4) For the purposes of section 355(1)(a) of the **Residential Tenancies Act 1997**, a warrant of possession is in the prescribed form if it is in Form 10A.

Rule 6.40.1(4)
 inserted by
 S.R. No.
 81/2003 rule 8.

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;

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- (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) An application referred to in Rule 4.18 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.
- (2) Sub-rule (1) does not apply to an application lodged by a party in accordance with Rule 4.05(3).
- (3) Unless the Tribunal otherwise orders, on lodging the application, the applicant must forthwith give notice of the application to all other parties.

Rule 6.42
amended by
S.R. Nos
115/1999
rule 15,
81/2003 rule 7,
substituted by
S.R. No.
29/2004
rule 11.

6.42.1 Review of certain determinations and orders

- (1) An application for review of a determination under section 479 of the **Residential Tenancies Act 1997** must be made on notice to all parties.
- (2) The application must—
 - (a) be in writing; and
 - (b) be supported by affidavit; and
 - (c) specify—
 - (i) the name and address of the landlord; and
 - (ii) the name of the tenant; and
 - (iii) the address of the rented premises; and
 - (iv) the date on which the applicant was given a copy of the determination made by the principal registrar or the Tribunal; and

Rule 6.42.1
inserted by
S.R. No.
115/1999
rule 16.

Victorian Civil and Administrative Tribunal Rules 1998
S.R. No. 87/1998

Order 6—Civil Division and Human Rights Division

r. 6.43

- (v) details of the breach of, or failure to comply with, the **Residential Tenancies Act 1997** which the applicant alleges.

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.

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

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.

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

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

Order 6 Part 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.

Victorian Civil and Administrative Tribunal Rules 1998
S.R. No. 87/1998

Order 6—Civil Division and Human Rights Division

r. 7.02

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

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

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;**
- (ia) **Electricity Safety Act 1998;**
- (j) **Emergency Management Act 1986;**
- (k) **Emergency Services Superannuation Act 1986;**
- (l) **Equipment (Public Safety) Act 1994;**

Sch. 1 Pt 1
cl. 1(ia)
inserted by
S.R. No.
29/2004
rule 12(a).

Victorian Civil and Administrative Tribunal Rules 1998
S.R. No. 87/1998

Sch. 1

(m) **Estate Agents Act 1980** section 81(5A) (claims against guarantee fund);

(n) **Freedom of Information Act 1982**;

(o) **Gaming No. 2 Act 1997**;

(oa) **Gas Safety Act 1997**;

Sch. 1 Pt 1
cl. 1(oa)
inserted by
S.R. No.
29/2004
rule 12(b).

(p) **Health Act 1958** section 125 (compensation for seizure of property);

(pa) **Health Records Act 2001**;

Sch. 1 Pt 1
cl. 1(pa)
inserted by
S.R. No.
110/2003
rule 6(1)(a).

(q) **Hospitals Superannuation Act 1988**;

(r) **Industrial and Provident Societies Act 1958**;

(s) **Infertility Treatment Act 1995**;

(sa) **Information Privacy Act 2000**;

Sch. 1 Pt 1
cl. 1(sa)
inserted by
S.R. No.
110/2003
rule 6(1)(b).

(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);

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- (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**;
- (zca) **Sports Event Ticketing (Fair Access) Act 2002**;
- (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);

Victorian Civil and Administrative Tribunal Rules 1998
S.R. No. 87/1998

Sch. 1

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

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

Victorian Civil and Administrative Tribunal Rules 1998
S.R. No. 87/1998

Sch. 1

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) and 129A(1)(c) (decisions regarding accreditation of bodies);
- (b) **Agricultural and Veterinary Chemicals (Control of Use) Act 1992**;
- (c) **Architects Act 1991**;
- (d) **Barley Marketing Act 1993**;
- (e) **Biological Control Act 1986**;
- (eaa) **Children's Services Act 1996**;
- (eab) **Chinese Medicine Registration Act 2000**;
- (ea) **Chiropractors Registration Act 1996**;
- (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);
- (g) **Dairy Industry Act 1992**;
- (h) **Dangerous Goods Act 1985**;

Sch. 1 Pt 1
cl. 3(a)
substituted by
S.R. No.
108/2000
rule 4(a).

Sch. 1 Pt 1
cl. 3(eaa)
inserted by
S.R. No.
115/1999
rule 17.

Sch. 1 Pt 1
cl. 3(eab)
inserted by
S.R. No.
110/2003
rule 6(1)(d).

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

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

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S.R. No. 87/1998

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(ha) **Dental Practice Act 1999;**

Sch. 1 Pt 1
 cl. 3(ha)
 inserted by
 S.R. No.
 108/2000
 rule 4(b).

- (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);
- (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);

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

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S.R. No. 87/1998

Sch. 1

Sch 1 Pt 1
cl. 3(zaa)
inserted by
S.R. No.
33/2000 rule 8.

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

Sch. 1 Pt 1
cl. 3(zea)
inserted by
S.R. No.
175/2001
rule 8(a).

- (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);
- (zaa) **Physiotherapists Registration Act 1998**;

- (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**;

- (zc) **Professional Boxing and Martial Arts Act 1985** (licences, permits and registration);
- (zd) **Prostitution Control Act 1994**;
- (ze) **Public Transport Competition Act 1995**;
- (zea) **Racing Act 1958**;

Victorian Civil and Administrative Tribunal Rules 1998
S.R. No. 87/1998

Sch. 1

- (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);
- (zja) **Utility Meters (Metrological Controls) Act 2002;**

Sch. 1 Pt 1
cl. 3(zja)
inserted by
S.R. No.
110/2003
rule 6(1)(e).

- (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);
- (zla) **Victorian Institute of Teaching Act 2001;**
- (zm) **Vocational Education and Training Act 1990** section 81 (registration of non-college providers);
- (zn) **Wildlife Act 1975.**

Sch. 1 Pt 1
cl. 3(zla)
inserted by
S.R. No.
110/2003
rule 6(1)(f).

4. Planning and Environment List

The functions of the Tribunal under the following enabling enactments are allocated to the planning and environment 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
amended by
S.R. No.
175/2001
rule 7(3)(a)(b).

Victorian Civil and Administrative Tribunal Rules 1998
S.R. No. 87/1998

Sch. 1

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—

Victorian Civil and Administrative Tribunal Rules 1998
S.R. No. 87/1998

Sch. 1

- (a) Business Franchise Acts;
- (b) **Debits Tax Act 1990**;
- (c) **Financial Institutions Duty Act 1982**;
- (ca) **First Home Owner Grant Act 2000**;

Sch. 1 Pt 1
cl. 5(ca)
inserted by
S.R. No.
108/2000
rule 4(c).

- (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

* * * * *

Sch. 1 Pt 2
cl. 1
revoked by
S.R. No.
175/2001
rule 8(b).

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—

Victorian Civil and Administrative Tribunal Rules 1998
S.R. No. 87/1998

Sch. 1

Sch. 1 Pt 2
cl. 2(aaa)
inserted by
S.R. No.
110/2003
rule 6(2)(a).

(aaa) **Domestic Building Contracts Act 1995;**

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

(aa) **Fair Trading Act 1999;**

- (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—

Sch. 1 Pt 2
cl. 3(a)
amended by
S.R. No.
97/2001 rule 7.

- (a) **Chattel Securities Act 1987** sections 25 (compensation for extinguishment of security interest);
- (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).

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

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;**

Victorian Civil and Administrative Tribunal Rules 1998
S.R. No. 87/1998

Sch. 1

(ba) **Fair Trading Act 1999**;

Sch. 1 Pt 2
cl. 4(ba)
inserted by
S.R. No.
80/1999
rule 7(2)(c).

(c) **House Contracts Guarantee Act 1987.**

* * * * *

Sch. 1 Pt 2
cl. 5
revoked by
S.R. No.
175/2001
rule 8(b).

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);

(ab) **Fair Trading Act 1999**;

Sch. 1 Pt 2
cl. 6(ab)
inserted by
S.R. No.
80/1999
rule 7(2)(d).

(ac) **Sale of Land Act 1962** section 44;

Sch. 1 Pt 2
cl. 6(ac)
inserted by
S.R. No.
29/2004
rule 12(c).

(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).

Victorian Civil and Administrative Tribunal Rules 1998
S.R. No. 87/1998

Sch. 1

Sch. 1 Pt 2
cl. 7
amended by
S.R. No.
175/2001
rule 8(c).

Sch. 1
Pt 2 cl. 8
amended by
S.R. No.
80/1999
rule 7(2)(e).

Sch. 1 Pt 2
cl. 8(ab)
inserted by
S.R. No.
110/2003
rule 6(2)(b).

Sch. 1 Pt 3
inserted by
S.R. No.
175/2001
rule 8(d).

Sch. 1 Pt 3
cl. 2(b)
amended by
S.R. No.
29/2004
rule 12(d).

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—

- (a) **Fair Trading Act 1999;**
- (b) **Landlord and Tenant Act 1958;**
- (c) **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—

- (a) **Fair Trading Act 1999;**
- (ab) **Retail Leases Act 2003;**

- (b) **Retail Tenancies Reform Act 1998.**

PART 3—HUMAN RIGHTS DIVISION

1. Anti-discrimination List

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

Equal Opportunity Act 1995.

2. Guardianship List

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

- (a) **Guardianship and Administration Act 1986;**
- (b) **Instruments Act 1958** Division 6 of Part XIA;

Victorian Civil and Administrative Tribunal Rules 1998
S.R. No. 87/1998

Sch. 1

-
- (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.**
-

Victorian Civil and Administrative Tribunal Rules 1998
S.R. No. 87/1998

Sch. 2

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]

Victorian Civil and Administrative Tribunal Rules 1998
S.R. No. 87/1998

Sch. 2

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]

Victorian Civil and Administrative Tribunal Rules 1998
S.R. No. 87/1998

Sch. 2

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.

Victorian Civil and Administrative Tribunal Rules 1998
S.R. No. 87/1998

Sch. 2

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.

Sch. 2 Form 5
 revoked by
 S.R. No.
 124/2002
 rule 5(a).

* * * * *

Victorian Civil and Administrative Tribunal Rules 1998
S.R. No. 87/1998

Sch. 2

FORM 6

Victorian Civil and Administrative Tribunal Act 1998

Victorian Civil and Administrative Tribunal Rules 1998

Rule 4.20(2)

Sch. 2 Form 6
amended by
S.R. No.
124/2002
rule 5(b)(i)(ii).

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 as follows [*insert details of the charge*], 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*)

Victorian Civil and Administrative Tribunal Rules 1998
S.R. No. 87/1998

Sch. 2

Sch. 2 Form 7
amended by
S.R. No.
124/2002
rule 5(c).

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 the Victorian Civil and
Administrative Tribunal as follows *[insert details of the contempt]* and
ordered by the 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

Victorian Civil and Administrative Tribunal Rules 1998
S.R. No. 87/1998

Sch. 2

FORM 7A

Victorian Civil and Administrative Tribunal Rules 1998

**NOTICE TO APPLICANT FOR REVIEW IN THE CIVIL CLAIMS
LIST UNDER SECTION 120**

Sch. 2
Form 7A
inserted by
S.R. No.
115/1999
rule 18.

Rule 6.10(4)(b)

To: [*name of applicant*]

Tribunal File Number—

You have made an application for review pursuant to section 120 of the Act.

It will be heard on day of at .

Your application should have been made within 14 days of becoming aware of the order of the Tribunal and you must have a reasonable excuse as to why you did not attend or were not represented at the original hearing of the claim.

You may be ordered to pay the costs of other parties as a condition of the granting of an order.

The application for review will only decide if the order made at the original hearing should be re-opened. If re-opened, the original application will be listed for another day and time when the hearing will proceed as if it had not been heard on a previous occasion except as to any evidence given previously.

All other parties to the application have been informed of your application and provided with a copy of your affidavit, statutory declaration and any other supporting documents. They must decide whether to appear at the application for review.

A party who appears at the hearing of an application for review may give evidence—

- (a) that contradicts your reasons in the affidavit or statutory declaration for your non-attendance or non-representation at the original hearing or the date and manner in which you became aware of the order of the Tribunal; and
- (b) of their costs associated with the request for or granting of the application.

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You must attend the hearing of the application for review, failing which the original order will remain in force. **Applications for review are not readily granted—you must have all your evidence with you at the hearing.**

If this is your second or later application concerning the same order, you must additionally provide information as to why the Tribunal should give you leave to make more than one application for review.

Dated—

[Signed]

Principal Registrar

Victorian Civil and Administrative Tribunal Rules 1998
S.R. No. 87/1998

Sch. 2

FORM 7B

Victorian Civil and Administrative Tribunal Rules 1998

**NOTICE TO OTHER PARTIES OF AN APPLICATION
FOR REVIEW IN THE CIVIL CLAIMS LIST UNDER SECTION 120**

Sch. 2
Form 7B
inserted by
S.R. No.
115/1999
rule 18.

Rule 6.10(4)(b)

To: [*name(s) of parties*]

Tribunal File Number—

An application for review of the decision in this matter has been lodged with the Tribunal.

It will be heard on day of at .

Enclosed is a copy of the affidavit, statutory declaration and any other accompanying documents in support supplied by the applicant.

An application for review must be made within 14 days of the person against whom the order has been made becoming aware of the order of the Tribunal and there must be a reasonable excuse as to why that person did not attend or was not represented at the original hearing of the claim.

The application for review will only decide if the order made at the original hearing should be re-opened. If re-opened the original application will be listed for another day and time when the hearing will proceed as if it had not been heard on a previous occasion except as to any evidence given previously.

You must decide whether or not to appear at the hearing of the application for review.

- (1) If you **do not appear** at the hearing—
 - (a) if the application for review is unsuccessful, a copy of the order dismissing the application for review and confirming the original order will be sent to you; or
 - (b) if the application for review is successful, a new date of hearing will be notified to all parties in due course when the hearing will proceed as if it had not been heard on a previous occasion; or
- (2) If you **appear** at the hearing (notification of the date of which will be given shortly) you may give evidence—
 - (a) that may contradict the reasons in the affidavit or statutory declaration of the applicant for review for the applicant's non-attendance or non-representation at the original hearing and that

Victorian Civil and Administrative Tribunal Rules 1998
S.R. No. 87/1998

Sch. 2

may concern the date and manner in which the applicant became aware of the order of the Tribunal; and

- (b) of your costs associated with the request for or granting of the application.

IMPORTANT

The Tribunal will basically be dealing with the issue as to why the applicant for review did not appear or was not represented at the original hearing, and when that applicant became aware of the order of the Tribunal. **The Tribunal will not be dealing with the case as set out in the claim form.**

If this is the second or later application concerning the same order, you may additionally provide evidence at the hearing of the application for review as to why the Tribunal should not give the applicant leave to make more than one application.

Dated—

[Signed]

Principal Registrar

Victorian Civil and Administrative Tribunal Rules 1998
S.R. No. 87/1998

Sch. 2

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—\$

Victorian Legislation and Parliamentary Documents

Victorian Civil and Administrative Tribunal Rules 1998
S.R. No. 87/1998

Sch. 2

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—

Victorian Civil and Administrative Tribunal Rules 1998
S.R. No. 87/1998

Sch. 2

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 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.

Victorian Civil and Administrative Tribunal Rules 1998
S.R. No. 87/1998

Sch. 2

Form 10A
inserted by
S.R. No.
81/2003 rule 9.

FORM 10A

Victorian Civil and Administrative Tribunal Rules 1998

Rule 6.40.1(4)

WARRANT OF POSSESSION

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

Registry ref:

RESIDENTIAL TENANCIES LIST

Name of Applicant(s)—

Name of Respondent—

TO: *OFFICER IN CHARGE, POLICE STATION at *[place]*, or
*[*Name of authorised person*]

TAKE NOTICE that on *[date]* the Victorian Civil and Administrative Tribunal ordered that the *tenant/*resident vacate *rented premises/*a room and rooming house/*a site or caravan at—

[insert details]

AND that a warrant of possession issue.

YOU are authorised, within *[insert number of days, not to exceed 30]* days of the day on which this warrant was issued—

- (a) to enter the *rented premises/*room and rooming house/*site or caravan, by force if necessary; and
- (b) with such assistance as is necessary, to compel all persons for the time being occupying the *rented premises/*room/*site or caravan to vacate and give possession of them to the applicant.

Victorian Civil and Administrative Tribunal Rules 1998
S.R. No. 87/1998

Sch. 2

NOTES

1. Section 355(3) of the **Residential Tenancies Act 1997** provides that a warrant of possession does not authorise the person to whom it is directed to remove any goods from rented premises or a room in a rooming house or a site or caravan.
2. Section 355(4) of the **Residential Tenancies Act 1997** provides that entry under a warrant of possession must not be made—
 - (a) between the hours of 6 p.m and 8 a.m; or
 - (b) on a Sunday or public holiday.
3. Despite note 1, section 360 of the **Residential Tenancies Act 1997** provides for the sheriff, after a warrant of possession has been returned to the Principal Registrar, to remove a caravan and any goods of value in it from a caravan park and to store the caravan and goods in a safe place.

Date of issue—[*date*]

[*Signed*]

Principal Registrar

*delete if inapplicable

Victorian Civil and Administrative Tribunal Rules 1998
S.R. No. 87/1998

Sch. 2

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—

Victorian Civil and Administrative Tribunal Rules 1998
S.R. No. 87/1998

Sch. 2

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*

Victorian Civil and Administrative Tribunal Rules 1998
S.R. No. 87/1998

Endnotes

ENDNOTES

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**).

Victorian Civil and Administrative Tribunal Rules 1998
S.R. No. 87/1998

Endnotes

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);
rule 7(2)(a)(c)–(e) on 1.9.99: rule 3(3)

Victorian Civil and Administrative Tribunal (Amendment No. 4) Rules 1999,
S.R. No. 115/1999

Date of Making: 13.9.99
Date of Commencement: 13.9.99

Victorian Civil and Administrative Tribunal (Amendment No. 5) Rules 2000,
S.R. No. 33/2000

Date of Making: 23.5.00
Date of Commencement: 23.5.00

Victorian Civil and Administrative Tribunal (Amendment No. 6) Rules 2000,
S.R. No. 108/2000

Date of Making: 19.10.00
Date of Commencement: 19.10.00

Victorian Civil and Administrative Tribunal (Amendment No. 7) Rules 2001,
S.R. No. 24/2001

Date of Making: 21.3.01
Date of Commencement: 21.3.01

Victorian Civil and Administrative Tribunal (Amendment No. 8) Rules 2001,
S.R. No. 97/2001

Date of Making: 2.10.01
Date of Commencement: 2.10.01

Victorian Civil and Administrative Tribunal (Amendment No. 9) Rules 2001,
S.R. No. 175/2001

Date of Making: 18.12.01
Date of Commencement: 1.1.02: rule 3

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Endnotes

Victorian Civil and Administrative Tribunal (Amendment No. 10) Rules 2002,
 S.R. No. 124/2002

Date of Making: 10.12.02

Date of Commencement: 1.1.03: rule 3

Victorian Civil and Administrative Tribunal (Amendment No. 11) Rules 2003,
 S.R. No. 81/2003

Date of Making: 25.6.03

Date of Commencement: 1.7.03: rule 3

Victorian Civil and Administrative Tribunal (Amendment No. 12) Rules 2003,
 S.R. No. 110/2003

Date of Making: 26.9.03

Date of Commencement: 1.10.03: rule 3

Victorian Civil and Administrative Tribunal (Amendment No. 13) Rules 2004,
 S.R. No. 29/2004

Date of Making: 19.4.04

Date of Commencement: 26.4.04: rule 3

Victorian Civil and Administrative Tribunal (Amendment No. 14) Rules 2004,
 S.R. No. 154/2004

Date of Making: 2.12.04

Date of Commencement: 6.12.04: rule 3

Victorian Civil and Administrative Tribunal Rules 1998
S.R. No. 87/1998

Endnotes

3. Explanatory Details

No entries at date of publication.