

## VCAT fees to increase over 300%

Here is the RIS [Regulatory Impact Statement] for proposed VCAT (Fees) Regulations; **Anne, need to link to doc**

VCAT fees for most small cases to increase over 300% and some much, much more.

The objective is higher cost recovery by increasing fees because there's some private [versus public] benefit, but not so high that it prevents access to justice for users. The same thing was recently adopted by comparable courts eg Magistrates Court.

Fees increase by 312% for 2,500 or 85% of all OC matters [<\$10k], by changing them from the 'community fee' to be a new 'Level 3' fee where the nature of the matter justifies a higher fee.

Fees increase by 1,194% for 500 or 15% of all OC matters, by reallocating them from the 'community fee' to be a new fee for amounts in dispute between \$10k-\$100k or no monetary value.

The rationale is that OC matters are currently charged the 'community fee' but are [along with Domestic Building, Fair Trading]:

- Increasingly commercial in nature, and/or
- Involve large claims
- Usually involve parties with the ability to pay a higher fee and raise questions with a lesser benefit than some other cases as the decision turns on the facts of the case and do not inform a general understanding of the scope of the relevant law
- Many matters are more costly to run than others for which the community fee is currently also charged

### Proposed OC List Fees

Value of cases	No. of cases total cases 3,100	Current OC List Fees	Proposed OC List Fees [staged over 3 years, but just showing final year 3]
< \$10k	2,550 85%	\$38.80	\$160.40
\$10k - \$100k, or No monetary value is sought	138 + 391 = 529 15%	\$38.80	\$502.50
\$100k - \$1m	5 0.1%	\$38.80	\$1,007.40
> \$1m	- 0%	\$38.80	\$2,014.80

The proposed regulations are due to commence 1 March 2013, and have a 3 year lifespan.