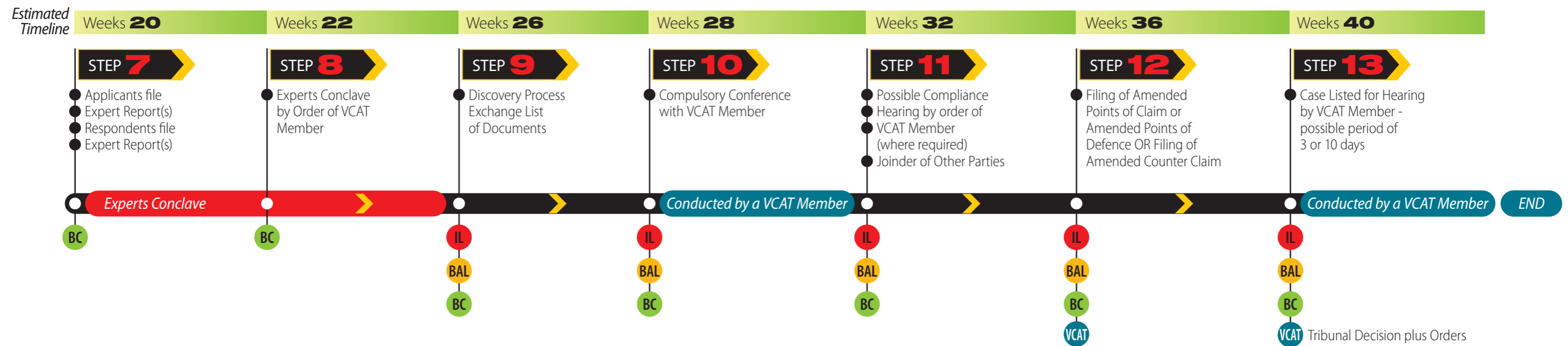
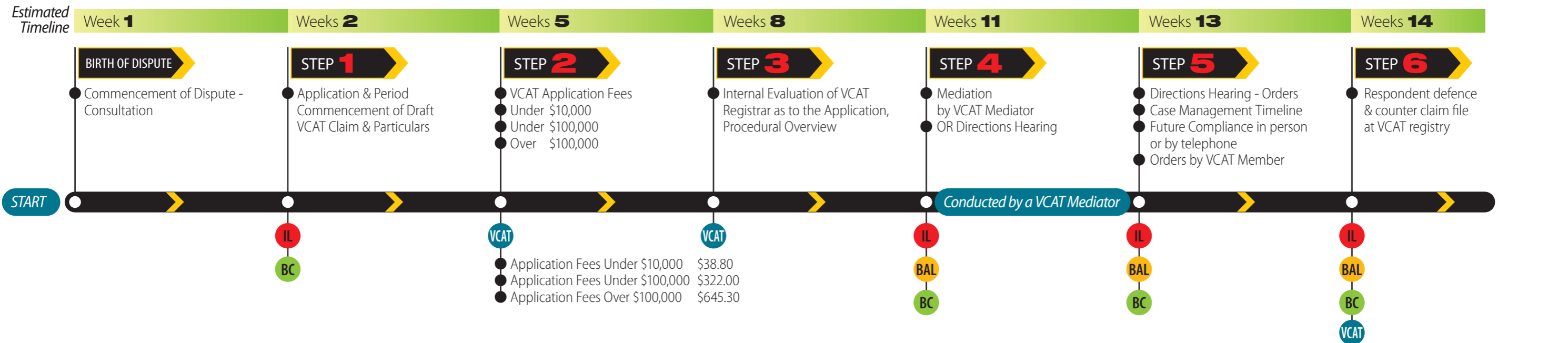


VCAT CASE MANAGEMENT PROCEDURES

Domestic Building List Procedures:



VCAT CASE MANAGEMENT PROCEDURES

APPLICANT - BASIS INSTRUCTING LAWYER

APPLICANT - BASIS BARRISTER AT LAW

APPLICANT - BASIS BOSTON GROUP - CONSULTING

VCAT FEES

STEP	APPLICANT - BASIS INSTRUCTING LAWYER	APPLICANT - BASIS BARRISTER AT LAW	APPLICANT - BASIS BOSTON GROUP - CONSULTING	VCAT FEES
STEP 1	● Application & Period Commencement of Draft VCAT Claim & Particulars	IL \$ 2,400.00		BC \$ 1,300.00
STEP 2	● VCAT Application Fees Under \$10,000 ● VCAT Application Fees Under \$100,000 ● VCAT Application Fees Over \$100,000	VCAT ● Application Fees Under \$10,000 \$38.80 ● Application Fees Under \$100,000 \$322.00 ● Application Fees Over \$100,000 \$645.30	VCAT ● Application Fees Under \$10,000 \$38.80 ● Application Fees Under \$100,000 \$322.00 ● Application Fees Over \$100,000 \$645.30	VCAT ● Application Fees Under \$10,000 \$38.80 ● Application Fees Under \$100,000 \$322.00 ● Application Fees Over \$100,000 \$645.30
STEP 3	● Evaluation by VCAT Registrar	VCAT \$ No Charge	VCAT \$ No Charge	VCAT \$ No Charge
STEP 4	● Mediation by VCAT Mediator ● Directions Hearing(s)	IL \$ 3,000.00 IL \$ 1,500.00	BAL \$ 1,100.00 BAL \$ 3,000.00	BC \$ 1,240.00 BC \$ 620.00
STEP 5	● Directions Hearing ● Case Management Timeline ● Future Compliance in person or by phone ● Orders by VCAT Member	IL \$ 1,500.00	BAL \$ 1,100.00	BC \$ 620.00
STEP 6	● Respondent defence & counter claim file at VCAT registry	IL \$ Review	BAL \$ Review	BC \$ Review
STEP 7	● Applicants file Expert Report(s) ● Respondents file Expert Report(s)	IL \$ Review	BAL \$ Review	BC \$ 2,500.00
STEP 8	● Experts Conclave by Order of VCAT Member Per Hour Basis	VCAT \$ Not Applicable	VCAT \$ Not Applicable	BC \$ 620.00
STEP 9	● Discovery Process Exchange List of Documents	IL \$ 5,000.00	BAL \$ 5,000.00	BC \$ 4,000.00
STEP 10	● Compulsory Conference with VCAT Member	IL \$ 3,000.00	BAL \$ 3,000.00	BC \$ 1,240.00
STEP 11	● Possible Compliance Hearing by order of VCAT Member (where required)	IL \$ 1,500.00	BAL \$ 1,100.00	BC \$ 620.00
STEP 12	● Filing of Amended Points of Claim or Amended Points of Defence OR Filing of Amended Counter Claim	IL \$ 2,500.00	BAL \$ 1,500.00	BC \$ 1,240.00
STEP 13	● Case Listed for Hearing by VCAT Member ● Plus Disbursements	IL \$ 3,000.00 Per Day x 3 Days = \$9,000.00 IL \$ 1,000.00	BAL \$ 3,000.00 Per Day x 3 Days = \$9,000.00 BAL \$ 800.00	BC \$ 1,240.00 BC \$ 1,000.00

TOTAL ESTIMATED PROCEEDINGS COST + GST:

\$ 30,722.00

\$ 25,922.00

\$ 16,562.00

NOTE: These are only estimated costs based on standard pathway or of a domestic building list proceeding and are to be read in conjunction with the guidance notes.

VCAT CASE MANAGEMENT PROCEDURES

Guidance Notes

Welcome to Boston Group 911 Build Assist

The Victorian Civil Administrative Tribunal is the sole jurisdiction in Victoria for Major Domestic Building Disputes that are between the following entities namely:

- Consumers
- Building Practitioners
- Architects
- Engineers
- Building Surveyors
- All other Types of Building Practitioners
- Sub Contractors
- Suppliers

Parties to a dispute can represent themselves in this jurisdiction or by a Lawyer or other Representative if they so desire, it is not compulsory to be represented by a Lawyer if you elect not to do so.

As outlined in the case management graph the Domestic Building List operates on a platform of about 13 General steps as described in the Case Management Flow Chart.

Presiding Members although have the sole authority to change and modify all case management proceedings as they deem fit for the specific requirements of a particular proceeding that has been commenced by an Applicant against any named Respondent(s), not all disputes are alike or identical.

That is to say that a Member may direct that multiple Compliance or Directions Hearings be required and or Compulsory Conferences or other strategic matters be attended to for this purpose.

The Hearings are generally conducted by way of an informal process of which a Member of VCAT will preside and have charge over all proceedings save for where a Mediator has been assigned on a day where a Mediation has been listed and Directed.

The VCAT Hearing rooms are very comfortable and designed for privacy incorporating conference rooms of which all hearings are recorded in each of the Tribunal Hearing Rooms where Evidence is given.

There are Rules applicable to this Jurisdiction as set out in the Victorian Civil and Administrative Tribunal Act 1998.

Instructing Lawyers & Barristers

As previously outlined parties to a proceeding are able to engage legal Counsel by way of an instructing Lawyer or Law Firm to act on their behalf, this process may and usually entails the separate engagement of a Barrister at Law to provide further Counsel within the proceeding.

Lawyers in these arrangements will generally in the first instance require you to enter into a retainer Fee agreement that will outline their costs for fees and services in relation to the work they will carry out for you.

We have endeavoured to outline within these graphs and guidance notes what those costs and charges may be for each and or any of the stages of the VCAT case management dispute pathway.

The Costs as depicted are estimated costs only and may vary from smaller to larger law firms or counsel you may engage for the purposes of the proceeding, as not all proceedings run the full length of the VCAT case management dispute pathway for various reasons.

Boston Group

The Boston Group will generally in the first instance require you to enter into a retainer Fee agreement for our consulting services that will outline our costs for fees and services in relation to the work we will carry out for you.

In most cases we will be requested to publish an expert report for the purposes of assisting the tribunal in accordance with PNVCAT2 practice note guidelines.

These report(s) may contain information surrounding building defects and or cost to complete calculations regarding the proceeding. In some Instances we may also provide a quotation or notification of our costs for consulting fees as works progress, this will be

done by way of Email or letter advice to you as and when required or requested pursuant to our consulting engagement.

The costs outlined within the graphs as depicted are estimated costs only and may vary depending on the nature of the issues that we encounter for the purposes of the proceeding, as not all proceedings run the full length of the VCAT case management dispute pathway for various reasons as outlined.

Building Industry Authorities

The Boston Group also recommends that you contact the below listed Authorities so as to seek assistance in relation to your dispute and or seek legal advice:

- CAV - Consumer Affairs-Department of Justice
- BACV - Building Advice Conciliation Victoria
- VCAT - Victorian Civil Administrative Tribunal
- BC - Building Commission
- BPB - Building Practitioners Board
- PIC - Plumbing Industry Commission
- ESV - Energy Safe Victoria



Department of Justice
Consumer Affairs Victoria
Consumer Affairs - Department of Justice
121 Exhibition Street, Melbourne 3000
Telephone: **1300 558 181**
Website: www.Justice.vic.gov.au



Consumer Affairs Victoria
Building Advice Conciliation Victoria
121 Exhibition Street, Melbourne 3000
Telephone: **1300 557 559**
Website: www.consumer.vic.gov.au



VCAT | victorian civil & administrative tribunal
Victorian Civil Administrative Tribunal
55 King Street, Melbourne 3000
Telephone: **9628 9999**
Website: www.vcat.vic.gov.au



Building Commission - Building Practitioners Board
Goods Shed North
733 Bourke Street, Docklands 3008
Telephone: **1300 815 127**
Website: www.buildingcommission.com.au



Plumbing Industry Commission
Goods Shed North
733 Bourke Street, Docklands 3008
Telephone: **1300 815 127**
Website: www.pic.gov.au



Energy Safe Victoria
Level 5, Building 2, 4 Riverside Quay, Southbank 3006
Telephone: **1800 652 563**
Emergency: **13 27 71**
Website: www.esv.vic.gov.au

