VCAT Victorian Civil & Administrative Tribunal

PRACTICE NOTE – PNCCL1

Consumer and Business Disputes Practice Area: General Procedures

Application	Proceedings in the Consumer and Business Disputes practice area
Effective date	27 June 2026
Supersedes Practice Note	Previous version of PNCCL1 issued on 1 February 2026
Special note	Please ensure that you are using an up-to-date version of this practice note. Other practice notes may also apply.
Further information	Many procedures common to the Consumer and Business Disputes practice area and to other VCAT practice areas are described in PNVCAT1 – Common Procedures. A complete set of current practice notes are available on the VCAT website at www.vcat.vic.gov.au.

Contents

Special Note 1
Introduction 2
Definitions 2
Describing the Dispute in the Application Form 3
Service of Documents by the Applicant 3
Service of Documents by the Respondent 4
Communicating with other parties and the Tribunal 4

Special Note

1. With effect from 1 February 2026, amendments to the *Victorian Civil and Administrative Tribunal Rules 2018* (Vic) come into operation
   a. to establish new divisions of the Tribunal (see rule 2.01); and
   b. to provide for the President to give directions about divisions and practice areas of the Tribunal as a matter of the business of the Tribunal (see rule 2.02).
2. From 1 February 2026 new VCAT practice areas published on the VCAT website replace the former lists.

Introduction

3. The Consumer and Business Disputes practice area is frequently used by people who represent themselves, rather than retaining a lawyer or other agent. This practice note is issued to encourage parties to only file necessary and relevant documents.
4. A new definition of "goods and services dispute" (in VCAT rule 1.05) describes that these disputes include —
    a. a consumer and trader dispute within the meaning of Chapter 7 of the *Australian Consumer Law and Fair Trading Act 2012*; or
    b. a cause of action arising under any provision of the Australian Consumer Law (Victoria).
5. The general procedures in this practice note apply to all proceedings in the Consumer and Business Disputes practice area as listed on the VCAT Website unless the Tribunal varies its operation at its discretion in the circumstances of a particular proceeding.
6. In any proceeding, the Tribunal may, at its discretion, vary the operation of a practice note by direction or order. Directions are often made in cases where the claim exceeds $15,000.00 or where the issues are complex.
7. This practice note should be read in conjunction with the practices and procedures set out in the Act and Rules. The practice note is also complemented by other VCAT-wide practice notes that apply.
8. This practice note has been issued by the Rules Committee pursuant to section 158 of the *Victorian Civil and Administrative Tribunal Act 1998* (Vic).

Definitions

Word	Definition
Act	*Victorian Civil and Administrative Tribunal Act 1998* (Vic)
Regulations	*Victorian Civil and Administrative Tribunal (Fees) Regulations 2026* (Vic)
Rules	*Victorian Civil and Administrative Tribunal Rules 2018* (Vic)
Applicant	The person making the application
Respondent	The person against whom the application is made

9. A word or term used in this practice note has the same meaning as defined in the Act or in the *Interpretation of Legislation Act 1984* (Vic).

Describing the Dispute in the Application Form

10. The application form that should be completed is available on the VCAT website: Goods and services disputes | VCAT, via the online portal 'myVCAT'.
11. The online form will prompt you for information. Please follow the instructions.
12. In completing it, the applicant must tell the Tribunal and each respondent against whom they are making a claim:
    a. what the dispute is about, and
    b. what order is being sought from the Tribunal as a remedy against the respondent they are claiming against.
13. Usually, all the necessary information can be included in the online application form itself. If there is not enough space in the application form, an applicant can attach a document summarising the dispute and must number each paragraph in sequence.
14. Some supporting documents that help to explain or verify the applicant's claim – such as invoices or receipts for the good or service bought or supplied, photographs of the item bought or sold, the terms and conditions of the contract and other documents of this nature – should now be attached to the application form.
15. Also:
    a. If an applicant or respondent has an ABN (Australian Business Number) then the applicant must file a copy of an extract from the Australian Business Register that shows their ABN.
    b. If an applicant or respondent is a company, the applicant must file with their application form a copy of an ASIC search showing the company name and registered address of the company.
    c. If an applicant or respondent has a business name, the applicant must file a copy of a search for the business name.
16. Instructions on how to obtain these searches are on the VCAT website. Only the ASIC search requires a fee.

Service of Documents by the Applicant

17. After completing and submitting an online application form, the applicant will receive from the Tribunal verification of what has been filed.

18. If an applicant has used a paper application form to make their application to the Tribunal, they will need to make a copy of it and all attachments for their own records and so they can serve a copy on the respondent/s (see 'Service of Documents' below).
19. When an application is filed/lodged with the Tribunal it will be given a unique case number by the Tribunal. This number must be used on all documents and correspondence that relates to the case that is sent to the other party/parties and to the Tribunal.
20. It is the responsibility of the applicant to serve their application on each respondent with all the supporting documents that were filed with the Tribunal.
21. If a respondent is a company, postal service or personal delivery is to be made at the registered office as shown on the ASIC search or by sending it to the company's electronic address (e.g. email). An electronic address can only be used to serve documents if it has previously been used between parties to communicate or if the intended recipient has previously provided their email address as the means of communication to the Tribunal.
22. Applicants should retain a copy of the application form, together with all attachments, for their own records and make a record of when they served it on each respondent.
23. At the hearing, the applicant must give to the Tribunal Member a signed and completed declaration of service form.

Note: If a respondent does not attend the hearing, it is essential that the applicant proves that a complete copy of the application form with all attachments was served on the respondent. If the documents have not been served, the proceeding might be struck out or the hearing adjourned. If the hearing is adjourned, a hearing fee will be payable by the applicant for any subsequent day of hearing.

Service of Documents by the Respondent

24. In the interests of fairness, all respondents should send copies of documents relied on in defence of the claim to all other parties to the proceeding as soon as possible. This prevents parties from being "ambushed" at the hearing, which can lead to adjournments.

Communicating with other parties and the Tribunal

25. If the parties write to the Tribunal (for example, to apply for directions), they must send a copy of this correspondence to the other parties. See Practice Note *PNVCAT1 – General Procedures*.

26. The Tribunal encourages the parties to communicate with each other prior to the hearing. By doing so, the parties may be able to narrow the issues in the dispute or even settle the matter entirely.
27. If the purpose of a letter or email is to make an offer to settle the proceeding, it should be marked "without prejudice". A copy of without prejudice correspondence **should not** be sent to the Tribunal. If the settlement offer is not accepted and the case proceeds to a hearing, the without prejudice offer **cannot** be disclosed to the Tribunal Member hearing the case.
28. Letters and emails that are not marked "without prejudice" can be disclosed to the Tribunal Member during the hearing. As an example, if you were saying to another party that you needed to inspect the building work that was the subject of the dispute, and that if he or she refused you would seek an order allowing you to do so, you may want to be able to rely on that letter in seeking such an order.

- END OF PRACTICE NOTE -