

APPLICATION FOR ORDER IN THE LEGAL PRACTICE LIST – CIVIL DISPUTES

ABOUT THIS FORM

Use this form if you are applying to VCAT for an order about legal costs or legal services.

NEED HELP WITH YOUR APPLICATION?

- email admin@courts.vic.gov.au
- call 1300 01 8228 (9am - 4.30pm weekdays)
- visit us in person at one of our venues.
To find your closest venue, visit vcat.vic.gov.au/visit

WHICH ACT ARE YOU MAKING THIS CLAIM UNDER?

1. Select the Act you are applying under:

- Australian Consumer Law and Fair Trading Act
- Legal Profession Uniform Law (Victoria) – attach the letter from the Victorian Legal Services Commissioner

2. Are you applying in response to another VCAT application that has been served on you?

- No – skip to Question 4
- Yes – provide the VCAT reference number:

3. Are you applying in response to a claim of \$15,000 or less made by your former lawyer or client in a Victorian court (not VCAT)?

See section 189 of the Australian Consumer Law and Fair Trading Act.

- No
- Yes – you must:
 - submit this form (in person or by mail)
 - pay the application fee and the transfer application fee, or apply for fee relief
 - attach a copy of the court documents
 - pay into the VCAT suspense account (by money order or in person) the full amount claimed against you in the court proceeding.

WHO IS MAKING THIS APPLICATION?

The applicant is the person who makes this application.

4. Are you an individual, organisation or company?

- Individual
- Organisation or company

5. Your details:

Given names

Family name

Organisation name (if applicable)

Street address

Suburb State Postcode

Phone number

Email

6. Do you wish to be identified as a person of Aboriginal and/or Torres Strait Islander descent?
 Yes No

IS THERE ANOTHER APPLICANT?

If you are the only applicant, skip to Question 11.

7. Is the second applicant an individual, organisation or company?

Individual
 Organisation or company

8. Details of second applicant:

Given names

Family name

Organisation name (if applicable)

Street address

Suburb State Postcode

Phone number

Email

9. Does the second applicant wish to be identified as a person of Aboriginal and/or Torres Strait Islander descent?
 Yes No

IS SOMEONE REPRESENTING YOU?

If you nominate a representative, we will send all our correspondences to your representative's address instead of your address.

10. Will you be represented by a lawyer, professional advocate or other representative?
 Yes No – skip to Question 12

11. Details of your representative:

Organisation name (if applicable)

Full name of representative

Street address

Suburb

State

Postcode

Phone number

Email

WHO ARE YOU MAKING AN APPLICATION AGAINST?

The respondent is the person, organisation (eg. legal firm) or company you are making your application against.

12. Is the respondent an individual, organisation or company?

Individual

Organisation or company

13. Details of respondent:

Given names

Family name

Organisation name (if applicable)

Street address

Suburb

State

Postcode

Phone number

Email

SECOND RESPONDENT'S DETAILS

If there is only one respondent, skip to Question 16.

14. Is the second respondent an individual, organisation or company?

Individual

Organisation or company

15. Details of second respondent:

Given names

Family name

Organisation name (if applicable)

Street address

Suburb State Postcode

Phone number

Email

CLAIM DETAILS

16. How much is your claim?

Enter the amount you are claiming. If you are not claiming an amount, enter the approximate value of your claim instead. We ask for more details about your claim in Question 17.

The amount you claim determines the application fee you must pay. For more information about fees, see Page 7.

If you later increase your claim, you may be required to pay additional fees.

\$

WHAT ORDERS ARE YOU SEEKING?

17. What orders do you want VCAT to make?

- An order that the respondent pay me the amount claimed
- An order declaring I do not owe the respondent the amount of my claim
- An order that I am refunded the amount claimed
- Other, please specify:

18. Why do you want VCAT to make these orders?

- The respondent has not paid me for my services
- The services were not provided with due care and skill or the respondent was negligent
- The services were not supplied in a reasonable time
- The respondent did not tell me how much the services were estimated to cost or did not update me when the estimated costs changed
- The respondent misled me about the services
- Other – provide details in Question 19

19. Provide more details about your claim.

Briefly describe the problem. Be clear, number your points and include enough information, including relevant dates, so the respondent can understand the claim. If claiming payment or a refund of money, you must include details of each amount claimed and how you have calculated it, and details of any amounts you have paid or received. If you need more space, you can attach a document setting out the details of the claim.

HEARING ARRANGEMENTS

We offer a range of support services for people with disability, language difficulties and to help with accessibility. Let us know of your needs so we can make arrangements for the hearing.

20. Does anyone mentioned in this application need special assistance at the hearing?

Help accessing the venue (e.g. wheelchair access)

Interpreter required

Language:

Assisted communication (e.g. assistive listening device or hearing loop)

Attend the hearing by phone or video link

Other

Provide more detail about who needs the forms of assistance you have indicated and why.

SERVICE OF APPLICATION

You must send (serve) a copy of this application to the respondent/s within seven days of submitting it to VCAT.

You will need to provide evidence that you have served the application on the respondent at the hearing.

You can only send documents to other parties by email if you have already exchanged information with them this way. If not, send documents by post or give them in person.

If you don't send your documents to the respondent, your hearing may be changed to a later date (adjourned).

21. When will you serve the respondent/s?

Date of service (DD/MM/YYYY)

22. How will you serve the respondent/s?

- By electronic means (eg. email)
- By registered post
- By standard post
- By handing the application to the respondent personally

ACKNOWLEDGEMENT

By completing this application, I understand and acknowledge that:

- To the best of my knowledge, all information provided in this application is true and correct.
- It is an offence under section 136 of the *Victorian Civil and Administrative Tribunal Act 1998* to knowingly give false or misleading information to VCAT.

Full name of person completing this form:

Date of acknowledgement (DD/MM/YYYY):

FURTHER STEPS TO TAKE

You must do the following:

- Attach the key documents that support your claim.
- If your claim is about legal costs, attach any costs agreements, costs disclosure documents, tax invoices, relevant correspondence and all other documents on which you intend to rely on in the hearing
- Send a copy of your application to the respondent, including all supporting documents described above.
- Keep a copy of this application for your own records.

ABOUT VCAT FEES

VCAT fees are charged according to three levels:

- **corporate** fees for businesses and companies with a turnover of \$300,000 or more in the previous financial year, corporate entities, schools and government agencies
- **standard** fees for individuals, not-for-profit organisations, and small businesses and companies with a turnover of less than \$300,000 in the previous financial year. Companies must provide a statutory declaration to support this claim
- **concession** fees for people who hold an Australian health care card, pensioner concession card or a veteran gold card. You must provide a copy of your card with your application.

To find out if you need to pay an application fee and how much it costs, go to vcat.vic.gov.au/fees

FEE RELIEF

We can reduce or not charge (waive) a VCAT fee in certain circumstances.

Some people are automatically entitled to a full fee waiver. You can also apply for fee relief if paying the fee would cause you financial hardship. For more information about fee relief, go to www.vcat.vic.gov.au/feerelief.

Are you applying for fee relief?

- No, go to **Fee payment** section
- Yes, complete **Fee relief form** and attach it to this application form

FEE PAYMENT

Complete this section unless you are applying for fee relief, no fee is payable or you wish to pay using another method. For other payment options, see www.vcat.vic.gov.au/howtopay.

Choose the fee level: Standard Corporate Concession

Fee amount charged

Card details

Cards accepted: VISA MasterCard

Cardholder name:

Card number:

Card expiry (mm/yy):

REMOVE THIS PAGE WHEN SENDING A COPY OF THIS APPLICATION TO THE RESPONDENT

SUBMITTING THIS APPLICATION

If you have supplied your credit card details, send your completed form to us by post or give it to us in person.

If you have not provided your credit card details on this form, you can submit your application to us by email, post or in person.

To protect yourself, do not send credit card details over email.

By email

Email admin@vcat.vic.gov.au

By post

Send to:

The Registrar
Legal Practice List
Victorian Civil and Administrative Tribunal
GPO Box 5408 Melbourne VIC 3001

In person

You can submit your application in person at one of our venues.
To find your closest venue, visit vcat.vic.gov.au/visit

PRIVACY INFORMATION

For a copy of VCAT's privacy statement, go to www.vcat.vic.gov.au/privacy.

WHAT HAPPENS NEXT

After we receive your application and payment, we will open a VCAT case and tell you what happens next.

Contact us if you do not hear from us within two weeks of submitting your application.