

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

CIVIL DIVISION

RESIDENTIAL TENANCIES LIST

VCAT REFERENCE NOs. R2013/- 24412 24420 24432
24435 24438 24440 24444 24446 24448 24450 24453
24454 24456 24458 24462 24465 24467 24469 24473
24475 24476 24889 26140 26142 26148 26150 26155
26159 26158 26162 26163 26164 26167 26169 26172
28261 28264 28265 28266 28267 28268 28269 28664
28728

APPLICANT Colin Stanley Aisbett and Others
RESPONDENT Secretary to the Department of Human Services
WHERE HELD William Cooper Justice Centre, Melbourne
BEFORE Judge Jenkins, Vice President
HEARING TYPE Jurisdictional Hearing
DATE OF HEARING 28 and 29 August 2013
DATE OF ORDER 29 August 2013

Note:

Following an oral ruling in response to the Respondent's application to dismiss the substantive applications, for lack of jurisdiction, the following orders were made:

ORDER

- 1 The Tribunal has considered the jurisdictional question and has determined that the Tribunal has jurisdiction and power under ss 71 and 72 of the *Disability Act 2006* (Vic) to make an order under s 72(1)(b) of the Act directing that a residential charge cannot exceed the amount specified in the order in circumstances where the residential charge is not to be considered to be excessive by reason of s 72(3) because it does not exceed the relevant prescribed amount under s 72(5) of that Act.
- 2 The Respondent's application is dismissed.
- 3 The Respondent shall provide a written statement of reasons for the proposed increase in the residential charge by Thursday, 5 September 2013.
- 4 The proceedings are listed for a directions hearing at 10:00am on 13 September 2013 at William Cooper Justice Centre, 223 William Street, Melbourne.

M. Jenkins
Judge Jenkins
Vice President

