

**Victorian Civil and Administrative Tribunal (Fees)  
Regulations 2016  
S.R. No. xx/2016**

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STATUTORY RULES 2016

S.R. No. xx/2016

*Victorian Civil and Administrative Tribunal Act 1998*

**Victorian Civil and Administrative Tribunal (Fees)  
Regulations 2016**

The Governor in Council makes the following Regulations:

Dated:

Responsible Minister:

MARTIN PAKULA  
Attorney-General

Clerk of the Executive Council

**1 Objectives**

The objectives of these Regulations are to prescribe—

- (a) fees payable for the commencement and hearing of proceedings in the Victorian Civil and Administrative Tribunal; and
- (b) fees payable for—
  - (i) the issuing of warrants and witness summonses; and
  - (ii) inspection of the register; and
  - (iii) the provision of ancillary services by the Victorian Civil and Administrative Tribunal; and
- (c) other matters relating to fees payable under the **Victorian Civil and Administrative Tribunal Act 1998**.

## 2 Authorising provision

These Regulations are made under section 161 of the **Victorian Civil and Administrative Tribunal Act 1998**.

## 3 Commencement

These Regulations come into operation on 1 July 2016.

## 4 Revocation

The following Regulations are **revoked**—

- (a) the Victorian Civil and Administrative Tribunal (Fees) Regulations 2013<sup>1</sup>;
- (b) the Victorian Civil and Administrative Tribunal (Fees) Amendment Regulations 2013<sup>2</sup>;
- (c) the Victorian Civil and Administrative Tribunal (Fees) Amendment Regulations 2015<sup>3</sup>;
- (d) the Victorian Civil and Administrative Tribunal (Fees) Further Amendment Regulations 2015<sup>4</sup>;
- (e) the Victorian Civil and Administrative Tribunal (Fees) Amendment (Powers of Attorney) Regulations 2015<sup>5</sup>.

## 5 Definitions

(1) In these Regulations—

**commencement**, in relation to a proceeding, includes the lodgement of any of the following—

- (a) an application;
  - (b) a claim;
  - (c) a counterclaim;
  - (d) a third party notice;
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(e) any other originating process;

***complex case*** means a proceeding that the principal registrar has determined to be complex case under regulation 6;

***concession fee payer*** means a person who holds a health care card within the meaning of the Social Security Act 1991 of the Commonwealth;

***corporate fee payer*** means a person other than a standard fee payer or a concession fee payer;

***dwelling*** has the same meaning it has in the Victoria Planning Provisions in relation to the use of land;

***hearing*** includes any accompanied site visit or inspection, but does not include any of the following—

- (a) a compulsory conference;
- (b) a directions hearing;
- (c) a mediation;
- (d) a practice day hearing;

***major case*** means proceeding entered into the Major Cases List within the Planning and Environment List in accordance with regulation 7;

***standard fee payer*** means the following—

- (a) a natural person other than a natural person acting in the capacity of a statutory office holder;
- (b) any other person or entity that has—
  - (i) as its whole or dominant purpose a charitable, benevolent, or philanthropic purpose, other than a school or a government body; or

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- (ii) a turnover of less than \$200,000 in the financial year before the financial year in which the fees are to be paid;

*taxing Act* has the same meaning that it has in Schedule 1 to the Act;

*the Act* means the **Victorian Civil and Administrative Tribunal Act 1998**;

*VicSmart proceeding* means a proceeding that relates to a VicSmart permit application for the purposes of a planning scheme approved under the **Planning and Environment Act 1987**;

*Victoria Planning Provisions* has the same meaning as it has in the **Planning and Environment Act 1987**.

- (2) For the purposes of paragraph (b)(ii) of the definition of *standard fee payer*, if the person or entity has not been in operation for a full financial year, it is taken to have a turnover of less than \$200,000 if—
- (a) it certifies that it expects to have a turnover of less than \$200,000 in its first full financial year of operation; and
  - (b) provides any documents required by the principal registrar to support the certification under paragraph (a).

## 6 Complex case

At any time, the principal registrar may determine that a proceeding is a complex case, having regard to the following—

- (a) whether the proceeding relates to an occupational licensing, registration or disciplinary matter;
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- (b) whether the hearing of the proceeding is likely to take 2 or more days;
- (c) whether an expert witness is giving or is likely to give evidence in the proceeding;
- (d) whether there are 3 or more parties to the proceeding, including any parties that have joined the proceeding after lodgement;
- (e) whether a substantial volume of documentary evidence has been, or is likely to be, filed in the proceeding;
- (f) whether more than one member has been, or is likely to be, appointed to hear the proceeding;
- (g) whether a presidential member has been, or is likely to be, appointed to hear the proceeding.

**7 Major case**

- (1) At the commencement of a proceeding arising under the following, the applicant may elect to have the proceeding entered into the Major Cases List within the Planning and Environment list—
    - (a) section 77, 79, 80 or 87A of the **Planning and Environment Act 1987**;
    - (b) section 33(1) or 33A(1) of the **Environment Protection Act 1970**.
  - (2) At any time after the commencement of a proceeding arising under the following, the applicant for the permit that is the subject of the proceeding may pay a fee of 165 fee units and elect to have the proceeding entered into the Major Cases List within the Planning and Environment list—
    - (a) section 82 or 82B of the **Planning and Environment Act 1987**;
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(b) section 33B of the **Environment Protection Act 1970**.

**8 Fees**

- (1) The fees set out in the Scale of Fees in Schedule 1 are payable at the Tribunal as specified in that Schedule and in accordance with this regulation.
- (2) For a corporate fee payer, the fee for an item specified in column 2 of Schedule 1 is the amount specified in the corresponding entry of column 3 of Schedule 1.
- (3) For a standard fee payer, the fee for an item specified in column 2 of Schedule 1—
  - (a) in respect of a proceeding that is not a major case, is 70 per cent of amount specified in the corresponding entry of column 3 of Schedule 1, rounded to the nearest 10 cents;
  - (b) in respect of a major case, is the amount specified in the corresponding entry of column 3 of Schedule 1.
- (4) Subject to subregulation (5), for a concession fee payer, the fee for an item specified in column 2 of Schedule 1—
  - (a) in respect of a proceeding that is not a major case, is the lesser of the following—
    - (i) 35 per cent of amount specified in column 3 of Schedule 1 for the relevant item, rounded to the nearest 10 cents;
    - (ii) for the period commencing 1 July 2016 and ending 30 June 2017, \$150.00;
    - (iii) for the period commencing 1 July 2017, 11 fee units; and

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- (b) in respect of a major case, is the amount specified in the corresponding entry of column 3 of Schedule 1.
- (5) Despite subregulation (4), no fee is payable by a concession fee payer in respect of a proceeding that is—
  - (a) allocated to the residential tenancies division; or
  - (b) allocated to the civil division and is for a specified sum that is not more than \$10,000.

**9 Proceeding commenced under more than one enactment**

Only one fee is payable, which is the higher or highest of the applicable fees if—

- (a) a proceeding is commenced under—
  - (i) more than one enabling enactment; or
  - (ii) more than one provision of an enabling enactment; or
- (b) an item for which a fee is payable under Schedule 1 can be described by more than one of the specifications in column 2 of Schedule 1 .

**10 Time for payment of hearing fee**

Any fee payable under Part 3 of Schedule 1 must be paid by 9.30 a.m. on the day of the hearing to which the fee relates.

**11 Inspection of register of proceedings**

For the purposes of section 144(4) of the Act, the prescribed fee—

- (a) for a person other than a concession fee payer, is 5 fee units; and
  - (b) for a concession fee payer, is 1·9 fee units.
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**12 Principal registrar's certificate**

For the purposes of section 145(2) of the Act, the prescribed fee—

- (a) for a person other than a concession fee payer, is 5.2 fee units; and
- (b) for a concession fee payer, is 2 fee units.

**13 Inspection of proceeding files**

For the purposes of section 146(3) of the Act, the prescribed fee—

- (a) for a person who is not a party to the proceeding, to inspect a proceeding file—
  - (i) for a person other than a concession fee payer, is 8.1 fee units; and
  - (ii) for a concession fee payer, is 3 fee units;
- (b) for the provision by the principal registrar of a copy of a document from a proceeding file, is 60 cents per page.

**14 Fee for issue of a witness summons**

The prescribed fee for the issue of a witness summons under the Act or any enabling enactment—

- (a) for a person other than a concession fee payer, is 1.6 fee units; and
- (b) for a concession fee payer, is \$8.00.

**15 Reduction, waiver, postponement, remission or refund of fees**

For the purposes of section 132(1) and (1A) of the Act, each of the following is a prescribed ground—

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- (a) a fee in relation to a proceeding has been paid more than once;
- (b) a person has paid the fee payable by a standard fee payer but is eligible to pay the fee payable by a concession fee payer;
- (c) a person has paid the fee payable by a corporate fee payer but is eligible to pay the fee payable by a standard fee payer or a concession fee payer;
- (d) the principal registrar considers there are special reasons for doing so.

**16 Transitional provisions**

- (1) These Regulations apply to any proceeding in the Tribunal which has commenced, but is not completed, before the day these Regulations come into operation.
  - (2) Despite subregulation (1), if, before these Regulations come into operation—
    - (a) a fee has already been paid in relation to a corresponding item under either of the following, a second or higher fee is not payable in relation to a proceeding referred to in that subregulation—
      - (i) Schedule 1 to the Victorian Civil and Administrative Tribunal (Fees) Interim Regulations 2012<sup>6</sup>; or
      - (ii) Schedule 1 to the Victorian Civil and Administrative Tribunal (Fees) Regulations 2013.; or
    - (b) a fee waiver has already been granted under section 132 of the Act, a fee is not payable in relation to a proceeding referred to in that subregulation.
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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item No.</i>	<i>Enactment</i>	<i>Fee payable</i>
	<b>Part 1—Fee for commencement of a proceeding</b>	Regulation 8
1.	No fee is payable for the commencement of a proceeding under the following enabling enactments or provisions of enabling enactments— <b>Assisted Reproductive Treatment Act 2008</b> <b>Children, Youth and Families Act 2005</b> <b>Disability Act 2006</b> , except section 45 <b>Equal Opportunity Act 2010</b> , except section 89(5)(a) <b>Freedom of Information Act 1982</b> , applications under section 50 if— (a) the application is for the review of a deemed decision under section 53 refusing to grant access to a document; or (b) the applicant is a natural person and the document to which access is sought contains information relating to the applicant's personal affairs <b>Guardianship and Administration Act 1986</b> <b>Health Records Act 2001</b> <b>Medical Treatment Act 1988</b> , section 5C <b>Mental Health Act 2014</b> <b>Powers of Attorney Act 2014</b> <b>Privacy and Data Protection Act 2014</b> <b>Public Health and Wellbeing Act 2008</b> , sections 122 and 204 <b>Racial and Religious Tolerance Act 2001</b> <b>Residential Tenancies Act 1997</b> , Part 10	

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- Supported Residential Services (Private Proprietors) Act 2010**, sections 105 and 121
2. For the commencement of a proceeding under the following enabling enactments—
- Landlord and Tenant Act 1958**, Part V
- Motor Car Traders Act 1986**, section 45
- Residential Tenancies Act 1997**, except Part 10
- Supported Residential Services (Private Proprietors) Act 2010**, section 123 6.3 fee units
3. For the commencement of a proceeding under the following enabling enactments—
- Building Act 1993**, except sections 25J and 182A, Division 12 of Part 12A and clause 10(3) and (4) of Schedule 7
- Company Titles (Home Units) Act 2013**
- Estate Agents Act 1980**, sections 56A(4) and 56B(1)
- House Contracts Guarantee Act 1987**
- Housing Act 1983**
- Owner Drivers and Forestry Contractors Act 2005**
- Retirement Villages Act 1986**
- Sale of Land Act 1962**, section 44
- Subdivision Act 1988**, Part 5
- Water Act 1989**, section 19 47 fee units
4. For the commencement of a proceeding under the following enabling enactments—
- Accident Compensation Act 1985**
- Accident Towing Services Act 2007**
- Adoption Act 1984**, section 129A
- Agricultural and Veterinary Chemicals (Control of Use) Act 1992**
- Architects Act 1991**
- Associations Incorporation Reform Act 2012**
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**Back to Work Act 2015**

**Biological Control Act 1986**

**Births, Deaths and Marriages Registration Act 1996**

**Building Act 1993**, sections 25J and 182A,  
Division 12 of Part 12A and clause 10(3) and (4) of  
Schedule 7

**Bus Safety Act 2009**

**Cemeteries and Crematoria Act 2003**

**Children's Services Act 1996**

**Conveyancers Act 2006**, sections 33, 34, 146 and  
187

Co-operatives National Law (Victoria)

**Country Fire Authority Act 1958**

**Dairy Act 2000**

**Dangerous Goods Act 1985**

**Disability Act 2006**, section 45

**Domestic Animals Act 1994**

**Drugs, Poisons and Controlled Substances Act 1981**

Education and Care Services National Law  
(Victoria)

**Education and Training Reform Act 2006**,  
Division 14 of Part 2.6 and Part 4.8

**Electoral Act 2002**

**Electricity Safety Act 1998**

**Emergency Management Act 1986**

**Emergency Services Superannuation Act 1986**

**Equal Opportunity Act 2010**, section 89(5)(a)

**Equipment (Public Safety) Act 1994**

**Estate Agents Act 1980**, except sections 56A(4)  
and 56B(1)

**Firearms Act 1996**, section 182

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**First Home Owner Grant Act 2000**

**Fisheries Act 1995**

**Freedom of Information Act 1982**, except applications under section 50 if—

- (a) the application is for the review of a deemed decision under section 53 refusing to grant access to a document; or
- (b) the applicant is a natural person and the document to which access is sought contains information relating to the applicant's personal affairs

**Fundraising Act 1998**

**Gas Safety Act 1997**

**Health Practitioner Regulation National Law (Victoria) Act 2009**

Health Practitioner Regulation National Law (Victoria)

**Health Services Act 1988**, sections 57C and 110

**Liquor Control Reform Act 1998**

**Livestock Disease Control Act 1994**

**Local Government Act 1989**, except sections 183, 185 and 185AA

**Major Sporting Events Act 2009**

**Meat Industry Act 1993**, section 24

**Metropolitan Fire Brigades Act 1958**

**Motor Car Traders Act 1986**, except section 45

**Occupational Health and Safety Act 2004**

**Owners Corporations Act 2006**, section 191

**Parliamentary Salaries and Superannuation Act 1968**

**Pharmacy Regulation Act 2010**, section 62

**Pipelines Act 2005**, sections 64, 83 and 182

**Prevention of Cruelty to Animals Act 1986**, section 33

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**Private Security Act 2004**, Part 7

**Professional Boxing and Combat Sports Act 1985**

**Property Law Act 1958**, Part IV

**Public Health and Wellbeing Act 2008**,  
section 207

**Racing Act 1958**

**Rail Safety (Local Operations) Act 2006**, Part 7  
Rail Safety National Law (Victoria)

**Relationships Act 2008**, Part 2.4 of Chapter 2

**Road Management Act 2004**

**Road Management (General) Regulations 2016**

**Road Safety Act 1986**

**Road Safety (Vehicles) Regulations 2009**,  
regulations 128 and 215

**Seafood Safety Act 2003**

**Second-Hand Dealers and Pawnbrokers Act 1989**, sections 9B, 14 and 18A

**Sentencing Act 1991**, section 105L

**Sex Work Act 1994**

**Small Business Commissioner Act 2003**,  
section 11A

**State Employees Retirement Benefits Act 1979**

**State Superannuation Act 1988**

**Superannuation (Portability) Act 1989**

**Supported Residential Services (Private Proprietors) Act 2010**, section 206

**Surveying Act 2004**, section 33  
taxing Act

**Therapeutic Goods (Victoria) Act 2010**,  
section 30

**Transport Accident Act 1986**

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**Transport Superannuation Act 1988**

**Transport (Compliance and Miscellaneous)  
Act 1983**

**Unclaimed Money Act 2008**, sections 59, 61 and  
63

**Veterinary Practice Act 1997**, section 55

**Vexatious Proceedings Act 2014**

**Victims of Crime Assistance Act 1996**

**Victoria State Emergency Service Act 2005**

**Victoria State Emergency Service Regulations  
2006**

**Victorian Plantations Corporation Act 1993**

**Wildlife Act 1975**

**Working with Children Act 2005**

**Workplace Injury Rehabilitation and  
Compensation Act 2013**

64 fee units

5. For the commencement of a proceeding under the  
following enabling enactments—

**Aboriginal Heritage Act 2006**

**Catchment and Land Protection Act 1994**,  
section 48

**Climate Change Act 2010**

**Conservation, Forests and Lands Act 1987**,  
section 76

**Education and Training Reform Act 2006**

**Flora and Fauna Guarantee Act 1988**,  
sections 34(3), 41, 41A and 43(12)

**Gambling Regulation Act 2003**

**Health Services Act 1988**, section 67

**Heritage Act 1995**

**Land Acquisition and Compensation Act 1986**

**Legal Profession Uniform Law Application Act  
2014**, section 91

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<b>Legal Profession Uniform Law (Victoria)</b>	
<b>Local Government Act 1989</b> , sections 183, 185 and 185AA	
<b>Petroleum Act 1998</b>	
<b>Pipelines Act 2005</b> , section 154	
<b>Plant Biosecurity Act 2010</b> , section 59	
<b>Major Transport Projects Facilitation Act 2009</b>	
<b>Mineral Resources (Sustainable Development) Act 1990</b>	
<b>Subdivision Act 1988</b> , except Part 5	
<b>Traditional Owner Settlement Act 2010</b>	
<b>Urban Renewal Authority Victoria Act 2003</b>	
<b>Valuation of Land Act 1960</b>	
<b>Water Act 1989</b> , except section 19	84 fee units
6. For the commencement of a proceeding under—	
(a) the <b>Australian Consumer Law and Fair Trading Act 2012</b> , except a proceeding allocated to the residential tenancies division;	
(b) the <b>Domestic Building Contracts Act 1995</b> ;	
(c) the <b>Owners Corporations Act 2006</b> , except section 191;	
(d) section 99 of the <b>Legal Profession Uniform Law Application Act 2014</b> —	
where the claim is—	
(e) for a sum that is specified, but is not more than \$3,000	6.3 fee units
(f) for a sum that is more than \$3,000 but not more than \$10,000	18.3 fee units
(g) for a sum that is more than \$10,000 but not more than \$100,000 or not for a sum or for nil	47 fee units
(h) for a sum that is more than \$100,000 but not more than \$500,000	77 fee units
(i) for a sum that is more than \$500,000 but not more than \$1 million	105 fee units

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|-------|---|----------------|
| (j)   | for a sum that is more than \$1 million but not more than \$5 million   | 133 fee units  |
| (k)   | for a sum that is not specified or is more than \$5 million   | 161 fee units  |
| 7.    | For the commencement of a proceeding under the <b>Australian Consumer Law and Fair Trading Act 2012</b> , where the proceeding is allocated to the residential tenancies division and the claim is— |                |
| (a)   | for a sum that is not more than \$10,000 or not for a sum   | 6.3 fee units  |
| (b)   | for a sum that not specified or is more than \$10,000   | 18.3 fee units |
| 8.    | For the commencement of a proceeding under the <b>Retail Leases Act 2003</b> , where the claim is—  |                |
| (a)   | for a sum that is not more than \$100,000 or not for a sum  | 47 fee units   |
| (b)   | for a sum that is not specified or is more than \$100,000 but not more than \$500,000   | 77 fee units   |
| (c)   | for a sum that is more than \$500,000 but not more than \$1 million   | 105 fee units  |
| (d)   | for a sum that is more than \$1 million but not more than \$5 million   | 133 fee units  |
| (e)   | for a sum that is more than \$5 million   | 161 fee units  |
| 9.    | For the commencement of a proceeding under section 77 or 79 of the <b>Planning and Environment Act 1987</b> if the proceeding is not a major case and relates to—                                   |                |
| (a)   | a VicSmart proceeding or a development that is solely a single dwelling   | 84 fee units   |
| (b)   | a development of a kind not referred to in paragraph (a) having an estimated cost of—   |                |
| (i)   | nil   | 111 fee units  |
| (ii)  | more than nil but is not more than \$1 million  | 94 fee units   |
| (iii) | more than \$1 million but is not more than \$5 million  | 111 fee units  |
| (iv)  | more than \$5 million but is not more than \$15 million   | 139 fee units  |
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(v) more than \$15 million but is not more than \$50 million	167 fee units
(vi) more than \$50 million or is not specified	195 fee units
10. For the commencement of a proceeding under <b>Planning and Environment Act 1987</b> , sections 87, 89 or 93	17 fee units
11. For the commencement of a proceeding that is a major case, where the proceeding relates to a development having an estimated cost of—	
(a) nil	223 fee units
(b) more than nil but is not more than \$1 million	206 fee units
(c) more than \$1 million but is not more than \$5 million	223 fee units
(d) more than \$5 million but is not more than \$15 million	251 fee units
(e) more than \$15 million but is not more than \$50 million	279 fee units
(f) more than \$50 million or is not specified	307 fee units
12. For the commencement of a proceeding under any provision of the <b>Planning and Environment Act 1987</b> or the <b>Environment Protection Act 1970</b> not otherwise specified in Part 1 of this Schedule	84 fee units
13. For the commencement of a proceeding under any enabling enactment not otherwise specified in Part 1 of this Schedule	64 fee units
<b>Part 2—Fee for an application and other matters in relation to an existing proceeding</b>	
14. For the making of an application in relation to a proceeding, after the commencement of that proceeding under the <b>Victorian Civil and Administrative Tribunal Act 1998</b> —	
(a) section 109, if the proceeding in relation to which the application is made was allocated to the Tribunal's—	
(i) administrative division	64 fee units
(ii) civil division	36 fee units

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- (b) section 120, if the proceeding in relation to which the application is made was allocated to the Tribunal's—
- (i) administrative division 17 fee units
  - (ii) civil division 6.3 fee units
15. For lodging a statement of grounds in accordance with Clause 56 of Schedule 1, unless accompanied by a written notice under clause 56(5) 5.5 fee units
16. For transfer of a proceeding from the Magistrates' Court to the Tribunal (payable, in addition to the relevant fee for commencement of the proceeding in the Tribunal) 6.3 fee units
17. For an application for an injunction to be heard urgently (payable, in addition to the relevant fee for commencement of the proceeding) 21 fee units
18. For the issuing of a warrant in a proceeding in the Tribunal's residential tenancies division 11 fee units

**Part 3—Hearing fee**

19. For hearing a proceeding for which a fee is payable under Part 1 of this Schedule on commencement, for each day or part of a day, if the proceeding is—
- (a) a major case or a complex case that is allocated to the administrative division 241 fee units
  - (b) a complex case that is allocated to the civil division or the human rights division 177 fee units
  - (c) for a claim that is not for a sum, or is for an unspecified sum, or is for a sum more than \$10,000—
    - (i) day 1, for a proceeding that is a VicSmart proceeding, a proceeding under section 80 of the **Planning and Environment Act 1987** or a claim for a specified sum that is not more than \$100,000 nil
    - (ii) day 1, otherwise 35 fee units
    - (iii) days 2 to 4 35 fee units
    - (iv) days 5 to 9 70 fee units
    - (v) day 10 and any subsequent day 105 fee units.
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Endnotes

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**Endnotes**

<sup>1</sup> Reg. 4(a): S.R. No. 53/2013.

<sup>2</sup> Reg. 4(b): S.R. No. 142/2013.

<sup>3</sup> Reg. 4(c): S.R. No. 24/2015.

<sup>4</sup> Reg. 4(d): S.R. No. 66/2015.

<sup>5</sup> Reg. 4(e): S.R. No. 101/2015.

<sup>6</sup> Reg. 16(2)(a): S.R. No. 147/2012. Revoked by S.R. No. 53/2013.