

Annual Report



2018–2019

VCAT Annual Report

About VCAT

VCAT is a tribunal that serves the community by resolving civil disputes and making decisions in human rights and guardianship cases.

We hear and decide cases in the State of Victoria, Australia.

The law that establishes VCAT and governs our operations is the *Victorian Civil and Administrative Tribunal Act 1998*.

VCAT is part of Victoria's justice system. The courts and VCAT operate independently of direction from executive government.

To support the independence of Victoria's courts and the tribunal, our administrative services and facilities are provided by a statutory body corporate: Court Services Victoria (CSV). See page 64.

About this report

VCAT must give the Attorney-General of Victoria an annual report before 30 September each year, as required under the VCAT Act.

This report is primarily prepared for the Attorney-General and Parliament of Victoria. It also provides important information for organisations that support people who use our services and our funding partners.

It provides an account of VCAT activities from 1 July 2018 to 30 June 2019 and progress against our *Strategic Plan: VCAT for the future 2018–22*.

This report includes summary financial information. VCAT's accounts are published as part of CSV's annual report, available at courts.vic.gov.au.

Dear Attorney-General,

In accordance with section 37 of the *Victorian Civil and Administrative Tribunal Act 1998*, we have the pleasure of submitting the VCAT Annual Report for the year ended 30 June 2019, for you to present to the Houses of Parliament.

Yours sincerely,



Justice Michelle Quigley
President



Mary Amiridis
Chief Executive Officer

Acknowledgement

VCAT acknowledges the Aboriginal and Torres Strait Islander people as the Traditional Custodians of the land. We also acknowledge and pay respect to their Elders — past, present and emerging.

Feedback

To make enquiries and give feedback on this report, visit vcat.vic.gov.au.

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Our Strategic Plan

Our Strategic Plan: VCAT for the future 2018–22 is guiding our activities.

Developed in consultation with our stakeholders, it sets a transformation agenda focused on enhanced digital service, easier access, stronger stakeholder relationships and an organisational culture empowered and ready for change.

01 Strategic Priority

Contemporary and customer-centric services



Embrace innovation and digital technologies to meet contemporary service expectations

02 Strategic Priority

Inclusive and accessible



Make it easier for all Victorians to participate and access justice

03 Strategic Priority

Responsive and collaborative relationships



Strengthen relationships with stakeholders and the community we serve

04 Strategic Priority

United leadership and culture



Embed the leadership capability and culture needed to drive change

05 Strategic Priority

Skilled for the future



Develop a modern and dynamic workforce for the future

Our vision and values

→ Our vision

To serve the community by resolving disputes in a timely, cost-effective and efficient way

→ Our values

Fairness, professionalism, integrity, impartiality, independence, efficiency, approachability, accessibility

→ Our goal

To be a tribunal that meets the needs of all Victorians

Contents

At a glance	06
Highlights, challenges, looking ahead	06
Services snapshot	08
Cases snapshot	09
Our organisation	10
President's message	12
Chief Executive Officer's message	13
Delivering our strategy	14
Strategic Priority 1: Contemporary and customer-centric services	15
Strategic Priority 2: Inclusive and accessible	21
Strategic Priority 3: Responsive and collaborative relationships	30
Strategic Priority 4: United leadership and culture	33
Strategic Priority 5: Skilled for the future	36
Delivering our services	39
Building and Property List	40
Civil Claims List	42
Guardianship List	44
Human Rights List	46
Legal Practice List	48
Owners Corporations List	50
Planning and Environment List	52
Residential Tenancies List	56
Review and Regulation List	58
Leadership and governance	61
Our leadership	62
Our governance	64
Appendices	68
Financial information	69
Workforce data	75
Allocation of functions	76
VCAT member directory	77
Appeals and complaints	78
Glossary	80
Index	82
Hearing locations	83
Contact details	back cover

At a glance

Highlights 2018-19

01

Established that online dispute resolution (ODR) could increase access to justice, by conducting an innovative Victorian-first pilot that involved 65 online hearings of small civil claims

02

Conducted gold-standard UX research, including a diary study that asked VCAT users to document their interactions with the tribunal during their case, to inform correspondence and service improvements

03

Built our digital capability and developed a radically new application experience that makes it simpler and faster to come to VCAT, due for launch next year

04

Realised benefits from releasing our online Guardianship Hub to hospitals, reducing by an average of 1.5 weeks the time a patient spends in hospital waiting for their hearing and subsequent discharge

05

Expanded the reach of the Fast Track Mediation and Hearing service to Hume and Loddon Mallee regions and increased the threshold to \$10,000 at our King St venue

06

Increased compulsory conferences in the Residential Tenancies List (up 91 per cent) and Owners Corporations List (up 44 per cent), particularly for complex claims, reflecting our interest in promoting less adversarial approaches to resolving disputes

07

Created performance dashboards for alternative dispute resolution (ADR), to identify areas for continuous improvement of ADR and to assist in evidence-based decision making about its use

08

Launched the Empowering You and Leader as Coach programs, building coaching and leadership skills for staff and improving how staff build relationships

Challenges 2018–19

01

Securing funding for a modern and fit-for-purpose case management system, which would replace ageing legacy systems (one of which will be unsupported within three years) and enable VCAT to deliver service efficiencies and contemporary digital services

02

Managing and resourcing high volumes of initiations and caseloads using highly-manual processes and systems, which cannot adequately meet demand

03

Securing resources for expanded and new jurisdictions

04

Securing arrangements for new CBD headquarters

Looking ahead 2019–20

01

Launch the Guardianship Hub to the public — a one-stop-shop for the public to make and manage applications to the Guardianship List

02

Launch of game-changing application for consumer disputes, to improve the user experience and deliver business efficiencies

03

Open new VCAT venues in Oakleigh, Frankston and Heidelberg, increasing the accessibility of VCAT to communities outside the CBD

04

Implement new correspondence types and Notices of Hearing to better meet parties' information needs across the VCAT process — from application to resolution

04

Expand the Fast Track Mediation and Hearing service to Grampians and Gippsland regions and increase the threshold to \$10,000 for Hume and Bendigo regions

Services snapshot

Our services	2016-17	2017-18	2018-19
Cases lodged	86,461	85,191	85,850
Cases finalised	84,878	83,424	83,414
Cases listed for mediation or compulsory conference	2,453	2,533	2,516
Resolution rate for cases at compulsory conference or mediation	56%	55%	56%
Pages viewed online	4.1 million	5.3 million	4.1 million
Website use by mobile device	31%	33%	35%
Calls answered	208,146	235,691	210,416
Incoming emails handled	179,037	204,312	237,394
Counter enquiries answered at our main hearing venue, 55 King Street	24,628	19,860	20,505
Hearing venues used across Victoria	58	59	59
Visitors to our main hearing venue (approximate)	148,000	152,000	159,000

Feedback on our service	2016-17	2017-18	2018-19
Customer satisfaction	85%	86%	86%
Comments on web pages	2,761	924	546
Complaints	238	378*	300

* In 2017-18 we changed the way we capture and report on complaints

Our people	2016-17	2017-18	2018-19
Members (head count)	228	222	225
Staff (full-time equivalent, rounded)	218	224	238

Our finances (millions)	2016-17	2017-18	2018-19
How much Parliament appropriates for VCAT costs	\$21.7	\$24.5	\$27.5
Fees retained as appropriations	\$9.1	\$9.8	\$9.9
Funds from Consumer Affairs Victoria (in trust, for dispute services)	\$18.6	\$20.1	\$19.5
Spent on operating expenses	\$49.3	\$53.7	\$56.3
Operating costs recovered for lists not supported by trust funds	17.3%	17.4%	17.62%

Cases snapshot

While applications remained steady overall, in our highest volume lists this year — Residential Tenancies and Guardianship — there was a notable increase in the complexity of cases.

Applications increased in five of our nine lists: Building and Property (32%), Civil Claims (8%), Owners Corporations (17%), Legal Practice (27%) and Review and Regulation (1%).

In the Building and Property List, there was a significant increase in applications where parties had been to Domestic Building Dispute

Resolution Victoria (DBDRV). This new service initially reduced applications to VCAT. However, we are now receiving more building applications than ever before (see p. 40).

Applications to our Civil Claims List have increased almost 40 per cent over the past four years. Despite the rise, our clearance rate was almost 100 per cent (see p. 42).

Our Legal Practice List saw a 27 per cent increase in applications, continuing an upward trend. However, application numbers in this list are relatively small, so slight increases show as large statistical variations (see p. 48).

We experienced a six per cent drop in applications to our Planning and Environment List, reflecting a slower economy (see p. 52). Growth in the size and complexity of projects coming before VCAT, which need longer hearings to resolve, may have contributed to lower finalisation rates.

Our Residential Tenancies List was again VCAT's busiest list by volume, handling more than 52,000 applications, mostly from landlords represented by estate agents or property managers. Applications from tenants and residents continued to rise (see p. 56).

Overview	2016-17	2017-18	2018-19	% Change
Cases lodged	86,461	85,191	85,850	1%
Cases finalised	84,878	83,424	83,414	0%
Cases pending	8,288	8,855	9,653	9%
Clearance rate	98%	98%	97%	-1%
Hearing venues used	58	59	59	0%

Lists	Cases lodged per list				Timeliness (weeks)		
	2016-17	2017-18	2018-19	% change	2018-19 Median	2018-19 80th percentile	Target
Civil Division							
Building and Property	1,856	1,739	2,298	32%	16	34	
Civil Claims	8,758	8,764	9,488	8%	10	16	19
Owners Corporations	3,126	2,763	3,245	17%	9	13	10
Residential Tenancies Division							
Residential Tenancies	54,551	53,212	52,412	-2%	3	7	6
Administrative Division							
Legal Practice	68	98	124	27%	17	33	40
Review and Regulation	994	1,087	1,100	1%	21	51	
Planning and Environment Division*							
Planning and Environment*	2,878	2,816	2,652	-6%	26	34	
Human Rights Division							
Guardianship	13,896	14,249	14,076	-1%			
Human Rights	334	463	455	-2%	16	30	
Total	86,461	85,191	85,850	1%	11	24	26

* The Planning and Environment List was established on 28 June. Until then it was managed under the Administrative Division.

Our organisation

What we do

VCAT is part of Victoria's justice system. We serve the community by resolving civil disputes and making decisions in human rights and guardianship cases.

VCAT is less formal than a court. In most cases, parties do not need a lawyer or a professional representative. Usually they must ask our permission to have someone represent them.

Where possible, we help people reach agreement by talking through the issues at a mediation or compulsory conference with the other people involved. If the parties cannot agree, we decide the case at a hearing. When hearing a case, we apply the relevant law — for example, the *Residential Tenancies Act 1997* for cases about renting a home.

We can only hear cases when a law gives us this authority. See page 76 for a list of the laws that give us authority to hear cases. Except for the right to seek leave to appeal to the Supreme Court of Victoria on a question of law, VCAT decisions are final and binding on the parties to the proceeding.

Who we are

By law, our president is a judge of the Supreme Court of Victoria. Twelve judges from the County Court of Victoria serve as our vice presidents, with one or two assigned to work at VCAT at any one time. For more details about our leadership, see page 62.

Our members are appointed by the Governor in Council on the advice of the Attorney-General. They have

specialist knowledge and qualifications, and most have a legal background. All our members must have:

- » a high level of integrity
- » sound judgment
- » legal or professional skills
- » excellent communication and interpersonal skills
- » the ability to conduct hearings
- » a capacity to make fair decisions quickly.

See a list of our members on page 77.

Our staff come from diverse backgrounds and provide services including:

- » registry, listings and user services
- » people and facilities management
- » strategic communications
- » information technology
- » finance and reporting.

Our governance

We are established by an Act of Parliament — the *Victorian Civil and Administrative Tribunal Act 1998* (the VCAT Act). This is the principal law that governs our operations.

Under this law, the VCAT president and vice presidents are responsible for the management and administration of the tribunal.

The chief executive officer has statutory responsibility for the management of

VCAT's administrative support services. This includes providing support to the VCAT president (*Court Services Victoria Act 2014*).

A number of committees oversee business functions and provide regular updates to our main governance body, the President's Advisory Committee. For more about our leadership and governance, see page 64.

A review of current internal governance arrangements undertaken this year will result in a more streamlined and

flexible structure to be implemented in 2019–20.

To support the independence of Victoria's courts and VCAT, our administrative services and facilities are provided by a statutory body corporate: Court Services Victoria (CSV). VCAT's financial accounts are audited and published as part of CSV's annual report. See a summary of our accounts on page 69.

Our structure

To ensure we can deliver our services efficiently, VCAT is organised into five divisions. Each division is led by a deputy president, a role that reports to the VCAT president.

Our chief executive officer oversees the administration executive and operations functions that support the divisions (see p. 62).

On 28 June, the Planning and Environment List, part of the Administrative Division, became part of a new stand-alone Planning and Environment Division.

Administrative Division

Deputy President Heather Lambrick

Professional conduct inquiries and applications from people seeking review of decisions made by government, councils and other authorities.

Civil Division

Deputy President Catherine Aird

Civil disputes relating to consumer matters, domestic building works, owners corporations matters, retail tenancies, sale and ownership of property, and use or flow of water between properties.

Human Rights Division

Genevieve Nihill AM

Guardianship and administration, powers of attorney, medical treatment and advance care directives, reviews of some decisions under the *Voluntary Assisted Dying Act 2017*, equal opportunity, racial and religious vilification, health and privacy information, *Disability Act 2006* (Vic) decisions and decisions made by the Mental Health Tribunal.

Residential Tenancies Division

Deputy President Ian Proctor

Cases involving residential tenants and landlords, rooming house owners and residents, the Director of Housing and public housing tenants, caravan park owners and residents, site tenants and site owners.

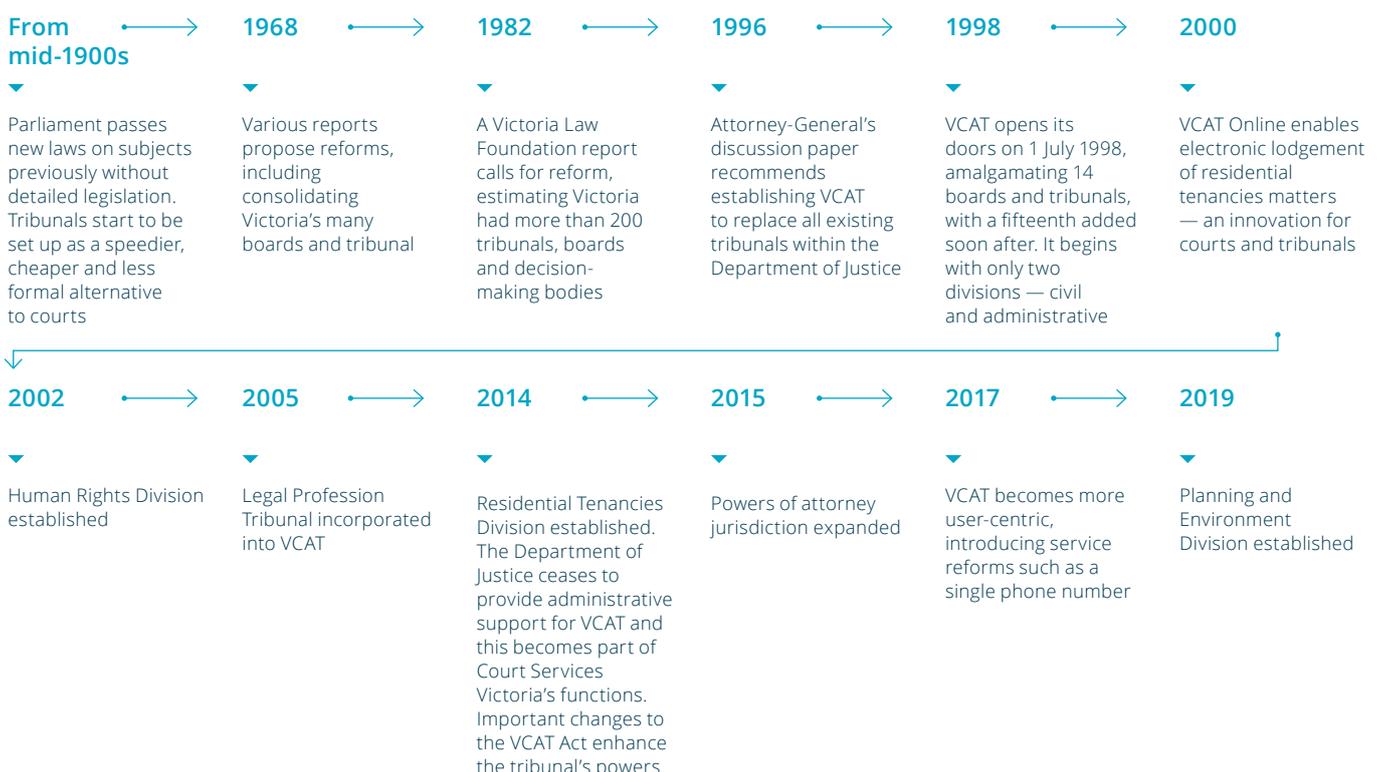
Planning and Environment Division (established 28 June 2019)

Deputy President Helen Gibson AM

A variety of applications related to the use, development and subdivision of land, heritage, gaming premises approvals, water and Environment Protection Authority licensing and approvals, the valuation of land for rating purposes, and compensation arising from the compulsory acquisition of land.

For more details about the divisions and their lists (areas of VCAT that deal with specific types of cases), see page 39.

Our evolution



President's message



The year began with a celebration of VCAT's 20 years of service to the Victorian community and concluded with an equally high sense of achievement. We forged ahead with digital reforms, responded to expansion to our jurisdiction and continued on a path of innovation to position VCAT as an outstanding and accessible tribunal.

At the same time, we continued to deliver our core business of resolving disputes involving Victorian individuals, businesses and government bodies. During the year we resolved over 83,000 matters, making a significant contribution to the Victorian civil justice system and economy.

ADR and ODR highlights

Our partnership with the Dispute Settlement Centre of Victoria has been a success, with the Fast Track Mediation and Hearing service ramping up in regional Victoria. The service expanded into Hume and Loddon Mallee regions this year and the threshold amount for disputes heard in other regions increased (see p. 28).

We piloted a first for a Victorian court or tribunal — online dispute resolution. I was fascinated to see this exemplar project unfold in late 2018, and to see firsthand how this innovative way of resolving disputes could be a cost-effective and convenient option for our users. I am excited to champion ODR as part of VCAT's future services (see p. 16), along with other digital innovations coming online next year for guardianship and consumer disputes.

New jurisdiction

As reforms and new legislation evolve in the Victorian Parliament, so too does VCAT's jurisdiction. We continued to absorb new powers to hear matters, including the authority to review certain decisions doctors make under Victoria's *Voluntary Assisted Dying Act 2017* (see p. 23). Other legislative changes this year included review jurisdiction for some decisions made under the *Firearms Act 1996* and the first tranche of reforms under the *Justice Legislation Amendment (Access to Justice) Act 2018*.

Changes in structure and leadership

A strategic health check affirmed our priorities and established a high-level roadmap for our aspirations for strengthening our governance, leadership and culture.

In June, the Planning and Environment List became a stand-alone division, reflecting the specialised work of the List and enabling a more targeted focus on the work each division undertakes.

We farewelled Deputy President Helen Gibson AM (long-term head of the Planning and Environment List) along with Deputy President Heather Barker (long-term head of the Residential Tenancies Division), who both retired after outstanding service to the Tribunal and the Victorian community.

We also farewelled Keryn Negri from the role of Chief Executive Officer, a role she performed with great dedication and commitment over the past five years, and subsequently welcomed Mary Amiridis as CEO. Both leaders have shown what talent VCAT can attract to these senior roles. I thank them both for supporting me and for guiding the organisation through extremely busy times. I also extend my gratitude to Judge Felicity Hampel for her collegiate support to myself and members as the County Court judge assigned to VCAT for most of this year.

Finally, I must thank the members and staff of the Tribunal who day in and out show enthusiasm, commitment and a willingness to think big when it comes to improving the way we provide service to all Victorians. They continue to inspire me.

Justice Michelle Quigley
President

Chief Executive Officer's message



I am delighted to outline in this report the progress VCAT has made under its *Strategic Plan: VCAT for the future 2018-22*. New to the organisation this year, I've been impressed by not only the volume of work VCAT undertakes each year, but the appetite for continuous improvement among our staff and members. This is not an organisation content to make slow improvements each year. It is ambitious in its reform agenda and focused on how the VCAT experience can be improved for all users.

Digital initiatives

We are actively exploring how digital technology can deliver more personalised and efficient services. This was no more prominently displayed than in the pilot of online dispute resolution this year — a potential gamechanger for a tribunal like us, and replicable for other justice agencies (see p. 16). The project was delivered using agile methodologies and was an innovation incubator that captured the imagination of members, staff and a large cohort of government, community and academic stakeholders.

The Guardianship Hub, an online platform for making and managing applications to our Guardianship List, was tested and refined with the help of six Victorian hospitals. It has demonstrated enormous benefits for the community and government, returning patients to their community earlier, achieving hospital bed savings of 1.5 weeks per patient. This digital platform simplifies and streamlines the previous process and is set to be rolled out state wide next year (see p. 17).

Focus on user experience

We have adopted user experience (UX) research and design expertise to enable us to understand user needs and solve complex service challenges. The team has reimagined the application experience for consumer disputes, based on human-centred design and innovative technologies. The first iteration, an application for civil claims, will go live in July 2019 (see p. 18).

A2J recommendations

Much of the work we completed this year, including our user experience work, has delivered on recommendations from the Access to Justice Review. Our Principal Registrar Direction on providing assistance was updated with the aim of increasing the level of assistance we provide to our users. We will continue this work next year, as the remaining A2J amendments are introduced.

Focus on the future

A reset of our governance next year will ensure we are supported by robust foundations as we continue on our ambitious path of user-focused

reforms and tribunal excellence. Planning for new CBD headquarters for VCAT will be a key focus, together with the need to transition off our outdated legacy case management systems, both of which are over twenty years old. A fit-for-purpose case management system is a fundamental enabler to delivering a contemporary dispute resolution service.

Thank you to Justice Quigley for providing enormous strength in leadership this year and to the members and staff of VCAT, and our receptive and supportive stakeholders, for an amazing first year in the CEO chair. I am enormously proud to lead a tribunal that does such innovative work and I look forward to all that's to come.

A handwritten signature in black ink, appearing to read 'Mary Amiridis'.

Mary Amiridis
Chief Executive Officer

Delivering our strategy

01 Strategic Priority

Contemporary and customer-centric services

Highlights

01

Established that online dispute resolution (ODR) could increase access to justice, by conducting an innovative Victorian-first pilot that involved 65 online hearings of small civil claims

02

Built our digital capability and developed a radically new application experience that makes it simpler and faster to come to VCAT, due for launch next year

03

Realised benefits from releasing our online Guardianship Hub to hospitals, reducing by an average of 1.5 weeks the time a patient spends in hospital waiting for their hearing and subsequent discharge

Challenges

01

Securing funding for a modern and fit-for-purpose case management system, which would replace ageing legacy systems (one of which will be unsupported within three years) and enable VCAT to deliver service efficiencies and contemporary digital services

02

Managing and resourcing high volumes of initiations and caseloads using highly-manual processes and systems, which cannot adequately sustain demand

03

Securing resources for expanded and new jurisdictions

Looking ahead

01

Launch of the Guardianship Hub to the public — a one-stop-shop for the public to make and manage applications to the Guardianship List

02

Launch of game-changing application for consumer disputes, to improve the user experience and deliver business efficiencies

Year in review:

Embrace innovation and digital technologies to make it easier to meet contemporary service expectations

Explore online dispute resolution as a fast and affordable way for people to resolve disputes

Our pilot of online dispute resolution goes to the core of what VCAT is about — increasing access to justice by providing faster, cost-effective dispute resolution for our community. It can give people greater control in resolving their dispute, regardless of where they live and who they are.

VCAT conducted a Victorian-first pilot of online dispute resolution (ODR) from August to October, funded by the Department of Justice and Regulation and delivering on a recommendation from the Access to Justice Review. Targeting cases involving small business owners, we tested whether ODR could improve access to justice for people involved in disputes about goods and services worth under \$10,000.

We managed 65 cases using the ODR model — exceeding the original target of 30 cases. A total of 71 parties participated in online hearings and 21 cases settled before final hearing. We proved that ODR is a fast, cost-effective and convenient option for people with civil disputes at VCAT. It also helps reduce indirect costs for Victorian businesses, such as the cost of taking time off work to attend a hearing.

We shared our ODR experience at an international symposium, *ODR: The State of the Art*, hosted by the Sir Zelman Cowan Centre in Melbourne and opened by VCAT president Justice Quigley. Our experience was also shared at a Council of Australasian Tribunals conference in June.

The pilot gave VCAT a clearer vision of our service delivery in the future. To capture that vision, we created a short video that shows how digitally-enabled services, including ODR, would help a fictional small business in the year 2022.

VCAT is vigorously exploring funding options to develop ODR, as an innovative way to increase access to justice, including integration with a contemporary fit-for-purpose case management system.

Reinvent our digital services to make it easier to do business with us any time, anywhere

Our website and online services are a vital gateway for users to access information about VCAT. Last year, more than 800,000 people interacted with our website.

We started work on a new website design that is simpler, more user-friendly and designed to encourage users to navigate directly to the information and services they need. This includes easier access to where they apply, more effective communication about our processes and enhanced customer support content. The results of our customer survey, and website analytics, helped identify these areas for improvement. We will continue this work in 2019–20.

We improved the experience for users of our existing online application forms. Applicants are now able to create an online account that lets them save progress on their applications to complete later. They can also return to their saved application from an email, log in to see their online applications from the homepage of the VCAT website, see their submitted applications and other features previously unavailable. Applicants still have the option of completing an application without creating an account.

Despite making it easier to manage online applications, a smaller proportion of people used the online forms this year. This may reflect the

forms' inability to keep pace with user expectations. These forms will eventually benefit from work done this year to create a new application experience for high-volume lists (see p. 18).

Work continued on a pilot project to manage case files, application forms and document lodgements online for land valuation. The pilot will be launched in 2019–20 and its results will inform how this solution can be applied to other lists.

Proportion of online lodgements	2016-17	2017-18	2018-19	Variance
Civil Claims List	65%	67%	64%	-3%
Human Rights List	32%	34%	38%	4%
Owners Corporations List	74%	76%	72%	-4%
Review and Regulation List	21%	29%	25%	-4%
Residential Tenancies List	84%	86%	79%	-7%

↓ Staged launch of the Guardianship Hub

This year we focused on testing and consolidating the Guardianship Hub, our new online portal for applications about guardianship, administration, medical treatment and powers of attorney.

We continued piloting the Hub in six Victorian hospitals. The pilot this year involved more than 200 social workers and hospital coordinators who lodged about 300 applications in total. This enabled us to identify and make improvements to the system and was consistent with VCAT’s human-centred design practice of user-testing solutions before wider release.

Towards the end of the year we prepared for the Hub’s public launch in July 2019. For the first time, applicants to the Guardianship List will be able to access details about their case in one place throughout the VCAT process — from application through to final decision. They will be able to save a draft

application and submit it at a time that suits, upload supporting documents, receive alerts such as hearing and decision notifications, and monitor the progress of their case online.

The Hub’s guided, user-friendly functionality has halved the average time for in-hospital social workers to make an application — from one hour to 30 minutes. Results of the pilot indicate that efficiencies driven by online processes delivered an average reduction of 1.5 weeks per patient from receipt of application to discharge. In addition to improved outcomes for patients and their families, this delivers significant economic benefits to the public hospital system.

Additional modules and changes are planned for 2019–20. These include integrating the existing Account by Administrator process into the Hub — making it easier for people to complete this annual process —

and changes that support the introduction of the new Guardianship and Administration Act in March 2020.

In addition to embedding best practice user-centred design, the Guardianship Hub integrates with our legacy case management system. Until now, the potential benefits of online forms for more efficient use of VCAT’s resources have been lost as data had to be entered manually. All new online products, including the Guardianship Hub, are being designed to allow portability to a new case management system.

We expect the Guardianship Hub, and other online services designed with the user at the centre, to reduce email and phone enquiries. This further frees up resources and enables higher-level case management support to users and VCAT members.

Provide simpler, guided interactions across the customer journey

We are transforming our approach to make it easier for more people to access our services online, in person and over the phone. We want to provide better support, simpler processes and greater convenience.

Underlying our digital and other initiatives is a contemporary approach to design, focused on user experience (UX) practice, which is helping us gain a better understanding of how people experience VCAT’s service and the issues they may encounter. As part of this work, we researched users’ understanding of our terminology and asked them to document their experience of the tribunal throughout the whole process. This research is informing service enhancements across our website, forms and other channels.

We laid the foundations for scaling human-centred design at a systems level. This work included user journey mapping and the development of a comprehensive content style guide. The style guide ensures consistency

with how we write and style our communications. It includes a requirement to translate legal terminology into plain language, to improve how people interact with our information and services. We also developed a progressive design system that ensures consistency and quality of design across all our platforms.

We continued work on a major project to streamline VCAT’s correspondence — all the emails, letters and Notices of Hearing that parties receive during the course of a proceeding (see p. 24). The template emails and Notices of Hearing developed as part of the correspondence review were used for the first time when VCAT assumed review jurisdiction this year under the *Voluntary Assisted Dying Act 2017*. Other lists are set to benefit in 2019–20.

By streamlining our information, we reduced the overall number of pages on our website. We also optimised how search engines find our web pages (search engine optimisation).

Designing a radically new application

We developed a new product this year that will increase access to justice for thousands of Victorians when it’s launched in July 2019. The new application for consumer disputes is designed to support self-represented parties and make it faster and easier to come to VCAT. The application:

- » estimates fees and timeframes upfront, helping users decide if VCAT is right for them
- » offers a personalised experience — it asks questions based on who you are, what your dispute is about and the outcome you want
- » uses plain language, making it easier to understand and act on information
- » supports users to make informed choices.

The application, to be launched initially for Civil Claims, provides a template for other online applications to be developed in 2019-20.

Website usage						
Year	Sessions	Users	Page views (millions)	Pages per session	Average session (min:sec)	Using mobile device
2018–19	1,337,696	824,434	4.1	3.1	3:50	35 (phone 29, tablet 6)
2017–18	1,191,493	572,833	5.3	4.4	3:32	33 (phone 26, tablet 7)
2016–17	1,062,774	501,375	4.1	3.9	3:40	31 (phone 25, tablet 6)

Streamline and modernise our customer service operations

This year our four-year Customer Service Improvement Program, started in July 2017, focused on consolidating improvements and evaluating new priorities.

We introduced a new call management system, to help manage incoming callers more effectively and to give us powerful insights into the people using our services. For example, we now have a more accurate picture of call patterns, how long a call takes, which queues are busiest and how many calls are being fielded per team member.

By understanding these variables, we can make better decisions around resourcing needs and reduce wait time for callers.

These interactions, and our responses, can have a significant impact on how a user perceives our services. They are also important in ensuring we comply with our principal registrar's obligation to provide reasonable assistance to applicants. As well as clarifying processes, we worked on updating our list of common questions and our answers.

Other projects completed or underway this year are set to dramatically modernise our service to users, including the updated emails, letters and Notices of Hearing developed as part of the correspondence review (see p. 24), the new online application template (see p. 18), website redevelopment and public launch of the Guardianship Hub (see p. 17).

Enhance digital capability of our hearing rooms to support hearings

Our main hearing venue, 55 King Street, was prepared for public and corporate wifi to be enabled in 2019–20. At 30 June, we were working through the remaining technical issues and preparing to train staff who will assist the public. Public wifi is also planned for installation next year in our new Oakleigh, Heidelberg and

Frankston venues (see p. 29), as well as William Cooper Justice Centre courtrooms.

In addition, we set up one of our largest hearing rooms at 55 King Street with new technology. It enables the member and parties to connect their devices, using a range of adaptors,

to a large screen where they can present and control the content displayed. The new technology gets us a step closer to hearing cases electronically and creating a paperless tribunal. We plan to install the technology in other hearing rooms, once we have evaluated and considered any issues around its use.

↓ Annual survey of people who use our services

From 17-20 June, we conducted our annual survey of people who use VCAT’s services. The results help identify where VCAT is doing well and opportunities for service improvements. They help us track the impact of new initiatives and get us closer to achieving our target of at least 90 per cent satisfaction across all measures.

For example, in 2018–19 we worked on streamlining processes and progressing work that is central to our long-term vision for our website, online applications and correspondence (see p. 24). We also improved the accessibility of information and access to facilities for vulnerable and disadvantaged users. This work addresses areas that our surveys have identified need attention to achieve our target.

We conducted the survey at 31 VCAT venues throughout the state, the most we’ve targeted so far. We also surveyed people who phoned, emailed or visited our website during the survey period. A total of 743 people responded, a 19 per cent increase from last year.

Our survey results are shared with stakeholders, in our annual report and on our website.

Annual survey results

Measure	2017 (%)	2018 (%)	2019 (%)
Overall customer satisfaction	85	86	86
Website was easy to understand	78	84	82
Website was easy to use	80	82	82
Clarity of forms	76	78	79
Clarity of correspondence	82	83	83
Ease of finding VCAT and the hearing room or office	93	92	93
Safety	90	92	91
Physical access	94	93	92
Language needs addressed	80	88	89
Knowledgeable and helpful staff	93	91	93
Courtesy and respect of staff and members	94	92	94
Timeliness to complete VCAT business	72	72	76
Convenience of operating hours	84	87	86
Fairness of way in which case was handled*	82	83	81
Member listened to parties before making a decision*	87	87	86
Equal treatment in hearings*	87	86	88
Knowledge of next steps*	81	87	87

* In 2017, only people who attended a hearing answered these questions. In subsequent years, all survey respondents were invited to answer. This was to improve the completion rate for people using the paper-based survey.

02 Strategic Priority

Inclusive and accessible

Highlights

01

Completed a major content development project to streamline and simplify VCAT's correspondence, with new templates due to be introduced in 2019-20

02

Expanded the reach of the Fast Track Mediation and Hearing service to Hume and Loddon Mallee regions and increased the threshold to \$10,000 at our King St venue

03

Increased compulsory conferences in the Residential Tenancies List (up 91 per cent) and Owners Corporations List (up 44 per cent), particularly for complex claims, reflecting our interest in promoting less adversarial approaches to resolving disputes

04

Piloted a new case management model to better support people in Medical Treatment Planning and Decisions Act cases

Challenges

01

Identifying and modifying the numerous pieces of correspondence and Notices of Hearing being used across the tribunal, to align with our new templates

Looking ahead

01

Open new VCAT venues in Oakleigh, Frankston and Heidelberg

02

Implement new correspondence types and Notices of Hearing across all lists

03

Implement Access to Justice reforms

04

Increase the threshold and reach of the Fast Track Mediation and Hearing service across Victoria

Year in review:

Make it easier for all Victorians to participate and access justice

Strengthen our support services for people representing themselves

Legislation to enshrine a number of Access to Justice reforms commenced this year. It included clearer direction on our principal registrar's duty to provide reasonable assistance to people applying to VCAT.

The new principal registrar direction states that authorised staff must provide information and procedural advice to VCAT users. This means we must provide general information to help someone understand how VCAT works and how to get more help. However, we must not give legal advice. This is consistent with our status as an independent decision-maker. To support this clearer direction, we will provide additional training and tools to staff in 2019–20.

Our concierge service at 55 King Street continued to support people coming to VCAT. Our staff assisted 15,388 people this year by greeting them on arrival, helping them find the name and location of their hearing room or other areas of VCAT and answering general questions.

We have been unable to secure funding for a self-help service at VCAT, to address unmet needs of people representing themselves. The exploration of other funding options for this proposal, which we developed in collaboration with Justice Connect, is currently on hold.

We piloted a new case management model in our Human Rights Division, to better support people in Medical

Treatment Planning and Decisions Act cases and to provide an efficient model for other cases in this division. As part of the model, a case manager is assigned to oversee the intensive end-to-end process for each matter, with a strong focus on user support (see p. 46).

As part of reforms that flowed from Access to Justice Review recommendations, we worked on:

- » removing barriers to resolving small civil claims
- » expanding alternative dispute resolution
- » simplifying how documents are served
- » making email rather than post our preferred communication to parties.

Deliver services responsive to the community's diverse needs

The work of our Diversity and Inclusion Steering Committee gained pace this year, with key actions taken under our Accessibility Action Plan and Koori Inclusion Action Plan.

We established a Disability Reference Group to advise on the implementation of the Accessibility Action Plan, with representatives from key organisations and conducted an accessibility audit at all VCAT-managed hearing venues and co-located sites. A dedicated section on our website now explains how we can support people with disability, including how to request assistance from one of our Disability Liaison Officers.

VCAT received Victorian Government funding of \$2.32 million over four years to improve how the Koori community access and engage with VCAT services. This is the first time a civil jurisdiction has been included in funding under the Victorian Aboriginal Justice Agreement (Phase 4). Until now, funding has focused on improving outcomes in the criminal jurisdictions.

The funding helped shape VCAT's Koori Inclusion Action Plan. It took into consideration the Agreement's commitment to raise the number of Koori staff working at VCAT and further promote engagement with VCAT across the Koori community.

We established a Koori Reference Group to advise and support activities relevant to Koori participation. We continued to provide training for our workforce in cultural awareness, to establish a culturally-safe environment and Koori-friendly hearings. Our Koori Engagement Manager was consulted on the design and construction of a Koori hearing room and mediation space at our Oakleigh venue, opening next year (see p. 29).

Increase community awareness of VCAT's role and services

We use numerous channels to raise the community's awareness about our role and services.

The LinkedIn account we established last year now has more than 1000 followers. LinkedIn gives us a timely way to reach stakeholders on topics of interest such as legislative change, public information sessions, job openings and events.

Although refurbishments at William Cooper Justice Centre prevented us from opening our doors on Courts Open Day, our president Justice Michelle Quigley presented to VCE Legal Studies students on 14 May as part of Law Week Law Talks. Justice Quigley also spoke at a ceremony to officially open the legal year in Geelong on 14 January and at numerous other events throughout the year.

As in other years, we provided information to the public and relevant stakeholders when new legislation came into effect that impacted our jurisdiction and services. This year, that included changes to the *Residential Tenancies Act 1997*, *Owners Corporation Act 2006* and *Firearms Act 1996* and the introduction of the *Voluntary Assisted Dying Act 2017*.

↓ Introduction of Voluntary Assisted Dying law

The *Voluntary Assisted Dying Act 2017* came into effect on 19 June. This new Victorian legislation enables people in late stages of terminal illness, who meet strict eligibility criteria, to request medication that will end their life at a time they choose.

VCAT is responsible for reviewing some decisions doctors make when assessing a person's eligibility to

access voluntary assisted dying, including whether they usually lived in Victoria and if they had decision-making capacity in relation to voluntary assisted dying.

Given the sensitive nature of this legislation we were careful about how we communicated our role. We tapped into an implementation conference organised by the Department of Health and Human

Services (DHHS), which targeted health practitioners. DHHS distributed brochures outlining our role to 450 conference delegates, added our information to their website's Q&As and included information in their monthly e-newsletter. We also communicated directly with organisations most closely affected.

↓ Suppression orders at VCAT

When necessary, we make a suppression (non-publication) order on a decision, which can have varying levels of restriction, including not allowing identification of anyone involved. Suppression orders are made in 0.1 per cent of VCAT cases. We make these orders in the interests of justice, to prevent distress and to ensure fair treatment of victims, witnesses, children and other vulnerable people.

Suppression orders in the Human Rights List almost halved this year, corresponding with a decrease in applications under the Mental Health Act. In the Review and Regulation List, the rise in suppression orders reflected increased applications in relation to Working with Children checks and Department of Health and Human Services matters. Suppression orders in these cases are usually made to protect children or other vulnerable parties that could be identified as part of the proceeding.

In March 2018, a review by former Supreme Court of Appeal Justice Frank Vincent found that courts and tribunals made relatively few suppression orders compared to overall caseloads, but further work was needed to ensure future orders are clearer and made only when necessary. Of the 18 recommendations made, the Victorian Government accepted 17. Recommendations that affect VCAT have a default commencement date in 2020.

Suppression orders at VCAT			
List	2016-17	2017-18	2018-19
Building and Property	0	1	0
Civil Claims	0	0	0
Guardianship	0	2	0
Human Rights	40	79	45
Legal Practice	1	0	0
Owners Corporations	0	0	0
Planning and Environment	0	0	0
Residential Tenancies	3	7	7
Review and Regulation	55*	35*	76
Total	99*	124*	128

* Figures have been updated to include suppression orders notified after the reports went to print.

Provide easy-to-understand information and communication

This year we did the preparatory work necessary to transform the way we communicate with parties. This major content development project set out to improve the letters, emails and notices of hearing we send to parties across all lists, ready for introduction in 2019-20.

Based on the principles of 'easy to understand and easy to action', the aim was to give users a better understanding of legal requirements, the VCAT process and next steps in their case. By better supporting users' information needs, we reduce call volumes and the demand on our support services.

As a result of this work we:

- » reduced 52 notices to one template, with variations for each list and type of proceeding

- » reduced more than 200 letters and emails to 32 pieces of correspondence.

We uncovered where correspondence was inconsistent, outdated or poorly written, which was confusing users and increasing calls to registry. This was reflected in user data (for example, call volumes) and diary studies — gold-standard research where VCAT users kept diaries about their interactions with the tribunal over the course of their case.

It was clear that we needed to give people more timely information, reinforcing key feedback from our annual user survey. User research informed the content and design of the new correspondence. We tested the correspondence on users and will continue to refine based on feedback.

We also standardised the plain language used in the correspondence and finalised a style guide that will help ensure consistency into the future.

These measures will deliver real benefits for the people who use our services:

- » parties get the right information at the right time, so fewer calls to VCAT
- » clear guidance on how to prepare for a hearing means smoother proceedings, with less delay and fewer adjournments
- » fewer templates and better guidance means users are more certain about what they must do.

We are also developing a new support section on our website (which will be ready next year), to help users who receive the correspondence.

Expand compulsory conferences and mediation as the preferred options for resolving disputes

A compulsory conference or mediation provides an alternative to a hearing as a way to resolve a dispute. It is more informal and less stressful for those involved and can lead to better outcomes — people feel empowered by the process.

There was a significant increase in the use of compulsory conferences in the Residential Tenancies List (increase of 91 per cent), and Owners Corporations List (increase of 44 per cent) this year. In the Residential Tenancies List, compulsory conferences were

particularly used in complex cases and tenant claims, reflecting our interest in promoting less adversarial approaches to resolving disputes in this list.

The increased use in the Owners Corporation List reflects an overall increase in applications, as well as an increase in complex cases. The list has a strong focus on alternative dispute resolution (ADR). This is to help preserve an amicable ongoing relationship between the parties, who often need to live in close proximity.

Overall, the total number of cases offered ADR remained steady this year, excluding Fast Track Mediation and Hearing figures (see p. 50). There were high settlement rates in the Human Rights List (75 per cent of cases settled), Residential Tenancies List (73 per cent of cases settled) and Civil Claims List (68 per cent of cases settled).

Total cases heard by compulsory conference or mediation										
Lists	Compulsory Conference			Mediation			Total			FY18-19 % Variance
	2016-17	2017-18	2018-19	2016-17	2017-18	2018-19	2016-17	2017-18	2018-19	
Civil Division										
Building and Property	418	425	386	474	319	300	892	744	686	-8%
Civil Claims	398	373	354	6	4	5	404	377	359	-5%
Owners Corporations	108	119	165	11	0	6	119	119	171	44%
Residential Tenancies Division										
Residential Tenancies	15	56	107	0	0	0	15	56	107	91%
Administrative Division										
Legal Practice	6	39	33	0	0	0	6	39	33	-15%
Planning and Environment	666	756	714	0	0	0	666	756	714	-6%
Review and Regulation	213	250	270	0	0	0	213	250	270	8%
Human Rights Division										
Guardianship	18	11	6	2	0	1	20	11	7	-36%
Human Rights	64	92	119	54	89	50	118	181	169	-7%
Total	1,906	2,121	2,154	547	412	362	2,453	2,533	2,516	-1%

Total cases resolved (settled) by compulsory conference or mediation										
Lists	Compulsory Conference			Mediation			Total			FY18-19 % Variance
Civil Division	2016-17	2017-18	2018-19	2016-17	2017-18	2018-19	2016-17	2017-18	2018-19	
Building and Property	199	199	174	301	203	186	500	402	360	-10%
Civil Claims	257	243	241	4	4	4	261	247	245	-1%
Owners Corporations	72	65	98	10	0	1	82	65	99	52%
Residential Tenancies Division										
Residential Tenancies	12	45	78	0	0	0	12	45	78	73%
Administrative Division										
Legal Practice	1	26	21	0	0	0	1	26	21	-19%
Planning and Environment	330	386	366	0	0	0	91	99	118	19%
Review and Regulation	91	99	118	0	0	0	330	386	366	-5%
Human Rights Division										
Guardianship	14	5	2	1	0	0	15	5	2	-60%
Human Rights	40	58	88	42	54	38	82	112	126	13%
Total	1016	1126	1186	358	261	229	1374	1387	1415	2%

Percentage of cases resolved (settled) by compulsory conference or mediation

Lists Civil Division	Compulsory Conference			Mediation			Total			FY18-19 % Variance
	2016-17	2017-18	2018-19	2016-17	2017-18	2018-19	2016-17	2017-18	2018-19	
Building and Property	48%	47%	45%	64%	64%	62%	56%	54%	52%	-2%
Civil Claims	65%	65%	68%	67%	100%	80%	65%	66%	68%	3%
Owners Corporations	67%	55%	59%	91%	0%	17%	69%	55%	58%	3%
Residential Tenancies Division										
Residential Tenancies	80%	80%	73%	0%	0%	0%	80%	80%	73%	-7%
Administrative Division										
Legal Practice	17%	67%	64%	0%	0%	0%	17%	67%	64%	-3%
Planning and Environment	50%	51%	51%	0%	0%	0%	43%	40%	44%	4%
Review and Regulation	43%	40%	44%	0%	0%	0%	50%	51%	51%	0%
Human Rights Division										
Guardianship	78%	45%	33%	50%	0%	0%	75%	45%	29%	-17%
Human Rights	63%	63%	74%	78%	61%	76%	69%	62%	75%	13%
Total	53%	53%	55%	65%	63%	63%	56%	55%	56%	1%

Fast Track Mediation and Hearing

This year we expanded the reach of the Fast Track Mediation and Hearing service (FTMH). The service was established in late 2017 following an Access to Justice Review recommendation to expand our alternative dispute resolution services for small civil claims.

If the amount in dispute is between \$500 and \$10,000, parties may be invited to attend a mediation — an opportunity to resolve the dispute by talking through the issues with the other people involved, assisted by an accredited mediator from the Dispute Settlement Centre of Victoria (DSCV) or VCAT. If the dispute is not resolved at mediation, it goes to a VCAT hearing within a few hours. At the hearing, a VCAT member makes a decision about the

case. There are no hearing fees for this same-day service.

This year we assessed 3147 cases as being suitable for FTMH, a vast increase from last year's figure of 926. The settlement rate also improved this year. Some 55 per cent of cases were settled at mediation.

The implementation of FTMH is overseen by a dedicated steering committee and working group, which includes representatives from VCAT and DSCV. The Victorian Government is supporting this program with \$6.26 million over four years to DSCV. Milestones in the rollout this year included:

August: increased threshold dispute amount to \$10,000, for cases heard at our King Street venue

November: introduced FTMH to Shepparton (Hume region) and Bendigo (Loddon Mallee region) for matters with \$500-\$5,000 threshold

December: increased threshold to \$10,000 at Warrnambool and Geelong; FTMH days in Geelong increased during the year to meet demand

Looking ahead: in July 2019, we plan to increase the threshold to \$10,000 at Shepparton (Hume region) and Bendigo (Loddon Mallee region) and introduce FTMH to Grampians (Ballarat) and Gippsland (Moe) regions in 2019–20 for matters with \$500-\$5,000 threshold.

Fast Track Mediation and Hearing program in 2018–19

Assessments	Total
Number of cases assessed as suitable, including cases that may be scheduled for mediation and hearing in 2019–20	3147
Mediations conducted and settled	Total
Mediations conducted	1166
Mediations settled	640
Mediation settlement rate %	55%
Settled before mediation	Total
Total matters settled before mediation, including DSCV — assisted settlement	578
Settled before scheduled mediation %	18%
Settled with assistance from DSCV after making initial contact with parties	87
DSCV assisted settlement %	3%

Provide accessible, welcoming and fit-for-purpose venues across Victoria for greater access in regional areas

We have been working to establish new VCAT venues in a number of locations, enabling us to move out of the Magistrates' Court of Victoria (MCV) courts in Moorabbin, Frankston and Heidelberg. These venues are needed to meet MCV's commitments to create specialist family violence courts.

We located suitable properties in Oakleigh, Frankston and Heidelberg and began negotiating and signing leases. In partnership with Court Services Victoria, we completed a human-centred design process for Oakleigh. The process helped plan a venue that is more accessible, less formal than a court, flexible and with better user services. It also helped develop a standard prototype of hearing rooms for the new venues, due to open in 2019–20.

We remained involved, as part of a CSV working group, in the concept design of the proposed new Bendigo court. An opening date has not yet been announced.

Following recent demolition and redevelopment plans for the building that neighbours 55 King Street, we are considering relocating our main CBD venue. We re-engaged a consultant to refine their recommendations for VCAT's future CBD accommodation needs. The revised plan will help determine the level at which we decentralise services and what metropolitan locations we will need in future.

In August, extensive flood damage from a burst water pipe at William Cooper Justice Centre (WCJC) required us to temporarily reschedule WCJC hearings to 55 King Street. The damage prompted us to fast-track refurbishment works planned for WCJC. In addition to repairing damaged floors, we created a dedicated hearing room, two large multipurpose hearing/meeting rooms, a new waiting area and a large waiting area/function space on Level 4.

VCAT is always looking for ways to improve its security, safety and the user experience. This year we reviewed our security guidelines to ensure they provide adequate instructions on how to deal with different security threats and situations. The interim guidelines, now being evaluated, provide more clarity and certainty to our members and staff about appropriate responses.

On 14 January we began a trial to reduce waiting times and improve security at our main venue, adding an extra Court Security Officer (CSO) at the entrance to 55 King Street. The extra CSO helps get people through the scanning process faster and provides security and support services when required. We monitored queue waiting times and reviewed listings data to work out other measures to reduce the morning rush.

03 Strategic Priority

Responsive and collaborative relationships

Highlights

01

Created performance dashboards for alternative dispute resolution (ADR), to identify areas for continuous improvement of ADR and to assist in evidence-based decision making about its use

02

Engaged RMIT University to design an evaluation framework and tools to assess the way we manage cases in the Guardianship List, including under the Medical Treatment Planning and Decisions Act

03

Involved stakeholders in a human-centred design workshop to reimagine VCAT's services model for proposed new venues

04

Established a Disability Reference Group, to help progress our diversity program and create meaningful collaboration between VCAT and other organisations

Challenges

01

Sourcing funding to continue the staff-led case management approach we piloted

Looking ahead

01

Phase 3 of the project to develop VCAT's performance and reporting framework

02

Create meaningful collaborations with organisations in our Disability Reference Group

Year in review:

Strengthen relationships with stakeholders and the community we serve

Strengthen our responsiveness to stakeholders, build positive perceptions and connect with the community

The year began with a celebration, as VCAT reached its 20-year milestone on 1 July. We invited senior stakeholders from across government, agencies and advocates to attend a function in VCAT's Justice Garde Learning Centre, with catering by the Asylum Seeker Resource Centre and an address by then Attorney-General Martin Pakula MP. We produced a short video highlighting our history and future, which we shared on LinkedIn and our website.

This was also the first complete year since the launch of VCAT's Stakeholder Engagement Strategy. The strategy is based on international standards and aims to improve the way we inform, consult and collaborate with stakeholders. We used this guidance

in all our projects, to determine what level of stakeholder involvement was appropriate.

For example, a collaborative approach was appropriate for our online dispute resolution (ODR) project (see p. 16). We established an ODR advisory panel reference group, with senior representatives and policymakers from the Department of Justice and Regulation, Consumer Affairs Victoria, Victorian Ombudsman, Dispute Settlement Centre of Victoria and Victorian Multicultural Commission.

We invited stakeholders to a human-centred design workshop to reimagine VCAT's services model for proposed new venues (see p. 16). RMIT University facilitated the workshop, attended by

about 30 participants from organisations such as Tenants Victoria, West Justice, Victoria Legal Aid, Dispute Settlement Centre of Victoria, Court Network and Consumer Affairs Victoria. We gained insights into the end-to-end user experience, and engaged stakeholders in various creative design exercises to develop a new tribunal service and facility model.

We established a Disability Reference Group to help progress our diversity program. It includes representatives from the Department of Health and Human Services, Melbourne Disability Institute, Office of the Public Advocate, Victorian Equal Opportunity and Human Rights Commission and Mental Health Tribunal.

Support strategic partnerships for service innovation across courts and tribunals

We engaged RMIT University to design an innovative evaluation framework and tools to assess the way we manage cases in the Guardianship List, including under the *Medical Treatment Planning and Decisions Act 2016*. The aim was to put human needs first when evaluating our approach to these cases, rather than entrenched processes, inhibiting technology or organisational structures.

RMIT University helped us refine processes and approaches to case management, with the aim to:

- » improve user experience, service delivery, and access for people wishing to engage with VCAT on matters relating to medical treatment decision-making
- » improve VCAT's feedback and reporting mechanisms for decisions

- » expand capability to support human-centred decision making
- » enhance case-flow processes for complex resolutions.

Provide insights to government to enable innovative service responses

We completed the second phase of a four-year project to develop VCAT's performance and reporting framework. The framework aligns with the International Framework for Court Excellence, adopted by Court Services Victoria, and aims to strengthen our knowledge and performance management.

This year, we focused on creating performance dashboards for alternative dispute resolution (ADR) data. We:

- » created a single repository for data, including for ADR, to ensure it was secure and accessible
- » identified key performance indicators and performance measures by defining business and data rules for reporting

- » enabled the case management system to collect ADR data, instead of relying on manual data collection.

We also implemented dynamic real-time dashboards and reports, which enabled us to monitor ADR performance indicators and success measures. This helped identify where ADR was being used effectively, to support our operational needs and to make informed decisions about its future use.

04 Strategic Priority

United leadership and culture

Highlights

01

Launched the Empowering You program, building coaching skills and improving how staff build relationships

02

Launched the Leader as Coach program, to build leadership capacity in our staff of VPS Grade 5 and above

03

For the first time, livestreamed our senior leader briefings to the organisation

04

Held an internal showcase for members and staff to view our newest online platform, the Guardianship Hub

Challenges

01

Covering operational needs while staff and members attend training

Looking ahead

01

Reform governance structures and processes to better support delivery of strategic goals

02

Continue programs introduced to build leadership capacity, relationship-building skills and member wellbeing

03

Continue to hold internal showcases of projects underway, to build understanding and support

Year in review:

Embed the leadership capability and culture needed to drive change

Strengthen VCAT’s leadership capability to lead and manage effectively, and empower the workforce to drive continuous improvement of our services

We launched a new leadership and training program this year, informed by last year’s review and alignment of programs with our Strategic Plan. The Empowering You program launched on 13 March and will be delivered over two years. More than 100 staff from across VCAT attended the four workshops held this year. The workshops build coaching skills and improve how staff build relationships with others, including how they build trust and influence.

Another new program launched this year was the Leader as Coach program, aimed at staff of VPS Grade 5 and above. The six-month program, undertaken by 20 staff, helps build capability across the organisation and promotes a coaching and mentoring

culture at VCAT. It includes the Empowering You program modules as well as:

- » individual profiling that provides powerful insight into an individual’s behaviour, inspires targeted skill development and improves workplace relationships and performance
- » workshops covering coaching models, demonstrations and practice
- » coaching sessions to embed coaching skills and to explore challenges to coaching others
- » supervised coaching sessions with staff, to give feedback on style and process.

During March, President Justice Quigley, Vice President Judge Hampel and CEO Mary Amiridis held a series of briefings for VCAT’s workforce. For the first time, we livestreamed the briefings to members and staff who were unable to attend. The briefings highlighted our organisation’s many positives and outlined plans to:

- » improve our governance structures, to ensure we make the best decisions for VCAT
- » continue our focus on improving service delivery
- » align our 2019–20 business plan with refreshed priorities
- » continue to build a culture of respectful relationships.

Build a united culture to deliver our priorities for the future

Following the VCAT-wide culture survey conducted last year, staff and managers worked collaboratively to create action plans that address key themes and areas for improvement.

We continued to celebrate key dates and events that promote a culture of inclusiveness at VCAT. During NAIDOC Week, we celebrated with Koori cultural activities in the Justice Garde Learning Centre at 55 King Street.

More than 80 members and staff attended the Welcome to Country and dance performance held during the week.

On Harmony Day in March, as part of Cultural Diversity Week, members and staff were invited to bring a dish from their cultural background or a country they had recently visited, to share with colleagues over lunch at our main hearing venue.

We launched a bimonthly Diversity and Inclusion Newsletter, delivered electronically to members and staff, which informs them on new developments in how VCAT is supporting a united culture. This includes information on events, research and updates from relevant reference groups.

Strengthen opportunities for greater collaboration and communication across the organisation

We continue to develop ways to communicate more effectively with our workforce and encourage collaboration between staff and members.

Members and staff are invited onto various committees, including VCAT's Environment Committee, Bicycle Users Group, User Satisfaction Survey Working Group and Reconciliation Week Working Group. The Environment Committee was established this year to deliver a more environmentally-sustainable work environment. It supports our

workforce to identify, research, develop, implement and evaluate sustainable practices at work and home.

On 25 March, we held an internal showcase for members and staff to view our newest online platform, the Guardianship Hub (see p. 17). The showcase was a chance to try out the Hub's features, meet the team and learn how the Hub is transforming the user experience in hospitals, including the feedback received from hospital workers. Of particular interest was a

demonstration of how the Hub works with existing case management systems.

Internal showcases are increasingly used to immerse members and staff in a project, so they understand the thinking and work behind the development of new systems and services. In June, we began showcasing our work on the template civil claims application, set to transform how people make and manage their application to VCAT (see p. 18).

Enhance our governance structures for sustainability and success

We continue to monitor and develop our governance structures to keep pace with our rapidly-changing environment. This year, we conducted a strategic review to assess the effectiveness of existing structures. The review:

- » concluded that standing committees provided important

support for presidential decision making, as well as for ensuring compliance and accountability

- » recommended the strategic and transformational work of steering committees could be more effectively performed, with less impact on organisational resources, with dedicated project control groups and the establishment

- of a transformation portfolio within the leadership team
- » recommended re-thinking key governance structures, including the President's Advisory Committee.

Since the review, we have begun implementing the recommended changes, which will continue into 2019–20.

05 Strategic Priority

Skilled for the future

Highlights

01

Strengthened our workforce leadership structure, introducing new senior leadership roles in the Human Rights Division and corporate area

02

Introduced a new recruitment tracking system that enables us to monitor and plan ways to streamline our internal processes

03

Became a member of Pride in Diversity, to support LGBTI inclusion, and added an online training module to our resources

04

Began using shared data to holistically forecast staff and member leave across all divisions of VCAT

Challenges

01

Empowering staff to actively participate in their own learning and development

Looking ahead

01

Evaluate the effectiveness of new initiatives

Year in review:

Develop a modern dynamic workforce for the future

Deliver targeted skills development for staff and members to meet VCAT's needs

This year, our focus was on empowering staff and members to actively participate in their own learning and development.

A more comprehensive calendar of training provided by the Judicial College of Victoria led to more members participating in professional development, particularly in the areas of leadership and management. To further improve learning opportunities for members, we created a Member Professional Development intranet section that includes:

- » video recordings of member-focused twilight seminars

- » papers or slides from conference presentations
- » audio and video recordings of member training
- » resources on topics such as Diversity and Inclusion, Family Violence, Hearing Skills and Member Wellbeing.

We aimed to build staff capability in leadership and management, specifically coaching, diversity and inclusion, and skills for the future through the Empowering You program (see p. 34). Attendance was higher last year in the Skills for the future category, due to digital technology

improvements, legislative changes and the introduction of principal registrar delegations.

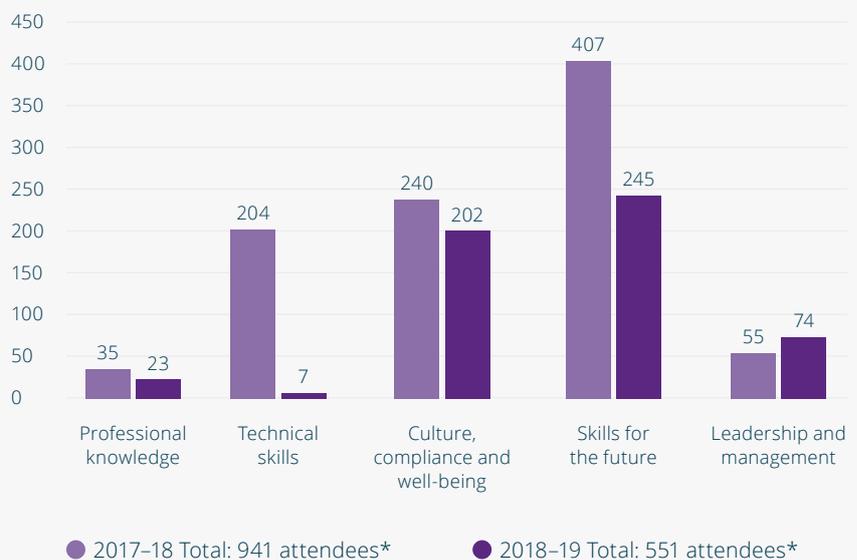
We established a disability awareness and confidence training program to lift capability and awareness throughout the organisation. We also introduced member and staff training on the use of interpreters. In addition, our Disability Liaison Officers completed training with the Australian Network on Disability and commenced quarterly training with organisations including Dementia Australia, Scope and VicDeaf.

Number of members participating in professional development



Total attendees: 772*

Staff participation in learning and development



* Includes when one member attends multiple sessions during the year

Ensure our workforce structure enables VCAT to meet our service delivery aspirations

We strengthened our workforce leadership structure this year, introducing new senior leadership roles in the Human Rights Division and corporate area.

In the Human Rights Division, we established a case management team to trial a new way of managing complex cases. The approach involves

allocating a case manager to each new matter, to manage and monitor the case from beginning to end. This provides a personalised efficient service and ensures all milestones are progressed in a timely manner. The case management approach is especially beneficial to applicants representing themselves.

Making sure our workforce structure is set up to enable success, including through initiatives like the case management approach in Human Rights Division, supports the work we are doing to develop a culture of innovation, growth and accountability.

Strengthen recognition and rewards, and enhance performance management

Each year, staff are required to take part in a Performance Development Plan process. This includes developing and reflecting on their performance plan, undertaking regular performance

discussions and completing mid-cycle and end-of-cycle reviews. We continued to monitor and promote this process to staff as a way of taking control of their professional

development. We also provided training to managers and staff on how to complete the necessary evaluations, to get optimal value from the process.

Strengthen workforce diversity to reflect the Victorian community

We continued our focus on creating workforce diversity at VCAT. This included establishing a partnership with Workways Australia, an organisation that helps people gain employment if they have a disability, come from a disadvantaged background or have experienced long-term unemployment. We recruited staff who identify as Koori, who have a disability or identify as gender diverse, and appointed three new Youth Employment Scheme trainees.

We became a member of Pride in Diversity, a not-for-profit employer support program designed to help workplaces with all aspects of lesbian, gay, bisexual, transgender and intersex

(LGBTI) inclusion. We added an online training module to our resources, which outlines why LGBTI workplace inclusion is important, explores challenges faced by LGBTI employees and raises awareness on the impact of workplace culture. Staff were encouraged to include the module as part of their Performance Development Plan.

The Diversity and Inclusion Steering Committee, established this year, sent a bimonthly newsletter to members and staff with VCAT updates and information on trends within Australia and overseas. It was accessible from a newly-created Diversity section of the intranet.

A staff member from our Member Support team featured in a film series about employing people with disability. Employment network CoAct produced the series of films, one of which was part filmed at VCAT. Deputy President Genevieve Nihill AM was also interviewed for the film, shown as part of the 'Change the story' online film festival. Our staff member and CoAct CEO Matt Little were invited onto ABC Radio in April to promote the series and advocate for inclusive workplaces. CoAct posted about the radio interview on social media and we shared it through LinkedIn, highlighting our Accessibility Action Plan (see p. 22).

Use data to optimise and predict resourcing needs

Data is used across VCAT to support, inform and provide evidence to optimise and predict resourcing needs. For example, data is frequently used to provide evidence to support submissions for improvement initiatives. Our senior leaders began using shared data to holistically

forecast staff and member leave across all divisions of VCAT. This allowed for strategic planning of expressions of interest and higher duties opportunities, as well as backfilling arrangements if needed.

We continued to use data to inform decisions about occupational health

and safety issues and to inform our learning and development strategies. A new recruitment tracking system was established that enables us to monitor and plan ways to streamline our internal processes, such as tracking the time and steps it takes to fill a position.

Delivering our services

To efficiently deliver our services, the tribunal is organised into five divisions, supported by the administration executive (including our registry functions). Each division is led by a deputy president.

In this section of the report, we provide detailed information about the type and number of cases we handled in 2018–19, how quickly we resolved matters, and the key factors affecting these services this year.

We provide this information for each VCAT list (part of the tribunal that handles specific types of cases). There are nine lists, shown here according to division.

<p>Administrative Division</p> <p>Head of Division DP Heather Lambrick</p> <p>Lists Legal Practice Review and Regulation</p>	<p>Civil Division</p> <p>Head of Division DP Catherine Aird</p> <p>Lists Building and Property Civil Claims Owners Corporations</p>	<p>Human Rights Division</p> <p>Head of Division DP Genevieve Nihill AM</p> <p>Lists Guardianship Human Rights</p>
<p>Planning and Environment Division (established 28 June 2019)</p> <p>Head of Division DP Helen Gibson AM</p> <p>Lists Planning and Environment (part of the Administrative Division until 28 June)</p>	<p>Residential Tenancies Division</p> <p>Head of Division DP Ian Proctor</p> <p>Lists Residential Tenancies</p>	

Delivering our services

Building and Property List

Key points

- » 32 per cent increase in applications, with building applications up 47 per cent
- » Increased pending rate due to impact of DBDRV and the complex assessment of applications

What we do

The Building and Property List hears and reviews a range of disputes:

- » domestic building disputes
- » reviews of certain decisions by DBDRV
- » reviews of decisions by warranty insurers in relation to domestic building work
- » retail tenancies
- » commercial building works and commercial leases
- » claims arising from the unreasonable flow of water from one property to another
- » sale or division of co-owned land or goods.

Year in review:

Applications increased 32 per cent overall this year. This was largely driven by a 47 per cent increase in building applications, as distinct from retail tenancies and real property matters.

There was a significant increase in applications where parties had been to Domestic Building Dispute Resolution Victoria (DBDRV), which was established in April 2017. With limited exceptions, domestic building disputes involving the owner must go to DBDRV before an application can be made to VCAT.

After an initial reduction in applications, we are now receiving more building applications than ever before. This includes from applicants who have been to DBDRV, disputes between building practitioners including sub-contractors, and commercial building disputes. Given our resources are limited, this led to an increase in the number of pending building cases, up 66 per cent compared to 2017-18. At 30 June, the number of cases pending in the list overall was up 50 per cent.

Matters are becoming more complex, increasingly concerning defects in high-rise apartment buildings and multi-unit developments. There was an increase in interlocutory applications as more respondents applied to join other parties as concurrent wrongdoers.

Section 68 applications doubled. These are applications by owner builders for an exemption from the requirement to provide warranty insurance when selling their property. Applications where the claim amount is \$100,000+ also increased significantly.

Applications relating to the unreasonable flow of water between properties, co-owned land and goods, and retail tenancy applications remained steady, although applications for urgent injunctions, primarily in relation to retail tenancies, increased.

Caseflow	2016-17	2017-18	2018-19	Variance
Initiations	1,856	1,739	2,298	32%
Finalisations	1,839	1,651	1,801	9%
Pending	879	946	1,408	49%
Clearance rate	99%	95%	78%	

Timeliness of Finalised Cases (weeks)	2016-17	2017-18	2018-19
Median	14	16	16
80th Percentile	34	40	34

Initiations	2016-17	2017-18	2018-19	Variance
Building	1,401	1,195	1,753	47%
Real Property	188	244	239	-2%
Retail Tenancies	267	300	306	2%
Total	1,856	1,739	2,298	32%

Finalisations	2016-17	2017-18	2018-19	Variance
Building	1,438	1,173	1,294	10%
Real Property	136	211	203	-4%
Retail Tenancies	265	267	304	14%
Total	1,839	1,651	1,801	9%

Pending	2016-17	2017-18	2018-19	Variance
Building	648	655	1,089	66%
Real Property	118	148	177	20%
Retail Tenancies	113	143	142	-1%
Total	879	946	1,408	49%

Applications by Enabling Enactment	2016-17	2017-18	2018-19	Variance
<i>Domestic Building Contracts Act 1995</i>	1,251	873	1,267	45%
<i>Property Law Act 1958</i>	130	146	146	0%
<i>Retail Leases Act 2003</i>	267	300	306	2%
<i>Water Act 1989</i>	58	98	91	-7%
<i>Australian Consumer Law and Fair Trading Act 2012</i>	150	320	486	52%
Others	0	2	2	0%
Total	1,856	1,739	2,298	32%

Applications by claim amount	2016-17	2017-18	2018-19	Variance
Small Claims: <\$10,000*	492	408	564	38%
Standard Claims: \$10,000-\$100,000	623	496	724	46%
Complex Claims: \$100,000 +	264	207	329	59%
No value	477	628	681	8%
Total	1,856	1,739	2,298	32%

* On 7 December, part of the *Justice Legislation Amendment (Access to Justice) Act 2018* came into effect, increasing the small claims range to under \$15,000 for applications made under the *Australian Consumer Law and Fair Trading Act 2012*. This change will be reflected in our 2019-20 annual report, once we have a full financial year of data.

Delivering our services

Civil Claims List

Key points

- » Applications increased eight per cent, contributing to an almost 40 per cent rise over the past four years
- » Clearance rate of almost 100 per cent

What we do

The Civil Claims List handles disputes about the supply of goods or services. There is no limit on the amount that may be claimed in an application in the Civil Claims List. This means that we hear disputes from everyday consumer transactions to large commercial matters. The more complex cases include:

- » disputes about sales of businesses, including representations of profitability
- » professional negligence claims against accountants and other service providers
- » complex disputes about cars, where multiple parties are involved
- » disputes under contracts for software and application development, and for internet marketing
- » disputes under contracts for the manufacture of expensive items such as caravans
- » disputes under insurance policies
- » disputes between franchisors and franchisees
- » disputes in which claims for contribution or indemnity are made against third parties.

Year in review:

We saw an eight per cent increase in applications this year, contributing to the almost 40 per cent increase over the past four years. This increase in applications has created challenges in ensuring timely processing and listing of applications. However, by the end of June, applications were taking two weeks to be processed and listed for hearing or alternative dispute resolution.

Finalisations increased 10 per cent this year. We also achieved a 99 per cent clearance rate by listing more cases for Fast Track Mediation and Hearing (see p. 28), on top of our usual listing practices.

Almost 65 per cent of applications were made using the online form. However, the current online form drives high call volumes and does not integrate into our case management system. We have been working on improving the structure and usability of our Civil Claims online application this year, with a new version due to launch in July 2019 (see p. 18).

Since Domestic Building Dispute Resolution Victoria (DBDRV) was established in April 2017, we have transferred applications filed under the Domestic Building Contracts Act to the Building and Property List. This is to ensure we correctly accept these applications, which are often complex to assess, or whether we need to advise the applicant to first apply to DBDRV.

Caseflow	2016-17	2017-18	2018-19	Variance
Initiations	8,758	8,764	9,488	8%
Finalisations	7,858	8,533	9,381	10%
Pending	2,637	2,611	2,475	-5%
Clearance rate	90%	97%	99%	

Timeliness of Finalised Cases (weeks)	2016-17	2017-18	2018-19	Target
Median	11	12	10	
80th Percentile	16	18	16	
Target				19

Applications by Enabling Enactment	2016-17	2017-18	2018-19	Variance
<i>Australian Consumer Law and Fair Trading Act 2012</i>	7,627	8,684	9,474	9%
<i>Domestic Building Contracts Act 1995</i>	1,125	71	3	-96%
Others	6	9	11	22%
Total	8,758	8,764	9,488	8%

Applications by claim amount	2016-17	2017-18	2018-19	Variance
Small Claims: <\$10,000*	7,138	6,913	7,382	7%
Standard Claims: \$10,000-\$100,000	1,372	1,538	1,776	15%
Complex Claims: \$100,000 +	94	117	131	12%
No value	154	196	199	2%
Total	8,758	8,764	9,488	8%

* On 7 December, part of the *Justice Legislation Amendment (Access to Justice) Act 2018* came into effect, increasing the small claims range to under \$15,000 for applications made under the *Australian Consumer Law and Fair Trading Act 2012*. This change will be reflected in our 2019-20 annual report, once we have a full financial year of data.

Delivering our services

Guardianship List

Key points

- » Improved our case management model, to provide a more personalised service and reduce unnecessary delays
- » Refined our new online platform for making guardianship applications, the Guardianship Hub, in preparation for its public launch
- » Applications about potential conflicts of interest for powers of attorney almost doubled

What we do

The Guardianship List makes protective orders under the *Guardianship and Administration Act 1986* and other legislation. The most common orders — guardianship and administration orders — involve appointing substitute decision-makers for adults who are unable to make decisions for themselves. The list also makes orders about enduring powers of attorney, medical treatment decisions and advance care directives.

Year in review:

This year we focused on improving our case management model, to provide a more personalised service and to reduce delays. This required us to reimagine our approach to managing applications for medical treatment, powers of attorney and related matters. We partnered with RMIT University's design research team to evaluate our service model, to embed human-centred design principles into our culture and work practices (see p. 32).

We expanded and developed our new online platform, the Guardianship Hub, which we trialled last year in six Victorian hospitals (see p. 17). The Hub provides a faster and more responsive service, and integrates directly into our case management system. This time-saving enabled us to focus on how our processes can be improved.

Overall, we are seeing an increase in complex applications in the Guardianship List, such as cases requiring hearings longer than an hour, more than one hearing, or cases requiring member mediation via compulsory conference.

Applications about potential conflicts of interest for powers of attorney

almost doubled. Applications where parties have sought compensation for financial mismanagement or misuse of a represented person's funds also increased significantly, up 86 per cent. These cases require multiple hearings and are often protracted and complex. There was an increase in cases relating to enduring power of attorney, which are also more complex.

Timeliness of hearings and pending matters are valid measures for other VCAT lists but not for the Guardianship List, as we always hear these cases within the timeframes required by legislation. For this reason, we do not report against these measures as do other lists.

Caseflow	2016-17	2017-18	2018-19	Variance
Initiations	13,896	14,249	14,076	-1%
Finalisations	13,112	12,807	12,971	1%
Clearance rate	94%	90%	92%	

Major applications/activities by Act and sections	2016-17	2017-18	2018-19	Variance
Guardianship and/or Administration orders	5,474	6,035	6,609	10%
Reassessment orders	7,177	7,195	6,833	-5%
Powers of attorney	645	670	734	10%
Others*	3,775	3,911	3,772	-4%
Total	17,071	17,811	17,948	1%

* Others: Breakdown of other applications/activities	2016-17	2017-18	2018-19	Variance
Advice to administrator	2,889	3,004	2,793	-7%
Directions	620	567	615	8%
Rehearing	74	81	80	-1%
Power to enforce guardianship order	64	50	46	-8%
Temporary guardianship order	48	41	28	-32%
Orders about appointed medical treatment decision makers and support persons	N/A	82	86	5%
Additional activities	80	86	124	44%
Total	3,775	3,911	3,772	-4%

Delivering our services

Human Rights List

Key points

- » Applied a case management approach to the list, due to increasingly complex cases
- » Almost 30 per cent rise in the number of cases dealt with by compulsory conference
- » Clearance rate of 96 per cent and 19 per cent more cases finalised

What we do

We hear cases under the *Equal Opportunity Act 2010*, *Health Records Act 2001*, *Privacy and Data Protection Act 2014*, *Disability Act 2006* and *Mental Health Act 2014*, as well as other legislation. Applications under the Equal Opportunity Act include complaints about discrimination. This includes complaints about unfavourable treatment due to personal characteristics or attributes such as age, sex, disability or racial background. The Act prohibits discrimination based on listed attributes in certain areas of public life, such as employment, education, services or clubs.

We also hear applications for exemption, for example when a school wants to preferentially admit female students to balance gender ratios. The Human Rights List handles complaints that have been referred to VCAT by the Health Services Commissioner under the Health Records Act, and by the Privacy and Data Protection Commissioner under the Privacy and Data Protection Act. We hear appeals from the Mental Health Tribunal under the Mental Health Act, and cases under the *Voluntary Assisted Dying Act 2017* and *Assisted Reproductive Treatment Act 2008*. Under the *Disability Act 2006*, we make and review orders about people with intellectual disability who are being detained to prevent serious harm.

Year in review:

We had a similar number of applications overall this year, compared to last year. The significant increase in equal opportunity applications experienced last year continued to remain high. Despite this, we achieved a clearance rate of 96 per cent and finalised 19 per cent more cases.

We experienced a 29 per cent rise in the number of cases dealt with by compulsory conference. Overall, there was a 13 per cent increase in the number of people whose disputes we resolved by alternative dispute resolution. About three-quarters of cases are now being settled this way.

Due to increasing complexity, we have applied a case management approach to the Human Rights List. We allocate a case manager to each matter, who manages and monitors the case from beginning to end, providing a personalised, efficient service and ensuring all milestones are progressed in a timely manner. This has been of significant benefit to all users, especially applicants who represent themselves. Self-represented applicants, who manage the VCAT process without help from a lawyer or legal advocate, continue to make up a high proportion of applicants.

Caseflow	2016-17	2017-18	2018-19	Variance
Initiations	334	463	455	-2%
Finalisations	327	370	439	19%
Pending	115	198	201	2%
Clearance rate	98%	80%	96%	

Timeliness of Finalised Cases (weeks)	2016-17	2017-18	2018-19
Median	11	12	16
80th Percentile	24	20	30

Applications by Enabling Enactment	2016-17	2017-18	2018-19	Variance
<i>Disability Act 2006</i>	34	40	41	3%
<i>Equal Opportunity Act 2010</i>	201	310	316	2%
<i>Health Records Act 2001</i>	41	31	30	-3%
<i>Mental Health Act 2014</i>	31	47	32	-32%
Others	27	35	36	3%
Total	334	463	455	-2%

Delivering our services

Legal Practice List

Key points

- » Increased applications, mostly due to more cases where the dollar value exceeds VLSC jurisdiction
- » Significant rise in applications under the *Australian Consumer Law and Fair Trading Act 2012*
- » VCAT's smallest list by volume

What we do

The Legal Practice List mainly deals with disputes about lawyers' services and costs, and complaints about lawyers' conduct. We hear and determine disputes that are not resolved by the Victorian Legal Services Commissioner (VLSC) and disputes brought under the *Australian Consumer Law and Fair Trading Act 2012*. The Legal Practice List handles:

- » applications from the VLSC about the professional conduct of lawyers
- » claims by clients for losses they allege their lawyer has caused them to suffer
- » claims by lawyers about non-payment of legal fees
- » reviews of decisions of the Legal Services Board concerning lawyers' practising certificates
- » applications by the Legal Services Board to have non-lawyers disqualified from being employed or paid in connection with the practice of law or being involved in the management of a legal practice.

Year in review:

We again experienced a significant increase in applications overall, up 27 per cent. Similar to 2017–18, this increase was mostly due to an increase in cases where the monetary value exceeded the jurisdiction of the VLSC. The Commissioner can only hear costs disputes where the amount in dispute is under \$10,000, otherwise VCAT must hear the matter.

There was a large increase in applications made under the *Australian Consumer Law and Fair Trading Act 2012*, up 56 per cent. This could be due to a higher monetary value of disputed costs and/or allegations of high monetary loss. The increase affected our pending rate, which was up nine per cent. Finalisations were up more than 50 per cent however.

We saw a significant drop in applications under the *Legal Profession Act 2004* and *Legal Profession Uniform Law Application Act 2014* (LPUL). This reflects the trailing off of matters said to arise before 1 July 2015 when the LPUL came into effect, and the increase in applications under the *Australian Consumer Law and Fair Trading Act 2012*. The small number of applications in this list means that a relatively small increase in volume shows as a large statistical variation.

Caseflow	2016-17	2017-18	2018-19	Variance
Initiations	68	98	124	27%
Finalisations	83	76	115	51%
Pending	38	58	63	9%
Clearance rate	122%	78%	93%	

Timeliness of Finalised Cases (weeks)	2016-17	2017-18	2018-19	Target
Median	15	17	17	
80th Percentile	43	28	33	
Target				40

Applications by Enabling Enactment	2016-17	2017-18	2018-19	Variance
<i>Australian Consumer Law and Fair Trading Act 2012</i>	44	55	86	56%
<i>Legal Profession Act 2004</i>	10	12	8	-33%
<i>Legal Profession Uniform Law Application Act 2014</i>	14	31	28	-10%
<i>Victorian Civil and Administrative Tribunal Act 1998</i>	0	0	2	100%
Total	68	98	124	27%

Delivering our services

Owners Corporations List

Key points

- » 17 per cent increase in applications
- » More than 80 per cent of applications related to unpaid owners corporation fees below \$10,000
- » Changes to the Owners Corporation Act gave us power to hear disputes about short-stay accommodation

What we do

Almost all matters heard by the Owners Corporations List are disputes under the *Owners Corporations Act 2006*. The list also determines applications made under the *Subdivision Act 1988* that relate to owners corporations. From this year, VCAT also has power to hear disputes about short-stay accommodation (see below).

An owners corporation manages the common property in a subdivision that has created several lots or units. The common property can be a driveway, car parking space, garden, lift, staircase, foyer or roof space. The owners corporation collects fees from its lot-owning members to pay for the cost of managing, maintaining and insuring the common property.

Year in review:

There were almost 3,250 applications to the Owners Corporations List this year, an increase of 17 per cent compared to the previous year. This significant increase in workload meant there were 976 pending cases at the end of the year, up from 662 last year. We finalised 2885 applications, achieving a clearance rate of 89 per cent.

About 83 per cent of the list's work related to claims for unpaid owners corporation fees below \$10,000. The remaining 17 per cent comprised complex claims about a wide variety of issues. These claims are more resource intensive and take significantly longer to finalise, which added to our pending rate.

New laws commenced on 1 February, giving VCAT power to resolve short-stay accommodation disputes. The changes to the *Owners Corporation Act 2006*, made by the *Owners Corporations Amendment (Short-stay Accommodation) Act 2018*, prohibit people making excessive noise, creating a hazard, interfering with others' use of common property and causing damage to a lot or common property. The behaviour that led to the dispute must have happened on or after 1 February 2019.

A short-stay accommodation arrangement is a lease or licence of up to seven days and six nights that allows someone to stay in a unit, apartment or lot managed by an owners corporation. When it is proved that a short-stay occupant engaged in prohibited conduct, VCAT can make orders that might include stopping the apartment from being rented out for short-stay accommodation for a specific period and compensation of up to \$2000 to each affected resident for each breach. Fines of up to \$1100 for the short-stay provider and/or the short-stay occupant are also possible.

Caseflow	2016-17	2017-18	2018-19	Variance
Initiations	3,126	2,763	3,245	17%
Finalisations	3,001	2,685	2,885	7%
Pending	619	662	976	47%
Clearance rate	96%	97%	89%	

Timeliness of Finalised Cases (weeks)	2016-17	2017-18	2018-19	Target
Median	7	8	9	
80th Percentile	11	11	13	
Target				10

Applications by Enabling Enactment	2016-17	2017-18	2018-19	Variance
<i>Australian Consumer Law and Fair Trading Act 2012</i>	30	12	9	-25%
<i>Owners Corporations Act 2006</i>	3,080	2,712	3,193	18%
Others	16	39	43	10%
Total	3,126	2,763	3,245	17%

Applications by claim amount	2016-17	2017-18	2018-19	Variance
Small Claims: <\$10,000*	2,738	2,268	2,702	19%
Standard Claims: \$10,000-\$100,000	148	185	200	8%
Complex Claims: \$100,000 +	13	17	21	24%
No value	227	293	322	10%
Total	3,126	2,763	3,245	17%

* On 7 December, part of the *Justice Legislation Amendment (Access to Justice) Act 2018* came into effect, increasing the small claims range to under \$15,000 for applications made under the *Australian Consumer Law and Fair Trading Act 2012*. This change will be reflected in our 2019-20 annual report, once we have a full financial year of data.

Delivering our services

Planning and Environment List

Key points

- » Handled applications about projects totalling \$7.75 billion
- » Implemented changes to Planning and Environment Act, giving objectors 28 days to apply to VCAT for a review of a decision to grant a permit
- » Application rates decreased, reflecting a slower economy

What we do

The Planning and Environment List deals with a variety of applications related to the use, development and subdivision of land, heritage, gaming premises approvals, water and Environment Protection Authority licensing and approvals, the valuation of land for rating purposes, and compensation arising from the compulsory acquisition of land.

Most cases are concerned with whether to grant a planning permit to use or develop land. Many disputes concern multi-dwelling developments, ranging from two or three dwellings on a suburban lot to multi-storey buildings containing hundreds of apartments. When reviewing the decision of a council to grant or refuse a permit, VCAT’s role is to reconsider the whole application afresh on its merits.

Year in review:

Applications decreased about six per cent overall this year, including an eight per cent decrease in major case applications. The total project value of applications was also lower this year, at \$7.75 billion, consistent with trends observed in the economy.

We continued to see growth in the size and complexity of projects coming before VCAT, which need longer hearings to resolve. This, as well as the impact of reforms to the Victorian Planning Provisions, may have contributed to lower finalisation rates this year. As a result of the reforms, members were required to deliver interim decisions to allow parties to make submissions in relation to the changes.

As expected, land valuation cases dipped this year, reflecting the two-year cycle of council valuing properties as part of rate reviews.

New legislation, in effect from 1 July, gave objectors 28 days (up from 21 days) to apply to VCAT for review of a decision made by a responsible authority to grant a permit. The change also removed ambiguity around when the counting of days starts. This change did not affect application rates.

The Planning and Environment List moved to its own Division on 28 June, having previously been part of the Administrative Division. Head of List Helen Gibson AM retired on 30 June (see p. 63).

Caseflow	2016–17	2017–18	2018–19	Variance
Initiations	2,878	2,816	2,652	-6%
Finalisations	2,517	3,023	2,613	-14%
Pending	1,605	1,392	1,417	2%
Clearance rate	87%	107%	99%	

Timeliness of Finalised Cases (weeks)	2016–17	2017–18	2018–19
Median	26	26	26
80th Percentile	33	34	34

Initiations	2016-17	2017-18	2018-19	Variance
Planning and Environment	2,800	2,711	2,556	-6%
Land Valuation	78	105	96	-9%
Total	2,878	2,816	2,652	-6%

Finalisations	2016-17	2017-18	2018-19	Variance
Planning and Environment	2,446	2,928	2,525	-14%
Land Valuation	71	95	88	-7%
Total	2,517	3,023	2,613	-14%

Pending	2016-17	2017-18	2018-19	Variance
Planning and Environment	1,570	1,347	1,365	1%
Land Valuation	35	45	52	16%
Total	1,605	1,392	1,417	2%

Applications by Enabling Enactment	2016-17	2017-18	2018-19	Variance
<i>Environment Protection Act 1970</i>	18	14	9	-36%
<i>Planning and Environment Act 1987</i>	2,758	2,666	2,525	-5%
<i>Valuation of Land Act 1960</i>	61	100	81	-19%
Others	41	36	37	3%
Total	2,878	2,816	2,652	-6%

Applications by Type	2016-17	2017-18	2018-19	Variance
(PEL) Major Cases	526	615	565	-8%
(PEL) Standard Claims	2,274	2,096	1,991	-5%
Land Valuation	78	105	96	-9%
Total	2,878	2,816	2,652	-6%

Applications by claim amount (Planning and Environment applications)	2016–17	2017–18	2018–19	Variance
Small Claims: <\$10,000	256	219	245	12%
Standard Claims: \$10,000–\$100,000	112	98	90	-8%
Complex Claims: \$100,000–\$1m	987	920	784	-15%
Complex Claims: \$1m–\$5m	516	527	452	-14%
Complex Claims: \$5m–\$20m	239	188	175	-7%
Complex Claims: \$20m +	116	101	96	-5%
No value	652	763	810	6%
Total	2,878	2,816	2,652	-6%
Approximate Total Value (\$billion)	\$10.25	\$11.38	\$7.75	-32%

Top 20 number of applications by council (alphabetical order)	2016–17	2017–18	2018–19	Variance
Banyule City Council	74	67	80	19%
Bayside City Council	114	138	120	-13%
Boroondara City Council	157	118	133	13%
Casey City Council	50	70	53	-24%
Darebin City Council	138	121	100	-17%
Glen Eira City Council	172	84	65	-23%
Greater Geelong City Council	45	54	49	-9%
Hobsons Bay City Council	69	79	47	-41%
Kingston City Council	59	55	53	-4%
Manningham City Council	65	85	70	-18%
Maroondah City Council	70	58	67	16%
Melbourne City Council	96	141	140	-1%
Monash City Council	178	186	123	-34%
Moreland City Council	117	139	102	-27%
Mornington Peninsula Shire Council	143	146	242	66%
Port Phillip City Council	156	137	97	-29%
Stonnington City Council	144	129	101	-22%
Whitehorse City Council	68	78	54	-31%
Yarra City Council	145	131	121	-8%
Yarra Ranges Shire Council	39	34	46	35%

Top 20 number of applications by suburb (alphabetical order)	2016-17	2017-18	2018-19	Variance
Brighton	35	40	35	-13%
Brunswick	22	33	31	-6%
Capel Sound	4	4	24	500%
Carlton	12	13	19	46%
Clayton	15	45	21	-53%
Croydon	30	17	22	29%
Dromana	13	14	39	179%
Glen Waverley	39	41	25	-39%
Hawthorn	24	24	23	-4%
Kew	29	20	24	20%
Melbourne	35	83	117	41%
Mornington	19	14	35	150%
Mount Waverley	49	29	25	-14%
Northcote	15	23	20	-13%
Preston	37	39	20	-49%
Reservoir	38	28	25	-11%
Richmond	51	40	36	-10%
Rosebud	10	12	44	267%
South Melbourne	31	34	24	-29%
Toorak	21	18	21	17%

Delivering our services

Residential Tenancies List

Key points

- » More than 52,000 applications, mostly from landlords represented by estate agents or property managers
- » Increase in applications from tenants and residents, now 13 per cent of total
- » Fewer applications from Director of Housing

What we do

The Residential Tenancies List is a high-volume, efficient throughput list, where matters are often finalised within four weeks of the original application, earlier if urgent. It promotes non-adversarial dispute resolution so parties can maintain rental relationships. Parties almost always receive the written order at the hearing.

The list mainly handles disputes between:

- » landlords and tenants
- » rooming house owners and rooming house residents
- » the Director of Housing and public tenants
- » other providers of community housing and tenants
- » caravan park owners and residents.

Year in review:

The Residential Tenancies List remains VCAT’s busiest list by volume of matters heard. About 60 per cent of all applications to VCAT are made to this list. Application numbers overall remained steady this year. The rise in applications made by tenants, which we’ve seen in recent years, continued. Currently, tenants or residents make about 13 per cent of all applications to the list.

Several changes to the *Residential Tenancies Act 1997* affected some application types. Changes to the Act from 1 February mean tenants and landlords can now apply to VCAT to resolve disputes about long-term renting agreements — fixed term tenancies of more than five years. Another change, in effect from 3 April, created new requirements for closing caravan parks and residential parks, and compensating eligible residents and site tenants.

We put systems in place to respond to other legislative reforms, such as restrictions on the frequency of rent increases and provision for accommodation for people with disabilities. In addition, we started preparing for substantial reforms under the *Residential Tenancies Amendment Act 2018*, due to commence on 1 July 2020.

For the small, but growing, number of complex high-value compensation claims between landlords and tenants, we introduced compulsory conferences, aimed at ending the dispute by agreement rather than through a hearing. We are considering other opportunities to improve service to our users. This includes publishing a range of VCAT decisions to help users assess the likely outcome of their dispute.

In May, Head of List Deputy President Heather Barker retired and Deputy President Ian Proctor stepped into the role (see p. 63).

Caseflow	2016–17	2017–18	2018–19	Variance
Initiations	54,551	53,212	52,412	-2%
Finalisations	55,121	53,309	52,171	-2%
Pending	1,848	2,430	2,467	2%
Clearance rate	101%	100%	100%	

Timeliness of Finalised Cases (weeks)	2016-17	2017-18	2018-19	Target
Median	2	3	3	
80th Percentile	4	6	7	
Target				6

Applications by Enabling Enactment	2016-17	2017-18	2018-19	Variance
<i>Residential Tenancies Act 1997</i>	51,861	50,567	49,857	-1%
<i>Victorian Civil and Administrative Tribunal Act 1998</i>	2,507	2,496	2,397	-4%
<i>Australian Consumer Law and Fair Trading Act 2012</i>	174	140	138	-1%
Others	9	9	20	122%
Total	54,551	53,212	52,412	-2%

Highest number of Applications by Case Type	2016-17	2017-18	2018-19	Variance
Possession and rent	11,253	14,107	14,443	2%
Possession, rent and bond	5,264	5,671	5,351	-6%
Possession: 60-day notice	1,464	2,150	1,421	-34%
Possession: end of fixed term or 120-day no reason	927	1,255	1,147	-9%
Possession: damage or danger	520	314	273	-13%
Bond - unpaid rent and loss or damage or both — Landlord	9,143	9,091	8,834	-3%
Bond and compensation — Landlord	5,734	5,783	5,589	-3%
Bond Tenant	1,264	2,212	1,691	-24%
Renewals	4,520	4,927	4,374	-11%
Review and leave	2,472	2,632	2,130	-19%

Applications by Applicant Type	2016-17	2017-18	2018-19	Variance
Director of Housing	10,799	9,352	8,628	-8%
Landlords represented by estate agents or property managers	34,785	33,376	31,973	-4%
Private landlords	2,770	3,335	3,830	15%
Tenants or residents	5,135	6,049	6,693	11%
Others (including Rooming House Owners and Caravan Park Owners)	1,062	1,100	1,288	17%
Total	54,551	53,212	52,412	-2%

Delivering our services

Review and Regulation List

Key points

- » Changes to the *Firearms Act 1996* sparked more applications for review of a decision
- » More applications made under the *Health Practitioner Regulation National Law (Victoria) Act 2009*

What we do

More than 80 enabling enactments provide jurisdiction for VCAT to hear cases managed under the Review and Regulation List. Our review jurisdiction allows people to challenge administrative decisions made by government decision-makers, and professional and licensing decisions made by regulatory authorities, boards, panels and committees.

In this list, we also conduct inquiries into the professional conduct of various professionals, including a broad range of health professionals, as part of our 'original' jurisdiction. Original jurisdiction means VCAT is the first instance decision-maker. The wide variety of matters we commonly deal with include:

- » health practitioners disciplinary and registration matters
- » estate agent, private security agent, commercial passenger vehicle owners and drivers matters
- » racing disciplinary matters
- » Freedom of Information reviews
- » reviews of Working with Children Check decisions
- » reviews of Victims of Crime Assistance Tribunal decisions
- » reviews of child welfare case plan decisions
- » state taxation matters
- » domestic animal cases, including dangerous or menacing dogs
- » reviews of Transport Accident Commission matters.

Year in review:

This year's report includes statistics for the 10 most common types of cases heard in the Review and Regulation List, providing a clearer reflection of the complexity and diversity of matters we hear. We will continue this approach in future reports.

The way we finalise a case reflects the diverse subject matter and current case management challenges. Some cases, for example those made under the *Working with Children Act 2005*, must be presided over by a presidential member. Others, such as those under the *Health Practitioner Regulation National Law (Victoria) Act 2009*, require a panel of three members, including two from the relevant health profession. Some other matters require the presiding member to have specialised expertise, such as in hearings under the *Children, Youth and Families Act 2005*.

Due to the relatively small volume of cases, and their complexity, only a small team of members are assigned to this list. Member health issues during the year meant it took longer to produce written reasons for decisions, which are required in most cases. To address these factors, we increased the number of members hearing cases and took steps to ensure members' health and wellbeing was prioritised.

Legislative amendments continued to impact the list. For example, amendments to the *Firearms Act 1996*, which took effect in May, enabled police to make firearm prohibition orders. These required the subject to immediately surrender any firearm, precluded the possession of a firearm

and restricted the subject from attending a number of different places. This increased the number of review applications we received under the Act. The increased workload of regulatory bodies continues to impact the list. For example, this year we received

more applications made under the *Health Practitioner Regulation National Law (Victoria) Act 2009*, both referrals from the relevant boards and reviews of decisions made by those boards.

Caseflow	2016-17	2017-18	2018-19	Variance
Initiations	994	1,087	1,100	1%
Finalisations	1,020	970	1,038	7%
Pending	547	558	646	16%
Clearance rate	103%	89%	94%	

Timeliness of Finalised Cases (weeks)	2016-17	2017-18	2018-19
Median	19	21	21
80th Percentile	49	51	51

Initiations (Details)	2016-17	2017-18	2018-19	Variance
<i>Freedom of Information Act 1982</i>	126	188	159	-15%
<i>Transport Accident Act 1986</i>	225	217	187	-14%
Others	643	682	754	11%
Total	994	1,087	1,100	1%

Finalisations (Details)	2016-17	2017-18	2018-19	Variance
<i>Freedom of Information Act 1982</i>	109	160	157	-2%
<i>Transport Accident Act 1986</i>	274	240	223	-7%
Others	637	570	658	15%
Total	1,020	970	1,038	7%

Pending (Details)	2016-17	2017-18	2018-19	Variance
<i>Freedom of Information Act 1982</i>	75	90	79	-12%
<i>Transport Accident Act 1986</i>	200	101	137	36%
Others	272	367	430	17%
Total	547	558	646	16%

2018-19 Initiations by enabling enactment	Total
<i>Transport Accident Act 1986</i>	187
<i>Freedom of Information Act 1982</i>	159
<i>Taxation Administration Act 1997</i>	141
<i>Health Practitioner Regulation National Law (Victoria) Act 2009</i>	91
<i>Working with Children Act 2005</i>	72
<i>Racing Act 1958</i>	44
<i>Building Act 1993</i>	32
<i>Domestic Animals Act 1994</i>	32
<i>Children, Youth and Families Act 2005</i>	26
<i>Private Security Act 2004</i>	21
<i>Victims of Crime Assistance Act 1996</i>	19
<i>Transport (Compliance and Miscellaneous) Act 1983</i>	17
<i>Estate Agents Act 1980</i>	10
<i>Firearms Act 1996</i>	10
<i>Births, Deaths and Marriages Registration Act 1996</i>	6
Others	233
Total	1,100

Our leadership

Our leadership includes VCAT members, appointed by the Governor in Council to ensure the tribunal's independence, and senior staff employed by Court Services Victoria. Together, they serve on the various committees set up to ensure sound governance.

President

Justice Michelle Quigley

Vice presidents

Twelve County Court Judges serve as vice presidents (see p. 77)

Administrative Division

Head of Division

Deputy President

Heather Lambrick

Legal Practice List

Head of List

Senior Member Gerry Butcher RFD

Deputy Head of List

Senior Member Elisabeth Wentworth

Review and Regulation List

Head of List

Deputy President Heather Lambrick

Deputy Heads of List

Senior Member Ian Proctor (1 July–1 May)

Senior Member Elisabeth Wentworth

Civil Division

Head of Division

Deputy President Catherine Aird

Civil Claims List

Head of List

Deputy President Ian Lulham

Deputy Heads of List

Senior Member Stella Moraitis

Senior Member Silvana Wilson

Building and Property List

Head of List

Deputy President Catherine Aird

Deputy Heads of List

Deputy President Eric Riegler

Senior Member Mark Farrelly

Owners Corporations List

Head of List

Senior Member Lindsay Warren

(28–30 June)

Senior Member Jonathan Smithers

(1 July–27 June)

Deputy Head of List

Senior Member Charlene Price

Human Rights Division

Head of Division

Deputy President Genevieve Nihill AM

Guardianship List

Head of List

Deputy President Genevieve Nihill AM

Deputy Heads of List

Senior Member Bernadette Steele

Senior Member Brendan Hoysted

Human Rights List

Head of List

Deputy President Genevieve Nihill AM

Deputy Head of List

Senior Member Bernadette Steele

Planning and Environment Division (est. 28 June)

Head of Division

Helen Gibson AM (28–30 June)

Planning and Environment List

Head of List

Deputy President Helen Gibson AM

Deputy Heads of List

Senior Member Margaret Baird

Senior Member Laurie Hewet

Senior Member Jeanette Rickards

Residential Tenancies Division

Head of Division

Deputy President Ian Proctor

(2 May–30 June)

Deputy President Heather Barker

(1 July–1 May)

Residential Tenancies List

Head of List

Deputy President Ian Proctor

(2 May–30 June)

Deputy President Heather Barker

(1 July–1 May)

Deputy Heads of List

Senior Member Lindsay Warren

Member Kylea Campana

Administration Executive and Operations

Chief Executive Officer

Mary Amiridis

(15 October–30 June, including

Acting CEO from 15 October–12 April)

Keryn Negri

(1 July–12 October)

Principal Registrar

Carolyn McSporran (1 July–29 May)

Anthony Jacobs, Acting (30 May–30 June)

Director, Finance, Data Insights & Support

Bradley Vice (1 July–2 January)

Sam Constanzo, Andrew Royce, Acting (3 January–30 June)

Director, People Management

Jeshree Gaundar (1 July–6 May)

Vacant (7 May–30 June)

Director, Information Technology

Michael Van Der Arend

Director, Operations

Melissa Biram

Director, Strategic Communications

Elisa Berg

Director, Corporate Services

Barbara Oleczek

Leadership changes

This year we farewelled several senior leaders and welcomed new leaders to their roles.

Change of Chief Executive Officer

Keryn Negri was farewelled from the role of Chief Executive Officer in October after five years with the tribunal. Keryn's significant contribution to VCAT included the introduction of the Customer Service Improvement Program, pilots of online dispute resolution and electronic filing, and a strong focus on accessibility and Koori inclusion. She established the tribunal's Diversity and Inclusion Committee, a first for a Victorian court or tribunal, and established a partnership with the Dispute Settlement Centre of Victoria to expand alternative dispute resolution.

Mary Amiridis was appointed Chief Executive Officer in April, after six months acting in the role. Mary has successfully delivered legislative, policy, regulatory and service delivery reforms in government and court environments, including Court Services Victoria and the Supreme Court of Victoria. Her experience includes criminal justice reforms relating to sexual assault and family violence and leading a complex gambling licensing transition in Victoria. Mary is a lawyer with a postgraduate qualification in public administration.

Change of leadership in Residential Tenancies Division

Deputy President Heather Barker retired in June after more than 20 years with the tribunal, most recently in the role of Head of Residential Tenancies Division. Heather joined VCAT when it was established in 1998, having been a member of the Small Claims and Residential Tenancies tribunals — two of the 14 tribunals that merged when VCAT was established. Heather served in VCAT's Residential Tenancies, Civil Claims, Guardianship and Owners Corporations lists, and had been part of the tribunal's leadership team for the past decade.

Deputy President Ian Proctor was appointed to lead our Residential Tenancies Division and List from 2 May. Ian has extensive experience with residential tenancies as a VCAT member and former principal registrar and has worked in legal aid and the community legal sector. His current focus at VCAT is reviewing Victorian Government decisions and professional disciplinary matters. Ian is supportive of innovation at VCAT, helping to drive several transformation and digital projects.

Change of leadership in Planning and Environment Division

Deputy President Helen Gibson AM retired on 30 June. She had been Head of the Planning and Environment List since 2004 and became Head of the Planning and Environment Division when it was created this year. Helen was the inaugural Chief Panel Member of Planning Panels Victoria from 1996 until her appointment at VCAT. She participated on many planning reviews and advisory committees, including as an Expert Group Member on the Review of the State Planning Policy Framework from 2008-10. In 2016, Helen was named a Member of the Order of Australia for significant service to planning and environment law in Victoria, and as a role model for women in the profession.

Our governance

External governance

VCAT is part of Victoria's justice system. The courts and VCAT operate independently from executive government.

Our relationship to courts and government

To support the independence of Victoria's courts and VCAT, our administrative services and facilities are provided by a statutory body corporate: Court Services Victoria (CSV). VCAT's president

is a member of CSV's governing body, the Courts Council. Our CEO is appointed by the Courts Council on the recommendation of the VCAT president. Our CEO is responsible to the VCAT president for VCAT operations.

Supreme Court of Victoria

Appeals of VCAT decisions on questions of law are heard by the Supreme Court of Victoria's Trial Division and Court of Appeal. Other courts have roles in enforcing VCAT orders.

Judicial Commission of Victoria

The Judicial Commission of Victoria was established in July 2017 to guard against any erosion in public confidence in the Victorian Courts and VCAT.

The commission can investigate complaints about the conduct or capacity of judicial officers and VCAT members, but not complaints about the correctness of a decision they have made.

Court Services Victoria accountability structure, including VCAT



Appeals and enforcement of VCAT orders



Internal governance

Under the law that establishes VCAT and governs our activities, the president and vice presidents are responsible for the management and administration of the tribunal. Our internal governance model

includes standing committees to oversee compliance, regulatory and financial management accountability of the critical business functions, and established steering committees to oversee major strategic initiatives

and projects and support the management of change. To support sound decision-making, all committees provide regular updates to the President's Advisory Committee.

President's Advisory Committee

The President's Advisory Committee includes the senior leadership group, comprising the president, two vice presidents, chief executive officer, heads of divisions, principal registrar

and the directors of operations, strategic communications and strategic planning and governance. The committee meets monthly to discuss key issues affecting the

organisation. It provides strategic advice to the president to assist in decision-making and the efficient management and continuous improvement of VCAT operations.

Steering committees

Following our strategic review this year (see p. 35), the Service Design Steering Committee and Digital Transformation Steering Committee were discontinued. Other committees outlined below continued to meet.

Accommodation Planning Steering Committee

Responsible for the development, coordination, implementation, review and monitoring of key issues and projects as they relate to VCAT's current and future venue and accommodation

requirements, including planning for future accommodation in the CBD, and improving access to VCAT services in metropolitan and regional areas.

Professional Development, Capability and Leadership Steering Committee

Ensures that the learning and development requirements across the member and staff workforce are addressed in a targeted manner and create a high-performance culture through an engaged workforce.

Diversity and Inclusion Steering Committee

Ensures diversity issues are addressed through a framework that supports procedural fairness and equality of treatment for all VCAT users. Promotes a culture of inclusiveness and acceptance of diversity. Key initiatives include the implementation of the Koori Inclusion Action Plan and the Accessibility Action Plan, and the development of interpreters' guidelines.

Risk Management and Audit Committee

This standing committee was established to oversee VCAT's risk, audit and compliance obligations. It provides a forum to discuss and monitor risks, compliance obligations and audit processes. It ensures that VCAT is well placed to mitigate key business, financial, compliance and regulatory risks and to safeguard its

business operations. The committee has an independent chair, Barbara McLure, who was appointed in February 2016.

This year, the committee continued to focus on financial risks and compliance. It initiated a broadscale review of VCAT's risks, including

both strategic and operating risks. It considered any risks identified in VCAT's culture survey and monitored the development of action plans.

Rules Committee

The Rules Committee is established under the VCAT Act. It is responsible for developing rules of practice and procedure for the tribunal. It is also responsible for developing guides to VCAT processes, known as practice notes. The committee ensures that VCAT members are educated in relation to those rules and practice notes and that they are up-to-date and consistent with any changes in the law, such as changes to VCAT's jurisdiction or its fee structure and VCAT's internal processes.

The VCAT president and all vice presidents are members of the committee. The vice presidents allocated to VCAT usually attend the committee meetings. A deputy president, two VCAT members and an independent, non-tribunal member also sit on the committee.

In 2018–19, the Rules Committee met six times. This included three out-of-session special meetings.

Changes to rules

On 26 October, by circular resolution (without a meeting), the Rules Committee made the *Victorian Civil and Administrative Tribunal (Miscellaneous Amendments Rules) 2018* which came into force on 1 November 2018. Among other minor amendments, the *Miscellaneous Amendments Rules* made changes to the *Victorian Civil and Administrative Tribunal Rules 2018* (the Principal Rules) to:

- » enable a member of the tribunal, in addition to the principal registrar, to authenticate an order by adding the tribunal's seal
- » allocate additional functions to the principal registrar, including the ability to strike out a proceeding in certain specified circumstances, determine consent applications and various other functions for proceedings in the Guardianship List of the Human Rights Division.

On 20 March, the Rules Committee approved the *Victorian Civil and Administrative Tribunal Amendment Rules 2019*, which made amendments to the Principal Rules to:

- » enable a Deputy Head of a List to

transfer a proceeding from one list to another, when previously a request for transfer of a proceeding could only be made by a Head of List

- » allow for inspection and copy any part of the register of proceedings. The rule requires a person who is not a party to a proceeding to provide specified information, including the name of a party or the proceeding number, in order to inspect or obtain a copy of part of the register of proceedings that relates to that proceeding
- » provide an additional function to the principal registrar, enabling delegation of functions to people deemed suitably qualified, including the ability to authenticate a tribunal order.

The Rules Committee also approved, by circular resolution, a change to the Rules by passing the *Victorian Civil and Administrative Tribunal Amendment (Planning and Environment Division) Rules 2019*, effective 28 June. The amendment established a new division at VCAT called the Planning and Environment Division and transferred the Planning and Environment List to this division.

Practice Notes approved

A total of 21 practice notes were amended to align with the Principal Rules remade on 14 June 2018:

VCAT-wide

- » PNVCAT 1 — Common Procedures

Specific amendment was made reflecting changes made by the *Justice Legislation Amendment (Access to Justice) Act 2018 (Vic)*. Within the Civil Claims List, it increased the monetary threshold for a small claim under the *Australian Consumer Law and Fair Trading Act 2012 (Vic)* from \$10,000 to \$15,000.

- » PNVCAT4 — Alternative Dispute Resolution
- » PNVCAT5 — Directions Hearings and Urgent Hearings
- » PNVCAT6 — Hearing Fees
- » PNVCAT7 — Hearing Room Technology

Planning and Environment List

- » PNPE1 — Planning and Environment List Procedures
- » PNPE2 — Information from Decision Makers

Minor amendments were also made to Tables 1-14 and Table 16-17 accompanying this Practice Notice, to more accurately reflect procedures regarding applications in this list.

- » PNPE3 — Cancellation and Amendment of Permits
- » PNPE4 — Enforcement of Orders and Interim Enforcement Orders
- » PNPE5 — Valuation and Compensation matters
- » PNPE6 — Practice Day
- » PNPE7 — Short Cases List
- » PNPE8 — Major Cases List
- » PNPE9 — Amendment of Plans and Applications
- » PNPE10 — Enforcement order and interim enforcement orders under the *Traditional Owners Settlement Act 2010 (Vic)*

Building and Property List

- » PNBP1 — Building and Property List (building disputes) — General Procedures
- » PNBP3 — Building and Property List (commercial and retail tenancy disputes) — General Procedures

Civil Claims List

- » PNCCL1 — Civil Claims List General Procedures

Residential Tenancies List

- » PNRST1 — Adjournments
- » PNRST2 — Director of Housing Bond Applications
- » PNRST3 — Rent Special Account Payments

Allocation of jurisdictions

The following enabling enactments were allocated to VCAT lists as follows:

Planning and Environment List

- » *Environment Protection Act 2017*

Building and Property List

- » *Building Act 1993* with specified exceptions due to allocation of S187ZI(1)(2) and (3) of the *Building Act 1993* to the Review and Regulation List

Human Rights List

- » *Voluntary Assisted Dying Act 2017*

Review and Regulation List

- » S 187ZI(1)(2) and (3) of the *Building Act 1993*
- » *Business Licensing Authority Act 1998*
- » *Firearms Act 1996*, amended to be included in its entirety
- » *Small Business Commission Act 2017*
- » *Commercial Passenger Vehicle Industry Act 2017*
- » *Disability Service Safeguards Act 2018*
- » *Labour Hire Licensing Act 2018*
- » *Long Service Benefits Portability Act 2018*
- » *Service Victoria Act 2018*

Appendices

Financial information

In keeping with Court Services Victoria (CSV) and other public sector entities, VCAT uses the model finance report.

VCAT's financial information is also included in CSV's Annual Report, which presents consolidated financial information for all courts and tribunals. The CSV financial information is audited by the Victorian Auditor-General's Office, is fully compliant with the

reporting guidelines set by the Department of Treasury and Finance for Victorian Government agencies and is compliant with the Australian Accounting Standards.

Funding

VCAT received Victorian Government appropriation revenue of \$37.60 million in 2018–19, up \$3.27 million or 9.6 per cent compared to the previous financial year. This increase was due to one-off funding to implement Koori and Family Violence initiatives and increased Special Appropriation funding.

Special Appropriation is provided by the Victorian Government to cover VCAT member costs. This funding increased by \$1.9 million or 11 per cent compared to last year, following approval from the Attorney-General.

Fee revenue increased to \$9.9 million, up \$0.16 million or 1.6 per cent.

VCAT received \$1.95 million in project funding for initiatives such as the Aboriginal Justice Agreement (AJA4),

family violence initiatives and the pilot of online dispute resolution. Capital Funding of \$5.33 million was applied to the ongoing enhancement of the Guardianship Hub, development of the online civil claims application and other initiatives designed to improve the user experience.

Special Appropriation funding

Special Appropriation funding increased to \$19.40 million, a \$1.9 million or 11% increase compared to last year. The increase was mainly related to sustained caseloads and more complex case types, experienced across most of our divisions this year. Complex cases take longer to resolve and require more member hours. For example, some complex cases require panels of members to hear the case and require subject matter experts who are sessional VCAT members. VCAT needed supplementary funding during 2018–19 to meet the cost of these additional resources and maintain case clearance rates.

Special Appropriation funding covered member costs in most of VCAT's lists, except for those wholly funded from other sources. These exceptions include the:

- » Residential Tenancies List, funded by the Residential Tenancies Trust Fund, established under the *Residential Tenancies Act 1997*
- » Domestic Building (part of Building and Property List), funded by the Domestic Building Fund, established under the *Domestic Building Contracts Act 1995*
- » Owners Corporations List, funded by the Victorian Property Fund, established under the *Owners Corporations Act 2006*
- » Legal Practice List, funded by the Victorian Legal Services Board, established under the *Legal Profession Act 2004*.

As well as receiving appropriation revenue, some lists recover costs from other sources:

- » Guardianship List recovers costs from the Guardianship and Administration Fund, established under the *Guardianship and Administration Act 1986*

- » Review and Regulation List recovers costs from the Australian Health Practitioner Regulation Agency and Victoria's racing regulation agencies (Harness Racing, Greyhound Racing and Racing Victoria).

During 2018–19, the Victorian Government continued an interim review of the VCAT Fee Regulations that were implemented on 1 July 2016. The Government had committed to an interim review and a comprehensive review after 60 months, as part of the impact assessment process. The interim review found, amongst other things, that the revised fee regulations are providing a positive contribution to the Victorian Government's Access to Justice policy.

During the year, VCAT engaged with multiple agencies on proposals and implementation of jurisdiction assigned to the tribunal. VCAT does not comment on the policy underpinning the proposed legislative reforms, but our participation improves how Bills are framed, ensures that funding is considered and that the reforms can be efficiently implemented.

Expenditure

Operational expenditure

In 2018–19, VCAT’s recurrent expenditure was \$56.3 million. This is \$2.6 million or five per cent more than the previous year. This was due to a sustained volume of lodgements and an increase in the complexity of cases we were hearing, which raised payroll costs for members.

Over the past two financial years, payroll has comprised about 80 per cent of VCAT’s total operating

expenditure. The implementation of project initiatives and general system enhancements also contributed to payroll expenditure (see Note 3). Accommodation and property services is the second largest cost category, comprising about 12 per cent of VCAT’s total operating expenditure. This mainly relates to lease costs for facilities controlled by VCAT and used to provide services to the community (see Note 7).

VCAT’s expenditure includes cost offsets related to dispute resolution services provided on behalf of third party authorities. These services are provided under agreements with these authorities. An overview of significant cost recoveries is outlined in the following table (see also Note 8).

Cost recovery from third party authorities (\$ million)	2017–18	2018–19
Guardianship and administration	1.73	1.96
Health boards and racing authorities	0.71	0.70
Legal Services Board	0.97	0.99
Office of the Small Business Commissioner	0.35	0.35
Other	0.13	0.25
Total major cost recoveries	3.89	4.25

Audited accounts

VCAT’s accounts are audited as part of CSV’s accounts and published in the consolidated CSV Annual Report. The figures published in CSV’s report may vary from the information published in this report, due to CSV reporting all

transactions including those centrally coordinated, some transactions from non-economic flows and adjustments made in the time between publications. To view the CSV annual report, visit courts.vic.gov.au.

Operating Statement

Income from transactions	Note	2017-18	2018-19
Output appropriations	1	16,813	18,133
Special appropriations		17,497	19,444
Grants	2	20,082	19,480
Other income		0	0
Total income from transactions		54,392	57,057

Expenses from transactions	Note	2017-18	2018-19
Employee expenses	3	44,205	46,843
Depreciation and amortisation	4	795	715
Interest expense	5	45	40
Capital Assets Charge	6	239	360
Grants and other transfers		0	0
Supplies and services	7	10,427	10,641
Other (including expense recoups)	8	(2,009)	(2,251)
Total expenses from transactions		53,702	56,348

Other economic flows to be included in expenses	Note	2017-18	2018-19
Gains/(losses) from other economic flows	9	(42)	578
Total expenses after other economic flows		53,660	56,926
Net operating result		732	131

Capital Expenditure	2017-18	2018-19
Building projects (construction in progress)	727	-107
Building leasehold improvements (construction in progress)	845	-753
Building leasehold improvements	0	881
Plant and equipment	17	0
Motor vehicles under lease	-80	-107
Intangible assets (construction in progress)	2,800	3,916
Net total movement — (decrease)/increase	4,309	3,830

Notes on the operating statement

Note 1		
Output appropriation revenue	2017-18 (\$'000)	2018-19 (\$'000)
Tribunal fees returned under s.29 of the Financial Management Act	9,774	9,931
Accommodation funding	4,719	4,999
Depreciation funding	706	689
Court Fee Pool funding	-	-
Capital Assets Charge	239	360
General provision of outputs	1,375	2,154
Total output appropriation	16,813	18,133

Note 2		
Grants	2017-18 (\$'000)	2018-19 (\$'000)
Consumer Affairs Victoria	20,082	19,480
Other	-	-
Total grants	20,082	19,480

Note 3		
Employee expenses	2017-18 (\$'000)	2018-19 (\$'000)
Salaries and wages	34,961	37,696
Termination benefits	11	-
Superannuation	3,382	3,660
Leave expenses (annual leave and long service leave)	2,673	2,378
Other on-costs (fringe benefits tax, payroll tax, training etc.)	3,178	3,110
Total employee expenses	44,205	46,843

Note 4		
Depreciation and amortisation	2017-18 (\$'000)	2018-19 (\$'000)
Buildings	-	-
Buildings leasehold	-	-
Leasehold improvements	186	249
Plant and equipment	7	11
Leased plant and equipment	323	291
Software	278	164
Total depreciation and amortisation	794	715

Note 5		
Interest expense	2017-18 (\$'000)	2018-19 (\$'000)
Interest on finance leases	45	40
Total interest expense	45	40

Note 6		
Capital Asset Charge	2017-18 (\$'000)	2018-19 (\$'000)
Refer to Note 1 on CAC	239	360
Total Capital Asset Charge	239	360

Note 7		
Supplies and services	2017-18 (\$'000)	2018-19 (\$'000)
Accommodation and property services	6,684	6,088
Contractors, professional services and consultants	1,282	2,011
Printing, stationery and other office expenses	1,045	1,167
Technology services	1,014	820
Repairs and maintenance	(3)	41
Interpreter and translation services	405	514
Total supplies and services	10,427	10,641

Note 8		
Other (including expenses recouped)	2017–18 (\$'000)	2018–19 (\$'000)
Bank charges	32	16
Travel	272	325
Communication, postage and couriers	877	973
Vehicles	179	251
Expense recoups	(3,896)	(4,247)
Boards/committees/instructors (non-payroll)	444	349
Process serving	0	0
Police/hospital records search	2	1
Application/lodgement/licencing fees	0	0
Business probity checks	7	5
Membership subscriptions to professional bodies	10	13
Protective clothing/uniforms	0	2
Medical and pharmaceutical costs	7	13
Legal settlements	1	0
Purchase of services — Commonwealth Government, excluding general government sector	5	0
Purchase of services — intra-government	31	7
Other operating expenses (miscellaneous)	20	41
Total other (including expenses recouped)	(2,009)	(2,251)

Note 9		
Other (gains)/losses from other economic flows	2017–18 (\$'000)	2018–19 (\$'000)
Net (gain)/loss on non-financial assets	(25)	(12)
Net (gain)/loss arising from revaluation of long service leave liability	(17)	590
Total other (gains)/losses from other economic flows	(42)	578

Operating and capital investment

VCAT invested a total of \$5.4 million to improve services, processes, facilities and digital infrastructure. We focused on improving access to justice, cultural sensitivity and diversity, staff engagement, operational efficiency and our digital services. This sum was also used to build VCAT's capability and leadership.

The investment increases the value of VCAT's controlled assets and their related operating cost such as depreciation, amortisation and Capital Asset Charge (see Notes 4 and 6 of the operating statement).

Capital Asset Charge (Note 1 and 6)

The Budget Operations Framework for Victorian Government requires agencies to apply a Capital Assets Charge (CAC) levy of eight per cent on the written-down value of controlled non-current physical assets. The levy is funded by the Government and CSV coordinates allocation of this funding to its jurisdictions.

Other expenses, including recoups (Note 8)

CSV reports movements in trust accounts that are centrally managed and administered in the consolidated financial report. Some of these trusts include the Small Civil Claims Trust and Treasury Trust. VCAT has not amended its operating statement

to include these trust movements and continues to only report movements for accounts we control. These include the VCAT Operating Trust, which manages operating grants received from Consumer Affairs Victoria, and the Guardianship and Administration Suspense Account, which manages administration fees received under the Guardianship and Administration Act.

Other gains/(losses) from other economic flows (Note 9)

VCAT's operating statement discloses gains on non-financial assets related to the sale of leased vehicles.

Workforce data

Data is provided for VCAT members. Staff data is included as part of Court Services Victoria's annual report, to ensure consistency of reporting.

Occupational health and safety

We experienced an increase in reported occupational health and safety incidents this year, particularly for mental health and pre-existing injuries. This increase may be due to higher staff awareness of internal reporting systems, and mandatory reporting for incidents attended by First Aid Officers.

Muscular injury incidents were generally caused when using office equipment, such as folding machines, or when reaching for files or opening doors. Mental health and pre-existing incidents, including illness and flare-ups of existing medical conditions, were primarily reported by tribunal users rather than staff.

VCAT's pattern of incidents is generally similar to other Court Services Victoria jurisdictions.

Reported incidents			
Incident type	2016-17	2017-18	2018-19
Slips/trips/fall	6	8	3
Muscular injury	12	2	3
Mental health	2	3	7
Pre-existing	6	4	7
Near miss	1	0	0
Hazard	3	6	6
Threat to staff	2	1	1
Other	2	7	8
Total reported	34	31	35

Allocation of functions

Enabling enactments as at 30 June 2019

Aboriginal Heritage Act 2006
Accident Compensation Act 1985
Accident Towing Services Act 2007
Adoption Act 1984
Agricultural and Veterinary Chemicals (Control of Use) Act 1992
Architects Act 1991
Assisted Reproductive Treatment Act 2008
Associations Incorporation Reform Act 2012
Australian Consumer Law and Fair Trading Act 2012
Back to Work Act 2015
Biological Control Act 1986
Births, Deaths and Marriages Registration Act 1996
Building Act 1993
Bus Safety Act 2009
Business Franchise (Petroleum Products) Act 1979
Business Licensing Authority Act 1998
Catchment and Land Protection Act 1994
Cemeteries and Crematoria Act 2003
Children, Youth and Families Act 2005
Children's Services Act 1996
Child Wellbeing and Safety Act 2005
Climate Change Act 2017
Commercial Passenger Vehicle Industry Act 2017
Company Titles (Home Units) Act 2013
Congestion Levy Act 2005
Conservation, Forests and Lands Act 1987
Conveyancers Act 2006
Co-operatives National Law Application Act 2013
Country Fire Authority Act 1958
Credit Act 1984
Dairy Act 2000
Dangerous Goods Act 1985
Disability Act 2006
Domestic Animals Act 1994
Domestic Building Contracts Act 1995
Drugs, Poisons and Controlled Substances Act 1981
Duties Act 2000
Education and Care Services National Law Act 2010
Education and Training Reform Act 2006
Electoral Act 2002
Electricity Safety Act 1998
Emergency Management Act 1986
Emergency Services Superannuation Act 1986
Environment Protection Act 1970
Equal Opportunity Act 2010
Equipment (Public Safety) Act 1994
Estate Agents Act 1980
Firearms Act 1996
First Home Owner Grant Act 2000
Fisheries Act 1995
Flora and Fauna Guarantee Act 1988
Freedom of Information Act 1982
Fundraising Act 1998
Gambling Regulation Act 2003
Gas Safety Act 1997
Guardianship and Administration Act 1986
Health Complaints Act 2016
Health Practitioner Regulation National Law
Health Records Act 2001
Health Services Act 1988
Heritage Act 2017
Housing Act 1983
Labour Hire Licensing Act 2018
Land Acquisition and Compensation Act 1986
Land Tax Act 2005
Legal Profession Uniform Law Application Act 2014
Liquor Control Reform Act 1998
Livestock Disease Control Act 1994
Local Government Act 1989
Major Events Act 2009
Major Transport Projects Facilitation Act 2009
Meat Industry Act 1993
Medical Treatment Planning and Decisions Act 2016
Mental Health Act 2014
Metropolitan Fire Brigades Act 1958
Mineral Resources (Sustainable Development) Act 1990
Motor Car Traders Act 1986
Occupational Health and Safety Act 2004
Occupational Health and Safety Regulations 2017
Owner Drivers and Forestry Contractors Act 2005
Owners Corporations Act 2006
Parliamentary Salaries and Superannuation Act 1968
Payroll Tax Act 2007
Petroleum Act 1998
Pharmacy Regulation Act 2010
Pipelines Act 2005
Planning and Environment Act 1987
Plant Biosecurity Act 2010
Powers of Attorney Act 2014
Prevention of Cruelty to Animals Act 1986
Privacy and Data Protection Act 2014
Private Security Act 2004
Professional Boxing and Combat Sports Act 1985
Property Law Act 1958
Public Health and Wellbeing Act 2008
Racial and Religious Tolerance Act 2001
Racing Act 1958
Rail Safety (Local Operations) Act 2006
Rail Safety National Law Application Act 2013
Relationships Act 2008
Residential Tenancies Act 1997
Retail Leases Act 2003
Retirement Villages Act 1986
Road Management (General) Regulations 2016
Road Management Act 2004
Road Safety (Vehicles) Regulations 2009
Road Safety Act 1986
Rooming House Operators Act 2016
Sale of Land Act 1962
Seafood Safety Act 2003
Second-Hand Dealers and Pawnbrokers Act 1989
Sentencing Act 1991
Service Victoria Act 2018
Sex Work Act 1994
Small Business Commission Act 2017
State Employees Retirement Benefits Act 1979
State Superannuation Act 1988
Subdivision Act 1988
Superannuation (Portability) Act 1989
Supported Residential Services (Private Proprietors) Act 2010
Surveying Act 2004
Taxation Administration Act 1997
Therapeutic Goods (Victoria) Act 2010
Traditional Owner Settlement Act 2010
Transport (Compliance and Miscellaneous) Act 1983
Transport Accident Act 1986
Transport Superannuation Act 1988
Trustee Companies Act 1984
Unclaimed Money Act 2008
Urban Renewal Authority Victoria Act 2003
Valuation of Land Act 1960
Veterinary Practice Act 1997
Vexatious Proceedings Act 2014
Victims of Crime Assistance Act 1996
Victoria State Emergency Service Act 2005
Victoria State Emergency Service Regulations 2017
Victorian Plantations Corporation Act 1993
Voluntary Assisted Dying Act 2017
Water Act 1989
Wildlife Act 1975
Working with Children Act 2005
Workplace Injury Rehabilitation and Compensation Act 2013

VCAT member directory *(Current at 30 June 2019)*

President

Justice Michelle Quigley

Vice Presidents

Judge Sandra Davis
Judge Mark Dean
Judge Robert Dyer
Judge Felicity Hampel
Judge Marilyn Harbison
Judge Paul Lacava
Judge Michael Macnamara
Judge Frances Millane
Judge Jeanette Morrish
Judge Susan Pullen
Judge Andrea Tsalamandris
Judge Ted Woodward

Deputy Presidents

Ms Catherine Aird
Mr Mark Dwyer
Ms Helen Gibson AM
Ms Heather Lambrick
Mr Ian Lulham
Ms Genevieve Nihill AM
Mr Ian Proctor
Mr Eric Riegler

Senior Members

Ms Margaret Baird
Mr John Bennett
Ms Teresa Bisucci
Ms Susan Burdon-Smith
Mr Gerard Butcher RFD
Mr Sam Cimino
Mr Geoffrey Code
Ms Carol Daicic
Ms Anna Dea
Mr Mark Farrelly
Ms Leneen Forde
Mr Laurie Hewet
Mr Brendan Hoysted
Ms Justine Jacono
Ms Suzanne Kirton
Mr Philip Martin
Ms Stella Moraitis
Ms Rachel Naylor
Mr Ian Potts
Ms Charlene Price
Ms Jeanette Rickards
Mr Bill Sibonis
Mr Jonathan Smithers
Ms Bernadette Steele
Mr Lindsay Warren
Ms Elisabeth Wentworth
Ms Silvana Wilson

Senior Members, sessional

Ms Anne Coghlan
Mr Robert Davis
Judge Pamela Jenkins

Mr Michael Levine
Ms Margaret Lothian
Ms Jacqueline Preuss
Mr Alan Vassie
Mr Rohan Walker
Mr Roland Williams

Members

Ms Pamela Barrand
Ms Diane Bates
Ms Elizabeth Benzsz
Ms Deirdre Bignell
Ms Tracey Bilston-McGillen
Ms Michelle Blackburn
Ms Danica Buljan
Ms Kylea Campana
Mr Neill Campbell
Ms Megan Carew
Mr Michael Deidun
Mr Christopher Edquist
Ms Alison Glynn
Ms June Good
Ms Louise Johnson
Mr Andrew Kincaid
Ms Kim Knights
Ms Susanne Liden
Ms Felicity Marks
Ms Holly Nash
Mr Michael Nelthorpe
Ms Katherine Paterson
Mr Charles Powles
Dr Linda Rowland
Ms Anita Smith
Mr Reynah Tang AM
Mr Joel Templar
Ms Anne Marie Tilley
Dr Andrea Treble
Ms Susan Whitney
Ms Cindy Wilson

Members, sessional

Mr Benjamin Adcock
Ms Vanessa Aitken
Dr George Alexander
Ms Dianne Anderson
Ms Mary Archibald PSM
Mr Stephen Axford
Mr David Barber
Ms Pamela Barry
Dr James Baxter
Dr Philip Bender
Ms Claire Bennett
Ms Kerrie Birtwistle
Mr Ric Bland
Ms Wendy Boddison
Ms Siobhan Boyd-Squires
Ms Emma Bridge
Mr Robert Buchanan
Ms Marietta Bylhouwer
Mr Domenico Calabro

Mr Louis Cali
Dr Melanie Cameron
Ms Rebecca Cameron
Mr Geoffrey Carruthers
Ms Maureen Carruthers
Mr Gregory Chase
Mr Alan Chuck
Mr John Clampett
Ms Elizabeth Coe
Ms Vicky Cogley
Mr Timothy Connard
Ms Dalia Cook
Ms Gwenneth Crawford
Ms Bernadette Cremean
Ms Lara Crocker
Mr Robert Daly
Mr Graeme David
Mr Hugh Davies
Ms Vicki Davies
Mr Frank Dawson
Dr Clare Delany
Dr Anthony Dickinson
Ms Picha Djohan
Associate Professor Barry Draper
Ms Annette Eastman
Mr Michael El Moussalli
Dr John Farhall
Dr Peter Farrelly
Ms Natalie Fleming
Ms Christina Fong
Mr Sydney Fry
Ms Danielle Galvin
Mr Peter Gaschk
Mr Jayce Gilbert
Dr John Gleeson
Dr John Glover
Ms Megan Goulding
Mr Peter Gray
Mr Xu Ming (Sherman) Gu
Mr Raymond Gymer
Mr Paul Gysslink
Mr Nick Hadjigeorgiou
Ms Juliette Halliday
Ms Bernadette Hally
Ms Elizabeth Hancock
Ms Diana Harding QC
Ms Patricia Harper AM
Ms Fiona Harrison
Dr Christopher Hart
Mr Christopher Harty
Ms Margaret Harvey
Dr Alan Johnston
Mr Leslie Jones
Mr Barry Josephs
Ms Ann Keddie
Ms Jacquelyn Kefford
Mr David Kim
Ms Kay Kirmos
Ms Jessica Klingender
Ms Angela Kominos

Ms Judith Leshinsky
Mr Brian Lightfoot
Mr Owen Mahoney
Ms Carolyn Manning
Dr Robyn Mason
Mr Edmund McCabe
Ms Sarah McDonald
Ms Patricia McKeown
Mr Kenneth McNamara
Dr Peter McNeill
Mr Roderick McRae
Ms Katherine Metcalf
Dr Patricia Molloy
Ms Anne Moon
Ms Alison Murphy
Ms Lorina Nervegna
Ms Kathryn Norman
Ms Andelka Obradovic
Dr Elissa O'Brien
Mr Rodney Page
Ms Kate Partenio
Ms Rosslyn Pearson
Ms Annette Peart
Mr Christopher Perera
Ms Judith Perlstein
Ms Tania Petranis
Dr Yi-Lee Phang
Mr Robert Phillips
Ms Marian Power
Mr Mark Prince
Dr Aruna Reddy
Dr John Reggars
Dr Colin Riley
Mr Ian Scott
Mr John Sharkie
Mr Gregory Sharpley
Ms Karina Shpigel
Ms Alison Slattery
Ms Felicity Slee
Dr Rowan Story AM RFD
Dr Angela Sungaila
Mr Michael Sweeney
Ms Jane Tait
Ms Anna Tantau
Ms Mary-Anne Taranto
Mr Bryan Thomas
Mr Peter Tyler
Mr Blair Ussher
Ms Jill Walsh
Dr Laurie Warfe
Dr John Waterhouse
Ms Tracy Watson
Ms Lynda West
Mr Philip West
Mr Shiran Wickramasinghe
Dr Angela Williams
Ms Catherine Wilson
Ms Rebecca Wilson
Mr Samuel Zheng

Number of VCAT members at 30 June 2019	
Members	Number
Judicial members	13
Deputy presidents	8
Senior members	27
Senior members, sessional	9
Members	32
Members, sessional	136
Total	225

Appeals and complaints

Appeals against VCAT decisions

VCAT decisions can be appealed only on questions of law — that is, where a party believes the judge or member made a legal error. This limit on appeals helps give certainty to parties when we determine their disputes.

Parties who want to appeal must seek leave (permission) from the Supreme Court of Victoria. Its Trial Division hears appeals against orders made by a VCAT member or deputy president. The Court of Appeal hears appeals against decisions by the VCAT president or a vice president.

An appeal may relate to only one or a few points of a complex decision. It is rare for the court to direct a case to be completely reheard.

Appeals to Supreme Court	2016-17	2017-18	2018-19
Leave to appeal not granted	16	9	31
Leave to appeal granted and appeal dismissed	13	4	3
Leave to appeal granted and appeal upheld	20	5	6
Administrative disposal/discontinued/finalised by consent	20	20	16
Awaiting decision	1	44	53
Total number of appeals lodged	70	82	109

Complaints about VCAT

We received 300 complaints this year, and in almost 80 per cent of these cases we achieved our target of providing a final response within 10 business days of receiving the complaint.

For service issues, we encourage people to first discuss the matter with the staff member in person, by phone or by email. This has led to the issue being resolved quickly and effectively. If the issue cannot be resolved, or the person prefers to escalate the matter, they can make a complaint to our principal registrar. This approach has resulted in a significant reduction in the number of complaints about our administrative service.

If someone is unhappy with the way their complaint has been handled, they can request a review by writing to VCAT's chief executive officer (CEO). We received six requests for review in 2018–19. After reviewing the circumstances and the steps taken to resolve the issues, the CEO was satisfied that the tribunal had taken reasonable steps.

The Judicial Commission of Victoria, established in July 2017, is now responsible for investigating complaints about judicial officers and VCAT members. Our complaint policy advises users that the Commission investigates complaints about the conduct and capacity of VCAT members.

A complaint is dismissed if it does not meet the criteria of our complaints policy, usually because the person was complaining about a VCAT decision. A complaint is upheld if the allegations are substantiated and is not upheld if the complaint is investigated and found to be without merit.

Complaint outcomes 2018–19

Complaint about	Upheld	Partially upheld	Not upheld	Dismissed	Judicial Commission of Victoria	Total
Member	3	0	47	0	11	61
Staff	13	1	3	0	0	17
Administrative service	26	4	56	0	0	86
Other	3	1	54	75	3	136
Total	45	6	160	75	14	300

Glossary

Term	Explanation
Alternative Dispute Resolution	Resolution of a dispute through a VCAT-facilitated process other than a hearing. Examples include settling the dispute through mediation or a compulsory conference
Applicant	The party applying to VCAT for orders or relief
Caseflow	Caseflow is a way of measuring the work of the tribunal. It consists of three numbers: a count of new matters commenced, a count of matters finalised and matters still pending
Clearance rate	The number of finalised applications divided by the number of new initiated/commenced applications, expressed as a percentage
Compulsory conference	A form of dispute resolution where a VCAT member facilitates a confidential discussion between the parties
CSV	Court Services Victoria
DBDRV	Domestic Building Dispute Resolution Victoria — a government agency that provides free services to help resolve domestic (residential) building disputes
Directions	Directions are orders made by VCAT to promote the fair and expeditious hearing of a case — for example, directions to file or serve certain documents. VCAT may give directions at any time
Directions hearing	A preliminary hearing where VCAT hears from the parties as to directions that might be made, or other preliminary matters
Division	VCAT has five divisions — Civil, Administrative, Residential Tenancies, Human Rights and Planning and Environment
80th percentile	VCAT aims to have 80 per cent of applications finalised within a certain number of weeks. The number of weeks varies for different types of cases
Enabling enactment	An Act of Parliament or regulation under which jurisdiction is given to VCAT
Enduring power of attorney	A legal document that allows another person to make personal or financial decisions on a person's behalf
Finalisations	The number of applications finalised by VCAT
Initiations	Applications commenced at VCAT
Injunction	A type of order that directs a person to do, or not to do, something
Judicial member	A VCAT member who is a judge of the Supreme Court of Victoria or County Court of Victoria
Jurisdiction	The legal authority given to VCAT to hear and decide certain types of cases
List	An area of VCAT that handles a specific type of case. VCAT has nine lists.
Median	The midpoint value in the distribution of finalised applications in weeks
Mediation	Another form of dispute resolution involving confidential meetings and discussion between the parties. Unlike a compulsory conference, it is conducted by a trained mediator
Member	A person who is a legal practitioner, or in the opinion of the Minister, holds extensive knowledge or experience in relation to any class of matter in respect of which functions may be exercised by VCAT. Members are appointed on a sessional or non-sessional basis through the Governor-in-Council.

Term	Explanation
Non-sessional member	A full-time or part-time member of the tribunal
Objector	A person who has lodged an objection to a proposed planning permit with the responsible authority
ODR	Online dispute resolution
Order	VCAT's written instructions or final decision in a case
Original jurisdiction	When VCAT is the original decision maker, rather than reviewing the decision of a responsible authority
Party	A person or organisation that has applied to VCAT or who is defending claims made against them, or whom VCAT joins as a party
Pending	The number of applications that have been commenced and are not yet finalised
Presidential member	The president, a vice president or a deputy president of VCAT
Real property jurisdiction	Co-ownership disputes under the <i>Property Law Act 1958</i> and claims arising from an unreasonable flow of water under the <i>Water Act 1989</i>
Registry	The administrative section of VCAT that coordinates the exchange of information between VCAT and the parties, supports the members in their duties and handles enquiries about cases
Respondent	The party against whom orders or relief is sought by an applicant
Responsible authority	The government department or agency that an Act of Parliament names as the body with power to act in a particular situation
Review jurisdiction	VCAT's powers to review decisions made by other decision-makers
Sessional members	A VCAT member who is available as required; not full-time or part-time
Settlement	An agreement between parties that finalises some or all of their dispute, so that VCAT does not have to decide it for them
Target	A standard against which performance is measured, for example, weeks to finalise or numbers of cases. The target is measured in relation to the 80th percentile (not the median).
TAC	Transport Accident Commission
Tribunal	The Victorian Civil and Administrative Tribunal established under Part 2 of the <i>Victorian Civil and Administrative Tribunal Act 1998</i>
User groups	Key stakeholders with interest in particular lists
VCAT Act	The <i>Victorian Civil and Administrative Act 1998</i>
Variance	Percentage difference between the current and previous financial year
VPS	Victorian Public Service

Index

- Aboriginal and Torres Strait Islander, Koori** 2, 22, 34, 38, 63, 69, 76
- Access to justice, Access to Justice Review** 13, 16, 18, 21, 22, 28, 69, 75
- Accessibility** 4, 7, 20, 22, 38, 63, 65
- Accommodation** 13, 29, 50, 56, 65, 70, 72, 73
- Administrative Division** 9, 11, 25-27, 39, 52, 62
- Administration Executive** 11, 39, 62
- Alternative dispute resolution, dispute resolution** 6, 12, 13, 15, 16, 21, 22, 25, 28, 30, 32, 42, 46, 63, 67, 80
- Appeal/s** 10, 23, 46, 64, 78, 79
- Building and Property** 9, 25-27, 39, 41, 42, 62, 67, 69
- Civil Division, civil** 6, 9-11, 13, 15-17, 22, 24-28, 35, 39, 42, 43, 62, 63, 67, 69, 75, 80
- Complaints, VCAT** 79
- Consumer Affairs Victoria, CAV** 8, 31, 72, 75
- County Court of Victoria** 10, 12, 62, 64, 80
- Court Services Victoria, CSV** 2, 10, 11, 32, 62-64, 68, 75, 80
- Customer survey** 16
- Data, data integrity** 17, 24, 29, 32, 36, 38, 62, 75
- Department of Justice and Regulation** 11, 16, 31
- Director of Housing** 11, 56, 57, 67
- Dispute resolution —**
see alternative dispute resolution
- Dispute Settlement Centre of Victoria, DSCV** 12, 28, 31, 63
- Diversity** 22, 30, 31, 34, 36-38, 63, 65, 75
- Domestic building, DBDRV** 9, 11, 40-43, 69, 76, 80
- Family violence** 29, 37, 63, 69
- Fast Track Mediation and Hearing** 6, 7, 12, 21, 25, 28, 42
- Firearms Act** 12, 23, 58-60, 67, 76
- Governance** 10, 13, 33-35, 61-65, 67
- Guardianship, administration** 6, 7, 9-13, 15, 17, 19, 24-27, 30, 32, 33, 35, 39, 44, 45, 62, 63, 66, 69, 70, 75, 76
- Health, safety and wellbeing** 23, 38, 58, 75, 76
- Hearing venues, locations** 8, 9, 22, 83
- Interpreters** 37, 65
- Judicial College of Victoria** 37, 64
- Justice Connect** 22
- Land valuation** 16, 52, 53
- Legal Aid, Victoria Legal Aid** 31, 63
- Legal practice, services, profession** 9, 24-27, 39, 48, 49, 62, 69
- LinkedIn** 23, 31, 38
- Magistrates' Court of Victoria** 29, 64, 83
- Mediation** 6-8, 10, 12, 21, 22, 25-28, 42, 44, 80
- Mental Health Tribunal** 11, 31, 46
- Online dispute resolution** 6, 12, 13, 15, 16, 31, 63, 69, 81
- Operations** 10, 11, 19, 62, 64, 65
- Owners Corporations** 6, 9, 11, 17, 21, 23-27, 39, 50, 51, 62, 63, 69, 76
- People management, leadership, culture** 34, 37, 38, 62
- Planning and environment** 9, 11, 12, 24-27, 39, 52-55, 62, 63, 66, 67, 76, 80
- Powers of Attorney** 11, 17, 44, 45, 76
- Practice note/s** 66, 67
- Real property** 40, 41, 81
- Registry —** see Operations
- Retail tenancies** 11, 40, 41
- Review and regulation** 9, 17, 23-27, 39, 58, 59, 62, 67, 69
- Residential tenancies, renting** 6, 9-12, 17, 21, 23-27, 39, 56, 57, 62, 63, 67, 69, 76, 80
- Risk** 65
- Strategic plan, strategic review** 2, 3, 12, 13, 34, 35, 65
- Suppression orders** 23, 24
- Supreme Court of Victoria** 10, 23, 63, 64, 78, 80
- Transport Accident Commission, Transport Accident Act** 58-60, 76, 81
- UX, user experience** 6, 7, 13, 15, 18, 29, 31, 32, 35, 69
- Values, vision** 4, 12, 13, 16
- VCAT Act 2**, 10, 11, 49, 57, 66, 81
- Voluntary Assisted Dying Act** 11, 12, 18, 23, 46, 67, 76
- Website** 8, 16, 18, 19, 20, 22, 23, 24, 31

Hearing locations

We held hearings at 59 venues during 2018–19, including at 44 on a regular basis (for more than four months). These are listed below. Magistrates' Court of Victoria locations are marked with an *.

Melbourne CBD

Main hearing venue

55 King Street
William Cooper Justice Centre
Level 5, 223 William Street

Suburban

Broadmeadows

Hume Global Learning Centre
Pascoe Vale Road

Collingwood

Neighbourhood Justice Centre
Wellington Street

Dandenong*

Cnr Foster and Pultney Streets

Fairfield

Thomas Embling Hospital
100 Yarra Bend Road

Frankston*

Fletcher Road

Moorabbin*

Moorabbin Justice Centre
Nepean Highway, Highett

Preston

Darebin Intercultural Centre
Roseberry Avenue

Ringwood*

Ringwood Street

Springvale

Greater Dandenong
City Council Chambers
Springvale Road
(Guardianship only)

Sunshine*

Foundry Road

Werribee*

Salisbury Street

Regional

Bairnsdale*

Nicholson Street

Ballarat*

Grenville Street South

Benalla*

Bridge Street

Bendigo*

Pall Mall

Castlemaine*

Lyttleton Street

Colac*

Queen Street

Dromana*

Codrington Street

Echuca*

Heygarth Street

Geelong*

Railway Terrace

Hamilton*

Martin Street

Horsham*

Roberts Avenue

Kerang*

Victoria Street

Korumburra*

Bridge Street

Mildura*

Deakin Avenue

Moe

Town Hall, Albert Street

Morwell*

Commercial Road

Portland*

Cliff Street

Sale*

Foster Street (Princes Highway)

Seymour*

Tallarook Street

Shepparton*

High Street

Swan Hill*

Curlewis Street

Wangaratta*

Faithfull Street

Warrnambool*

Koroit Street

Wodonga*

Elgin Boulevard

Hospitals (Guardianship List)

Bundoora

Bundoora Extended Care Centre
1231 Plenty Road

Caulfield

Caulfield Hospital
260–294 Kooyong Road

Cheltenham

Kingston Centre
400 Warrigal Road

Fitzroy

St Vincent's Hospital Melbourne
59 Victoria Parade

Parkville

Royal Melbourne Hospital
Royal Park Campus
34–54 Poplar Road

Wantirna

Wantirna Health
251 Mountain Highway

Sunshine

Sunshine Hospital
176 Furlong Road
St Albans

Contact details

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 1300 01 8228
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Building and Property List
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Civil Claims List
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Guardianship List
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Human Rights List
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Legal Practice List
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Owners Corporations List
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Planning and Environment List
admin@vcat.vic.gov.au

Residential Tenancies List
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Review and Regulation List
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