

VCAT 2015-16 ANNUAL REPORT



Our relationship to courts and government

VCAT is part of Victoria's court system, which is independent of Parliament and executive government.

Appeals on questions of law from our decisions are heard by the Supreme Court of Victoria's Trial Division and the Court of Appeal.

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

The VCAT President is a member of CSV's governing body, the Courts Council. For more information about CSV, visit courts.vic.gov.au.

About this report

VCAT is required to give the Attorney-General of Victoria an annual report before 30 September each year.

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

It provides an account of VCAT activities from 1 July 2015 to 30 June 2016 – both in our service delivery and progress against our *Building a Better VCAT: Strategic Plan 2014-17*.

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

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 and present.

Dear Attorney-General

In accordance with section 37 of the *Victorian Civil and Administrative Tribunal Act 1998*, I have pleasure in submitting the VCAT Annual Report for the year ended 30 June 2016, for you to present to the Houses of Parliament.

Yours sincerely



Justice Greg Garde AO RFD, President



Keryn Negri, Chief Executive Officer

Feedback

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

ISSN 2204-0048

It's all part of the plan

This report covers the second year of our *Building a Better VCAT: Strategic Plan 2014-17*.

Our strategic plan is a roadmap to ensure our organisation has the facilities, processes, technology and human resources to deliver an outstanding tribunal service.

It sets five strategic directions:

1. Better access
2. Community involvement and engagement
3. Modernising service delivery
4. Improving efficiency
5. Investing in our people

The plan includes key focus areas under these strategic directions. Each year we tackle specific projects under each focus area, as our organisation develops and progresses. These projects are detailed in our annual business plan.

Last year...

Building a strong foundation

to ensure sound budget and financial management, appropriate corporate governance, leadership and management capabilities.

This year...

Reforming systems and processes

including improvements to our information technology systems and hardware, revision and implementation of new legislation, review of business processes and resources, and development of workforce strategy.

Next year...

Embedding change and efficiencies

including the completion of reform projects, creating opportunities for enhanced performance and leadership, and strengthening relationships with our stakeholders and community.

VCAT 2015-16 ANNUAL REPORT

VCAT is a tribunal that serves the community by resolving disputes, and making decisions about human rights cases.

We hear and decide civil and administrative 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*.

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Our performance

Overview

Highlights

Developed and began implementing our **customer service improvement program**, including piloting a concierge service at our main hearing venue

Successfully implemented our **new Powers of Attorney jurisdiction**, which commenced in September

Delivered **better access through technology**, including providing nine online forms and enabling tenants and private landlords to use our online residential tenancies system

Improved our efficiency by rolling out a **new standard operating environment for our computers**, making it easier to deliver our services at regional locations

Established a Diversity Committee and began implementing a plan that will deliver greater awareness and key accessibility initiatives for our diverse community, including Aboriginal and Torres Strait Islander people

As part of our website redevelopment, **completed a plain language review and rewrite of our online content**, removing legalese and making it easier for people to understand our information

Supported the development of evidence-based fee options for the Victorian Government to consider, and prepared to implement the new fee regulations on 1 July 2016

Improved the integrity of our data and how we measure our performance, to provide more accountability to our stakeholders and the Victorian community

Challenges

Managing funding and competing priorities delayed some projects; for example our plans to develop VCAT's Accessibility Action Plan, and to audit the Notice of Decision process in our Planning and Environment List, now scheduled for 2016-17

A pilot to test the Self Help Centre model had a range of positive benefits but was not sustainable without ongoing funding; we are exploring other models to pilot in 2016-17

Looking ahead

Embed change and efficiencies, including **customer service improvements**, the launch of our new website and ongoing business system upgrades

Improve stakeholder and community engagement, finalise our stakeholder engagement strategy, continue to implement our Koori Inclusion Action Plan, and develop an Accessibility Action Plan

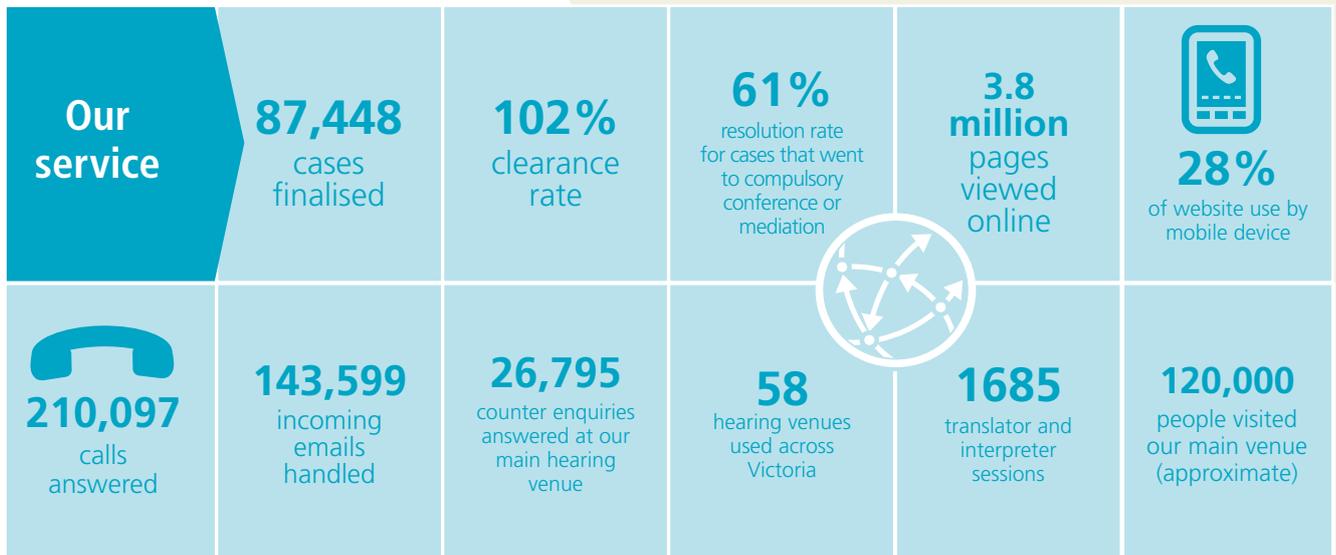
Strengthen our partnership with CSV, particularly in relation to funding, information technology strategy and future accommodation

Finalise our performance reporting framework, to identify new service delivery opportunities, inform new legislation and enhance member support and career development

Focus on financial sustainability and customer needs, including addressing the recommendations of the Royal Commission into Family Violence, Access to Justice Review and Charter of Human Rights Review

Develop a new strategic plan to take VCAT into the 2020s.

Snapshot



Our finances	\$19.7 million	from government for accommodation, member salaries, and depreciation
	\$22.6 million	from industry-specific funds, boards and authorities for dispute resolution services
	\$7.7 million	revenue from fees, recovering 23.4% of operating costs for non-trust funded lists
	\$50 million	spent on operating expenses

Delivering our strategy

Each year we develop and implement a business plan to make sure we focus on priority projects that align with the strategic directions and key focus areas outlined in our *Building a Better VCAT: Strategic Plan 2014-17* (see page 2). This scorecard shows our progress on this year's business plan projects, some of which extend over two years.

Key:

- Completed
- In progress
- Yet to start

Scorecard: Priority projects 2015-16

Strategic Direction 1: Better Access	Page
Redevelop the VCAT website	17
Develop the customer service review implementation plan	15
Review and streamline correspondence templates	11
Review policies and procedures for the use of interpreters	12
Implement the Self Help Centre pilot	12
Review oaths and affirmations	16
Develop accommodation planning approach with CSV	12
Implement video conferencing in hearing rooms	12
Strategic Direction 2: Community involvement and engagement	14
Develop stakeholder engagement strategy	15
Develop user group meetings and forums improvement plan	15
Implement Koori Inclusion Action Plan	16
Scope requirements for the development of an Accessibility Action Plan	16
Strategic Direction 3: Modernising service delivery	20
Review and expand the use of alternative dispute resolution	21
Review our customer telephone contact system	24
Roll out a new standard operating environment, with CSV	24
Implement online forms for Civil Claims, Owners Corporations, Human Rights, Review and Regulation	24
Enable tenants and private landlords to use the online Residential Tenancies Hub	24
Create an online system to help people manage Guardianship applications	24
Implement e-lodgement and electronic file management, with CSV	24
Develop a disaster recovery plan for our case management systems, with CSV	24
Implement the first round of Principal Registrar delegations	21
Strategic Direction 4: Improving efficiency	25
Implement performance management and reporting framework	26
Support the fees regulatory impact statement development and prepare to implement new model	27
Conduct an audit of the Notice of Decision process in the Planning and Environment List	27
Implement Business Continuity Plan audit recommendations	26
Complete security audit	26
Strategic Direction 5: Investing in our people	28
Implement VCAT's Workforce Plan	29
Implement the member support review recommendations	29
Develop and implement the Member Engagement Strategy	29

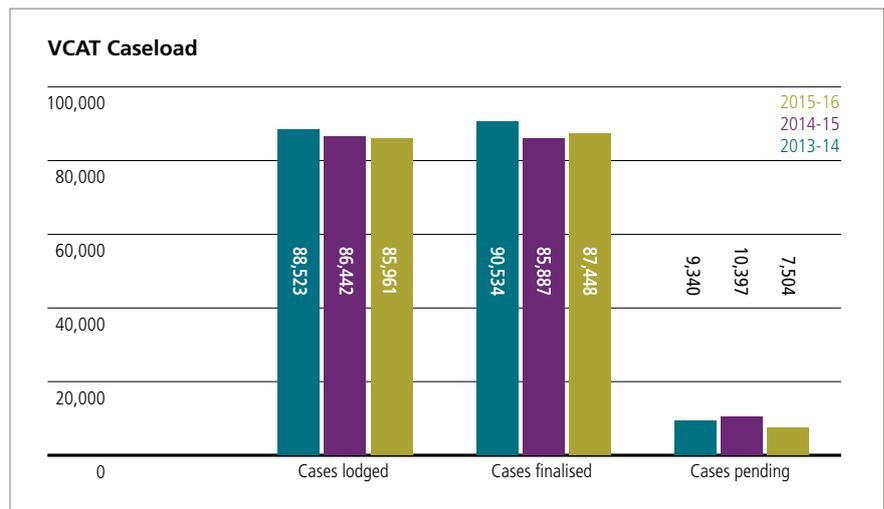
Delivering our services

As one of Australia's largest and busiest civil and administrative tribunals, we received nearly 86,000 applications and finalised more than 87,000 cases this year.

Most applications were about residential tenancies (65 per cent), while our expanded Powers of Attorney jurisdiction added to the workload of our Guardianship List (16 per cent of total applications). Changes in legislation reduced the number of Legal Practice List cases and we also received fewer Human Rights List applications.

Pending data

In late 2014-15 we identified anomalies in pending data - that is, the number of cases lodged but not finalised at 30 June - reported from our case management systems. We set aside the systems data and used a method based on lodgements and finalisations to report pending data in the VCAT Annual Report 2014-15 (page 7). This year we reviewed business rules, data capture processes and system controls. We implemented solutions to improve our systems data and checked the results by a physical count of files. This returned an accurate result, so we have returned to reporting based on our systems data. As a result, there has been a reduction in the number of pending cases overall and in some lists. Due to the different calculations used in the respective years, we are not reporting a percentage change. For more about how we improved our data, see page 26.



Overview	2013-14	2014-15	2015-16
Cases lodged	88,523	86,442	85,961
Cases finalised	90,534	85,887	87,448
Cases pending	9,340	10,397	7,504
Clearance rate	102%	99%	102%

Overview	2013-14	2014-15	2015-16
Hearing venues used	71	67	58

LISTS	Cases lodged per List				Timeliness (weeks)		
	2013-14	2014-15	2015-16	% change	2015-16 Median	2015-16 80th Percentile	Target
Civil Division							
Building and Property	1,743	1,801	1,746	-3%	14	32	
Civil Claims	7,794	6,895	6,789	-2%	10	16	19
Owners Corporations	2,945	3,068	3,156	3%	6	9	10
Residential Tenancies Division							
Residential Tenancies	61,126	59,184	56,412	-5%	2	5	6
Administrative Division							
Legal Practice	200	168	112	-33%	13	25	40
Planning and Environment	2,296	2,729	2,695	-1%	25	32	
Review and Regulation	1,253	1,061	1,009	-5%	22	56	
Human Rights Division							
Guardianship	10,865	11,220	13,771	23%			
Human Rights	301	316	271	-14%	14	27	
TOTAL	88,523	86,442	85,961	-1%	11*	24*	26**

Excluding Guardianship and Residential Tenancies cases:

* achieved median and 80th percentile

** VCAT overall goal

Our organisation

VCAT has 237 members - the people who hear and decide cases - and more than 206 staff.

Who we are

By law, our president is a justice of the Supreme Court of Victoria. Thirteen judges from the County Court of Victoria serve as our vice presidents, with two working full time at VCAT. For details about our leadership and governance, see page 48.

Our members 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 60.

Our staff come from diverse backgrounds and provide services including:

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

Our goal, vision and values

VCAT's goal is to be an outstanding civil and administrative tribunal, in line with the Australia and New Zealand Framework for Tribunal Excellence.

Our vision is to serve the community by resolving disputes in a timely, cost effective and efficient way.

Our values are:

- fairness
- professionalism
- integrity
- impartiality
- independence
- efficiency
- approachability
- accessibility.

What we do

We serve the community by resolving disputes and making decisions in human rights cases, for example by appointing guardians for vulnerable Victorians.

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

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, or the municipal planning scheme in a development dispute. We can only hear cases when a law gives us this authority. See page 58 for the laws that give us authority to hear cases.

Except for the right to appeal to the Supreme Court of Victoria, VCAT decisions are final and binding on the parties to the proceeding.

Our governance

VCAT is 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. Strategic advice to the president is made through the President's Advisory Committee, which includes our senior leaders (see page 49).

A number of purpose-specific committees meet regularly to oversee critical business functions, to provide a clear decision-making process and ensure compliance with VCAT's obligations. These committees are governed by business rules that include terms of reference, membership, meeting frequency, decision-making and reporting requirements. They provide regular updates to the President's Advisory Committee.

In 2015-16, we received 271 complaints about our services, and 78 appeals against VCAT decisions were lodged with the Supreme Court of Victoria. Our decisions can be appealed only on questions of law – that is, whether the judge or member made a legal error. This limit on appeals helps give certainty to parties when we determine their disputes. See page 55 for more information about appeals and complaints.

Our structure

VCAT is organised into four divisions, supported by the administration executive and registry functions. Each division is led by a deputy president:

Administrative Division deals with professional conduct inquiries and applications from people seeking review of decisions made by government, councils and other authorities.

Civil Division hears and determines a range of 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 deals with matters relating to guardianship and administration, equal opportunity, racial and religious vilification, health and privacy information, the *Disability Act 2006 (Vic)*, and decisions made by the Mental Health Tribunal.

Residential Tenancies Division deals with matters 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.

Our chief executive officer oversees the **administration executive and registry** functions that enable the divisions to do their work, including listings, customer services, people management, strategic communications, information technology, finance and reporting.

Deputy presidents and the chief executive officer report to the president. Our vice presidents are judges from the County Court of Victoria.

We handle similar types of cases through 'lists' within each division. List is the name we give to sections of VCAT that hear and decide specific types of cases. There are nine VCAT lists. See page 48 for Heads of List, their deputies and our Administration Executive team.

Our evolution

From mid-1900s Parliament passes new laws on subjects previously without detailed legislation. Tribunals start to be set up as a speedier, cheaper and less formal alternative to courts

1968 Various reports propose reforms, including consolidating Victoria's many boards and tribunals

1982 A Victoria Law Foundation Report calls for reform, estimating Victoria had more than 200 tribunals, boards and decision-making bodies

1996 Attorney-General's discussion paper recommends establishing VCAT to replace all existing tribunals within the Department of Justice

1998 VCAT opens its doors on 1 July 1998, amalgamating 15 boards and tribunals. It begins with only two divisions - civil and administrative

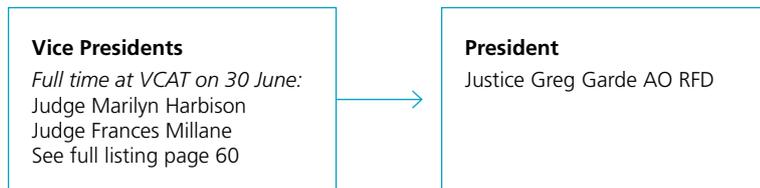
2000 VCAT Online enables electronic lodgement of residential tenancies matters – an innovation for courts and tribunals

2002 Human Rights Division established

2005 Legal Profession Tribunal incorporated into VCAT

2014 Residential Tenancies Division established. The Department of Justice ceases to provide the administrative support function for VCAT and this becomes part of CSV's functions. Important changes to the VCAT Act enhance our powers.

2015 Powers of Attorney jurisdiction expanded



Administrative Division	Civil Division	Human Rights Division	Residential Tenancies Division	Administration Executive
Head of Division DP Heather Lambrick	Head of Division DP Catherine Aird	Head of Division DP Genevieve Nihill AM	Head of Division DP Heather Barker	Chief Executive Officer Keryn Negri
Legal Practice List Planning and Environment List Review and Regulation List	Building and Property List Civil Claims List Owners Corporations List	Guardianship List Human Rights List	Residential Tenancies List	Principal Registrar Operations Corporate Services Finance and Reporting Information Technology People Management

President's message



Perhaps more than any other jurisdiction in Victoria, VCAT touches the everyday lives of Victorians. VCAT helps people resolve disputes and makes decisions that enable parties to get on with their lives and business. We do this in a fair and efficient way. This year we finalised over 87,000 proceedings, and reviewed planning projects exceeding \$20 billion in value.

The value of VCAT's services to the community is clearly recognised by the Victorian Government. Parliament continues to confer new or expanded jurisdictions on VCAT for example in the area of powers of attorney. I thank all who worked so hard to ensure the successful introduction of this new jurisdiction from September 2015.

Leadership changes

We have seen some important changes in VCAT leadership during the year, including the decision of her Honour Justice Pamela Jenkins to step back from a full-time role as vice president. I am very grateful to her for many years of service and enthusiasm to VCAT. I welcome Deputy President Heather Lambrick as Head of Administrative Division, and thank the former Head of Division, Deputy President Mark Dwyer for his contribution exceeding five years in this role.

I congratulate Deputy President Genevieve Nihill, our Head of the Human Rights Division, who was deservedly appointed a Member of the Order of Australia in the Australia Day 2016 honours list.

As VCAT's jurisdiction increases, so do our responsibilities – including our responsibility to provide sound governance and proper resourcing for our lists. This year has seen a number of significant developments including the appointment in June 2016 of 26 new members who I had the pleasure of welcoming.

We continue to actively support CSV. In turn, CSV provides services to VCAT particularly in the areas of finance, facilities, security, information technology and human relations. The services provided by CSV are highly valued by VCAT.

VCAT continues to progress towards its goal of becoming an e-tribunal. Online forms and other innovations have been progressively introduced and have been very well received by users and professional advisers alike.

Looking ahead: a new strategic plan

We have now completed the second year of our *Building a Better VCAT: Strategic Plan 2014-17*. This has already provided better access, greater community engagement and modernisation of VCAT's services through technology. There is still much work to be done and I look forward in 2017 to working with the tribunal's leadership team on a new strategy to take VCAT into the 2020s.

I thank all members and staff for their tireless efforts and commitment to serving the community throughout the year. As we plan for the next stage of VCAT's development, we will continue to observe our values of fairness, professionalism, integrity, impartiality, independence, efficiency, approachability and accessibility.

A handwritten signature in blue ink that reads "Greg Garde". The signature is written in a cursive, flowing style.

Justice Greg Garde AO RFD
President

Chief Executive Officer's message

VCAT's new fee regulations come into effect on 1 July 2016. VCAT's fees are set by Government and partially fund our operations. An enormous amount of work has gone on behind the scenes to make sure we are ready for the introduction of the new arrangements that provide, for the first time, a three-tiered fee structure including a new concession fee. This has been a key area of focus this financial year, particularly in the last six months.

Preparing to introduce the new fees affected almost every aspect of VCAT's operations - each and every form needed to be amended, case management systems needed updating, cash handling and banking systems needed to change, and our customer services team has adopted a more 'customer-centric' approach to help people navigate the new payment arrangements, including a new concierge service. I would like to acknowledge and thank VCAT members, registry and support staff who have been involved in the practical implementation of the new fee system. It is a testament to our capacity for team work and collaboration that we are ready to transition to the new arrangements on 1 July 2016.

A balanced result

For the first time as CEO, I can report that VCAT has ended the financial year with a balanced result. Building on our customer service review last year, in 2015-16 we developed a major program of work to improve the way we service our customers, including applicants, respondents, third parties and their representatives. We were successful in gaining Victorian Government support for this program of work (\$4m over four years). It complements a number of other service improvements that we progressively implemented this year, including developing a new website that adopts plain-English principles and meets Government's accessibility standards, and the continued introduction of online forms. This is all part of the *Building a Better VCAT: Strategic Plan 2014-17*, which makes a commitment to better access, modernising service delivery and improving efficiency.

Improved capability

During this year we continued to improve our finance and reporting capabilities. After sustained focus and efforts during the past few years, we are able to meet our financial and reporting responsibilities with competence and confidence. We have fully implemented a budget accountability framework, ensuring compliance with the government's Financial Management Compliance Framework and have plans to continue to monitor and improve the quality of our reporting in the forthcoming year.

I am also pleased that our President's Advisory Committee this year supported the establishment and terms of reference for VCAT's Diversity Committee in September 2015. It has been a pleasure to participate on this committee, which is responsible for the review and monitoring of issues of cultural and social diversity at the tribunal.

It has been a busy and eventful year and I would like to thank everyone at VCAT for working so hard to make VCAT an outstanding tribunal. We are in a sound position to meet the challenges and make the most of opportunities ahead.



Keryn Negri
Chief Executive Officer

Strategic Direction 1

Better access

Key focus areas 2014-17

- » Improved support for people who represent themselves at VCAT
- » Plan for future accommodation needs
- » Support the development and use of multi-jurisdictional facilities through CSV
- » Modernise hearing room facilities and improve security at 55 King Street

Priority projects 2015-16

	Page
Redevelop the VCAT website	17
Develop the customer service review implementation plan	15
Review and streamline correspondence templates	11
Review policies and procedures for the use of interpreters	12
Implement the Self Help Centre pilot	12
Review oaths and affirmations	16
Develop accommodation planning approach with CSV	12
Implement video conferencing in hearing rooms	12

Highlights

- » Started a four-year customer service improvement program, which included extending opening hours and piloting a concierge service at our main hearing venue
- » Prepared to implement the Victorian Government's new fee regulations
- » Gave private landlords and tenants access to an online system to manage their VCAT cases
- » Delivered nine new online forms, making it easier for people to make applications
- » Pursued better access for our diverse community through the work of a new high-level committee
- » Improved way-finding and better security at 55 King Street

Challenges

Finding a cost-effective and sustainable model for the Self Help Centre

Competing priorities, especially preparations for new fees, slowed progress on the correspondence templates review

Finalising details that will enable us to improve video conferencing services

Looking ahead 2016-17

Launch the new VCAT website

Scope and implement the second phase of Principal Registrar delegations

Partner with CSV to develop asset plan and accommodation priorities

Complete the review and update correspondence templates

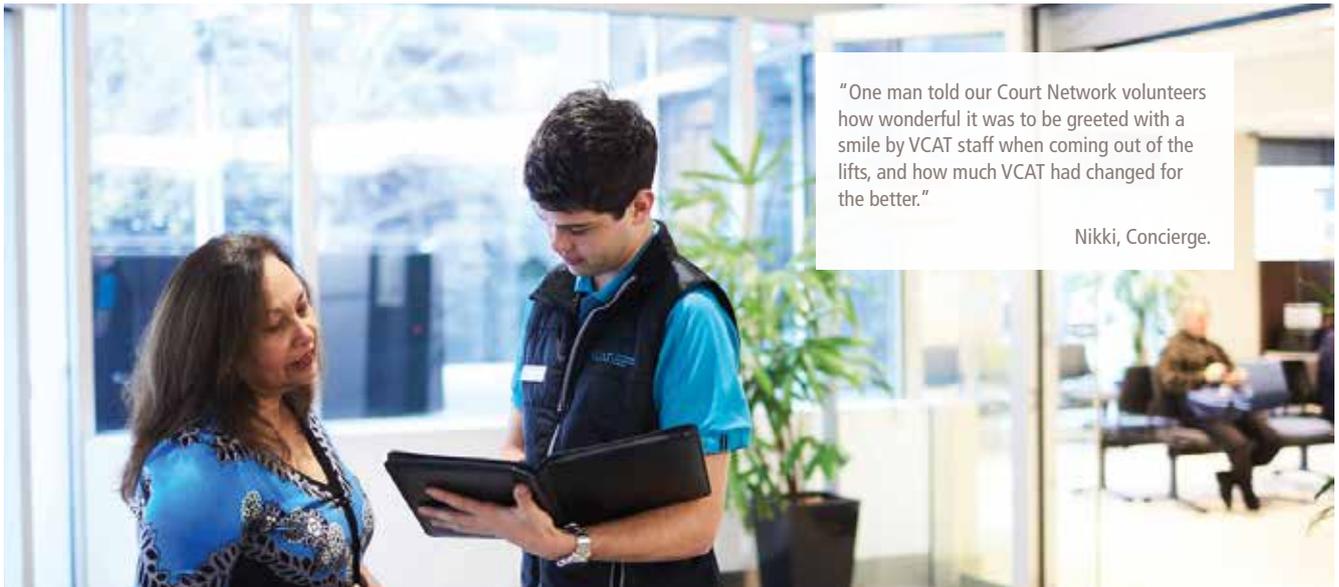
Progress the customer service improvement program

Complete the review of oaths and affirmations

Respond to the recommendations of the Access to Justice Review

Key:

- Completed
- In progress
- Yet to start



“One man told our Court Network volunteers how wonderful it was to be greeted with a smile by VCAT staff when coming out of the lifts, and how much VCAT had changed for the better.”

Nikki, Concierge.

Year in review

Improved support for people who represent themselves

We made significant progress this year on projects that will make it easier for people who prepare and present their own cases at VCAT without a legal representative to help them. We directed most of our efforts and resources to the projects that will have the biggest impact: improving our customer service and our online services.

Implementing the Victorian Government’s fee structure

VCAT’s fees are set by the Victorian Government, which announced the new fee regulations on 17 June 2016. Preparing to implement the new fee regulations on 1 July 2016 was a major project for VCAT. For more details, see page 27.

Improving our customer service

After completing the first comprehensive review of VCAT’s customer service channels last year, we developed and started implementing a major four-year improvement program in September 2015. For more about our Customer Service Improvement Program, see page 15.

Concierge staff extend welcome

In late June 2016, we extended our customer service centre hours and started a concierge service pilot program at our main hearing venue, 55 King Street, Melbourne. Concierge staff welcome people as they arrive through security or step out of the lifts in the main foyer and on level five, where we hear residential tenancies cases. During peak hours, they guide or direct people to hearing rooms, assist them with fee payment and answer general enquiries. Our concierge staff have mobile devices for immediate access to information and wear a uniform so they are easy to identify as VCAT staff. We will evaluate this pilot program in the first quarter of 2016-17.

Extending online services

In November we opened the VCAT Residential Tenancies Hub (formerly VCAT Online) to tenants and private landlords. Accessible through our website, the hub can be used to create notices (for example, to give notice that repairs are needed), apply to VCAT, pay related fees, and search for previous notices and applications. Nearly 2500 tenants and 900 private landlords have joined the service since it opened

on 17 November, together making more than 1300 applications through the hub. Previously the system was only available to real estate agents and Director of Housing representatives.

We also introduced nine online application forms. For more about this project, see page 24.

Redeveloping our website

Our website is a critical resource for people who are coming to VCAT, especially those who are representing themselves. During the year we finalised the structure, which steps people through each stage of a VCAT case. We also rewrote the content in plain language. For more about our website project, see page 17.

We began a major review of our correspondence but progress was limited by competing priorities, specifically the focus in Registry on preparing for new fees, and the intensive work required by the website review project. This was partly due to limited resources and also to ensure our correspondence was consistent with the language used on our website. The correspondence review is now scheduled for 2016-17.

Exploring self help options

In June 2016 we completed a pilot project with Monash University Faculty of Law to test a Self Help Centre model at our main hearing venue. The aim was to support the many people who represent themselves at VCAT.

Sixteen law students helped parties understand VCAT practices and procedures, assisting them with tasks such as understanding orders, completing application forms or obtaining ASIC searches.

The services were delivered 'on-the-spot' on a drop-in basis or following a referral from VCAT members or staff, Court Network volunteers or Victoria Legal Aid duty lawyer.

The centre provided parties with one-on-one high-level support and filled some gaps in our services for self-represented litigants. For example, they assisted after hearings, helping people understand VCAT's orders and anything that parties must do afterwards.

We found that the centre improved access to justice, particularly for self-represented landlords and parties in civil claims, whose access to other support services is limited. Assistance given before the hearing and referrals to appropriate services helped support parties' wellbeing and reduced hearing times for residential and civil claims cases. Post-hearing support offered by the students helped to reduce demand on customer service and registry staff. There were also benefits to the students and academic community.

However, the model used in the pilot was not sustainable without ongoing funding, given the resources required to train students and support its operation. As part of our plan to pilot other models, we are seeking funding for a coordinator to manage the recruitment, training and rostering of pro bono lawyers and law students.

Supporting our diverse community

To drive development and implementation of cultural and social diversity initiatives, we established a Diversity Committee in October 2015. This high-level VCAT committee began implementing our Koori Inclusion Action Plan, developing an accessibility plan and preparatory work to review use of interpreters at VCAT. An ongoing challenge is that there are simply not enough qualified interpreters to meet demand. This can lead to adjournment, delay and uncertainty for parties. Access to interpreters in remote and regional areas is also limited. This year we worked to extend video conferencing facilities, which may help to improve access for people in regional areas. See page 16 for more about improving access for our diverse community.

Interpreter and translator sessions 2015-16 - Top 10 language groups

Mandarin	409
Greek	167
Arabic	113
Vietnamese	91
Italian	82
Farsi	82
Cantonese	75
Turkish	71
Macedonian	48
Serbian	43

Free information sessions

Our focus is on improving access to our services through technology but we continued to offer free face-to-face information sessions to assist people who use our services. These included:

15 free public forums across Victoria to help tenants, landlords, property managers and others involved in residential tenancies matters

3 information sessions for newly appointed administrators and guardians embarking on the task of managing finances and lifestyle decisions for a person that does not have capacity to make these decisions for themselves. The sessions are an opportunity to ask general questions about their powers and duties under the *Guardianship and Administration Act 1986*

2 workshops to assist administrators lodge annual accounts online, helping to achieve 76 per cent online lodgement this year

3 information sessions with the Office of the Public Advocate and State Trustees Ltd to give community information about guardianship and administration matters

4 Courts Open Day presentations, covering Powers of Attorney, planning cases and general sessions about how VCAT works.

We also gave talks to visiting school and university groups to help them understand the VCAT process. For more details about our community activities, see page 19.

Plan for future accommodation needs

We worked with CSV and Darebin Council to secure VCAT's accommodation in Preston. During the year, the land and licence for this property was transferred to CSV. We began negotiating an agreement for ongoing maintenance with the council.

We also continued our participation in two CSV-led committees – the CBD Major Asset Strategic Planning Committee and the Asset and Portfolio Committee. Through these committees, we are working with CSV on service planning, to cater for VCAT's future accommodation needs in line with projected demand particularly in the south-eastern and north-western growth areas.

A fire at Cobram Court House on 9 March 2016 forced relocation of VCAT hearings to other locations nearest to the parties, including our venues at Shepparton, Wodonga and Benalla.

Support the development and use of multi-jurisdictional facilities through CSV

We are involved in a project to develop new multi-jurisdictional law courts in Shepparton. An exciting development in this CSV-led project was a proposal to refurbish the existing 1930s courts for use as a dedicated alternative dispute resolution facility. VCAT is part of the steering committee for this project.

Art at the heart of VCAT

VCAT hosted two art opening events during the year, acknowledging two projects that help to make our spaces more welcoming.

The first was on 7 July to celebrate a partnership that enables Arts Project Australia to hang their artworks in our waiting areas. This not-for-profit organisation supports artists with intellectual disabilities, promoting their work and advocating for inclusion within contemporary art practice.

Artworks reflecting the themes of Australia, Melbourne, diversity and justice were installed in the hearing rooms and hallways of our main hearing venue at 55 King Street under the year-long leasing agreement, which started in early July 2015. We are planning to extend this arrangement in 2016-17 to other VCAT venues.

In September, we congratulated a group of local amateur artists who created artworks that brighten our Preston venue, which we share with the Darebin Intercultural Centre. The artists created works based around the theme of 'Access to justice'.

Artwork by Robert Brown, courtesy Arts Project Australia.



The new Shepparton courts will occupy a purpose-built five-storey building, providing courts, hearing rooms and jury areas. Of the six court rooms planned, two can accommodate juries and the four non-jury rooms can also be used as VCAT hearing rooms.

Modernise hearing room facilities and improve security at 55 King Street

About 10,500 people a month passed through the entrance doors of our main hearing venue at 55 King Street. During the year, we made this a more welcoming and safer experience.

We reviewed way-finding and signage at our main hearing venue, to identify ways to make it easier for people to navigate the building. Recommendations included standardising internal signs, which we expect to complete in the first quarter of 2016.

We completed a safety and security audit of all VCAT venues in March 2016 including 55 King Street, our Preston venue, Moe

Town Hall and several Magistrates' Courts. This work complemented CSV broader safety review of Magistrates' Courts venues. We are auditing security passes, introducing photo identification for staff and members at 55 King Street, and are assessing potential improvements to infrastructure, procedure and policy.

Video conferencing

We also worked with CSV to provide video conferencing services that give people in remote locations better access to our services. In June, VCAT connected to CSV's video conference network. We completed the technical component of this work and are finalising detailed business rules and processes for VCAT video conference hearings.

As the Magistrates' Court of Victoria is rolling out state-wide video conferencing that will connect to the CSV network, most of our regional Magistrates' Court venues will also have access to video conferencing by December 2016.

Strategic Direction 2

Community involvement and engagement

Key focus areas 2014-17

- » Work in partnership with our stakeholders

- » Review and improve community engagement and user group forums

- » Seek feedback from people who have had a matter heard at VCAT

- » Improve the way we provide information and build knowledge about VCAT

Priority projects 2015-16

	Page
Develop stakeholder engagement strategy	15
Develop user group meetings and forums improvement plan	15
Implement Koori Inclusion Action Plan	16
Scope requirements for the development of an Accessibility Action Plan	16

Highlights

- » Formalised funding and working relationships in agreements with a number of stakeholders
- » Developed a new structure and design for our website, to be launched in July 2016
- » Completed a website content review and redrafted information in plain language
- » Implemented new media policies, including journalist accreditation
- » Started working with Consumer Affairs Victoria to improve communications to tenants, landlords, estate agents and others involved in residential tenancies cases
- » Celebrated diversity, including NAIDOC week and Harmony Day, and began a major research project to inform ways we can assist our Koori community

Challenges

We prioritised work on our website, which is VCAT's main communications channel, and deferred our review of user groups and our stakeholder engagement strategy until next year

Looking ahead 2016-17

Implement our digital strategy, stakeholder engagement strategy and improvement plans for public information sessions and user group forums

Work with Consumer Affairs Victoria to streamline and review residential tenancies information, making it easier for tenants and landlords to understand how each organisation can help

Develop and implement an Accessibility Action Plan to make it easier for people with diverse needs or disability to access our services

Key:

- Completed
- In progress
- Yet to start

Year in review

Work in partnership with our stakeholders

We continued to formalise funding and working relationships with stakeholders, this year completing agreements with the Australian Health Providers Regulatory Agency, the Office of the Small Business Commissioner, Harness Racing Victoria, Greyhound Racing Victoria and several Victorian Government departments. We will finalise an agreement with Racing Victoria next year.

Consumer Affairs Victoria is a major stakeholder in several areas of VCAT's work, including residential tenancies. Both VCAT and Consumer Affairs Victoria provide information to tenants, landlords, estate agents and others in this sector. We started a working group with Consumer Affairs Victoria to ensure our information avoids confusion and duplication, and is easy to understand. This project will continue in 2016-17.

Local government is another stakeholder in many aspects of VCAT's work and this year we became part of the Municipal Association of Victoria's induction program for new mayors from across Victoria. New mayors toured our 55 King Street venue in December and were given a presentation on how VCAT works by VCAT President Justice Garde.

We also held a feedback forum for people who use initiating orders and application forms in the Planning and Environment List, including regular users such as councils, town planners and lawyers, to find out what is working well and what can be improved. The feedback will be used to improve these key documents.

During National Volunteer Week in May, we held an event to thank Court Network, which provides volunteers to assist people who come to VCAT.

Review and improve community engagement and user group forums

Customer Service Improvement Program

We developed and started implementing a major four-year improvement program in September 2015, following a comprehensive review of VCAT's customer service channels last year.

This program will improve the accessibility, responsiveness, effectiveness and efficiency of telephone, email and face-to-face services to our customers. It will help us create best practice procedures, look at opportunities to streamline services and develop a customer service framework. It will also boost our capacity to deal with our diverse customer base and complement our digital projects such as the website redevelopment, online forms and electronic file management.

As part of the program this year we mapped VCAT's processes from our customer's perspective. We will use these maps to identify processes that can be simplified, automated or eliminated altogether. We also developed two tools that will guide our process or system changes: the VCAT Design Principles and a Public Value Chain. These will help us evaluate the impact of process changes on our customers and our organisation.

Key projects to be completed by late 2017 are:

- a single contact number for all VCAT enquiries to make it less confusing for people who want to call us
- the capability to record calls to train staff, support quality improvements and verify procedural advice
- integrated customer services to provide more efficient and effective service across all methods of service delivery – for example, phone, email, web and in person. This involves standardising processes where possible, documenting procedures to help us give consistent and accurate information, and developing a customer service framework that includes a new service charter
- a customer satisfaction survey, which we began developing this year and will conduct next year. We will use the information to improve our services
- a refreshed statement of service commitment
- a review of our complaints policy.

Implementation of the program is supported by \$4 million over four years from the Victorian Government.

Delivering for our diverse community

We established a Diversity Committee in October 2015 to drive development and implementation of cultural and social diversity initiatives at VCAT. Chaired by the Head of our Human Rights Division, Deputy President Genevieve Nihill AM, the committee is also responsible for reviewing and monitoring diversity issues at VCAT. Its membership includes our chief executive officer and our Social and Cultural Inclusion Champion, who is VCAT's champion on the national Judicial Council on Cultural Diversity – an advisory body that assists Australian courts, judicial officers and administrators to respond to the diverse needs of the community.

The committee established an ambitious work program including implementation of our Koori Inclusion Action Plan developed last year and launched during NAIDOC week this year. We made changes to our forms and online systems that will help us collect appropriate data, and began a major research project that will guide our work to improve services to Victoria's Aboriginal and Torres Strait Islander community.

As part of our website project, we prepared content to be translated into eight languages. This information explains what VCAT does and how to access interpreters and translators. We incorporated text to voice technology that enables people to have the content read aloud.

We also did preparatory work to review VCAT's use of interpreters, develop an accessibility action plan and review oaths and affirmations. We will progress these projects as part of our 2016-17 Business Plan.

Through the Diversity Committee, we continued to build knowledge and skills among staff and members to enhance their awareness of cultural, linguistic and human rights issues, and strategies for incorporating inclusiveness principles into their work.

Engaging through user groups

User group meetings are an opportunity for us to provide information and updates to our stakeholders, and to gain valuable insights from their perspective. This year we held more than 12 user group meetings, including in regional areas for the first time in our Residential Tenancies List. We deferred a review of the effectiveness of these meetings

Research into Aboriginal and Torres Strait Islander community experience at VCAT

In June we embarked on the Aboriginal and Torres Strait Islander Engagement Project, which will research whether and how well VCAT is serving Victoria's Aboriginal and Torres Strait Islander communities.

We want to understand the experience of these communities and the barriers to Aboriginal people participating at VCAT. We are exploring how VCAT could improve its services and be more inclusive of the community's needs in our operations.

The project is focusing on our Residential Tenancies, Civil Claims, Human Rights, Guardianship, and Planning and Environment Lists. We expect to complete the research in September 2016.

until next year, while we prioritised work on our main communications channel.

Seek feedback from people who have had a matter heard at VCAT

We included a survey with our new online forms, so that people have an opportunity to tell us what they think and suggest improvements. For more about the forms, see page 24.

As part of our website redevelopment, we established feedback mechanisms that have been included in each page of our new website, to be launched in July 2016.

We developed a customer satisfaction survey as part of the customer service improvement program, which will be conducted next year. Conducting this kind of survey is a core component of one of the eight areas of tribunal excellence, 'Client needs and satisfaction', in the Australia and New Zealand Framework for Tribunal Excellence. VCAT's survey will aim to meet this requirement. We will measure satisfaction with services, develop our understanding of the diversity of VCAT's customers, and the responses will inform service improvements that respond to customers' needs.

Improve the way we provide information and build knowledge about VCAT

We made significant progress this year on key projects to improve how we provide information and build knowledge about VCAT in the community.

Engaging with media

Improved media coverage gives us more opportunities for the community to know and understand how VCAT works. We implemented our new media policy, including introducing media accreditation. The new policy makes it easier for media to report accurately and more frequently on VCAT matters.

Under the accreditation system introduced in March 2016, journalists receive a media pass and lanyard after signing an undertaking. It is not mandatory for accredited journalists to wear the pass and lanyard when attending VCAT, but they must do so when accessing the privileges of media accreditation. Wearing the media pass and lanyard in a hearing room enables a journalist to be identified as media by the presiding member, without the member needing to ask. Representatives of a news media organisation have standing permission under the *Court Security Act 1980* to make an audio recording during a hearing for the purposes of writing a media report, unless the member directs otherwise. Accredited media have standing permission to use laptops to take notes, file stories by electronic device, and tweet from the hearing room.

We also introduced a new policy for use of electronic devices at VCAT, developing two plain language notices for hearing rooms and file inspection rooms. The hearing room notice covers our policy and the law in relation to photography and other recordings, and the use of social media, mobile phones and laptops during a hearing. The new policy allows photography of documents during a file inspection, but only for personal reference — images must not be published.

An interview with VCAT President Justice Garde about our approach to media featured in the *Law Institute Journal's* January-February 2016 edition, and the fresh approach was welcomed at the national AIIA Court and Legal Industry



Improving our main communications channel

VCAT's website at vcat.vic.gov.au is the first port of call for most people who are considering taking a case to VCAT. It is also a critical resource for people who use our services often.

While developing the new structure, we identified the need for a plain language content review and this work was completed by the end of the year, with drafts at final approval stage. The rigorous process has removed duplication and contradictory information, and structured the content to step our customers through the VCAT process. When we must use technical language, we explain what we mean in plain English.

User testing of the proposed new structure in late 2015 showed a significant improvement on tests of our existing website in March last year (task completion went from 40 per cent to 86 per cent). We made further improvements based on this testing and completed the design in March 2016, before beginning the build.

The new website, to be launched in July 2016, will focus on the needs of users and have more intuitive site architecture. To meet growing demand from our customers, its design is responsive to mobile devices.

In June we completed an audit to make sure the new site complies with government accessibility standards (Web Content Accessibility Guidelines 2.0AA). It will incorporate voice-to-text technology that enables pages to be read aloud, and a page that introduces people to the VCAT process and how to access interpreters is being translated into eight languages. We organised training to ensure our customer service staff were familiar with the new site, so they could assist customers.

VCAT website usage

Year	Sessions	Users	Page views (million)	Pages per session	Average session duration (min:sec)	Mobile device (per cent)
2015-16	1,048,384	492,017	3.8	3.60	3:39	28 (mobile 21, tablet 7)
2014-15	1,003,935	458,061	3.8	3.80	4:06	24
2013-14	912,778	405,001	3.6	3.97	4:41	19
2012-13	876,089	355,581	3.5	4.04	4:27	13

Media Officers' conference in November and at the Law Institute of Victoria's Courts and the Media forum in December.

Radio talkback

Justice Garde explained how VCAT works to one of Australia's biggest talkback radio audiences on ABC Radio (774) on 3 September 2015. It is rare for judicial officers to take talkback calls, but Justice Garde spent almost 45 minutes taking calls on host Jon Faine's program. The switchboard lit up with callers asking questions and making comments on a diverse range of dispute types, including praise for our Human Rights Division.

Suppression orders

When necessary we make a suppression (non-publication) order on a decision, which can have varying levels of restriction, ranging from prohibiting any reporting of the case to allowing publication but not allowing identification of anyone involved. A party can apply for an order or VCAT can initiate this. We make these orders in the interests of justice, to prevent distress and ensure fair treatment of victims, witnesses, children or other vulnerable people. This generally happens in disciplinary matters in the Review and Regulation List (such as Working with Children Check review applications), and in the Human Rights List.

In 2015-16, VCAT made suppression orders in 0.1 per cent of cases (a total of 90 orders).

Civil Claims List	1
Human Rights List	30
Legal Practice List	1
Residential Tenancies List	1
Review and Regulation List	57

Providing information to the community

We set up a working group with Consumer Affairs Victoria, to improve the information provided to people involved in residential tenancies cases. We also improved how we publish decisions from 1 February 2016, including sending decisions by email to parties who have given us an email address. This helps parties get decisions faster and saves time and money. All VCAT decisions with written reasons are now promptly published on the Australasian Legal Information Institute website (AustLII), unless there is a legal reason not to do so - for example, orders under the VCAT Act or Open Courts Act that prevent publication.

In March, we established a register of our community activities, to capture presentations, published articles and other activities that members and staff do in the community in their official VCAT capacities. Members and staff reported a total of 35 presentations to a diverse range of organisations, including to Victoria Legal Aid and the Fair Work Commission. We also facilitated sessions at 20 workshops and contributed articles to industry and other publications.

For highlights, see page 19.



Community activities

VCAT members and staff gave presentations, facilitated workshops and contributed articles throughout 2015-16. Below are some highlights.

Organisation/Event	Topic
Administration Executive	
Courts Open Day (Victoria Law Foundation)	Public information sessions about VCAT, including two general sessions, one planning session, one Powers of Attorney session and a foyer display at William Cooper Justice Centre
AJJA Court and Legal Industry Media Officers' conference, and Law Institute of Victoria Courts and the Media forum	Media policy, digital reporting, challenges for courts and media
Building and Property List	
Forensic Engineering Society of Australia	ADR at VCAT
Victorian Association for Dispute Resolution	Using ADR to resolve building disputes
Civil Claims List	
Resolutions Australia	ADR at VCAT, including compulsory conferences
Children's Court of Victoria	ADR, including short mediation and hearing
Guardianship List	
Victoria Legal Aid and Law Institute of Victoria	<i>Powers of Attorney Act 2014</i> - VCAT's powers
Joint community information session with Office of the Public Advocate and State Trustees	Guardianship, Administration and Powers of Attorney
Human Rights List	
Judicial Council for Cultural Diversity	VCAT and CALD communities
Monash University	Interpreter training and humanitarian interpreting
Owners Corporations List	
Strata Community Australia Vic	VCAT processes and procedures
Planning and Environment List	
Victorian Planning and Environmental Law Association	Red Dot decisions in the Planning and Environment List, general VCAT procedures and practice notes
Planning News - the journal of the Planning Institute of Australia (Vic)	A two-part journal article on restrictive covenants
Municipal Association of Victoria Regional Planning Conference	Decisions of interest to regional and rural councils
Residential Tenancies List	
Catholic Care - Sudanese community group	About VCAT, focussing on residential tenancies
Neighbourhood Justice Centre (Collingwood)	Attendance of tenants at hearings, support services at NJC
Consumer Action Law Centre	Community access to VCAT
Regional and metropolitan forums	Public information sessions across Victoria for tenants, landlords and estate agents
Review and Regulation List	
Law Institute of Victoria	<i>Freedom of Information Act 1982</i> , amendments to the VCAT Act in 2014 and 2015, mediation in Administrative Law

Strategic Direction 3 Modernising service delivery

Key focus areas 2014-17

- » Review and update the VCAT Act and enabling provisions

- » Support the development of CSV

- » Engage earlier with government stakeholders in the legislative process

- » Review and expand the use of Alternative Dispute Resolution

- » Drive process improvements in Registry

- » Expand our use of information technology

Priority projects 2015-16

	Page
Review and expand the use of alternative dispute resolution	21
Review our customer telephone contact system	24
Roll out a new standard operating environment, with CSV	24
Implement online forms for Civil Claims, Owners Corporations, Human Rights, Review and Regulation	24
Enable tenants and private landlords to use the online Residential Tenancies Hub	24
Create an online system to help people manage Guardianship applications	24
Implement e-lodgement and electronic file management, with CSV	24
Develop a disaster recovery plan for our case management systems, with CSV	24
Implement the first round of Principal Registrar delegations	21

Highlights

- » Smooth implementation of VCAT's expanded Powers of Attorney jurisdiction
- » Introduced nine online forms that make it easier for people to apply to VCAT. The new forms are shorter and easier to understand than previous forms and are faster to complete
- » Opened the VCAT Residential Tenancies Hub (formerly VCAT Online) to tenants and private landlords

Challenges

The outdated platform underpinning VCAT's case management system for residential tenancies limited our capacity to fully modernise the Residential Tenancies Hub

We completed the disaster recovery plan for our content management systems but final testing is yet to be carried out by CSV

Looking ahead 2016-17

- Implement an automated listings scheduler
- Roll out e-lodgement, in partnership with CSV
- Create online forms for the Planning and Environment List
- Begin the second stage of the Residential Tenancies Hub
- Implement a change management and incident management program
- Work with Consumer Affairs Victoria to streamline and review residential tenancies information

Key:

- Completed
- In progress
- Yet to start

Year in review

Review and update the VCAT Act and enabling provisions

We continued to implement long-term changes that resulted from the *Victorian Civil and Administrative Tribunal Amendment Act 2014*, such as the delegation of Principal Registrar powers.

Registrars started using newly-delegated powers from VCAT's Principal Registrar on 14 December 2015. Delegates are able to adjourn matters, change a hearing venue, or consider reinstating a matter. This helped us process matters faster for our customers, freeing up members to hear more cases. Thirteen registrars were trained to use the delegations through an intensive on-the-job program from October to December, where they worked under the supervision of duty members to prepare files and propose appropriate orders. Over the next six months, the delegates considered 1265 referred files and made 1134 orders, mainly on residential tenancies and civil claims matters. We are investigating enhancements to our case management system that will provide reliable comparative data to assess the effectiveness of the delegations. Indications are that the program is successful, and we plan to implement a second stage of delegations next year.

We also implemented changes to fee waiver guidelines on 6 April to reflect changes introduced by the *Justice Legislation Amendment Act 2015*, enabling the Principal Registrar to reduce, waive, postpone, remit or refund any fee payable under the VCAT Act or the regulations, or any charge for VCAT services. These options are available when the Principal Registrar considers that paying the fee would cause the person responsible for its payment financial hardship, or on any other prescribed ground in the regulations. Previously, under the VCAT Act, the Principal Registrar could only waive fees if satisfied that the payment of that fee would cause the person responsible for its payment financial hardship. The revised guidelines were effective from 6 April 2016 to 30 June 2016, ahead of fee changes due to start on 1 July 2016 (see page 27).

Support the development of CSV

We actively participated on CSV committees that support the effective management of CSV. VCAT's president is a member of CSV's governing body, the Courts Council, and participates in CSV Portfolio Committees. Our CEO and senior managers actively participate in CSV committees, projects and studies.

Engage earlier with government stakeholders in the legislative process

We have ongoing consultations with government departments and statutory agencies where new or amending jurisdiction is proposed or conferred on VCAT. We are now contacted earlier when changes with implications for VCAT's jurisdiction are proposed, and welcome this development.

During the year we boosted our capacity to respond to these developments by recruiting a legal researcher. We provided submissions in response to the Victorian Government's review of the *Residential Tenancies Act 1997*, the Consumer Property Law Review and the Access to Justice Review.

Review and expand the use of alternative dispute resolution

VCAT has been progressively expanding its use of alternative dispute resolution (ADR). ADR includes private meetings where parties consider options to resolve their case with the help of an impartial accredited mediator or VCAT member. We offer three types of ADR services: mediation, compulsory conference, and short mediation and hearing (for civil claims only).

Resolving disputes this way can be faster, less costly and give parties greater control of the outcome than going to a full hearing. Even when the parties still cannot agree, they often have narrowed the issues in dispute.

We completed a formal analysis of our investment in ADR, to test whether it was being used efficiently and whether it could benefit other types of matters. The analysis suggested that data would be improved if we developed a new matrix recording, for statistical purposes, the complexity of cases referred to ADR. This will help us demonstrate the cost savings to parties and VCAT where matters were resolved using ADR processes. We developed these measures as part of preparing for the implementation of new fees.

New Powers of Attorney jurisdiction

Powers of attorney are legal documents that enable a person who has the capacity to make decisions to choose someone to make decisions on his or her behalf. They are designed to give people choice and control over how their affairs are handled.

New laws on enduring powers of attorney came into effect in Victoria on 1 September 2015, providing greater protection for people making powers of attorney and giving VCAT more powers to decide related issues.

The *Powers of Attorney Act 2014* clarified the law protecting the rights of people who make an enduring power of attorney or supportive attorney appointment.

The Act created a new role of supportive attorney - a person who can support the principal to make his or her own decisions. A supportive attorney cannot make decisions on the principal's behalf.

VCAT was given new powers to order compensation for loss caused by an enduring attorney contravening the Act, to determine the liability of attorneys, and to resolve disputes between attorneys. We can also give advisory opinions about enduring powers of attorney and supportive attorney appointments.

Preparing for the new jurisdiction involved developing new processes and procedures. It also required extensive training for VCAT members, managers and staff.

See page 35 (Guardianship List) for more details.

An experience of alternative dispute resolution

"...this dispute was going nowhere since commencing over two years ago, and I approached yesterday's hearing with negative thoughts.

But from the outset of the compulsory conference yesterday it became clear [the member] had studied the history of this dispute thoroughly and wanted nothing less than for all of us to walk away with an outcome which represented a satisfactory resolution for everyone.

As the day progressed and various aspects were heard, debated and explained, [the member] was able to bring 'reality', common sense, and compromise to each item culminating in agreement.

It was a learning experience for everyone attending in planning, exploring options, fulfilling regulation requirements, finding solutions, setting timelines, and then all agreeing to move forward.

[The member] displayed continued energy and attention to detail throughout the day maintaining involvement and spirit of a 'win win' outcome which was very impressive."

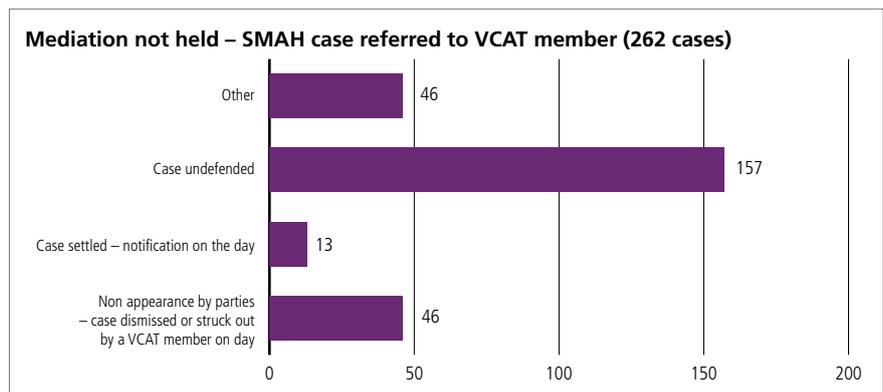
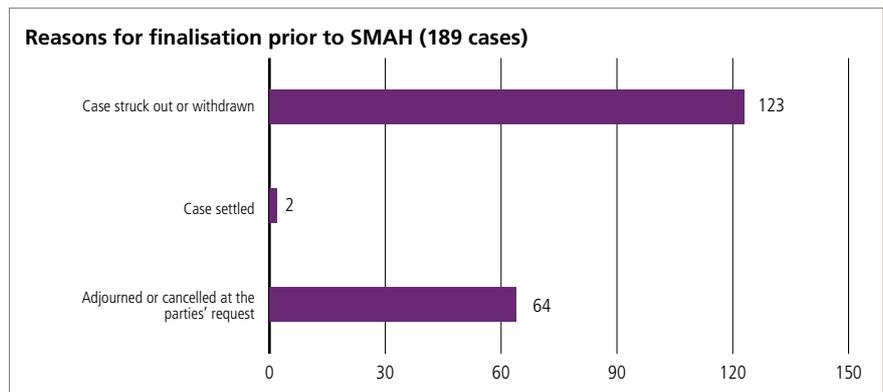
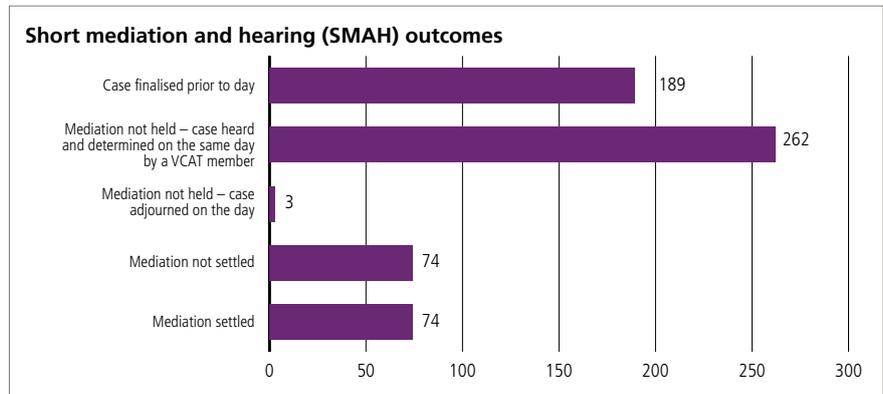
[customer's name withheld]

Short mediation and hearing

We use this form of alternative dispute resolution to help people with civil claims valued at less than \$3000.

The mediations are conducted by qualified VCAT staff mediators. If a dispute is not settled at the mediation, it goes to a hearing on the same day conducted by a VCAT member.

This year, 602 cases were listed for short mediation and hearing. Most were finalised or the mediation was not held, for reasons shown below. About half of all cases that went to mediation settled.



Compulsory conferences and mediation

We listed 1720 cases for compulsory conferences and mediations this year. On average, 61 per cent were successfully resolved by a compulsory conference or mediation conducted by a VCAT member. Compulsory conferences and mediations achieved the same settlement rate, but this is coincidental and may not indicate future results.

In September 2015, with the implementation of the new *Powers of Attorney Act 2014* legislation in the Guardianship List, compulsory conferences were conducted for complex and protracted cases, with 88 per cent successfully resolved by VCAT members.

On average, we achieved high resolution rates in most lists:

- Building and Property List - 64 per cent
- Civil Claims List - 65 per cent
- Planning and Environment List - 64 per cent
- Owners Corporations List - 64 per cent
- Residential Tenancies List - 58 per cent
- Legal Practice List - 57 per cent
- Human Rights List - 57 per cent.

ADR was effective in 39 per cent of Review and Regulation List matters.

Drive process improvements in Registry

Registry, listings and customer service functions are part of our operations area. During the year we restructured leadership roles within this team and implemented a continuous improvement business plan. This links operational improvement tasks to our strategic plan and annual business plan. We report on this activity every three months to our main governance body, the President's Advisory Committee.

The Operations Continuous Improvement Plan helped us to:

- develop operational processes that improve data quality and performance management
- identify and tackle systemic issues that led to data anomalies in our case management system
- establish common business processes for our new online forms, and to standardise processes and documents for the new fees
- implement strategies under our workforce plan.

Six priorities to improve our operations

Our Operations Continuous Improvement Plan for 2015-16 focused on six priorities:

- processes: develop and document processes with emphasis on consistency, customer-focus and governance
- quality: develop a quality assurance framework
- performance: embed performance reporting and monitoring
- leadership: building leadership capability and develop staff
- engagement: build productive relationships with VCAT members
- culture: embed a positive and inclusive work culture.

Total cases listed for compulsory conference or mediation

	Building and Property List	Civil Claims List	Human Rights List	Guardianship List	Legal Practice List	Owners Corporations List	Planning & Environment List	Residential Tenancies List	Review and Regulation List	Total
Compulsory Conference	264	220	75	8	28	83	435	11	178	1302
Mediation	347	11	34	0	0	24	1	1	0	418
Total	611	231	109	8	28	107	436	12	178	1720

Settled by compulsory conference or mediation

Compulsory Conference	168	141	47	7	16	63	281	7	69	799
Mediation	225	10	15	0	0	6	0	0	0	256
Total	393	151	62	7	16	69	281	7	69	1055

Note: Presentation of ADR data has changed from previous reporting periods. We have separated compulsory conference and mediation caseload and performance from short mediation and hearings to provide a more detailed breakdown of the services.

Easier applications through online forms

We introduced nine online forms that make it easier for people to apply to VCAT. The new forms are shorter and easier to understand than previous forms and are faster to complete. Only necessary fields appear on screen, based on previous answers and the online forms automatically save when each page is completed. The user can pay online and gets instant lodgement confirmation. The Civil Claims and Owners Corporations general application forms were available from September, followed by the Human Rights and Review and Regulation forms in March 2016.

About 46 per cent of civil claims applications used the online form, compared to about 57 per cent for owners corporations applications – possibly because many owners corporations applications are made by professional managers. At 30 June, we had not had enough applications to report accurate data on our other online forms.

More than 90 per cent of people who completed the civil claims and owners corporations form surveys agreed the forms were easy to use.

Positive comments included:

- ‘User-friendly’
- ‘Simplicity for very average computer user’
- ‘Easy to navigate and had clear instructions’
- ‘Saves time as it skips irrelevant questions’.

A number of suggestions for improvement were also made, which will be taken into account when the content of the forms is reviewed.

As well as the high level of customer satisfaction indicated above, an independent review of the owners corporations and civil claims forms in April 2016 found that there were clear process improvements and cost savings for VCAT.

We began developing six online forms for our Planning and Environment List and expect to complete this project in 2016-17. We still have some way to go, with about 70 forms still to be digitised.

Expand our use of information technology

This year we focused on making improvements to our information technology systems, in line with our strategic plan.

New hubs for tenants, private landlords and guardianship

On 17 November 2015 we opened the VCAT Residential Tenancies Hub (formerly VCAT Online) to tenants and private landlords. Previously the system was only available to real estate agents and Director of Housing representatives. Tenants and landlords can use the hub to create notices (for example, to give notice that repairs are needed), apply to VCAT, pay related fees, and search for previous notices and applications. While this is a big step forward, this system is hosted on an outdated platform that will be decommissioned by the Department of Justice and Regulation within the next year. We intend to provide this service on a new platform and in doing so will be able to incorporate a range of exciting enhancements.

Residential Tenancies Hub usage – 17 November to 30 June

Customer type	Registrations	New applications	Subsequent applications
Tenants	2450	839	33
Private landlords	891	422	35
Estate agents	86*	26,686**	4505

* data collected since January 2016

** data collected since November 2015

Another major project this year was to create a similar system for guardianship matters. At 30 June we were finalising the Guardianship Hub, which we are building on a modern platform with user-friendly design. The system will enable customers to make applications, get hearing dates, make requests such as change of venue, access orders and more. It will send automatic requests for medical reports direct to the medical practitioner, who will be able to upload the medical report into the system. Like the Residential Tenancies Hub, the Guardianship Hub will interact directly with our case management system and eliminate the need for manual data entry.

Electronic file lodgement and management

We are working towards a system where all parties can commence a matter online, have access to an electronic case file and follow its progress online. This year we worked with CSV to develop an electronic lodgement service after creating electronic files for Transport Accident Commission (TAC) cases last year. CSV expect to complete this project by September 2016. The fast, free and convenient service will enable parties involved in active TAC cases at VCAT to lodge supporting documents online, if their case started after 1 January 2014.

Other technology projects

In October we completed the roll out of a new standard operating environment, upgrading to Windows 8 and Office 2013 applications. We prioritised regional locations and provided technology to make it easier to hear guardianship cases at hospitals and other locations. We made disaster recovery arrangements for our case management systems, which are being finalised in consultation with our technology partners CSV and CenITex.

We moved to a new version of the system we use to manage telephone calls to VCAT, and began a review to assess what new functions it offers that would best suit our operations.

We progressed these projects despite a number of competing priorities. Preparing to implement a new fee structure put considerable demands on our information technology resources. It required us to redevelop existing forms, including our online forms.

Strategic Direction 4

Improving efficiency

Key focus areas 2014-17

- » Improve governance arrangements

- » Drive process improvements for Listings

- » Review performance measures and ensure data integrity

- » Monitor the impact of fee regulations

Priority projects 2015-16

	Page
Implement performance management and reporting framework	26
Support the fees regulatory impact statement development and prepare to implement new model	27
Conduct an audit of the Notice of Decision process in the Planning and Environment List	27
Implement Business Continuity Plan audit recommendations	26
Complete security audit	26

Highlights

- » Strengthened our governance by implementing review recommendations and appointing an independent chairperson for our Risk Management and Audit Committee
- » Re-established our Business Continuity Management Group with revised terms of reference and developed and tested our Business Continuity Plan
- » Completed a comprehensive security audit of VCAT venues

Challenges

Managing funding and competing priorities delayed our plans to audit the Notice of Decision process in our Planning and Environment List, now scheduled for 2016-17

Looking ahead 2016-17

- Implement our performance reporting framework
- Implement and monitor the new fee structure effective from 1 July 2016
- Audit the Planning and Environment List Section 82 Notice of Decision process
- Implement security audit recommendations

Key:

- Completed
- In progress
- Yet to start

Year in review

Improve governance arrangements

In September we reviewed VCAT's corporate governance structure, established in May 2014. The review found that the structure, principles and practices are sound. We implemented the review recommendations, which included standardising terms of reference, developing further business rules and procedures, and making corporate governance information available on our intranet. Updated terms of reference for the President's Advisory Committee and the Risk Management, Audit and Compliance Committee were endorsed in February.

We appointed an independent chairperson for our Risk Management, Audit and Compliance Committee, to strengthen its strategic focus and oversight capacity.

We also acted on recommendations made by an independent audit of our business continuity plan last year. This plan complements our emergency management strategies, setting out how we would deal with incidents that affect our operations in a way that cannot be dealt with by normal procedures. We re-established the Business Continuity Management Group in October, approved revised terms of reference and conducted a business impact analysis workshop to identify gaps in the plan. All the sections of the organisation are represented on the group as well as two CSV representatives. We ran a desktop exercise in May to practice what we planned for and we are making adjustments to the plan as a result. We also conducted a comprehensive review of security at our venues (see page 13).

Our new Operations Continuous Improvement Plan (see page 23) also helped to improve governance, aligning the work of our operations team to VCAT's strategic plan.

We worked with the Public Record Office of Victoria to develop a new Retention and Disposal Authority for VCAT records. Public records, including all records created at VCAT during a normal day, can only be destroyed under this authority. The previous

authority from 2005 expired in 2015. We also implemented a new strategy and policy to govern VCAT's records management. The strategy provides a blueprint for VCAT's efforts over the next few years to improve its records management practices. The policy details the responsibilities of members and staff in creating, using, managing and disposing of records.

We continued to monitor performance against our financial accountability framework, which sets out who has financial delegations and how these are used.

Drive process improvements for Listings

Listings, registry and customer service functions are part of our operations area. During the year we restructured leadership roles within this team and implemented the new Operations Continuous Improvement Plan. This increased our capacity and capability to drive listings reform, which will ensure cases are heard as quickly as possible.

Review performance measures and ensure data integrity

Developing measures of our success

To improve our efficiency, we must first properly measure what we do. This year we developed a performance and reporting framework for VCAT.

The framework provides tools to help us measure the value of our activities to the community, and provide data to help us make operational and strategic decisions. The measures will help us manage risks and establish whether we are achieving our strategic directions. The pilot was in progress within Residential Tenancies List at 30 June.

The framework aligns to the Australia and New Zealand Framework for Courts and Tribunal Excellence and reporting requirements under the Victorian Government's Budget Paper 3.

After assessing results, we will roll out tailored operational performance measures to the Human Rights Division, then across all divisions. We will also integrate our operational performance measures with other critical aspects of management, such as people management, risk management, financial management and project management.

Preparing to report on file integrity

This year we conducted three trial audits of our files, so we are ready to report next year on the extent to which VCAT's files are available when required, accurate and complete. This is called 'file integrity'. CSV is introducing this measure to enhance annual reporting for the courts and VCAT, as part of meeting Budget Paper 3 requirements. The trial audits enabled us to test and adapt our processes in readiness. The first audit will be carried out in mid-July 2016 and results will be provided in next year's annual report.

Managing the quality of our data

This year we developed a 10-step process to improve, monitor and maintain the quality of VCAT data, which is essential in making operational decisions and reporting to our stakeholders. As part of this project, we are also designing a VCAT data warehouse – a database that offers powerful and comprehensive extraction and processing. CSV is providing technical support for this.

In late 2015 we discovered that our case management systems were not accurately reporting the number of cases that were lodged but not finalised. We call these pending cases. To check, we did a manual count of files in January, which confirmed the problems affected data for all our lists, but mainly our residential tenancies cases. Two specialist working groups led by our Operations Director investigated the causes and identified solutions. This included establishing new business rules, adding system controls to our case management systems, and improving auditing and monitoring processes. These solutions were tested and delivered an accurate result. We will continue to make improvements to our reporting systems in 2016-17.

We also made changes to collecting and reporting data to properly reflect the workload of our Guardianship List. See page 35.

Monitor the impact of fee regulations

VCAT relies on income from its fees to partly fund its operations. Our fees income this year covered 23.4 per cent of operating costs for lists that are not paid for by trust funds.

Fee regulations set in 2012 were due to expire on 30 June 2016. The Victorian Government, which sets the fees, released options for a new fee structure in a Regulatory Impact Statement (RIS) on 23 March 2016. After receiving submissions, in mid-June the Government announced a new fee structure that takes effect on 1 July 2016.

Supporting the RIS process carried out by the Department of Justice and Regulation and preparing to implement the new fee structure were major projects for VCAT. We assisted with data collection for analysis as part of the RIS process, to ensure the Government had accurate information about VCAT's operations when making its decision about the new model.

We then set up a project team to prepare for the implementation. We reviewed the official rules, directions and practice notes that provide guidance to the community. We provided training to members and staff, updated the software of our case management and online systems, and developed and implemented a communications plan. As part of this, we started using email marketing software, so we could measure the effectiveness of our fees communications. We began developing an online fees calculator that will support our customers and be a useful resource for customer service staff. We also began a project to expand and modernise payment options, to make it easier for our customers to pay fees related to their case.

We developed a reporting framework to monitor and measure the impact of the new fee structure on our operations next year. We identified four key factors and developed specific performance measures for each:

- simpler for customers to use
- access to justice
- improves VCAT administrative process
- improves VCAT financial sustainability.

New VCAT fee structure

From 1 July 2016, VCAT fees will be charged according to three levels: corporate, standard and concession.

The corporate fee applies to larger businesses, companies, corporations and government agencies with a turnover of more than \$200,000 in the previous financial year.

The standard fee is payable by individuals (including those who run small businesses as sole traders or in partnerships), not-for-profit organisations and incorporated businesses with a turnover of less than \$200,000 in the previous financial year.

The concession fee is capped at \$150 and is available automatically to holders of a Commonwealth Health Care Card.

Fee relief will be available for all VCAT fees, including waivers and reductions, based on eligibility criteria.

Strategic Direction 5 Investing in our people

Key focus areas 2014-17

- » Improve the way we manage our workforce

- » Improve training and development opportunities for members and staff

- » Maintain transparent appraisal processes

Priority projects 2015-16

	Page
Implement VCAT's Workforce Plan	29
Implement the member support review recommendations	29
Develop and implement the Member Engagement Strategy	29

Highlights

- » Delivered 67 per cent of the Workforce Plan, halfway through the implementation period
- » Supported implementation of Principal Registrar delegations
- » Implemented a comprehensive training strategy to prepare for new fees from 1 July 2016
- » Conducted a culture and engagement survey of members and staff

Challenges

Capturing key workforce data to inform workforce management strategies was difficult, as CSV does not have a cohesive system to provide this information

Looking ahead 2016-17

- Continue to implement VCAT's Workforce Plan
- Implement member career management strategy
- Develop VCAT's next strategic plan

Key:

- Completed
- In progress
- Yet to start

Year in review

Improve the way we manage our workforce

VCAT's first Workforce Plan was approved in July 2015. We immediately began implementing this two-year strategy.

Our Workforce Plan commits VCAT to:

1. robust recruitment and induction which delivers the right fit for the future
2. invest in learning which builds our capacity to adapt, thrive and deliver
3. ensure our leaders have the skills to drive and inspire excellence
4. be an exemplary workplace in supporting the safety and wellbeing of our people
5. ensure we have the right people in the right place at the right time to meet service demand
6. own and shape a collaborative and inclusive team culture.

The Workforce Plan set the direction and measurement to track our performance against these objectives. It includes initiatives

that were developed under our Member Engagement Strategy and aligns with the themes of our annual staff and member surveys, including issues identified through our inaugural culture and engagement surveys in early 2015-16.

The surveys, administered by an independent company, invited members and staff to provide feedback on VCAT as a workplace and to contribute ideas on ways the organisation can improve. Results provided key information about what staff and members value in a workplace, how supported they feel by their colleagues, and their commitment to ensuring VCAT continues to serve all Victorians. Staff and members were informed of the results, and these were incorporated into our Workforce Plan.

In developing and implementing our Workforce Plan, we found it a challenge to obtain comprehensive data. VCAT does not have a single system that provides this information; we draw details from several stand-alone databases. We rely on CSV to provide this, as the service provider for the courts and VCAT.

Enabling culture

We improved our internal communications, developing posters to encourage members and staff to read our monthly e-newsletter, and continued our quarterly briefings with the president and chief executive officer - a chance for members and staff to ask direct questions of our senior leaders.

We encouraged staff and members to use the intranet, with positive results. We will continue to develop this valuable internal resource next year.

We also introduced 'Ask a member' lunchtime sessions. These are an opportunity for staff and members to explore interesting cases through question-and-answer sessions with the members involved.

Recruit and induct

We reviewed the way we advertise vacancies, trained more key staff in best practice recruitment and revised and implemented a comprehensive induction program for members and staff.



Enabling culture: VCAT staff and members take part in community activities such as Courts Open Day, organised by the Victoria Law Foundation.

Safety and wellbeing

There were 20 reported occupational health and safety incidents at VCAT in 2015-16, compared to 12 incidents last year. This increase may be attributed to better use of the Accident and Incident Reporting System. The reports related to both VCAT members and staff, and people attending our venues.

Period	No. of reports
July to September 2015	6
October to December 2015	4
January to March 2016	4
April to June 2016	6

Working with CSV, we established the CSV Judicial Assistance Program. This program makes a team of experienced psychologists available to assist with day-to-day challenges, in and outside the workplace. Staff already had access to similar support through the Employee Assistance Program, which provides online resources, counselling and coaching to assist in dealing with general wellbeing and work and life issues.

We implemented a range of initiatives such as Respect in the Workplace training, posture presentations, health and fitness programs and mindfulness training. These included encouraging participation in activities such as FebFast and Step into Spring – an in-house competition to see which team could tally the most steps during spring and summer.

In January, VCAT hosted more than 100 people leaders from all CSV jurisdictions to raise awareness of mental health in the workplace. They attended four sessions as part of a Beyond Blue initiative. The sessions explored appropriate ways that an open and respectful workplace can support people experiencing a mental illness.

Right resourcing

We completed our review of the support available to our non-judicial members, which led to a restructure of our Member Support function. We recruited two member support coordinators, a key recommendation of the member support review completed last financial year.

Improve training and development opportunities for members and staff

Members took up 378 opportunities for professional development in 2015-16. Some members took up more than one training opportunity over the last 12 months.

Staff took up 681 training opportunities during the year, representing a total investment of 323 total training days. Staff spent an additional 402 hours investing in their own learning through online programs. Most of this (91 per cent) was dedicated to specific IT applications such as electronic document management systems, database and finance platforms.

We reformed our Staff Development Group to give staff the opportunity to contribute training ideas and give feedback. Achievements of this group include Career Management workshops for all VCAT staff, increasing access to online and face-to-face training opportunities and building online evaluation capacity for all VCAT programs.

During the year we had a strong focus on technology training for members, such as opportunities to learn online speech recognition software that can be used to prepare written decisions.

Through our new Diversity Committee, we promoted activities aimed to raise cultural and diversity awareness among VCAT staff and members. This included NAIDOC Week, Harmony Day and Diversity Week activities. We promoted training opportunities specific to members, including those offered by the Judicial College of Victoria. Information about diversity and relevant resources were included in the updated induction manual for new VCAT members, so they are clear about our expectations and resources in relation to social and cultural diversity.

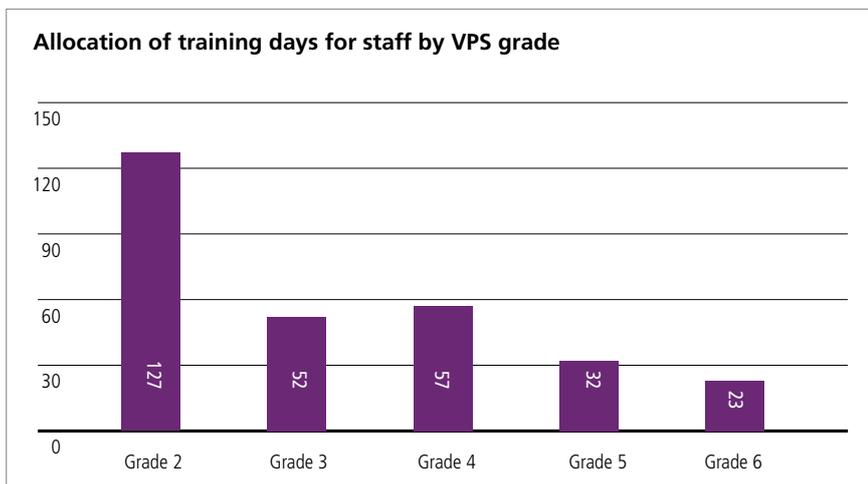
We also trained more than 50 customer service staff to communicate effectively with people who have limited English. The training covered the principles of cross-cultural communication, determining when an interpreter is required and strategies for effective communication with clients from a cultural and linguistically diverse background.

Leadership strength

We reformed our Operations leadership team and worked with CSV to align leadership training programs. Next year we will identify staff talent and assess member development needs to strengthen our leadership potential. We also continued our leadership forums that support VCAT's administration executive team and registrars.

Maintain transparent appraisal processes

Conversations about performance are critical to building our capability. We focussed on building the skills of staff and leaders to have these conversations, through additional training and support in the Performance Development Planning (PDP) system.



Building and Property List

Key points

- » Time taken to resolve cases steady over three years
- » Clearance rate for real property matters improved by more than 12 per cent
- » More complex domestic building cases, due to increase in applications about high-rise apartments

What we do

The Building and Property List hears and determines a range of disputes, including about:

- » domestic building works, from small projects such as bathroom and kitchen renovations to disputes concerning high-rise apartment buildings
- » reviews of decisions by warranty insurers in relation to domestic building works
- » claims brought by a landlord or tenant under a retail premises lease, or a specialist retail valuer seeking resolution of a retail tenancy dispute
- » 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.

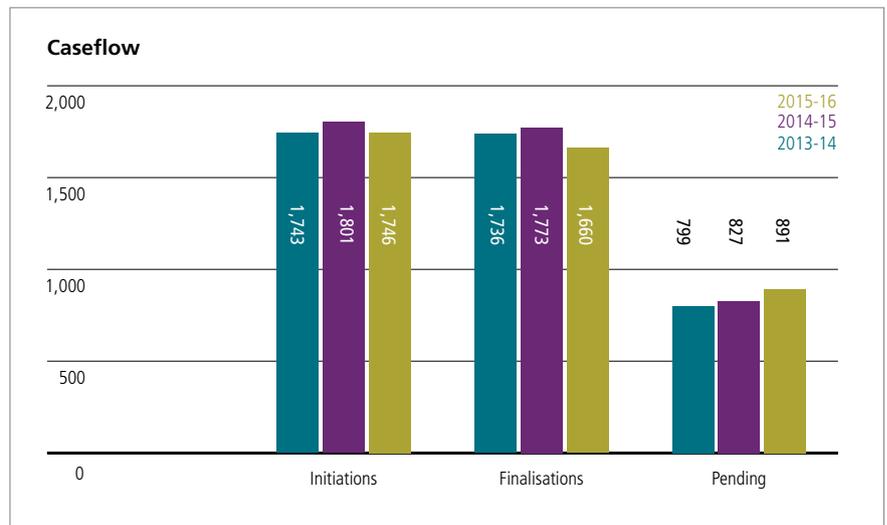
Year in review

While we received about the same number of new domestic building applications as for the past two years, more of these are about high-rise apartment buildings — sometimes with multiple related claims from affected lot (unit) owners for damage to their unit. These take a long time to finalise because of complex technical and legal issues. Further parties are often joined as respondents by the builder (or other respondent) seeking to share the responsibility.

The relatively small number of real property applications means that a small number of matters can show as a large statistical variation. We finalised 11 per cent fewer real property cases than last year but the finalisation rate when compared with the initiation rate shows an improvement – the clearance rate rose from 99.45 per cent to 112 per cent. There was also a reduction in pending cases. See page 5 for more about this.

Fewer claims under the Water Act (for unreasonable flow of water from one property to another) may be due to fewer heavy rainfall events in recent times.

The Building and Property List hears claims about commercial building works and commercial leases made under section 182 of the *Australian Consumer Law and Fair Trading Act 2012*. We received 95 of these claims in 2015-16, with the majority about commercial building works.



Building and Property List				
Caseflow	2013-14	2014-15	2015-16	Variance
Initiations	1,743	1,801	1,746	-3%
Finalisations	1,736	1,773	1,660	-6%
Pending	799	827	891	See page 5
Clearance Rate	100%	98%	95%	
Timeliness of finalised cases (weeks)				
Median	13	14	14	
80th percentile	32	31	32	
Initiations				
Domestic Building	1,253	1,339	1,328	-1%
Real Property	173	185	146	-21%
Retail Tenancies	317	277	272	-2%
Total	1,743	1,801	1,746	-3%
Finalisations				
Domestic Building	1,237	1,333	1,251	-6%
Real Property	173	184	163	-11%
Retail Tenancies	326	256	246	-4%
Total	1,736	1,773	1,660	-6%
Pending				
Domestic Building	631	637	706	See page 5
Real Property	90	91	70	See page 5
Retail Tenancies	78	99	115	See page 5
Total	799	827	891	See page 5
Applications by enabling enactment				
<i>Domestic Building Contracts Act 1995</i>	1,233	1,298	1,225	-6%
<i>Property Law Act 1958</i>	118	129	111	-14%
<i>Retail Leases Act 2003</i>	294	277	272	-2%
<i>Water Act 1989</i>	51	55	32	-42%
<i>Australian Consumer Law and Fair Trading Act 2012</i>	26	37	95	157%
Others	21	5	11	120%
Total	1,743	1,801	1,746	-3%
Applications by claim amount				
Small claims: < \$10,000	518	498	468	-6%
Standard claims: \$10,000 - \$100,000	496	564	531	-6%
Complex claims: \$100,000 +	204	228	195	-14%
No Value	525	511	552	8%
Total	1,743	1,801	1,746	-3%

Civil Claims List

Key points:

- » 46 per cent of applications made using a new online form introduced in October
- » 13 per cent more claims valued at \$10,000 to \$100,000 – higher value, more complex
- » Natural decline in claims under Fair Trading Act, replaced by Australian Consumer Law

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 to the Civil Claims List. This means that we can hear disputes from everyday consumer transactions to large commercial matters. On the same day we might hear a case about unsatisfactory dry cleaning services, a case about the sale of a business and the operations of a franchise.

Claims can be issued by suppliers and consumers — for example, tradespeople frequently make applications about unpaid debts.

In this list, we also hear cases based on the laws that prohibit misleading or deceptive conduct, false representation and unconscionable conduct. People can make applications under some of these laws even where they have not bought goods or services from the respondent.

Year in review

In September we made an online form available for people making civil claims applications. About 46 per cent of applications during the nine months to 30 June were made using this online form.

As noted in our Access to Justice Review submission, fee increases introduced by the Victorian Government in July 2013, July 2014 and July 2015 are likely to have influenced the number of civil claim matters lodged with VCAT. We continued to see a decline in small claims this year.

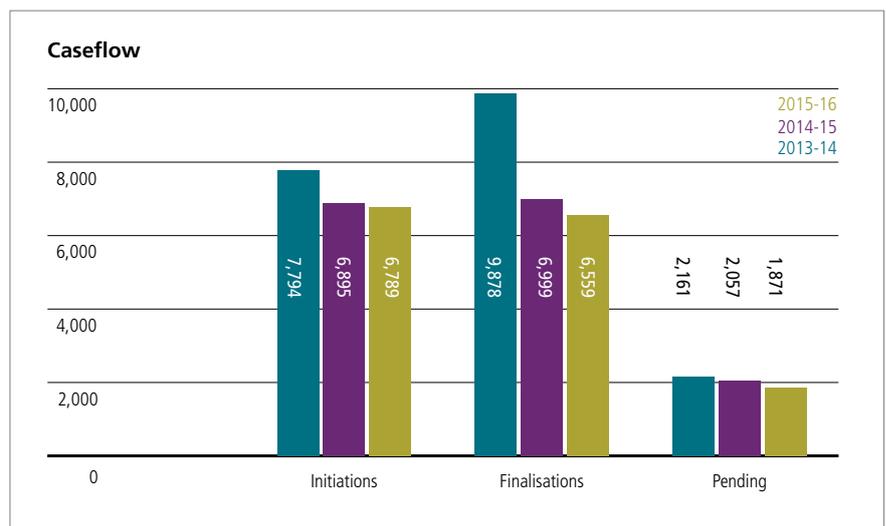
Claims valued at \$10,000 to \$100,000 increased by 13 per cent this year. Such cases are generally more complex and can take longer to resolve. They include:

- disputes about sales of businesses
- professional negligence claims against accountants and other service providers
- disputes between franchisors and franchisees
- disputes under contracts for the manufacture of expensive items such as caravans
- disputes in which claims for contribution or indemnity are made against third parties.

Applications recorded as ‘no amount’ include applications for injunctions, for example to prohibit a licensor from terminating a licence.

The significant decrease in applications made under the *Fair Trading Act 1999* reflects a natural decline, as it was replaced by the *Australian Consumer Law and Fair Trading Act 2012*.

During the year we resolved issues with reporting of pending cases (see page 5).



Civil Claims List				
Caseflow	2013-14	2014-15	2015-16	Variance
Initiations	7,794	6,895	6,789	-2%
Finalisations	9,878	6,999	6,559	-6%
Pending	2,161	2,057	1,871	See page 5
Clearance Rate	127%	102%	97%	
Timeliness of finalised cases (weeks)				Target
Median	15	10	10	
80th percentile	28	17	16	
Target				19
Applications by enabling enactment				Variance
<i>Australian Consumer Law and Fair Trading Act 2012</i>	6,414	5,732	5,598	-2%
<i>Domestic Building Contracts Act 1995</i>	1,330	1,157	1,185	2%
<i>Fair Trading Act 1999</i>	47	5	2	-60%
Others	3	1	4	300%
Total	7,794	6,895	6,789	-2%
Applications by claim amount				Variance
Small claims: < \$10,000	6,384	5,772	5,555	-4%
Standard claims: \$10,000 - \$100,000	1,066	962	1,089	13%
Complex claims: \$100,000 +	106	74	69	-7%
No Value	238	87	76	-13%
Total	7,794	6,895	6,789	-2%

Guardianship List

Key points

- » Expanded Powers of Attorney jurisdiction from 1 September increases activity
- » Natural increase in guardianship and administration orders
- » Improved reporting more accurately captures Guardianship List activity

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 cognitively impaired adults who are unable to make decisions for themselves.

The list also makes orders about enduring powers of attorney (including those for medical treatment) and enduring powers of guardianship.

Year in review

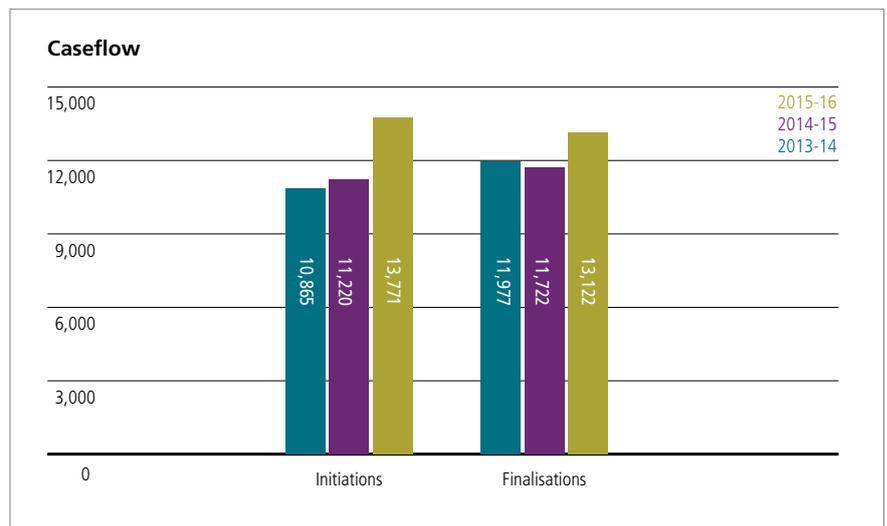
The *Powers of Attorney Act 2014* commenced on 1 September 2015, expanding VCAT's powers and greatly increasing our workload in this area. In early 2016, we began a pilot to test a different file management process for powers of attorney applications. This will be evaluated in 2016-17.

We also experienced a six per cent increase in guardianship and administration orders, which is part of an ongoing trend.

With limited extra resources to manage the above increases, our clearance rate was lower - 95 per cent this year, compared to 104 per cent last year.

When preparing last year for the expanded Powers of Attorney jurisdiction, we discovered that our systems were not capturing all activity in this list. After identifying this issue, we made changes to our processes that enabled us to accurately capture the workload, especially the number of orders we make that give advice to administrators.

To properly reflect these new processes and the legislative requirements specific to this list, we have also changed how we report data. The changes include providing a breakdown of applications that start proceedings (originating initiations), and applications and activities that happen during a case, for example reassessment of orders. Timeliness of hearings and pending matters are valid measures for other VCAT lists but not for Guardianship List, as we always hear these cases within the timeframes required by legislation. For this reason, we no longer report against these measures.



Guardianship List

Caseflow	2013-14	2014-15	2015-16	Variance
Originating initiations	10,865	11,220	13,771	23%
Finalisations	11,977	11,722	13,122	12%
Clearance rate	110%	104%	95%	
Major applications/activities by Act and sections				
Guardianship and/or administration orders	5,075	5,216	5,552	6%
Reassessment orders	7,555	7,636	7,337	-4%
Powers of Attorney	555	538	643	20%
Others	491	722	3,426*	375%
Total	13,676	14,112	16,958	20%
* Breakdown of other applications/activities by Act and sections		2015-16		
Advice to administrator	2,654			
Account by administrator directions	503			
Rehearing	81			
Power to enforce guardianship order	58			
Temporary guardianship order	41			
Additional activities	89			
Total	3,426			

Human Rights List

Key points

- » Small number of cases affects statistical variations

What we do

The Human Rights List hears cases under the *Equal Opportunity Act 2010*, *Health Records Act 2001*, *Privacy and Data Protection Act 2014* 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 Equal Opportunity Act prohibits discrimination on the basis of listed attributes in certain areas of public life, such as employment, education, services or clubs. The list also hears applications for exemption, for example when a school wants to preferentially admit female students to balance gender ratios.

The Human Rights List also hears 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 2014*. It hears appeals from the Mental Health Tribunal under the *Mental Health Act 2014*, and cases under the *Assisted Reproductive Treatment Act 2008*.

Under the *Disability Act 2006*, the list makes and reviews orders about people with intellectual disability who are being detained to prevent serious harm.

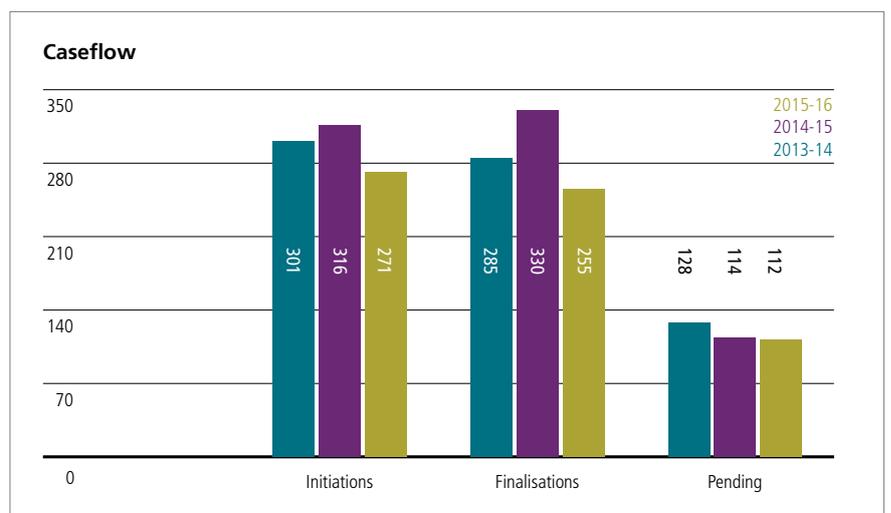
Year in review

The small number of applications in this list means that a relatively small number of matters can show as a large statistical variation. During the year, we dealt with a large number of applications from one party, which are yet to be resolved. Given the overall small numbers, this has an effect on finalisations.

Caseflow	2013-14	2014-15	2015-16	Variance
Initiations	301	316	271	-14%
Finalisations	285	330	255	-23%
Pending	128	114	112	See page 5
Clearance rate	95%	104%	94%	

Timeliness of finalised cases (weeks)	2013-14	2014-15	2015-16
Median	15	13	14
80th percentile	32	26	27
Target			

Applications by enabling enactment	2013-14	2014-15	2015-16	Variance
<i>Disability Act 2006</i>	N/A	32	23	-28%
<i>Equal Opportunity Act 2010</i>	232	223	162	-27%
<i>Health Records Act 2001</i>	21	26	35	35%
Others	48	35	51	46%
Total	301	316	271	-14%



Legal Practice List

Key points

- » Legal Profession Uniform Law (Victoria) replaced the *Legal Profession Act 2004* from 1 July 2015
- » Fewer applications, partly due to new powers for Victorian Legal Services Commissioner (VLSC)
- » More complex cases, fewer less serious cases

What we do

The Legal Practice List mainly deals with disputes about lawyers' services and costs, and complaints about lawyers' conduct.

It hears and determines disputes that have not been able to be resolved by the VLSC. The Legal Practice List handles:

- » applications from the VLSC about the professional conduct of lawyers
- » claims by clients disputing legal costs
- » claims by clients for losses they allege their lawyer has caused them to suffer
- » claims by lawyers about non-payment of legal fees
- » applications to overturn costs agreements between clients and lawyers.

Year in review

In 2015-16, we finalised 123 matters and received 112 new applications.

We received half the number of civil applications—disputes about lawyers' services and costs—than last year. This reflects new processes under the Legal Profession Uniform Law (Victoria), which replaced the *Legal Profession Act 2004* for complaints made from 1 July 2015. This gave the VLSC increased powers to resolve disputes. A higher proportion of civil disputes between lawyers and their clients were finalised, reducing the number of civil cases that came to VCAT.

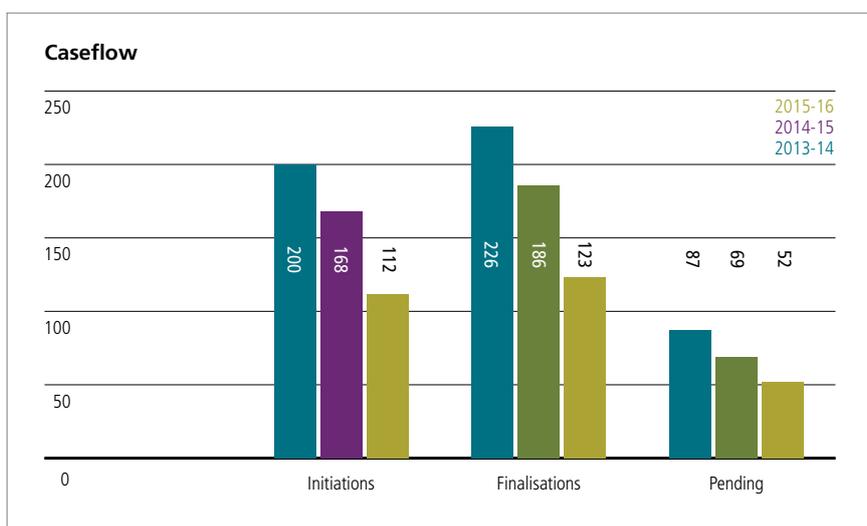
We received slightly fewer disciplinary cases but these tended to be more substantial and complex.

The smaller number of cases also leads to greater statistical variations.

Caseflow	2013-14	2014-15	2015-16	Variance
Initiations	200	168	112	-33%
Finalisations	226	186	123	-34%
Pending	87	69	52	See page 5
Clearance rate	113%	111%	110%	

Timeliness of finalised cases (weeks)				
Median	14	12	13	
80th percentile	31	26	25	
Target				40

Applications by enabling enactment				
<i>Fair Trading Act 1999 and Australian Consumer Law and Fair Trading Act 2012</i>	65	52	40	-23%
<i>Legal Practice Act 2004</i>	130	116	69	-41%
Legal Profession Uniform Law (Victoria)	0	0	3	0%
Others	5	0	0	0%
Total	200	168	112	-33%



Owners Corporations List

Key points

- » Cleared 99 per cent of cases
- » 57 per cent of applications made using new online form

What we do

Almost all matters heard by the Owners Corporations List are disputes under the *Owners Corporations Act 2006*.

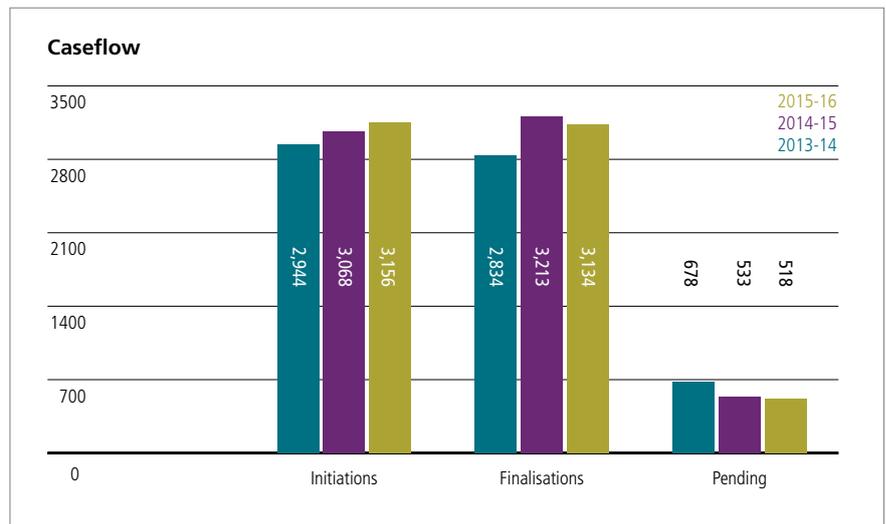
An owners corporation, formerly known as a body corporate, manages the common property in a subdivision that has created several lots or units. The common property can be a driveway, car parking space, garden, lift, staircase or foyer. The owners corporation collects fees from its lot-owning members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

Year in review

There were 3156 new applications to the Owners Corporations List in 2015-16 and we finalised 3134 applications, clearing 99 per cent of cases.

We made it easier for people to apply, with a new online form released in October. By 30 June, 57 per cent of applications were made using the online form. For more about this project, see page 24.

While there were large variations in complex claims over \$100,000 and claims of no value, the actual numbers of cases are small.



Owners Corporations List

Caseflow	2013-14	2014-15	2015-16	Variance
Initiations	2,944	3,068	3,156	3%
Finalisations	2,834	3,213	3,134	-2%
Pending	678	533	518	See page 5
Clearance rate	96%	105%	99%	
Timeliness of finalised cases (weeks)				Target
Median	6	6	6	
80th percentile	12	9	9	
Target				10
Applications by enabling enactment				Variance
<i>Australian Consumer Law and Fair Trading Act 2012</i>	0	11	20	82%
<i>Owners Corporations Act 2006</i>	2,941	3,019	3,093	2%
Others	3	38	43	13%
Total	2,944	3,068	3,156	3%
Applications by claim amount				
Small claims: < \$10,000	2,573	2,710	2,757	2%
Standard developments costed at: \$10,000 - \$100,000	136	144	140	-3%
Complex claims: \$100,000 +	9	4	5	25%
No value	226	210	254	21%
Total	2,944	3,068	3,156	3%

Planning and Environment List

Key points

- » Reviewed developments costed at \$20.34 billion
- » Finalised 19 per cent more cases

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 EPA licensing and approvals, the valuation of land for rating purposes, and compensation arising from the compulsory acquisition of land.

The majority of cases are about 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 a permit, VCAT's role is to reconsider the whole application afresh on its merits.

Year in review

In 2015-16, applications to the Planning and Environment List accounted for just over three per cent of VCAT's caseload, but the list dealt with developments costed at \$20.34 billion in total (more than doubling the value of applications decided last year).

We finalised 19 per cent more cases. This is due to process reforms that give a hearing date to standard applications upon lodgement, and expedited hearings during 2015.

A drop in new land valuation matters is partly due to a cycle of local government property valuations for rates – these are conducted every two years, and there is a resulting time lag in applications to VCAT. These matters can take a long time to finalise, and this year we finalised 36 per cent more cases. Our land acquisition caseload again recorded a significant drop, partly due to the small number of applications made under this legislation and because it is sensitive to government land acquisition activities.

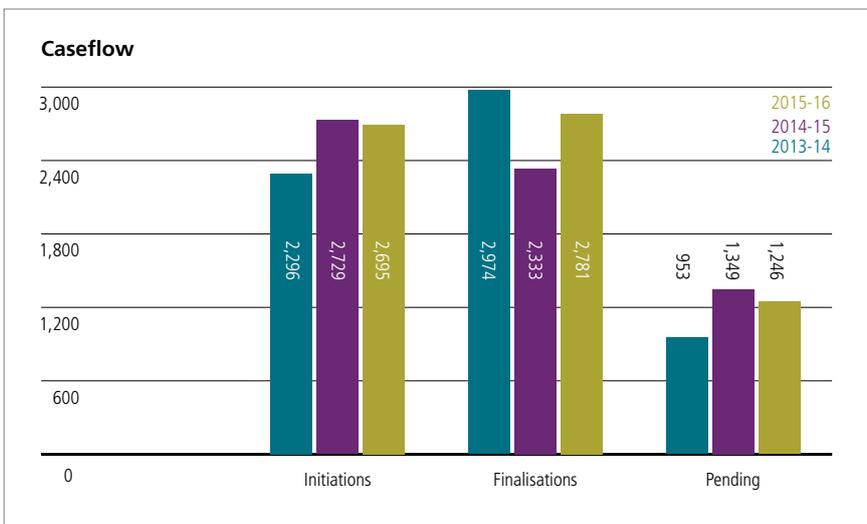
Planning and Environment List

Caseflow	2013-14	2014-15	2015-16	Variance
Initiations	2,296	2,729	2,695	-1%
Finalisations	2,974	2,333	2,781	19%
Pending	953	1,349	1,246	See page 5
Clearance rate	130%	85%	103%	
Timeliness of finalised cases (weeks)				
Median	22	23	25	
80th percentile	31	30	32	
Initiations				
Planning and Environment	2,186	2,631	2,619	0%
Land Valuation	110	98	76	-22%
Total	2,296	2,729	2,695	-1%
Finalisations				
Planning and Environment	2,796	2,248	2,665	19%
Land Valuation	178	85	116	36%
Total	2,974	2,333	2,781	19%
Pending				
Planning and Environment	897	1,280	1,218	See page 5
Land Valuation	56	69	28	See page 5
Total	953	1,349	1,246	See page 5
Applications by enabling enactment				
<i>Environment Protection Act 1970</i>	12	11	14	27%
<i>Planning and Environment Act 1987</i>	2,162	2,606	2,568	-1%
<i>Land Acquisition and Compensation Act 1986</i>	14	9	7	-22%
<i>Valuation of Land Act 1960</i>	78	86	62	-28%
Others	30	17	44	159%
Total	2,296	2,729	2,695	-1%

Planning and Environment List continued				
Applications by type	2013-14	2014-15	2015-16	Variance
(PEL) Major Cases	178	225	229	2%
(PEL) Standard Claims	2,008	2,406	2,390	-1%
Land Valuation	110	98	76	-22%
Total	2,296	2,729	2,695	-1%
Applications by claim amount (Planning and Environment applications)	2013-14 (\$m)	2014-15 (\$m)	2015-16 (\$m)	Variance
Small claims: < \$10,000	75	106	97	-8%
Standard claims: \$10,000 - \$100,000	26	43	56	30%
Complex claims: \$100,000 - \$1m	207	458	552	21%
Complex claims: \$1m - \$5m	79	229	271	18%
Complex claims: \$5m - \$20m	129	157	186	18%
Complex claims: \$20m +	49	81	82	1%
No value	1,731	1,655	1,451	-12%
Total	2,296	2,729	2,695	-1%
Approximate total value (\$billion)	\$3.80	\$7.25	\$20.34	181%
Top 20 number of applications by council during 2015-16	2013-14	2014-15	2015-16	Variance
Glen Eira City Council	85	162	214	32%
Bayside City Council	94	141	144	2%
Moreland City Council	95	125	139	11%
Yarra City Council	119	120	137	14%
Boroondara City Council	138	199	112	-44%
Darebin City Council	100	101	112	11%
Port Phillip City Council	95	104	111	7%
Monash City Council	65	99	108	9%
Stonnington City Council	87	101	108	7%
Mornington Peninsula Shire Council	99	81	104	28%
Melbourne City Council	54	105	97	-8%
Banyule City Council	70	89	75	-16%
Hobsons Bay City Council	49	63	66	5%
Whitehorse City Council	79	107	62	-42%
Greater Dandenong City Council	32	25	57	128%
Moonee Valley City Council	62	74	57	-23%
Frankston City Council	32	50	56	12%
Greater Geelong City Council	60	50	56	12%
Maroondah City Council	45	65	54	-17%
Kingston City Council	42	54	49	-9%

Planning and Environment List continued

Top 20 number of applications by suburb during 2015-16	2013-14	2014-15	2015-16	Variance
Bentleigh East	1	30	57	90%
Melbourne	19	39	47	21%
Richmond	32	36	47	31%
Preston	24	18	41	128%
South Yarra	24	33	36	9%
Bentleigh	8	26	34	31%
Brunswick	27	28	33	18%
Brighton	31	37	31	-16%
Coburg	15	26	28	8%
Hawthorn	22	31	28	-10%
Carnegie	11	26	25	-4%
Frankston	11	28	25	-11%
Port Melbourne	17	22	25	14%
South Melbourne	12	20	22	10%
Kew	24	38	21	-45%
Reservoir	14	27	21	-22%
Seaford	5	11	21	91%
Fitzroy North	15	17	20	18%
Mount Waverley	11	22	20	-9%
Newport	5	9	20	122%



Residential Tenancies List

Key points

- » Enabled tenants and private landlords to use the Residential Tenancies Hub
- » Held user groups and forums across Victoria

What we do

The Residential Tenancies List is our busiest list, accounting for about 65 per cent of new applications to VCAT this year. It is a high-volume, fast throughput list where matters are often finalised within four weeks of the original application – even earlier for matters such as urgent repairs, which can be resolved within days. Parties generally receive their decision on the same day as attending the hearing.

The list handles disputes between:

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

Year in review

There were significant changes in the operations of our Residential Tenancies List this year.

On 17 November, we enabled tenants and private landlords to use our online residential tenancies system, the Residential Tenancies Hub. Previously this system was only available to estate agents and the Director of Housing.

Tenants, landlords, estate agents and Director of Housing representatives can use the hub, unless they are:

- applying about a caravan park or rooming house residency
- a protected person or excluded tenant under a family violence intervention order or safety notice
- making a claim valued at \$15,000 or more
- a disability service provider or resident.

For more about this project, see page 24.

In May, we provided a new smart form for people who cannot or prefer not to use the hub.

Last year we reported efforts to fix data anomalies relating to the numbers of cases lodged but not finalised (pending). In January, we clearly identified the issues and these were resolved (see page 5).

Applications made to this list under other enabling enactments recorded a large variance. This is not as significant as it appears, due to the relatively small number of cases involved.

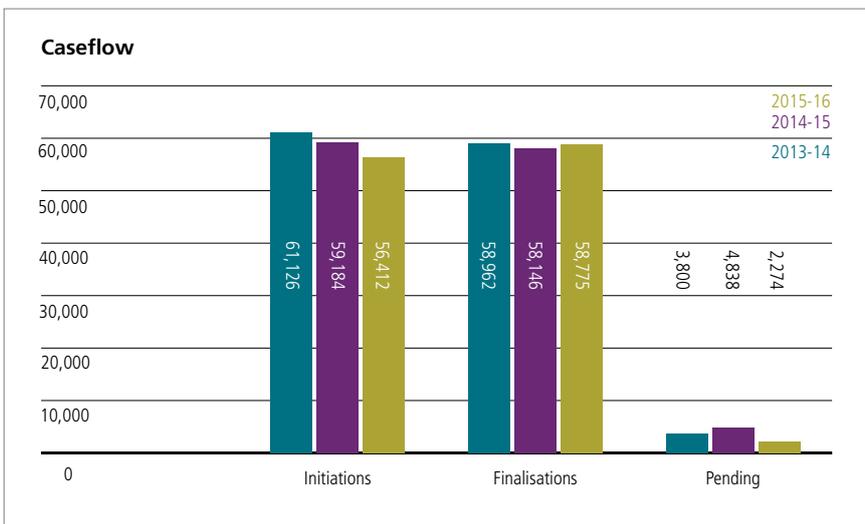
We started working more closely with Consumer Affairs Victoria to improve communications to landlords and tenants, and also held user group meetings and forums across the state.

Residential Tenancies List

Caseflow	2013-14	2014-15	2015-16	Variance
Initiations	61,126	59,184	56,412	-5%
Finalisations	58,962	58,146	58,775	1%
Pending	3,800	4,838	2,274	See page 5
Clearance rate	96%	98%	104%	
Timeliness of finalised cases (weeks)	2013-14	2014-15	2015-16	Target
Median	2	3	2	
80th percentile	5	7	5	
Target				6
Applications by enabling enactment	2013-14	2014-15	2015-16	Variance
<i>Residential Tenancies Act 1997</i>	58,091	56,048	53,405	-5%
<i>Victorian Civil and Administrative Tribunal Act 1998</i>	3,018	3,130	2,999	-4%
Others	17	6	8	33%
Total	61,126	59,184	56,412	-5%

Residential Tenancies List continued

Applications by case type	2013-14	2014-15	2015-16	Variance
Bond - unpaid rent and loss or damage or both - landlord	9,877	9,973	9,512	-5%
Bond and compensation - landlord	6,635	6,696	6,160	-8%
Possession and rent	13,901	12,586	11,824	-6%
Possession, rent and bond	6,169	5,873	5,554	-5%
Others	24,544	24,056	23,362	-3%
Total	61,126	59,184	56,412	-5%
Applications by applicant type	2013-14	2014-15	2015-16	Variance
Director of Housing	14,396	12,936	12,172	-6%
Landlords represented by estate agents or property managers	39,302	38,794	36,520	-6%
Private landlords	2,653	2,537	2,653	5%
Tenants or residents	3,954	3,931	4,038	3%
Others	821	986	1,029	4%
Total	61,126	59,184	56,412	-5%



Review and Regulation List

Key points

- » Finalised more cases than we received this year, achieving a clearance rate of 103 per cent
- » Made it easier to apply, with four new online application forms released in March
- » After a successful pilot last year, started communicating with parties by email only

What we do

The Review and Regulation List hears matters in relation to more than 80 different pieces of legislation. Its 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 its 'original' jurisdiction - that is, its power to hear matters not under review but related to the laws it is responsible for administering.

The variety of matters commonly dealt with include:

- » building practitioner (disciplinary and registration) matters
- » child welfare
- » domestic animals, including dangerous dogs
- » estate agent disciplinary matters
- » Freedom of Information (FOI) reviews
- » health practitioners disciplinary and registration matters
- » disciplinary reviews in the private security and racing industries
- » taxation matters
- » Transport Accident Commission matters
- » victims of crime matters, and
- » reviews of Working with Children Check decisions.

Year in review

In the Review and Regulation List, we finalised more cases than we received this year, achieving a clearance rate of 103 per cent. We resolved cases faster (timeliness), in part due to successful alternative dispute resolution.

We made it easier for people to apply to the Review and Regulation List, with four new online application forms released in March. The forms enable online applications for reviews, inquiries, referrals and orders. We did not have enough data to accurately report on uptake of the new application forms this year. For more information about our online forms project, see page 24.

We changed the way we communicate with parties to email only, after a successful pilot last year. We also worked with CSV to enable electronic lodgement for people making TAC applications. This will enable customers with applications lodged after January 2014 to lodge supporting documents online, which will be delivered directly into our case management system. For more about this project, see page 24.

Legislative and procedural changes suggested by VCAT continued to result in a significant drop in TAC applications. From October 2014, legislation no longer required TAC applicants to apply to VCAT if they were still negotiating their case. This helped us to reduce pending cases by 36 per cent. Cases that are suspended while the parties are in negotiations are not included – there were 321 such cases at 30 June.

We noticed an increase in Freedom of Information applications and finalised fewer of these cases, possibly due to the time between settling matters and formal withdrawal. The small number of cases makes this appear as a greater statistical variation.

Review and Regulation List

Caseflow	2013-14	2014-15	2015-16	Variance
Initiations	1,253	1,061	1,009	-5%
Finalisations	1,323	1,185	1,039	-12%
Pending	734	610	540	See page 5
Clearance rate	106%	112%	103%	

Timeliness of finalised cases (weeks)

Median	29	26	22
80th percentile	61	63	56

Initiations (details)

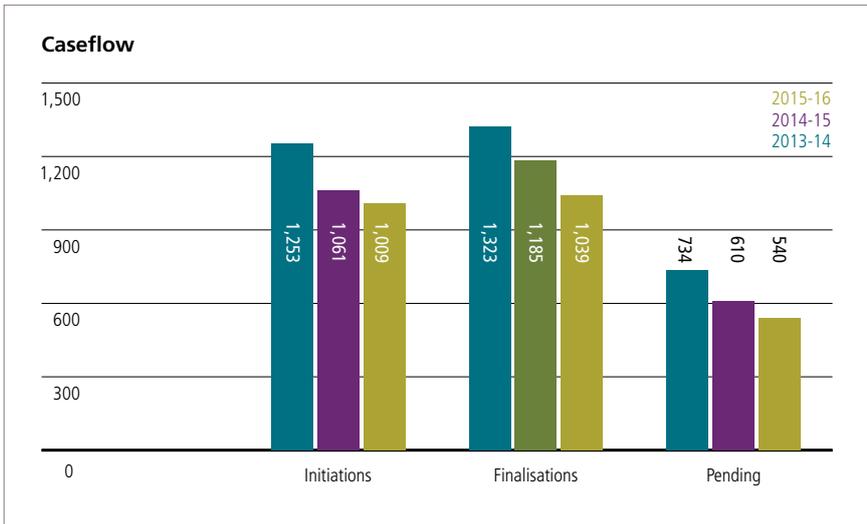
<i>Freedom of Information Act 1982</i>	117	86	105	22%
<i>Transport Accident Act 1986</i>	668	453	330	-27%
Others	468	522	574	10%
Total	1,253	1,061	1,009	-5%

Finalisations (details)

<i>Freedom of Information Act 1982</i>	133	103	79	-23%
<i>Transport Accident Act 1986</i>	745	581	426	-27%
Others	445	501	534	7%
Total	1,323	1,185	1,039	-12%

Review and Regulation List continued

Pending (details)	2013-14	2014-15	2015-16	Variance
<i>Freedom of Information Act 1982</i>	56	39	63	See page 5
<i>Transport Accident Act 1986</i>	433	305	195	See page 5
Others	245	266	282	See page 5
Total	734	610	540	See page 5



Leadership

President

Justice Greg Garde AO RFD

Vice Presidents

Thirteen County Court judges serve as vice presidents. See page 60.

Administrative Division

Head of Division

Deputy President Heather Lambrick

Legal Practice List

Head of List

Senior Member Jonathan Smithers

Deputy Head of List

Senior Member Gerry Butcher RFD

Planning and Environment List

Head of List

Deputy President Helen Gibson

Deputy Heads of List

Senior Member Margaret Baird

Senior Member Laurie Hewet

Senior Member Jeanette Rickards

Review and Regulation List

Head of List

Deputy President Heather Lambrick

Deputy Heads of List

Senior Member Ian Proctor

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

Member Andrew Kincaid

Building and Property List

Head of List

Deputy President Catherine Aird

Deputy Heads of List

Senior Member Eric Reigler

Senior Member Mark Farrelly

Owners Corporations List

Head of List

Senior Member Alan Vassie

Deputy Head of List

Member Linda Rowland

Human Rights Division

Head of Division

Deputy President Genevieve Nihill AM

Guardianship List, including Powers of Attorney

Head of List

Deputy President Genevieve Nihill AM

Deputy Heads of List

Senior Member Bernadette Steele

Member Brendan Hoysted

Human Rights List

Head of List

Deputy President Genevieve Nihill AM

Deputy Head of List

Senior Member Bernadette Steele

Residential Tenancies Division

Head of Division

Deputy President Heather Barker

Residential Tenancies List

Head of List

Deputy President Heather Barker

Deputy Heads of List

Senior Member Kylea Campana

Member Lindsay Warren

Administration Executive and Registry

Chief Executive Officer

Keryn Negri

Principal Registrar

Jim Nelms PSM

Director, Operations

Melissa Biram

Director, Corporate Services

Barbara Oleczek

Manager, Finance and Reporting

Bradley Vice

Director, Information Technology

Gerard Draim

Director, People Management

Paula Adams

President's Advisory Committee

The President's Advisory Committee (PAC) meets fortnightly 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.

PAC comprises the senior leadership group, including the President, two vice presidents, the Chief Executive Officer, Heads of Divisions, the Principal Registrar, the Director of Corporate Services and the Director of Operations. This section provides PAC membership at 30 June 2016.

President (and Committee Chair)

Justice Greg Garde AO RFD BA(Hons) LL.M

Justice Garde was appointed a Justice of the Supreme Court of Victoria on 29 May 2012. Prior to his appointment to the Supreme Court, he was a practising Queens Counsel, having been appointed in 1989. Justice Garde signed the Victorian Bar Roll in 1974. His Honour was also appointed Queens Counsel in New South Wales, Queensland, the Northern Territory and Tasmania. Formerly, Justice Garde was a lecturer in Administrative and Constitutional Law, President of the Planning and Local Government Committee of the Commercial Bar Association, and President of the Victorian Chapter of the Council of Australasian Tribunals. He was appointed President of VCAT on 1 June 2012.



Chief Executive Officer

Keryn Negri BA

Keryn has worked across a broad array of social policy areas including aged care, employment, health, indigenous affairs, emergency management and consumer affairs, driving a number of major reform projects. She has worked in several departments including Health and Human Services, Education, Premier and Cabinet, and Justice. Keryn has a passion for driving public sector excellence, leadership and reform.



Australia Day honour for VCAT Deputy President

Deputy President Genevieve Nihill, head of VCAT's Human Rights Division, was named a Member of the Order of Australia (AM) in this year's Australia Day awards, for significant service to the law and Victorian community - particularly her service to dispute resolution, human rights and disability services.

The honours system recognises the achievements of people who go above and beyond what could reasonably be expected, and who have made a significant contribution to Australian life or humanity.

The award cited Genevieve's work since the early 1980s, including her achievements at VCAT since she joined us as a sessional member in 2004.

"The award really belongs to all of the many people involved in community legal centres, and to those working on human rights and disability issues, including all the staff and members in the Human Rights Division," Genevieve said.

"It is a pleasure to see such work, done by so many, recognised as a valued part of the justice system."

Genevieve is the chairperson of VCAT's Diversity Committee, established to drive development and implementation of cultural and social diversity initiatives at VCAT (see page 16). She was also on the editorial committee for a new Charter of Human Rights Bench Book, launched in May 2016.

Vice President

Judge Marilyn Harbison BA (Hons) LLM

Judge Harbison was appointed a Judge of the County Court on 5 February 1996. Her Honour previously served as a Vice President of the Tribunal from 2007 to 2011 and was reappointed Vice President on 24 September 2013. Prior to her elevation to the Bench, her Honour was a Commercial Litigation Partner at the law firm Wisewoulds, and had been in private practice as a solicitor for more than 20 years.

Vice President

Judge Frances Millane BJuris, LLB, LLM

Judge Millane was appointed a Judge of the County Court of Victoria on 2 December 2003. A Senior Associate at Phillips Fox & Masel, she signed The Victorian Bar Roll in 1983. Her Honour was a practising barrister for over 20 years in Common Law, Commercial Law, Employment Law and Equal Opportunity Law. Judge Millane is a former Judicial Registrar of the Industrial Relations Court of Australia and the Federal Court of Australia. Her Honour served as a VCAT sessional member from 1998 to 2000, and was appointed Vice President in 2015.

Head of Civil Division

Catherine Aird BEc LLB

Cathy became a tribunal member in 1996. She was appointed a Deputy President in 2004 and is Head of Civil Division. She has been Head of List for Domestic Building, Occupational and Business Regulation, Retail Tenancies and Real Property. Cathy previously worked for AVJennings Homes, RAIA Practice Services and in private practice. She was an Aged Care Complaints Resolution Scheme mediator and the Architects Registration Board consumer representative.



Head of Residential Tenancies Division

Heather Barker LLB

Heather is head of VCAT's Residential Tenancies Division, established in 2014. She has been in charge of the Residential Tenancies List since 2013, after serving as a member of the Residential Tenancies and Small Claims Tribunals since 1989. Previously, Heather worked in private practice, as an associate partner in a large Melbourne firm and as a lawyer with a large commercial firm in London.

Head of Human Rights Division

Genevieve Nihill AM LLM LLB BA

Genevieve has been a member for 11 years. She heads the Guardianship and Human Rights Lists, and the Human Rights Division. Genevieve has been a member of several other tribunals, including the Mental Health Review Board, Intellectual Disability Review Panel and various health practitioner registration board hearing panels. She has a background of practice in public and community law.

Head of Administrative Division

Heather Lambrick LLB BA

Heather has been a member of the tribunal since its inception in 1998. She heads the Administrative Division and the Review and Regulation List within that Division. She has held other leadership roles within VCAT, having previously been head of the Civil Division and Residential Tenancies List. Before her appointment to VCAT, Heather practised exclusively in the area of criminal law as a practitioner and lecturer.



Principal Registrar

Jim Nelms PSM

Jim has been Principal Registrar of VCAT since 2008. He was awarded the Public Service Medal in the 2013 Queens Birthday Honours List for 'outstanding public service to the Victorian Civil and Administrative Tribunal'. He was part of the senior management team set up to provide administrative support to the proposed Tribunal in 1997, and has provided expert assistance to other states and territories establishing super-tribunals.

Director, Operations

Melissa Biram

Melissa joined VCAT in 2011 as the Registrar of the Administrative Division, before being appointed Director, Operations in 2014. She has an extensive career in operational roles in courts and tribunals spanning 18 years, primarily in the Magistrates', Supreme and Coronial jurisdictions. Before starting at VCAT, Melissa's roles included managing the Principal Registry of the Victims of Crime Assistance Tribunal and managing support services for Magistrates.

Director, Corporate Services

Barbara Oleczek BA(Hon) MA MBA
M.Bus(Bk&Fin)

Barbara has extensive experience in strategic and business planning, corporate governance, risk management, capital project development, budgeting and finance, and project management. She has worked for more than 20 years in Victorian Government departments and holds tertiary qualifications in Arts, Business Administration and Banking and Finance. Her key focus is effective engagement with stakeholders and continuous service improvement.



Rules Committee

About the committee

The Rules Committee is responsible for updating and amending the *Victorian Civil and Administrative Tribunal Rules 2008* (Vic) ('rules') and VCAT's practice notes.

This committee ensures that the rules and the practice notes 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 13 vice presidents are members of the committee. The two vice presidents who are allocated to VCAT full time usually attend the committee meetings. A deputy president, two members and an independent, non-tribunal member also sit on the committee.

Committee activities

The committee met twice in 2015-16, and had one out-of-session meeting.

Changes to rules

On 26 August 2015 the committee made by circular resolution the *Victorian Civil and Administrative Tribunal (Allocation to Lists Amendment) Rules 2015* (Vic). The changes included amending the rules to allocate enabling enactments to appropriate lists.

On 29 September 2015, the committee made the *Victorian Civil and Administrative Tribunal (Amendment No. 13) Rules 2015* (Vic). The changes included amending the rules to:

- provide for the exercise of certain functions of the Tribunal in the Residential Tenancies Division by the Principal Registrar; and
- provide for fee reduction and waiver as a result of the enactment of the *Justice Legislation Amendment Act 2015* (Vic).

On 28 June 2016 the committee made the *Victorian Civil and Administrative Tribunal (Amendment No. 14) Rules 2016* (Vic).

The changes included amending the rules to:

- remove the requirement for the Principal Registrar to send a Notice of Compulsory Conference, Notice of Mediation, or Notice of Hearing when the Tribunal has already specified a time and place of a compulsory conference, mediation or hearing respectively in an order;
- provide for the exercise of certain functions of the Tribunal in all lists other than the Planning and Environment List by the Principal Registrar; and
- allocate enabling enactments to appropriate lists.

On 28 June 2016 the committee made the *Victorian Civil and Administrative Tribunal (Fees and Other Amendments) Rules 2016* (Vic). The changes to the rules included:

- to outline the requirements for the form and content of certain applications to the Tribunal; and
- to provide for the procedure for the reduction, waiver, postponement, remission or refund of fees and charges.

Practice Notes approved

On 28 June 2016 the committee approved amendments to practice notes:

- PNVCAT1 - Common Procedures; PNVCAT6 – Hearing Fees; PNPE8 – Major Cases List; PNPE9 – Amendment of Plans and Applications; PNCC11 – Civil Claims List General Procedures; PNRR2 – Racing Review Proceedings; and PNBP2 – Building and Property List (Commercial and Retail Tenancy Disputes) General Procedures, to be consistent with the new fee structure introduced by the *Victorian Civil and Administrative Tribunal (Fees) Regulations 2016* (Vic).
- PNRST1 – Residential Tenancies List – Adjournments and PNRST2 – Residential Tenancies List – Director of Housing Bond Applications, to refer to the Residential Tenancies Division.

Allocation of jurisdictions

Acts of Parliament give VCAT power to hear certain matters, then VCAT decides how this is allocated within our lists. This is called 'allocation of jurisdiction'. On 26 August 2015, the following enabling enactments were allocated to Schedule 1 of the rules:

- *Legal Profession Uniform Law Application Act 2014* (Vic) and the Legal Profession Uniform Law (Victoria);
- *Medical Treatment Act 1988* (Vic) section 5C (enduring powers of attorney (medical treatment));
- *Powers of Attorney Act 2014* (Vic);
- *Trustee Companies Act 1984* (Vic); and
- *Vexatious Proceedings Act 2014* (Vic).

On 28 June 2016, the following enabling enactments were allocated to Schedule 1 of the rules:

- *Road Management (General) Regulations 2016* (Vic);
- *Co-operatives National Law Application Act 2013* (Vic) and Part 7.3 of the Co-operatives National Law (Victoria);
- *Rail Safety (Local Operations) Act 2006* (Vic), Part 7;
- *Rail Safety National Law Application Act 2013* (Vic); and
- *Sentencing Act 1991* (Vic), Part 8.

On 28 June 2016, the following enabling enactments were removed:

- *Melbourne and Metropolitan Board of Works Act 1958* (Vic) (repealed);
- *Co-operatives Act 1996* (Vic) (repealed);
- *Rail Safety Act 2006* (Vic) (title changed); and
- *Road Management (General) Regulations 2005* (Vic) (revoked).

Other committees

A number of purpose-specific committees meet regularly to oversee critical business functions, provide a clear decision-making process and ensure compliance with VCAT's obligations. This includes standing committees (listed below) and groups set up to manage specific projects, such as fees implementation and redevelopment of our website. Our committees are governed by business rules that include terms of reference, membership, meeting frequency, decision-making and reporting requirements. They provide regular updates to the President's Advisory Committee.

Facilities and Accommodation Committee

The Facilities and Accommodation Committee examines key issues concerning VCAT's facilities, assets and accommodation. It also undertakes planning for metropolitan and regional facilities. It works with CSV to align accommodation planning with long-term asset strategy and service delivery models.

Finance Committee

The Finance Committee directs and monitors financial compliance across the organisation. The committee leads all financial management aspects of relationships with key stakeholders including CSV, Department of Justice and Regulation, Victorian Building Authority and Legal Services Board.

Risk Management, Audit and Compliance Committee

The Risk Management, Audit and Compliance Committee provides a forum to discuss and monitor key risks for the organisation, compliance obligations and audit processes, and recommendations. The committee was established under the mandate of the *Financial Management Act 1997* and the *Occupational Health and Safety Act 2004*.

Occupational Health, Safety and Wellbeing Committee

VCAT has an obligation under the *Occupational Health and Safety Act 2004* to protect the health and safety of all employees, volunteers, contractors and VCAT users. Our Occupational Health, Safety and Wellbeing Committee meets bi-monthly and involves elected member and staff health and safety representatives.

Information Technology (IT) Steering Committee

The IT Steering Committee oversees our investment in IT priorities, monitors the progress of key projects and helps facilitate our strategic objectives through IT initiatives. This year, the committee oversaw a major IT modernisation program.

Diversity Committee

VCAT's Diversity Committee was established this year to:

- review all relevant projects and strategies for compliance with inclusion and accessibility standards
- oversee and promote relevant strategic inclusion projects identified in our business plan
- develop and implement a diversity awareness and training program for members and staff
- consider other projects and issues directed to it from the President and the President's Advisory Committee.

It also contributes to the Judicial Council on Cultural Diversity, a national advisory body that assists Australian courts, judicial officers and administrators to respond to the diverse needs of the community. The Head of VCAT's Human Rights Division chairs the committee, which includes the Chief Executive Officer, the Member for Social and Cultural Inclusion, and a staff representative.

Appeals and complaints

Appeals against VCAT decisions

VCAT decisions can be appealed only on questions of law – that is, whether 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.

Appeals are based on the legalities, facts and circumstances of each case. 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.

We reported basic appeals data for the first time last year and have included more detail this year.

Appeals to Supreme Court	2014-15	2015-16
Leave to appeal not granted	-	13
Leave to appeal granted and appeal dismissed	9	3
Leave to appeal granted and appeal upheld	11	5
Administrative disposal/discontinued/finalised by consent	-	8
Awaiting decision	-	49
Total number of appeals lodged	80	78

Complaints about VCAT

People can make a complaint by completing a complaint form and sending it to VCAT with supporting material. The complaint form is a statutory declaration which must be formally witnessed by a Justice of the Peace or other person authorised by section 107A of the *Evidence (Miscellaneous Provisions) Act 1958*.

Complaints may be about:

- the quality of the service received from a VCAT staff member
- the conduct of VCAT registry and administrative staff
- the conduct of VCAT members/mediators
- VCAT's processes or procedures
- our provision of services.

We do not address complaints about:

- the merits of a case
- errors or mistakes in decisions, or other legal grounds
- matters that are outside VCAT's responsibilities, such as Government policy, legislation or legal representation.

Complaints and information about them are confidential. We receive and manage complaints in accordance with the *Privacy and Data Protection Act 2014*.

We keep a log of complaints to help us monitor progress and performance, and to identify trends.

We will review our complaints policy during 2016-17 and we welcome feedback and suggestions for improvement.

Complaints outcomes

We investigate and decide whether a complaint is:

- dismissed – the complaint raised issues that can only be decided by the Supreme Court - for example, about the outcome or the manner in which a member conducted the hearing
- substantiated – we take steps to fix the problem, when possible, or to make sure it will not happen again - for example, by providing extra training to staff or members
- unsubstantiated – the complaint was not based in fact, or was without grounds.

Complaint about	2013-14	2014-15	2015-16	Complaint outcomes 2015-16			Pending
				Dismissed	Substantiated	Unsubstantiated	
Member/mediator	163	108	67	27	5	35	0
Staff	16	6	5	1	1	3	0
Administrative process	112	93	58	3	10	44	1
Decision	62	60	108	88	0	20	0
Other	49	29	33	0	0	32	1
Total	402	296	271	119	16	134	2

Financial information

TWO YEAR FINANCIAL SUMMARY		Rounded	
FUNDING	2015-16	2014-15	
VCAT funding sources	\$m	\$m	
Annual appropriations	19.7	18.2	
Section 29 revenue appropriations			
Planning and Environment	5.4	5.0	
Civil Claims	1.6	1.5	
Other	0.8	0.6	
Total annual appropriations	27.4	25.4	
Guardianship and Administration	1.6	2.0	
Health Boards and Racing Authorities	0.9	0.5	
Legal Services Board	1.5	1.5	
Office of the Small Business Commissioner	0.4	0.4	
Residential Tenancies Fund	12.9	12.2	
Domestic Building Fund	3.5	3.3	
Victorian Property Fund	1.5	1.8	
Other	0.3	0.1	
Total funding other sources	22.6	21.8	
TOTAL	50.0	47.2	

EXPENDITURE	2015-16	2014-15	
VCAT operational expenditure	\$m	\$m	
Salaries to staff	11.6	10.9	
Salaries to non-sessional members	10.0	9.9	
Salaries to sessional members	8.0	8.3	
Salary related on-costs	7.7	6.4	
Operating costs	12.6	12.4	
TOTAL	50.0	48.0	

	2015-16	2014-15	
VCAT Expenditure allocation by List	\$m	\$m	
Planning and Environment	12.0	11.4	
Guardianship	7.6	6.6	
Review and Regulation	3.2	2.4	
Human Rights	1.0	1.0	
Residential Tenancies	12.2	13.0	
Building and Property	4.7	4.2	
Owners Corporations	1.7	1.8	
Civil Claims	5.9	5.7	
Legal Practice	1.6	1.9	
Total	50.0	48.0	

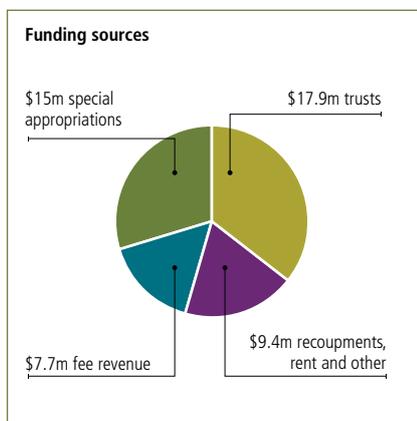
Funding and expenditure

Funding

VCAT received Victorian Government appropriation revenue of \$27.36 million in 2015-16, an increase of \$1.94 million or 7.7 per cent compared to the previous financial year. This increase mainly reflects increased fee revenue earned under section 29 of the *Financial Management Act 1994* and increased Special Appropriation funding received.

During 2015-16, fee revenue under section 29 of the *Financial Management Act 1994* increased to \$7.69 million, \$0.5 million or seven per cent more compared to 2014-15.

Special Appropriation funding increased to \$14.99 million, a \$0.310 million or 2.2 per cent increase compared to 2014-15. This reflects increased member payroll costs in relation to Power of Attorney reforms, increase in member salaries approved by the Attorney-General and training costs of new sessional members.



Appropriation revenue contributed funding to most of VCAT's lists, except for lists wholly funded from other sources. These 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 Legal Services Board established under the *Legal Profession Act 2004*.

In addition to receiving appropriation revenue, some lists recover costs from other sources, including:

- Guardianship List, which recovers cost from the Guardianship and Administration Fund established under the *Guardianship and Administration Act 1986*
- Review and Regulation List, which recovers costs from the Australian Health Practitioner Regulation Agency and Victoria's Racing Regulation Agencies (Harness Racing, Greyhound Racing and Racing Victoria).

Expenditure



In 2015-16, VCAT's recurrent expenditure was \$50 million, which is \$2 million or four per cent higher than the previous financial year.

There were changes in members' payroll, and costs associated with the expanded Power of Attorney jurisdiction, preparing for the new fee structure, and as well as a members listing restructure as part of a capability review.

There were salary cost increases as we restructured our listings team and boosted management capability in Registry to improve service. We also had digital services and information technology costs associated with delivery of nine new online forms.

Audited accounts

VCAT's accounts are audited as part of CSV's accounts and published in its annual report.

The figures published in the CSV annual report may vary from the information published in VCAT's annual report, due to adjustments made in the time between publications. To view the CSV annual report, visit courts.vic.gov.au.

Rounding

Figures in the tables and text have been rounded. This means there may be some discrepancy between component amounts and the rounded total of these amounts.

Notes to the financial information

Note 1 - Funding

VCAT's total funding includes funding from other authorities to offset our costs in resolving disputes on their behalf. Such services are provided under agreements we have with these authorities. We have recognised this as funding in this and previous reports. In the CSV annual report, funding by other authorities is recognised as cost offsets.

2015-16	\$M
Funding as reported by CSV	45.3
Add cost offsets	
Guardianship and Administration	1.6
Health Boards and Racing Authorities	0.9
Legal Services Board	1.5
Office of the Small Business Commissioner	0.4
Other	0.3
Funding reported by VCAT	50

Note 2 - Expenditure

VCAT's total reported expenditure excludes cost offsets from other authorities for the dispute resolution services that are undertaken on their behalf. Total expenditure as reported by CSV is \$45.3 million. Refer to Note 1 for the reconciling adjustments.

Allocation of functions

Enabling enactments as at 30 June 2016

Aboriginal Heritage Act 2006
Accident Compensation Act 1985
Accident Towing Services Act 2007
Adoption Act 1984 sections 129A(1)(a) (decisions regarding fitness to adopt and approval to adopt), 129A(1)(b) (decisions regarding approval of adoption agencies) and 129A(1)(c) (decisions regarding accreditation of bodies)
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
Division 12 of Part 12A and sections 25J and 182A and clause 10(3) and (4) of Part 2 of Schedule 7
Bus Safety Act 2009
Business Franchise Acts - the Business Franchise (Petroleum Products) Act 1979, Land Tax Act 2005, Payroll Tax Act 2007, First Home Owner Grant Act 2000, Unclaimed Money Act 2008, Planning and Environment Act 1987, Stamps Act 1958, and Taxation Administration Act 1997
Catchment and Land Protection Act 1994 section 48 (land use conditions and land management notices)
Cemeteries and Crematoria Act 2003
Children, Youth and Families Act 2005
Children's Services Act 1996
Climate Change Act 2010
Company Titles (Home Units) Act 2013
Conservation, Forests and Lands Act 1987 section 76 (variation and termination of land management co-operative agreements)
Conveyancers Act 2006 sections 33 (inquiries into the conduct of licensees), 34 (determination on inquiry), 146 and 187
Co-operatives Act 1996
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 sections 98(1) (registration of premises to conduct a domestic animal business) and 98(2) (declaration and registration of dangerous dogs)
Domestic Building Contracts Act 1995
Drugs, Poisons and Controlled Substances Act 1981
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 section 182 (decisions of Firearms Appeals Committee)
First Home Owner Grant Act 2000
Fisheries Act 1995
Flora and Fauna Guarantee Act 1988 sections 34(3), 41, 41A (interim conservation orders) and 43(12) (claims for compensation)
Freedom of Information Act 1982
Fundraising Act 1998
Gambling Regulation Act 2003
Gas Safety Act 1997
Guardianship and Administration Act 1986
Health Practitioner Regulation National Law Part 8, Divisions 12 and 13
Health Records Act 2001
Health Services Act 1988
Heritage Act 1995
Housing Act 1983
Information Privacy Act 2000
Instruments Act 1958 Division 6 of Part XIA
Land Acquisition and Compensation Act 1986
Landlord and Tenant Act 1958
Legal Profession Uniform Law Application Act 2014
Liquor Control Reform Act 1998
Livestock Disease Control Act 1994
Local Government Act 1989
Major Sporting Events Act 2009
Major Transport Projects Facilitation Act 2009
Meat Industry Act 1993 section 24 (licences to operate meat processing facilities, alteration of buildings)
Medical Treatment Act 1988 section 5C (enduring powers of attorney)
Melbourne and Metropolitan Board of Works Act 1958
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 2007
Owner Drivers and Forestry Contractors Act 2005
Owners Corporations Act 2006
Parliamentary Salaries and Superannuation Act 1968
Petroleum Act 1998
Pharmacy Regulation Act 2010 section 62
Pipelines Act 2005
Planning and Environment Act 1987
Plant Biosecurity Act 2010 sections 48 (accreditation to issue assurance certificates) and 59 (review of the Minister's determination on costs)
Powers of Attorney Act 2014
Prevention of Cruelty to Animals Act 1986 section 33 (licensing of scientific establishments and breeding establishments)
Privacy and Data Protection Act 2014
Private Security Act 2004 Part 7
Professional Boxing and Combat Sports Act 1985 (licences, permits and registration)
Property Law Act 1958 Part IV
Public Health and Wellbeing Act 2008
Racial and Religious Tolerance Act 2001
Racing Act 1958
Rail Safety Act 2006 Part 7
Rail Safety (Local Operations) Act 2006
Rail Safety National Law Application Act 2013
Relationships Act 2008 Part 2.4 of Chapter 2
Residential Tenancies Act 1997
Retail Leases Act 2003
Retirement Villages Act 1986
Road Management (General) Regulations 2005
Road Management Act 2004
Road Safety (Vehicles) Regulations 2009 - regulations 128 (external review of decisions relating to registration of vehicles) and 215
Road Safety Act 1986
Sale of Land Act 1962 section 44 Seafood Safety Act 2003 section 60
Second-Hand Dealers and Pawnbrokers Act 1989 sections 9B, 14 and 18A
Sentencing Act 1991
Sex Work Act 1994
Small Business Commissioner Act 2003 section 11A
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 section 33 (review of decision, finding or determination)
Taxation Administration Act 1997
Therapeutic Goods (Victoria) Act 2010 section 30
Traditional Owner Settlement Act 2010
Transport (Compliance and Miscellaneous) Act 1983
Transport Accident Act 1986
Transport Superannuation Act 1988
Travel Agents Act 1986 - Note that on the repeal of the Travel Agents Act 1986 by the Travel Agents Repeal Act 2014, section 4 of the Travel Agents Repeal Act continues rights in relation to the compensation scheme
Trustee Companies Act 1984
Unclaimed Money Act 2008 sections 59, 61 and 63
Urban Renewal Authority Victoria Act 2003
Valuation of Land Act 1960 Part III (disputes on the value of land)
Veterinary Practice Act 1997 section 55 (registration and discipline)
Vexatious Proceedings Act 2014
Victims of Crime Assistance Act 1996
Victoria State Emergency Service Act 2005
Victoria State Emergency Service Regulations 2006
Victorian Plantations Corporation Act 1993
Water Act 1989
Wildlife Act 1975
Working with Children Act 2005
Workplace Injury Rehabilitation and Compensation Act 2013

Member directory

As at 30 June 2016

President

The Hon. Justice Garde AO RFD, Greg

Vice Presidents

Her Honour Judge Davis, Sandra
 His Honour Judge Dean, Mark
 His Honour Judge Dyer, Robert
 His Honour Judge Grant, Paul
 Her Honour Judge Hampel, Felicity
 Her Honour Judge Harbison, Marilyn
 His Honour Judge Hicks, Graeme
 Her Honour Judge Jenkins, Pamela
 His Honour Judge Lacava, Paul
 His Honour Judge Macnamara, Michael
 Her Honour Judge Millane, Frances
 His Honour Judge Misso, Philip
 Her Honour Judge Morrish, Jeanette
 Her Honour Judge Pullen, Susan

Deputy Presidents

Ms Aird, Catherine
 Ms Barker, Heather
 Mr Dwyer, Mark
 Ms Gibson, Helen
 Ms Lambrick, Heather
 Mr Lulham, Ian
 Ms Nihill AM, Genevieve

Senior Members

Ms Baird, Margaret
 Ms Burdon-Smith, Susan
 Mr Butcher RFD, Gerard
 Mr Davis, Robert
 Mr Farrelly, Mark
 Mr Hewet, Laurie
 Ms Moraitis, Stella
 Mr Potts, Ian
 Mr Proctor, Ian
 Mr Riegler, Eric
 Ms Rickards, Jeanette
 Mr Smithers, Jonathan
 Mr Vassie, Alan
 Ms Steele, Bernadette
 Mr Wright QC, Michael

Senior Members, sessional

Mr Byard, Russell
 Ms Coghlan, Anne
 Mr Levine, Michael
 Mr Liston, Anthony
 Ms Lothian, Margaret
 Ms Preuss, Jacqueline
 Mr Scott, Robert
 Mr Walker, Rohan
 Mr Williams, Roland

Members

Ms Barrand, Pamela
 Mr Bennett, John
 Ms Bensch, Elizabeth
 Ms Campana, Kylea
 Ms Carew, Megan
 Mr Code, Geoffrey
 Ms Cook, Dalia
 Ms Dea, Anna
 Mr Deidun, Michael
 Mr Edquist, Christopher
 Ms Good (Keon-Cohen), June
 Ms Grainger, Julie
 Mr Hoysted, Brendan
 Ms Jacono, Justine
 Mr Kincaid, Andrew
 Ms Liden, Susanne
 Mr Martin, Philip
 Ms Naylor, Rachel
 Mr Nelthorpe, Michael
 Ms Price, Charlene
 Ms Rowland, Linda
 Mr Rundell, Geoffrey
 Mr Sibonis, Bill
 Ms Smith, Anita
 Ms Tilley, Anne-Marie
 Dr Treble, Andrea
 Mr Tyler, Peter
 Mr Warren, Lindsay
 Ms Wentworth, Elisabeth
 Mrs Wilson, Silvana

Members, sessional

Dr Alexander, George
 Ms Anderson, Diane
 Ms Archibald PSM, Mary
 Mr Au-Yeung, Dominic
 Mr Axford, Stephen
 Ms Barry, Pamela
 Ms Bates, Diane
 Mr Batrouney, Roger
 Dr Baxter, James
 Dr Bender, Philip
 Ms Bilston-McGillen, Tracey
 Ms Birtwistle, Kerrie
 Ms Boddison, Wendy
 Ms Boyd-Squires, Siobhan
 Ms Bridge, Emma
 Mr Buchanan, Robert
 Dr Burge, Barbara
 Ms Bylhouwer, Marietta
 Mr Calabro, Domenico
 Mr Cali, Louis
 Dr Cameron, Melanie
 Ms Cameron, Rebecca
 Ms Campbell, Heather
 Mr Carruthers, Geoffrey
 Ms Carruthers, Maureen
 Mr Chase, Gregory
 Mr Chuck, Alan
 Mr Cimino, Sam
 Mr Clampett, John
 Ms Coe, Elizabeth
 Ms Cogley, Vicki
 Dr Collopy, Brian
 Mr Connard, Timothy
 Ms Crawford, Gwenneth
 Ms Cremean, Bernadette
 Ms Crocker, Lara
 Mr Daly, Robert
 Mr David, Graeme
 Mr Davies, Hugh
 Ms Davies, Vicki
 Dr Davis, Bruce
 Mr Dawson, Frank

Ms Delany, Clare
 Dr Dickinson, Anthony
 Mr Draper, Barry
 Mr Drinkwater, John
 Ms Duggan, Anne
 Ms Eastman, Annette
 Mr Eggleston, Peter
 Mr El Moussalli, Michael
 Dr Fabris, Elaine
 Dr Farhall, John
 Dr Farrelly, Peter
 Ms Fleming, Natalie
 Ms Fong, Christina
 Ms French, Rebecca
 Mr Fry, Sydney
 Ms Galvin, Danielle
 Mr Gaschk, Peter
 Mr Gilbert, Jayce
 Dr Gleeson, John
 Dr Glover, John
 Ms Glynn, Alison
 Ms Goulding, Megan
 Mr Gray, Peter
 Mr Gu, Xu
 Mr Gymer, Raymond
 Mr Gysslink, Paul
 Mr Hadjigeorgiou, Nicholas
 Ms Hally, Mary
 Ms Hancock, Elizabeth
 Ms Harding QC, Diana
 Ms Harrison, Fiona
 Ms Harper, Patricia
 Dr Hart, Christopher
 Mr Harty, Christopher
 Ms Harvey, Margaret
 Ms Hebiton, Janine
 Mr Horan, Anthony
 Ms Hughes, Elizabeth
 Ms Hynes, Jennifer
 Mr Jones, Leslie
 Dr Johnston, Alan
 Mr Josephs, Barry
 Ms Keddie, Ann

Ms Kefford, Jacquelyn
 Mr Kim, David
 Dr King AM, Ross
 Ms Kirmos, Kay
 Ms Klingender, Jessica
 Ms Knights, Kim
 Ms Kominos, Angela
 Mr Lancy, Robert
 Ms Leshinsky, Judith
 Mr Lightfoot, Brian
 Ms Lipe, Shelley
 Mr Mahoney, Owen
 Mr Malbon, Alan
 Ms Manning, Carolyn
 Ms Marks, Felicity
 Ms Marshall, Simone
 Mr McCabe, Edmund
 Ms McClintock, Kathleen
 Ms McDonald, Sarah
 Ms McKeown, Patricia
 Professor McMeeken, Joan
 Mr McNamara, Kenneth
 Ms Metcalf, Katherine
 Dr Molloy, Trish
 Mr Moloney, Peter
 Ms Moon, Anne
 Ms Murphy, Alison
 Ms Nagle, Kathleen
 Ms Nash, Holly
 Ms Neill, Diane
 Ms Nervegna, Lorina
 Ms Norman, Kathryn
 Dr O'Brien, Elissa
 Mr Page, Rodney
 Ms Paterson, Katherine
 Ms Pearson, Rosslyn
 Mr Pennell, Jason
 Mr Perera, Christopher
 Ms Perlstein, Judith
 Ms Petranis, Tania
 Mr Phillips, Robert
 Mr Pollock, Timothy
 Ms Porter, Susan

Ms Power, Marian
 Mr Powles, Charles
 Mr Prince, Mark
 Dr Reddy, Aruna
 Dr Reggars, John
 Ms Ridgwell, Barbara
 Dr Riley, Colin
 Mr Scott, Ian
 Dr Shanahan, Elizabeth
 Mr Sharkie, John
 Mr Sharpley, Gregory
 Ms Shpigel, Karina
 Ms Slattery, Alison
 Ms Slee, Felicity
 Dr Story AM RFD, Rowan
 Mr Sweeney, Michael
 Ms Tait, Jane
 Dr Tan, Eng-Seong
 Mr Tang, Reynah
 Ms Tantau, Anna
 Ms Taranto, Mary-Anne
 Mr Thomas, Bryan
 Dr Triglia, Maria
 Mr Ussher, Blair
 Mr Wiseman, Jack
 Ms Walsh, Jill
 Dr Waterhouse, John
 Ms Watson, Tracy
 Ms West, Lynda
 Ms Whitney, Susan
 Ms Wilson, Catherine
 Ms Wilson, Cindy
 Mr Zheng, Samuel

Number of VCAT members

Judicial Members	15
Deputy Presidents	7
Senior Members	15
Senior Members, sessional	9
Members	30
Members, sessional	161
Total	237

Glossary

AIIA	Australasian Institute of Judicial Administration
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
ASIC	Australian Securities and Investments Commission
Budget Paper 3	A Victorian Government budget paper that provides an overview of the goods and services funded by the Government and delivered by departments, and how these support the Government's strategic objectives. It includes a breakdown of all output funding with associated performance targets
CALD	Culturally and linguistically diverse
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
Court Network	A free volunteer service that offers support, information and referral services to people at VCAT
CSV	Court Services Victoria
Directions	Directions are orders made by VCAT to promote the fair and expeditious hearing of a case – for example, 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	The Victorian Civil and Administrative Tribunal has four divisions – Civil, Administrative, Residential Tenancies and Human Rights
80th percentile	VCAT aims to have eighty percent of applications finalised within a certain number of weeks. The number of weeks varies between different types of case
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
EPA	Environment Protection Authority
Finalisations	The number of applications finalised by VCAT
Initiations (applications commenced/lodged)	The number of applications commenced by VCAT
Injunction	A type of order that directs a person to do, or not to do, something
Jurisdiction	The legal authority given to VCAT to hear and decide certain types of cases
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
NJC	Neighbourhood Justice Centre. A community-based centre that works with local organisations and community members to tackle local justice, crime and safety issues.
Objector	A person who has lodged an objection to a proposed planning permit with the responsible authority
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 who VCAT joins as a party
Pending	The number of applications that have been commenced and are not yet finalised
Practice Note	Official VCAT guidance about our procedures to people using our services
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, and supports the members in their duties. Registry staff also handle enquiries about cases
Respondent	The party against who 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
RIS	Regulatory Impact Statement, used to assess the impacts of proposals for new, sunseting or amending regulations (subordinate legislation)
Settlement	An agreement between parties that finalises some or all of their dispute, so that VCAT does not have to decide it for them
SMAH	Short mediation and hearing – a form of alternative dispute resolution
Submission	A written outline of a party's argument as to why they VCAT should decide the case in a certain way
Target	A standard against which performance is measured, for example, weeks or numbers of cases
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
Variance	Percentage difference between the current and previous financial year

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- Office of the Small Business Commissioner 15 56
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- President's Advisory Committee, PAC 6 9 23 26 49 54 53
- People management 7 26 48
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Hearing locations

We held hearings at 58 venues during 2015-16, including at 44 venues on a regular basis (for more than four months) - these are listed below. Magistrates' Court locations are marked with an *.

Melbourne CBD

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

Frankston*

Fletcher Road

Moorabbin*

Moorabbin Justice Centre
Nepean Highway, Highett

Preston

Darebin Intercultural Centre
Roseberry Ave

Ringwood*

Ringwood Street

Springvale

Greater Dandenong
City Council Chambers
Springvale Rd
(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

Cobram*

Cnr Punt Road and High Street
(until 9 March)

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 St

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

Fairfield

Disability Forensic Assessment and
Treatment Services
100 Yarra Bend 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

Contact details

Main Office

55 King Street
Melbourne VIC 3000
Email: vcat@vcat.vic.gov.au
Website: vcat.vic.gov.au

Civil Claims List

Tel: 9628 9830
1800 133 055 (within Victoria)
Email: vcat-civil@justice.vic.gov.au

Building and Property List

Tel: 9628 9999
Email: vcat-civil@justice.vic.gov.au

Guardianship List

Tel: 9628 9911
1800 133 055 (within Victoria)
Email: vcat-hrd@justice.vic.gov.au

Human Rights List

Tel: 9628 9900
1300 079 413
Email: vcat-hrd@justice.vic.gov.au

Legal Practice List

Tel: 9628 9081
Email: vcat-admin@justice.vic.gov.au

Owners Corporations List

Tel: 9628 1499
1800 133 055
Email: vcat-civil@justice.vic.gov.au

Planning and Environment List

Tel: 9628 9777
Email: vcat-admin@justice.vic.gov.au

Residential Tenancies List

Tel: 9628 9800
1800 133 055 (within Victoria)
Email: vcat-rt@justice.vic.gov.au

Review and Regulation List

Tel: 9628 9755
Email: [vcat-admin@justice.vic.gov](mailto:vcat-admin@justice.vic.gov.au)