

W
AFFIN
EARING
OF BENDIGO
VCAT STAFF
ER SERVICE CH
IM HELPLINE > S
BROADMEADOWS H
GEEELONG LOCATION >
N > VCAT CASE PORTAL
TWILIGHT HEARINGS PILO
MENT OF VCAT STAFF AT MOE
TRANSFORMING VCAT PROGRES
VCAT CASE PORTAL PILOT > VICT
BROADMEADOWS HEARING LOCATION
BERWICK > VCAT-IN-A-BOX > STAFFING
AY MORNING HEARINGS PILOT > CUST
E > STAFFING OF BENDIGO LOCATION >
OT OF METROPOLITAN HUB IN BERWICK
CUSTOMER SERVICE CHARTER > PLACE
> VICTORIAN FLOOD VICTIM HELPLINE >
DMEADOWS HEARING LOCATION PILOT >
REPORT > SATURDAY MORNING HEARINGS
VCAT CASE PORTAL PILOT > VICTORIAN
BROADMEADOWS HEARING LOCATION
ARING LOCATION PILOT > PLACE
NG LOCATION > TRANSFO
MILDURA LOCATION
HEARINGS PI
N BERWICK

VCAT ANNUAL REPORT 2010/11

The Honourable Robert Clark, MP
Attorney-General
121 Exhibition Street
MELBOURNE 3000

Dear Attorney-General

We are pleased to present our Annual Report on the performance and operations of the Victorian Civil and Administrative Tribunal (VCAT) from 1 July 2010 to 30 June 2011.

In accordance with the requirements of section 37 of the *Victorian Civil and Administrative Tribunal Act 1998*, the report includes:

- A review of the operations of VCAT and of the Rules Committee during the 12 months ended 30 June 2011; and
- Proposals for improving the operation of VCAT in the coming 12 month period.



Justice Iain Ross AO
President
Victorian Civil and Administrative Tribunal



Andrew Tenni
Chief Executive Officer
Victorian Civil and Administrative Tribunal

CONTENTS

2	ABOUT VCAT	32	ADMINISTRATIVE DIVISION
2	WHO WE ARE	32	PLANNING AND ENVIRONMENT LIST
3	WHAT WE DO	35	LAND VALUATION LIST
3	OUR OBJECTIVES	37	OCCUPATIONAL AND BUSINESS REGULATION LIST
4	VCAT ORGANISATIONAL STRUCTURE	39	GENERAL LIST
5	YEAR AT A GLANCE	40	TAXATION LIST
6	PRESIDENT'S MESSAGE	41	LEGAL PRACTICE LIST
8	CHIEF EXECUTIVE OFFICER'S MESSAGE	42	HUMAN RIGHTS DIVISION
10	A YEAR OF TRANSFORMING VCAT	42	GUARDIANSHIP LIST
14	SERVING OUR CUSTOMERS AND THE COMMUNITY	44	HEALTH AND PRIVACY LIST
15	CUSTOMER SUPPORT SERVICES	45	ANTI-DISCRIMINATION LIST
16	CUSTOMER SERVICE CHARTER	47	MENTAL HEALTH LIST
17	HOW CASES ARE RESOLVED	48	ORGANISATIONAL SUPPORT AND DEVELOPMENT
18	VCAT IN THE COMMUNITY	49	GOVERNANCE
19	THE TRIBUNAL AT WORK	50	RULES COMMITTEE
20	VCAT'S ALTERNATIVE DISPUTE RESOLUTION SERVICES	52	PROFESSIONAL DEVELOPMENT GROUP
23	CIVIL DIVISION	53	VCAT STAFF
23	CIVIL CLAIMS LIST	54	ENVIRONMENT GROUP
25	RESIDENTIAL TENANCIES LIST	55	VCAT REGISTRY
27	DOMESTIC BUILDING LIST	56	INFORMATION TECHNOLOGY
29	OWNERS CORPORATIONS LIST	58	FURTHER INFORMATION
30	RETAIL TENANCIES LIST	58	OPERATING STATEMENT AND FINANCIAL SUMMARY
31	REAL PROPERTY LIST	60	ALLOCATION OF FUNCTIONS
		63	VCAT MEMBER DIRECTORY
		65	VCAT CONTACT DETAILS
		65	VCAT HEARING LOCATIONS

ABOUT VCAT

WHO WE ARE

The Victorian Civil and Administrative Tribunal (VCAT) is established under the *Victorian Civil and Administrative Tribunal Act 1998* (the Act) and began operations on 1 July 1998, amalgamating 15 boards and tribunals to offer a 'one-stop shop' dealing with a range of disputes.

VCAT's vision is to be *'an innovative, flexible and accountable organisation which is accessible and delivers a fair and efficient dispute resolution service'*. Hearings are conducted at 55 King Street, Melbourne, as well as at a range of venues in suburban and regional Victoria.

In accordance with the Act, a Supreme Court judge heads VCAT as President and County Court judges serve as Vice Presidents. Applications are heard and determined by Deputy Presidents (appointed on a full time basis), Senior Members and ordinary Members (may be appointed on a full time, part time or sessional basis). Members have a broad range of specialised skills and qualifications, enabling VCAT to hear and determine cases of varying complexity and subject matter.

WHAT WE DO

Since its inception, VCAT's purpose has been to provide Victorians with a low cost, accessible, efficient and independent tribunal delivering high quality dispute resolution.

Over the years, VCAT has evolved to accommodate new jurisdictions and functions under various Acts, regulations and rules. VCAT now comprises three divisions.

The **Civil Division** hears and determines a range of civil disputes relating to:

- consumer matters;
- domestic building works;
- legal services;
- owners corporation matters;
- residential and retail tenancies disputes;
- sale and ownership of real property; and
- use or flow of water between properties.

The **Administrative Division** deals with applications from people seeking review of government and other bodies' decisions that affect them. These include decisions relating to:

- local council land valuations and planning permits;
- Transport Accident Commission findings;
- State taxation;
- business licences and professional registrations;
- Freedom of Information applications;
- WorkSafe assessments; and
- disciplinary proceedings across a range of professions and industries.

The **Human Rights Division** deals with matters relating to:

- guardianship and administration
- discrimination;
- racial and religious vilification;
- health and information privacy; and
- decisions made by the Mental Health Review Board.

OUR OBJECTIVES

1. To achieve service excellence by being:

- cost-effective
- accessible and informal
- timely
- fair and impartial
- consistent
- quality decision-makers

2. To effectively anticipate and meet demand for dispute resolution by being:

- independent
- responsible
- responsive

3. To invest in the development of flexible, satisfied and skilled Members and staff by providing:

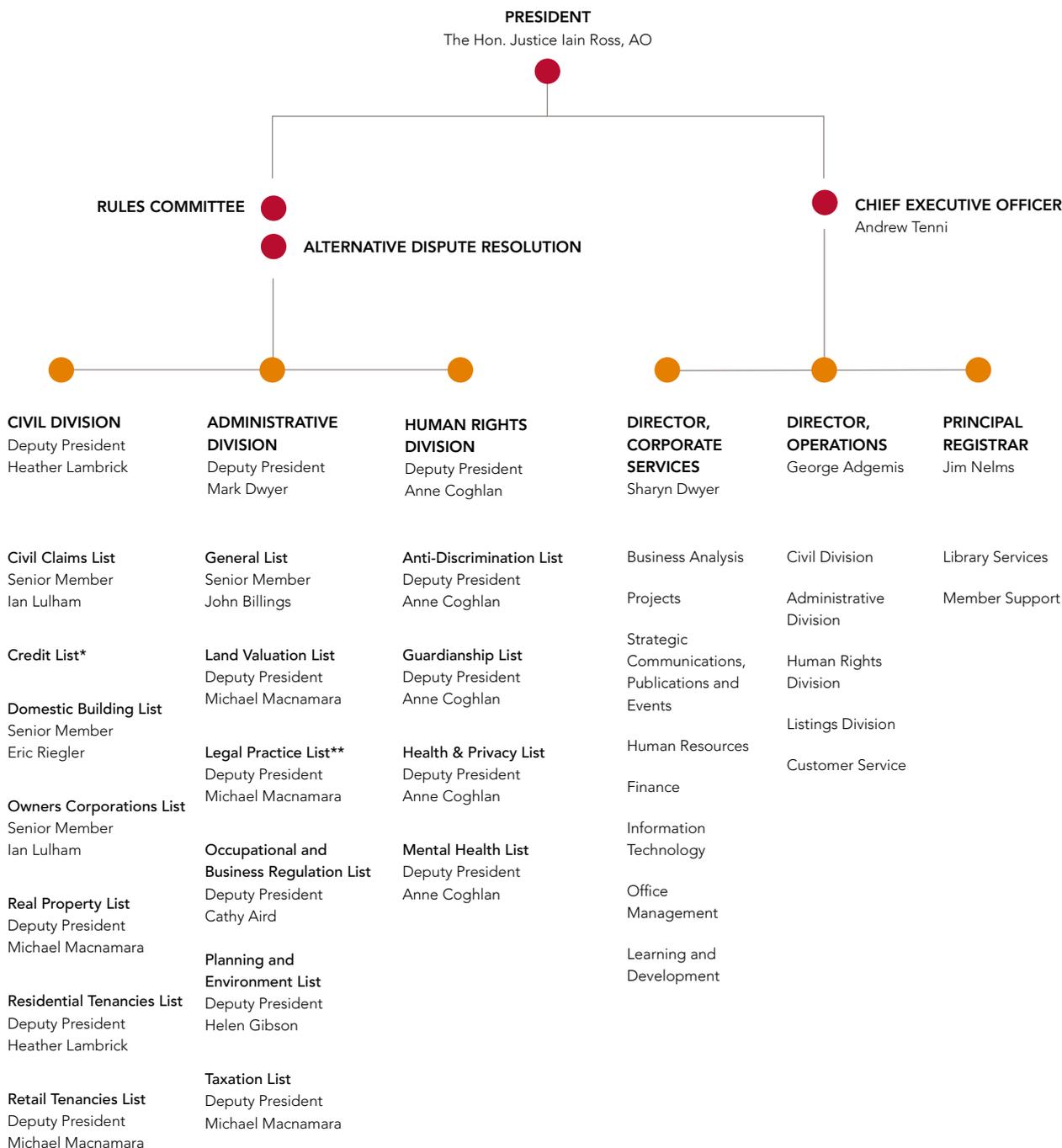
- a safe, challenging and team-oriented work environment
- learning and development
- appropriate use of specialised expertise

4. To continue to raise awareness of our services and improve service delivery through:

- user feedback
- community engagement
- education



VCAT ORGANISATIONAL STRUCTURE



Note:
 * On 1 July 2010, the *Credit (Commonwealth Powers) Act 2010 (Cth)* came into effect and repealed the *Consumer Credit (Victoria) Act 1995*, transferring jurisdiction over consumer credit matters from VCAT to the courts. VCAT is continuing to hear and finalise matters brought under the repealed Act.
 ** The VCAT Rules 2008 established the Legal Practice List in the Civil Division, but for Registry purposes it sits within the Administrative Division.

YEAR AT A GLANCE

OVERVIEW

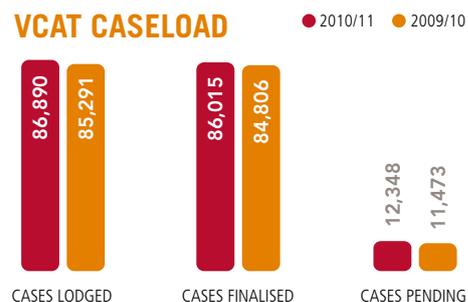
	2010–11	2009–10	% change
Cases lodged	86,890	85,291	2%
Cases finalised	86,015	84,806	1%
Cases pending	12,348	11,473	8%
Hearing venues used	95	65	46%

Note: The Health and Privacy, Owners Corporations and Mental Health Lists were established in January 2010.

LISTS

	Cases received per List			Timeliness per List		
	2010–11	2009–10	%change	Median	80th Ptle	Target
CIVIL DIVISION						
Civil Claims	8,554	9,692	-12%	22	32	14
Owners Corporations	2,528	1,107	128%	5	8	10
Credit (no new apps. as at 01/07/2010)	0	443	-100%	8	20	16
Residential Tenancies	57,659	56,688	2%	2	3	6
Domestic Building	1,016	964	5%	15	37	35
Retail Tenancies	289	246	17%	10	29	18
Real Property	177	163	9%	18	40	35
ADMINISTRATIVE DIVISION						
Planning and Environment	3,775	3,326	13%	23	37	26
Land Valuation	124	130	-5%	29	71	40
General	988	926	7%	34	68	56
Occupational and Business Regulation	228	339	-33%	22	42	25
Taxation	111	58	91%	15	27	23
Legal Practice	141	120	18%	15	25	40
HUMAN RIGHTS DIVISION						
Guardianship	10,893	10,711	2%	5	11	13
Health and Privacy	26	15	73%	18	28	5
Mental Health	29	12	142%	8	21	5
Anti-Discrimination	352	351	0%	10	25	23

VCAT CASELOAD



OUR PEOPLE

	2010–11	2009–10	%change
VCAT staff	217	210	3%
Judicial Members	15	16	-6%
Full-time Members	34	41	-17%
Part-time Members	2	2	0%
Sessional Members	173	164	5%

TWO YEAR FINANCIAL SUMMARY

FUNDING	2010–11	2009–10	%change
VCAT FUNDING SOURCES			
	\$m	\$m	
Output Appropriations	20.72	19.30	7%
Residential Tenancies Fund	10.27	10.74	-4%
Domestic Building Fund	2.56	2.70	-5%
Guardianship and Administration Trust Fund	1.40	1.45	-3%
Retail Tenancies List	0.35	0.35	0%
Legal Practice List	1.38	1.12	23%
Victorian Property Fund	1.22	1.13	8%
TOTAL	37.90	36.79	3%
EXPENDITURE			
	2010–11	2009–10	%change
VCAT OPERATIONAL EXPENDITURE			
	\$m	\$m	
Salaries to staff	10.29	9.69	6%
Salaries to full-time Members	7.23	7.51	-4%
Sessional Members	5.96	5.98	0%
Salary related on-costs	4.48	4.59	-2%
Operating costs	9.94	9.02	10%
TOTAL	37.90	36.79	3%

PRESIDENT'S MESSAGE



This reporting period has been one of significant change for the Tribunal. In September 2010 we launched *Transforming VCAT*, our three-year strategic plan, containing 77 new initiatives directed at improving our service delivery to the Victorian community.

I am pleased to report that, as a result of the hard work and dedication of our Members and staff, many of these initiatives have been implemented. In addition to supporting these initiatives, our Members and staff have enhanced VCAT's engagement with the community and have contributed their ideas and efforts to improving VCAT's performance. In its 13th year of operation, VCAT is a vibrant organisation that thrives on engagement and innovation.

Transforming VCAT highlights

A summary of our progress on *Transforming VCAT* can be found on pages 10 to 13 of this report, and also in the April 2011 Report Card which is available on our website. The Chief Executive Officer's report addresses initiatives that have assisted the Tribunal to become more accessible and affordable. I wish to highlight the following achievements concerning fair and efficient decision-making.

Fair hearing obligation

On 1 October 2010, we introduced the Fair Hearing Obligation Practice Note (PNVCAT3). The Practice Note applies to all of the Tribunal's Lists. While many of the Tribunal's existing practices are built around notions of fairness, the Practice Note reinforces our obligation to provide all parties with a fair hearing and to ensure

that parties and their representatives are treated with courtesy and respect.

An important element of the fair hearing obligation is the duty to provide assistance to self-represented parties who may be unfamiliar with Tribunal processes or unaware of their rights. Parties and their representatives also have obligations. They must participate in the Tribunal's processes in a responsible way in order to assist the Tribunal to provide a fair hearing.

Timely delivery of reserved decisions

Fairness is enhanced when disputes are resolved in a timely way. We have substantially reduced the delay between the conclusion of hearings and the delivery of reserved decisions. This has been achieved by providing Members with training in decision writing and by setting a performance benchmark that 90 per cent of all reserved decisions be delivered within six weeks of the conclusion of the hearing.

The increased focus on timely completion of reserved decisions has substantially improved VCAT's performance in this area. In April 2010 only about half of all reserved decisions were delivered within the six week performance benchmark. By the end of 2010, more than 80 per cent of all reserved decisions were delivered within six weeks of the conclusion of the hearing.

We will continue to monitor and report on our performance against this benchmark.

Member Competency Framework and professional development

To enhance public confidence in our Members' ability to provide fair hearings and deliver efficient and consistent decisions, we developed and published the Member Competency Framework. Launched in December 2010 and available on our website, the Member Competency Framework sets out the full range of competencies and qualities we expect of our Members. It also facilitates a fair and transparent appraisal system, and a competency-based approach to ongoing professional development.

Following the creation of the Member Competency Framework, our newly re-established Members' Professional Development Group has worked to deliver related initiatives. These included the development and implementation of the Member appraisal system, the professional development program, mentoring and induction programs. Page 52 of this report contains further details.

Together, these initiatives support our Members to develop the skills needed to effectively perform their roles, which in turn enhances the Tribunal's overall performance.

VCAT's vision is to be an innovative, flexible and accountable organisation which is accessible and delivers a fair and efficient dispute resolution service.

Organisational Structure

A number of key changes have been made to VCAT's organisational and leadership structure.

Divisional leadership

Deputy Presidents Coghlan, Dwyer and Lambrick have been appointed to head (respectively) the Human Rights, Administrative and Civil Divisions. Previously, two Vice Presidents and myself were Heads of these Divisions. This change allows the Vice Presidents to focus on providing judicial leadership through the determination of complex cases.

Heads of Lists

Amendments to VCAT's Rules mean we can now appoint Senior Members as Heads of Lists. Previously the Rules allowed only Deputy Presidents to be appointed. The change enhances our flexibility and capacity to provide Senior Members with leadership opportunities. Since the amendment became effective on 1 August 2010, three Senior Members have been appointed to head Lists, as set out on page 4 of this report.

Leadership Group

I have established a Tribunal-wide Leadership Group, comprised of a cross-section of Members and staff, to replace the Heads of Lists Committee. The Leadership Group is critical to realising *Transforming VCAT* initiatives, and provides an opportunity for staff to develop as leaders in partnership with Members. The Leadership Group meets quarterly and report on work conducted by *Transforming VCAT* project teams.

Regional leadership

As part of the process of improving our service delivery to regional Victoria, I have assigned Members to six regional areas across Victoria to act as key contact points for staff working in the regions, and to coordinate regional stakeholder engagement.

List Performance

Turning now to the Tribunal's performance in the reporting period, it is notable that most Lists dealt with increased numbers of applications and most were able to finalise significantly more cases, reduce backlogs or improve their timeliness within existing resources.

As this annual report demonstrates, Members and staff across all Lists worked together on initiatives aimed at improving efficiency. Some examples include:

- optimising the benefits of Alternative Dispute Resolution (ADR) in the Guardianship List by identifying and referring earlier in proceedings those cases suited to mediation;
- refining directions hearings and other pre-hearing processes in the Civil Claims and Domestic Building Lists to reduce waiting times for complex cases; and
- establishing a 'buddy system' between Registry staff and Members to improve case management processes in the Residential Tenancies List.

These changes reflect the benefits of nurturing an environment that encourages and supports innovation and collaboration.

The case studies in this report exemplify the diverse and complex nature of decisions made by the Tribunal, many of which have wide-reaching effects. They also demonstrate ways in which staff and Members work together to provide optimal environments for hearings, whether through facilitating the conduct of hearings in non-traditional settings or providing the latest hearing room technologies to assist parties presenting their cases.

The Future

We are well into delivering the next phase of *Transforming VCAT*. These new initiatives are directed at promoting excellence, as set out in our April 2011 publication, *Transforming VCAT: Promoting Excellence*. To assess and improve our service delivery, we will measure what we do against comparable justice institutions.

I also look forward to the upcoming launch of our School's Program, which will increase our engagement with young people and help to inform them about their rights and responsibilities. Page 18 of this report contains further information about the School's Program and other initiatives to deepen our community links.

Acknowledgements

I would like to take this opportunity to thank all of the Members and staff who have worked hard to improve our service delivery and to implement the *Transforming VCAT* agenda. Achievements in these areas are evident throughout this report, and I thank the Members and staff, VCAT's Chief Executive Officer Andrew Tenni and his management team for the many ways in which they have contributed to a successful 2010–11 for VCAT.



Justice Iain Ross AO
President

CHIEF EXECUTIVE OFFICER'S MESSAGE



This year we delivered a number of important initiatives aimed at improving our service delivery and bringing VCAT closer to the community. These changes have transformed the way in which people in Melbourne's CBD and suburbs – and in regional and remote Victoria – can access VCAT.

While making these fundamental changes, we continued to refine and improve our existing systems, providing responsive, high-level customer service and Member support to successfully cater for an increasing number of applications – close to 87,000 in this reporting period.

Service Delivery

Residents of suburban Melbourne and regional Victoria now have greater access to VCAT and its services. We have commenced a new metropolitan hub at the Justice Service Centre in Berwick, and commenced hearings at the Hume Global Learning Centre in Broadmeadows. We are also providing staff resources in a number of regional centres where we plan to deliver full Registry services. During our *Transforming VCAT* consultations, we learnt that residents of Robinvale in the State's remote northwest faced barriers to attending Mildura hearings. We acted on this by taking hearings to them and piloting sittings in Robinvale.

We also piloted the listing of hearings outside normal business hours, including Saturday mornings at Broadmeadows, and Thursday evenings at Collingwood's Neighbourhood Justice Centre. This departure from traditional court venues and hearing times provides greater

flexibility for parties and helps them to resolve their disputes efficiently, cost-effectively and at a time and place more convenient to them.

The positive response to these pilots means they are now an ongoing prospect, providing the basis for a new service delivery model adaptable to a range of different suburban, regional and remote locations. Already we have expanded our Broadmeadows sitting days to Mondays and Wednesdays, and we will continue to increase our presence regionally and at Berwick, where we currently sit two days a week.

Using New Technology

We expanded our use of information technology to make it easier and cheaper for people to access VCAT. In 2010–11 we launched the 'VCAT Case Portal', a new online case management tool that saves parties time and money by allowing them to file documents electronically at any time. Key events, including hearing dates, are posted online and all parties can view them, reducing confusion and avoiding delay. Two law firms assisted with this pilot, which we will consider further developing and implementing across the Tribunal.

Parties can now also lodge applications to the Civil Claims and Anti-Discrimination Lists online. We are working to make

online applications possible across all our Lists, again increasing the speed and ease with which people can interact with VCAT.

We have also made technological advances in some of our hearing rooms, installing Smartboards so parties can display plans, permits and other relevant information on overhead screens. They can also make real-time changes to documents electronically during the course of a hearing. This saves time and promotes better outcomes through collaboration. We also piloted the conduct of proceedings via on-line video conferencing software, which we hope to refine and continue.

For hearings conducted in non-traditional venues, such as hospitals, we developed 'VCAT in a Box'. This portable kit enables Members hearing guardianship matters to remotely access our case management system and produce orders on the spot. The kit also includes portable digital recorders, which record hearings and ensure parties unable to physically attend VCAT are offered equitable service.

Improving Outcomes

Our service delivery isn't just about where, when and how we conduct proceedings. It is also about delivering outcomes that are fair and efficient through supporting VCAT's Members and dispute resolution

processes. The Short Mediation and Hearing Pilot was a 2010–11 initiative aimed at improving outcomes for parties in small civil claims cases by offering parties the chance to resolve matters in a short mediation, or, failing agreement, a guarantee that the Tribunal would provide a determination on the same day. The pilot demonstrated good outcomes for parties and potential efficiency benefits for the Tribunal, which we are further exploring. By using staff mediators, it also offered skill development opportunities for our administrative staff, and enhanced teamwork between the Members and staff who worked closely together on the project.

Many other examples throughout this report demonstrate how staff increasingly worked with Members to improve outcomes. In the Residential Tenancies List registry staff sit with Members to observe proceedings from the Member's perspective, following which they engage in a two-way debrief on relevant file and registry issues. In the Human Rights Division, staff have worked hard with Members to prepare for changes under the new Anti-Discrimination laws. Our 'VCAT in the Community' section on page 18 details staff contributions to initiatives aimed at increasing our community presence.

Staff also participate in the Tribunal's new Leadership Group, as mentioned by President Justice Ross. Involving staff and Members on projects enhances communication across the organisation and leads to better collaboration and innovation. I want to use the Leadership Group to enable as many staff as possible to benefit from its developmental opportunities, which will in turn benefit VCAT and members of the public who use our services.

A Year of Transformation

The *Transforming VCAT* strategic plan has been guiding our progress for more than a year, and I am conscious of the many ways in which staff have enthusiastically supported its initiatives while continuing to perform their day-to-day duties. From helping VCAT to operate more sustainably, to increasing our community and stakeholder engagement, our staff have been instrumental in realising VCAT's vision.

Processing 87,000 applications while supporting a significant change program is a huge task. We have asked a lot from our staff over this 12 months and they have risen to the challenge on each occasion.

To properly recognise and reward staff, we re-launched the VCAT Service Excellence Awards, acknowledging staff achievements at special events held throughout the year. I want to take this opportunity to thank all staff and encourage them to continue their excellent work.

The Future

In the next 12 months we will establish a regional hub in Ballarat and increase our presence in Warrnambool and Wangaratta, while continuing to build on our presence in Berwick. We will update our website, which will include a virtual tour of the Tribunal among many other usability improvements. We will explore using social media to keep our stakeholders and the general public informed of our progress. We will also continue to survey parties to gain feedback about how we can continually improve.

These and many more initiatives mean another busy time ahead, building on the successes we have achieved over the past year. I look forward to working with our committed and talented staff and with VCAT's Members and President Justice Ross, on continuing the process of *Transforming VCAT*.

Acknowledgements

I would also like to thank our stakeholders, especially John Griffin, Executive Director, Courts, and subsequently Graham Hill, and the team at the Courts and Tribunals Unit, for their ongoing support; Secretary to the Department of Justice, Penny Armytage, for all her assistance whenever we have needed it; Magistrates' Court staff, whose co-operation helped us achieve many of our objectives, particularly in relation to our metropolitan and regional expansion; and Consumer Affairs Victoria and the Department of Business and Innovation, who were major partners on a number of our projects, and who kept in contact to ensure their ongoing success.

I want to particularly thank Justice Ross and the other members of the VCAT Executive team for their help and support over the last 12 months. Their assistance has been greatly appreciated.

Finally, I would like to thank our dedicated and talented staff, who have been vital to our success. Without our passionate staff, VCAT is not able to realise its vision.



Andrew Tenni
Chief Executive Officer

A YEAR OF TRANSFORMING VCAT

Our initiatives in the past 12 months have positioned us well for the next phase of *Transforming VCAT: Promoting Excellence*.

We launched *Transforming VCAT*, our three-year strategic plan, on 13 September 2010. The culmination of an extensive consultation process, *Transforming VCAT* incorporated many suggestions from the Victorian community and our key stakeholders, as well as VCAT Members and staff.

Central to *Transforming VCAT* is a new vision for the Tribunal as:

'an innovative, flexible and accountable organisation, which is accessible and delivers a fair and efficient dispute resolution service'.

Transforming VCAT contained more than 70 new initiatives directed at realising each element of our vision statement. VCAT has focused in the past year on delivering 40 of these initiatives, aimed at promoting fairness and access to justice, grouped into three categories:

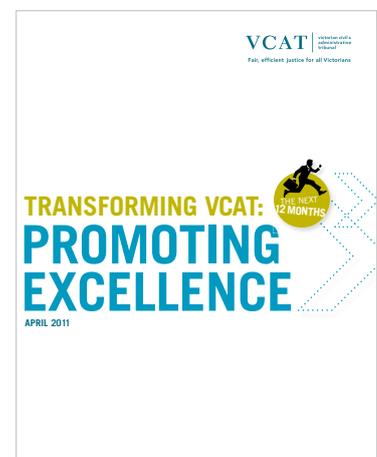
- Fair and efficient decision-making
- Improving access to justice
- Increasing accountability

FAIR AND EFFICIENT DECISION-MAKING

In the past year we have implemented the following initiatives to promote fair and efficient decision-making:

- Introduced a new VCAT Practice Note – the Fair Hearing Obligation (available on our website)
- Recommended the hearing of guardianship cases in hospitals and aged care facilities
- Conducted a review of forms and notices in the Guardianship List and developed information guides to accompany hearing notices
- Held a Guardianship roundtable to address the issues raised in submissions to the VCAT Review and the 2010 Discussion Paper

- Amended Planning Practice Note PNPE1 to provide third party objectors and local councils with a right of reply
- Provided Members with professional development in decision writing and in delivering on-the-spot oral decisions
- Set a performance benchmark that 90 per cent of all reserved decisions be delivered within six weeks of the end of the hearing
- Provided Members with regular feedback about their reserved decisions
- Commenced a pilot of standard directions in the Occupational and Business Regulation List
- Developed a Member Competency Framework (available on our website)
- Established a Professional Development team to develop and implement a strategic approach to the allocation of professional development resources
- Appointed a Deputy President to lead the Professional Development program
- Devolved budget responsibility for the Professional Development program
- Established an attendance register at professional development activities to assist in the strategic and fair allocation of professional development resources
- Developed a Code of Conduct for Members and a revised Customer Service Charter (available on our website)



‘Promoting Excellence’ requires a culture of innovation, continuous improvement and transparency. It is about being willing to try new things and to learn from our mistakes.

IMPROVING ACCESS TO JUSTICE

We improved access to VCAT in the past year through the following initiatives:

- Piloted twilight hearings until 7.00pm at the Neighbourhood Justice Centre
- Piloted delivery of our services in non-traditional settings, for example the Hume Global Learning Centre in Broadmeadows
- Piloted Saturday morning hearings in Broadmeadows
- Established a pilot metropolitan hub at Berwick
- Commenced a new regional circuit to hear cases in Robinvale
- Increased our service delivery to regional Victoria. Staff members are now located in four key regional locations:
 - > Bendigo – servicing Echuca, Kerang and Castlemaine
 - > Geelong – servicing Colac
 - > Mildura – servicing Swan Hill and Robinvale
 - > Moe – servicing Morwell, Sale, Bairnsdale and Korumburra

INCREASING ACCOUNTABILITY

We improved our accountability in the past year by implementing the following initiatives:

- Introduced a more effective complaints mechanism. Since January 2011 all new complaints have, on average, been investigated and responded to within six weeks
- Published ‘Report Cards’ detailing our progress on *Transforming VCAT* initiatives (available on our website)
- Purchased portable equipment to record hearings in non-traditional hearing venues, such as hospitals and aged care facilities
- Established an Oath or Affirmation for new and reappointed Members, consistent with those taken by other Victorian judicial officers

STILL TO COME

To ensure fairness, transparency and accountability of VCAT proceedings, we aim to be recording all hearings by the end of 2011. At present, only cases heard at 55 King Street, Melbourne and some other venues are recorded.

We have purchased portable recording units, allowing us to record proceedings at our Berwick pilot hub, in hospitals and aged care facilities, and at the Hume Global Learning Centre in Broadmeadows.

Recording VCAT hearings in metropolitan and regional Magistrates’ Courts has proved to be more difficult than we anticipated. We are, however, working with the Magistrates’ Court to make this possible.

THE YEAR AHEAD

On 14 April 2011, we launched *Transforming VCAT: Promoting Excellence* (available on our website), representing the next stage of *Transforming VCAT*. In the next 12 months, we will implement 47 initiatives directed at promoting excellence.

Tribunal excellence has two dimensions:

- predictable, just decisions; and
- procedural justice.

Predictability is about certainty. A 'just decision' is one based solely on the application of the relevant law to the facts of the case. Tribunal Members faced with the same facts should, broadly speaking, reach the same outcome. However, decisions also involve exercising discretion. Such discretion must be exercised judicially and within acceptable parameters.

Delivering justice is not only about outcomes. The community – and parties who appear before tribunals – have a legitimate interest in procedural justice. Procedural justice includes, but is not limited to, the legal concept of procedural fairness. It also embraces a judgment about whether a tribunal process is fair.

Promoting Excellence is also about measuring VCAT's performance and comparing it with other justice institutions. Comparative benchmarking will assist us to learn from the experience of other justice institutions.

Some of the key initiatives we will implement in the next year include:

- Expanding the pilot hub at Berwick to a full service registry with additional hearing rooms
- Establishing a full service registry at Ballarat
- Placing VCAT staff in key regional locations (Ballarat, Wangaratta and Warrnambool)
- Substantially upgrading our website
- Appointing a Litigant-in-Person Coordinator to liaise with pro bono legal service providers to improve delivery of these services
- Developing an ADR training package and training an additional 20 staff/Members to become accredited mediators
- Using SmartForms to allow online lodgement and payment across a broader range of jurisdictions. By the end of 2011, 90 per cent of all VCAT applications will be able to be lodged electronically
- Measuring our performance against the Tribunal Excellence Framework and reporting on the results
- Reporting regularly on the Tribunal's performance via our website

A WORD OF THANKS

We would like to acknowledge all those who took the time to contribute to *Transforming VCAT* and to thank those individuals and organisations who assisted in implementing and achieving our vision. The next phase of *Transforming VCAT* will also be a collective effort, requiring the commitment and support of Members, staff, key stakeholders and the community.

SERVING OUR CUSTOMERS AND THE COMMUNITY

We delivered improved customer services
and strengthened our community presence.

CUSTOMER SUPPORT SERVICES

MELBOURNE OFFICE

VCAT's main office at 55 King Street, Melbourne has three distinct service areas:

Counter Services (Ground Floor)

The ground floor counter services team provides information to customers about VCAT's operations and hearing procedures. Staff assist customers to lodge their applications, respond to general queries and assist them when they arrive for a hearing. A wheelchair is available on the ground floor for people who require assistance from their car to a hearing room.

Our modern customer service environment provides user-friendly facilities, including a file inspection room for visitors' use. Our SmartQueue ticketing system helps us serve customers in an efficient and systematic way. Multimedia LCD screens display our resource DVDs in this area, which assists users to understand some of the disputes that are heard at VCAT.

The counter services team provides a concierge service on the ground floor, to meet and greet customers and provide direction when necessary. The concierge service is available weekdays, from 9.15am to 10.15am and from 1.45pm to 2.15pm.

Hours of operation are Monday to Friday, 9.00am to 4.30pm (closed public holidays).

Mediation Centre (Second Floor)

The mediation centre provides parties with comfortable amenities conducive to achieving settlements at mediation. It comprises dedicated hearing rooms, meeting areas and a suite of mediation breakout rooms.

Fifth Floor

The fifth floor counter staff welcome parties arriving for hearings. Staff record party arrivals and direct them to hearing rooms. Screens display our resource DVDs to assist parties to understand the hearing process.

Other services include:

Victoria Legal Aid duty lawyer

Located on the ground floor, the duty lawyer provides unrepresented parties with free and confidential legal advice. In addition, the duty lawyer provides a valuable legal resource for VCAT staff in day-to-day dealings with customers, particularly in relation to complex matters.

Alternative Dispute Resolution (ADR)

The ADR Intake and Assessment Coordinator is responsible for overseeing the intake of parties participating in ADR. A trained mediator, the coordinator also provides support, direction and information to these parties both before and when they arrive at VCAT.

Family Violence Support Worker

A Support Worker is available to assist applicants to the Residential Tenancies List who are affected by family violence or other difficult circumstances. The Support Worker can provide these applicants with information, support and referral to other services.

Court Network

Located on the fifth floor and in attendance most days, the volunteer Court Network service offers friendly support, information and referral for people attending VCAT for mediations and hearings.

Video and Telephone Links

If parties are unable to physically attend a hearing, they may link in via video or telephone (VCAT can arrange video links to locations around Australia and overseas). In addition to providing added convenience for parties, this technology assists Members to manage hearing times more efficiently, especially when dealing with urgent matters in rural areas.

Smartboards

Interactive whiteboards provide a touch-sensitive surface onto which information on a computer screen can be displayed, via a projector. The whiteboards can display websites, software, spreadsheets, Word documents and presentations. Changes made to information projected onto the whiteboard can be transferred to the computer, printed out, emailed and saved for future reference.

Fixed smartboards are located on the ground, first and sixth floors. A portable smartboard is available for use on the second floor.

Access for the hearing impaired

VCAT offers hearing loop access in all hearing rooms located at 55 King Street, Melbourne. In addition, a DVD player is available for use by parties upon request, allowing them to present their cases in a format designed to assist them and Members. Ten hearing rooms at VCAT have permanent audiovisual equipment.

Interpreter service

The Tribunal provides a free interpreter service for parties as part of its obligation to provide a fair hearing. Requests by a party for the provision of an interpreter can be made either in writing or by contacting the Tribunal. Such requests should be made when lodging an application with the Tribunal or as soon as practicable after being notified of the hearing date.

Suburban and Regional Centres

VCAT conducts hearings at the suburban and regional locations listed on the back inside cover of this report. VCAT employs bench clerks at a number of these locations to coordinate appearances and assist parties with general VCAT enquiries.

CUSTOMER SERVICE CHARTER

VCAT revised its Customer Service Charter to more closely align with the strategic priorities of *Transforming VCAT*, particularly those relating to promoting excellence, improving customer service and increasing accountability. It now also provides links to VCAT's new Customer Feedback and Complaints Policy.

The new Charter is available on VCAT's website (About VCAT) and is displayed on posters at our venues.

VCAT's purpose is to provide Victorians with a low cost, accessible, efficient and independent Tribunal delivering high quality dispute resolution including the use of Alternative Dispute Resolution (ADR) processes. We aim for service excellence by being cost-effective, accessible, informal, timely, fair, impartial and consistent.

1. When you contact VCAT, you can expect:

- Answers to your queries about our jurisdictions and processes.
- Appropriate forms, brochures and information guides.
- Assistance with VCAT application forms.
- Appropriate contacts for other agencies about your enquiry.
- Compliance with VCAT's privacy policy.

2. We aim to help, but there are certain things we cannot do for you. We cannot:

- Provide advice about what to say in your VCAT hearing.
- Give you legal advice.
- Complete a VCAT application form on your behalf.
- Speak to VCAT Members on your behalf.

3. We exist to serve the community and we aim to:

- Serve 95 per cent of people within five minutes of them attending a VCAT enquiry counter.
- Respond to 95 per cent of callers within five minutes of them contacting VCAT.
- Greet you in a polite and courteous way.
- Deal with your enquiry professionally.
- Provide you with clear and accurate information and assistance.

4. We respect your right to:

- Fair and helpful assistance, including appropriate arrangements for people with disabilities, special access needs or cultural requirements.
- An interpreter, if necessary.
- Respectful and equitable treatment in accordance with the Victorian Charter of Human Rights and Responsibilities.
- A fair and just mediation and/or hearing in a safe environment.
- Timely decisions.

5. To deliver you a high quality service, we expect you to:

- Provide us with complete and accurate information.
- Comply with any VCAT directions or orders.
- Behave courteously and peaceably with staff, parties and Members at all times.

VCAT is always looking for ways to improve its services. We welcome your feedback and comments. Ask us for information about our Feedback and Complaints Policy.

HOW CASES ARE RESOLVED

VCAT hears and determines a wide variety of matters for a range of different parties, all with differing requirements.

The process of resolving cases begins when a person or party refers a matter to VCAT or lodges an application with Registry and pays the prescribed fee. Some disputes are settled using Alternate Dispute Resolution (ADR) processes such as mediation and compulsory conferences. Many cases, however, proceed directly to a full hearing.

In certain disputes, the parties involved may agree at any time to resolve their differences without mediation, a directions hearing, a compulsory conference or a hearing. If the case does proceed to a hearing, there is still an opportunity to settle prior to the hearing and determination of the case.

A full hearing may take from 15 minutes to an hour in small civil disputes, owners corporation and residential tenancies matters. In other jurisdictions, hearings can take up to a day or longer. In the more complicated cases, a hearing may be held over a period of several days due to the nature of the issues involved.

Hearings give parties the opportunity to call for or provide evidence, ask questions of witnesses, and make submissions. At the end of a hearing, the Member can either deliver a verbal decision and provide the order immediately, or reserve the decision and provide written reasons.

There is no general provision in the VCAT Act for a matter to be reconsidered or re-opened by the Tribunal once an order has been made. Where a party to a proceeding believes they have not been afforded procedural fairness or is otherwise dissatisfied with the decision of the Tribunal, the Act provides appeal rights, on questions of law only, to the Supreme Court of Victoria.

FAIR HEARING OBLIGATION

From 1 October 2010, a new Fair Hearing Obligation practice note was introduced and now applies across all of VCAT's jurisdictions. This practice note was a fundamental aspect of the Tribunal's three year strategic plan: *Transforming VCAT*.

The practice note sets out the obligations of Tribunal Members regarding the conduct of hearings. It also requires parties and their representatives to participate in the Tribunal's processes in a responsible way in order to assist the Tribunal to provide a fair hearing.

The Tribunal has a general duty to ensure a fair hearing, pursuant to s24 of the *Charter of Human Rights and Responsibilities Act 2006* and various provisions of the *Victorian Civil and Administrative Tribunal Act 1998*. A fair hearing involves the provision of a reasonable opportunity to put your case – the right to be heard – and to have your case determined according to law by a competent, independent and impartial tribunal.

The provision of a fair hearing is at the very heart of the Tribunal's obligations to the parties who appear before it. Sections 97, 98, 100, 101 and 102 of the VCAT Act also set out some of the Tribunal's obligations regarding the conduct of hearings.

HOW TO APPLY

Parties can obtain VCAT application forms by:

- Contacting VCAT (details on inside back cover); or
- Logging on to www.vcat.vic.gov.au

HEARING LOCATIONS

Hearings are conducted at various suburban locations, such as Berwick, Broadmeadows, Collingwood, Dandenong, Frankston, Heidelberg, Moorabbin, Ringwood, Sunshine and Werribee and also at a number of hospitals listed on the inside back cover of this report.

In addition, VCAT conducts hearings at various regional locations which are also listed on the inside back cover. Details concerning regional sittings are contained in the law calendar, which is produced by the court services section of the Department of Justice website www.justice.vic.gov.au.

VCAT IN THE COMMUNITY

VCAT contributes to the community it serves in many different ways. In 2010–11 we strengthened our public profile, with Members and staff delivering information sessions at 55 King Street, Melbourne and across the State.

Through an increased presence in metropolitan, regional and rural locations, Members and staff increased public knowledge of our processes and assisted to integrate VCAT into the community.

LAW WEEK 2011

During Law Week in May 2011, Members and staff facilitated a series of 12 interactive community events at metropolitan and regional venues. We partnered with numerous stakeholders such as Consumer Affairs Victoria, community legal centres and Victoria Legal Aid for several major events, including information sessions and 'expos' held in Geelong, Berwick and Wodonga.

We participated in the Courts Open Day, a feature event of the Victoria Law Foundation's Law Week. VCAT staff and Members visited Melbourne's legal precinct and shared the day with other jurisdictions and stakeholders. We conducted moot hearings and mediations, involving members of the public in mock disputes across our civil claims, residential tenancies, owners corporations, planning and guardianship jurisdictions.

SCHOOL ENGAGEMENT

We welcomed secondary school, TAFE and other adult education program students to VCAT's Melbourne headquarters throughout the year. Our program for visiting students aims to demystify VCAT's processes and highlight how VCAT helps people deal with issues in their everyday lives. It includes a presentation by staff or Members on the range of disputes VCAT handles, followed by a question and answer session. Students then have the opportunity to observe hearings in progress.

OTHER ACTIVITIES

We engaged with our user groups and other stakeholders on a regular basis, providing up-to-date information about the Tribunal and receiving valuable feedback on our processes and initiatives. Examples of user engagement can be found in each List's report in this Annual Report.

We also engaged directly with the public, often in partnership with our stakeholders. The following are just some examples of the ways in which we engaged with the community in 2010–11:

- Members of the Guardianship List conducted regular local and regional information sessions for newly appointed guardians and administrators
- Members and staff gave talks to the Federation of Chinese Communities at various metropolitan locations
- Our President, Members and Registrars hosted a VCAT tour and information session for 25 staff from the Dispute Settlement Centre of Victoria
- Our Guardianship Members partnered with the Office of the Public Advocate and State Trustees Limited to deliver guardianship information sessions for Health Professionals at Footscray's Western General Hospital and Horsham's Wimmera Base Hospital
- In partnership with the Department of Justice's 'Justice for Refugees Program', a VCAT Member and Registrar visited the West Heidelberg Community Centre to provide information about VCAT's residential tenancies jurisdiction for local Somali women
- One of our Members delivered a youth information session at Geelong's MacKillop Youth Services
- VCAT staff, together with Consumer Affairs Victoria, attended a Berwick Chamber of Commerce meeting to provide general information about dispute resolution at VCAT

- A VCAT Member visited the Caulfield-based Acquired Brain Injury Network to talk to health professionals about guardianship and administration orders for the cognitively impaired
- VCAT staff participated in a number of Department of Justice community information days, including one in Geelong focussing on the Burmese, Afghani and Congolese asylum seeker communities, and others in Box Hill, Sunshine and Broadmeadows

FUTURE

We look forward to delivering future initiatives aimed at deepening our links with the community. In particular, we plan to establish a broad-based Community Council, reflecting a cross section of stakeholders and community interests. The Council will be an important means of communication between the Tribunal and the community it serves.

We have also worked with secondary schools to develop a pilot program of interactive workshops based on students' feedback. The program, together with a 'schools kit', will be launched at Federation Square's Australian Centre for the Moving Image (ACMI) on 24 October 2011. The first two pilot sessions for Year 10 students will be conducted in late October 2011 at Boronia Heights Secondary College and Dandenong High School. These aim to educate students about VCAT and their rights as consumers. They also provide a means to increase our engagement with young people.

THE TRIBUNAL AT WORK

The Tribunal's Lists dealt with more than 86,000 Civil, Administrative and Human Rights cases. We continued to develop innovative ADR approaches to deliver better outcomes.

VCAT'S ALTERNATIVE DISPUTE RESOLUTION SERVICES

Alternative or appropriate dispute resolution (ADR) is an umbrella term for processes, other than judicial determination, in which an impartial person assists parties to resolve the issues between them. ADR encompasses processes such as mediation, compulsory conferences, conciliation and facilitation.

ADR can provide a quicker, more flexible and cost-effective alternative to traditional litigation. It can allow parties to choose the process that best suits their needs.

VCAT has used ADR since the Tribunal was established in 1998. We have a purpose-built mediation centre, comprising hearing rooms, meeting areas and mediation breakout rooms. We provide a computer and printer so that parties can, using VCAT's template, prepare, print and sign their own terms of settlement.

ADR STRATEGY

VCAT's ADR Strategy has three key components:

- Improving access
- Measuring success
- Improving outcomes

These components align closely to the objectives of VCAT's three-year strategic plan, *Transforming VCAT*. A key priority of *Transforming VCAT* is to position VCAT as an ADR Centre of Excellence, and we are delivering on this priority.

ADR Member Genevieve Nihill is responsible for driving VCAT's ADR Strategy. Principal Mediator, Ian De Lacy, supports the ADR Member in this task, and is also responsible for the professional development and support of VCAT's mediators.

IMPROVING ACCESS

Through piloting ADR processes for disputes not traditionally subject to ADR, we have increased opportunities for parties to benefit from ADR. We are also increasing the number of Members, mediators and staff able to deliver high-quality ADR services.

Short Mediation and Hearing Pilot

In the reporting period, we conducted a 10-week 'short mediation and hearing' (SMAH) pilot for small claims (less than \$10,000) in the Civil Claims List. Experience showed that many small claims that went to hearing might have otherwise settled if parties had been offered the opportunity to do so. Although Members often successfully employ ADR techniques

to encourage settlement prior to hearing and determining small claims, they are not normally referred to mediation. This is because we aim to keep Tribunal attendance for small claims at a minimum, saving parties time and money.

During the SMAH pilot, parties attended a shortened form of mediation, led by a VCAT accredited staff mediator, prior to their scheduled hearing. If the matter did not settle, parties were given a hearing on the same day. Parties received enhanced notices of hearing, explaining the short mediation process and how they should prepare.

Mann Judd Consulting evaluated the pilot and their report is available on our website. It found that the notice and the short mediation process led to more settlements and increased parties' perceptions of fairness, respect, convenience and cost-effectiveness. We are considering the pilot outcomes and Mann Judd's recommendations for future development.



Mediator training and accreditation

In the reporting period, 16 VCAT Members and 9 staff became accredited mediators after participating in a five-day LEADR mediation course. We now have access to approximately 80 accredited mediators. These comprise VCAT Members and staff, and a panel of sessional mediators.

VCAT is a Recognised Mediator Accreditation Body (RMAB) under the National Mediator Accreditation Scheme. This allows us to deliver training and professional development so that our staff and Members can become accredited mediators and fulfil their on-going accreditation requirements.

We are developing a program for our first internal mediation training course to be run in November 2011. Twenty VCAT Members and staff will become accredited mediators via the program. Over the next three years we will provide the ADR training necessary to enable 40 staff/Members to become accredited mediators.

We have also assessed for re-accreditation Members who became accredited mediators in 2009, and will soon reappoint our panel of mediators for the next two years.

MEASURING SUCCESS

We measure our ADR outcomes to evaluate their quality. Apart from recording settlement rates, we identify where ADR has assisted parties to resolve some of their issues, reduced hearing times and costs, and increased their satisfaction.

Measuring Formal ADR Outcomes

In the 2009–10 reporting period, we asked panel mediators to record the outcomes in mediations they conducted. Since March 2011, we have asked all Members and mediators undertaking ADR in any List to complete a standard form recording the process and outcome. This enables us to record settlement rates in every List and across a range of ADR methods, including mediations and compulsory conferences.

Apart from measuring settlement rates, we are collecting data that will reveal whether the information we give parties before they participate in ADR helps them achieve settlement before, during or after the ADR.

Measuring Informal ADR Processes

Last year, we asked VCAT Members who conduct small claims hearings to provide information about informal ADR methods they use as part of the hearing process. All 23 Members surveyed said that they give settlement talks before hearings commence, following which they offer parties the chance to discuss settlement. The talk usually covers the advantages of compromise, such as avoiding the risk of losing, having control of the outcome, and working out solutions which the Tribunal could not order.

We monitored this process by asking Members to complete post-hearing surveys in the Civil Claims and Residential Tenancies Lists. Results show that settlement talks help many parties to reach mutually acceptable resolutions. This information is helping us to refine ADR use for matters currently not subject to formal ADR processes.

Measuring Party Satisfaction

To measure party satisfaction, we have designed a simple qualitative survey to give parties after they participate in ADR processes. We will introduce the survey, initially for mediations, in the new financial year.

IMPROVING OUTCOMES

By improving access to ADR, and measuring our success, we improve outcomes for parties.

ADR Intake Pilot

We know that ADR benefits are enhanced when parties are prepared and supported to participate. To help us understand how we can best support parties, we have commenced a 12-month 'ADR Intake' pilot. We employed an ADR Intake and Assessment Coordinator who engages with parties, providing them with information about ADR at VCAT and how they should prepare.

The feedback we obtain from our party satisfaction surveys will enable the Coordinator to allocate disputes to ADR practitioners according to their strengths and areas of expertise. This should promote even higher settlement rates and levels of party satisfaction.

Cooling Off

In 2009–10, we piloted a 'cooling off' period for mediations conducted by panel mediators in which one or more parties were self-represented. The cooling off period (two business days) allowed parties who had reached settlement an opportunity to reconsider the settlement agreement.

Our preliminary investigations suggested that self-represented parties benefited from having a cooling off period (even though very few revoked their agreements), so we will continue to offer it while conducting further analysis of the pilot results.

ADR STATISTICS

In the past, we have provided statistics demonstrating VCAT's mediation success rates. However, upon review we identified that these statistics did not fully reflect the outcomes of all our ADR processes. We are currently improving our data collection and developing a new framework for ADR outcomes.

COMMUNITY ENGAGEMENT

ADR features frequently in VCAT's community and education activities. At the Courts Open Day, VCAT partnered with the Dispute Settlement Centre to present a mock mediation. Additionally, Member Genevieve Nihill spoke about VCAT's ADR program at a number of forums including the National Mediation Conference, and a seminar of the Victorian Association for Dispute Resolution. She also addressed various student groups. Our Principal Mediator Ian De Lacy spoke about VCAT's ADR initiatives at the 2011 Law Institute of Victoria ADR conference.

VCAT's Members and mediators have ongoing engagement with other ADR practitioners, and organisations such as universities, courts and tribunals, community legal centres, Victoria Legal Aid, the Dispute Settlement Centre, Law Institute of Victoria and the Victorian Bar Council. This enables shared learning and an exchange of ideas about ADR.

In January 2011 Member Genevieve Nihill and VCAT's Director of Operations George Adgemis attended the training program 'Mediating the Litigated Case' at Pepperdine University, California. They also undertook a study tour of alternative dispute resolution programs in several major USA cities, and are applying lessons learned to VCAT's work.

THE FUTURE

We will continue to build VCAT as a centre of excellence in ADR. Our aim is to improve customer satisfaction by reducing costs and time spent resolving disputes, and by assisting parties to have some control over outcomes. This generally also results in the efficient use of Tribunal resources.

Additional to the pilot projects underway, future initiatives include:

- consolidating and updating information about ADR and making it available on our website;
- developing an ADR model for parties bringing complaints directly to the Anti-Discrimination List under the new *Equal Opportunity Act 2010*;
- considering how to best offer and extend ADR use across all Lists;
- conducting a telephone mediation pilot;
- supporting Members to deliver 'settlement talks' before hearing matters not subject to formal ADR processes; and
- considering how to best deliver full ADR services in VCAT's new regional and metropolitan hubs.

CIVIL DIVISION

CIVIL CLAIMS LIST

The List deals with disputes under the *Fair Trading Act 1999* such as disputes between buyers and sellers of goods or services, and claims for damages for breaches of the Act, such as misleading and deceptive conduct.

The Australian Consumer Law (ACL), a single, national consumer law, came into effect on 1 January 2011 and replaces provisions in the *Fair Trading Act 1999*. Under the ACL, Courts and Tribunals across Australia, including VCAT, will apply the same law to consumer disputes, allowing for clearer avenues of redress. The *Fair Trading Act 1999* will continue to be relevant for some years.

YEAR IN REVIEW

Cases

There was a slight decrease in applications, partly attributable to this being the first full year of operation of the Owners Corporations List. In the first six months of 2009–10, the Civil Claims List dealt with more than 1,000 Owners Corporations applications.

Because the ACL applies to consumer transactions occurring after 1 January 2011, resultant consumer law changes are yet to impact the List.

Flexibility

We continued to explore ways to shape our ADR methods to suit small claims (less than \$10,000), which comprise the majority of

applications. VCAT cannot make costs orders for these claims so we aim to minimise parties' expenses by resolving matters in a single visit, while still providing a fair outcome.

We conducted a 10-week 'short mediation and hearing' (SMAH) pilot for small claims (the pilot was evaluated by Mann Judd Consulting and the report is available on our website). Participants were required to attend a brief mediation, led by a VCAT accredited staff mediator, prior to their scheduled hearing. If the matter did not settle, parties were given a hearing on the same day. Parties received enhanced notices of hearing, explaining the short mediation process and how they should prepare. It was found that the notice and the short mediation process led to more settlements and increased parties' perceptions of fairness, respect, convenience and cost-effectiveness. We are considering the pilot outcomes and Mann Judd's recommendations for future development.

We also piloted telephone hearings for small claims where issues appeared to be relatively straightforward; for example,

simple debt cases. We are evaluating the results of the pilot.

Efficiency

We resolved most cases within our 14-week target, with complex cases taking longer.

To alleviate waiting times for complex cases, or matters with a value of \$10,000-plus, we piloted making orders in chambers soon after the filing of such applications.

The orders contained directions setting out the steps to be undertaken in preparation for hearings. Parties who considered that other directions were required could request a directions hearing. We found that most parties preferred to comply with the directions unchanged because they offered parties convenience, time savings, some control over their case's progress, and often resulted in early resolution. The system also reduced the number of cases requiring directions hearings, reducing cost and delay.

We are also undertaking a review of cases that have been in the List for a long time. Many remain open pending a final step, such as payment of money, despite having settled. To hasten closure, we are listing such cases for hearing to ensure final steps are completed.

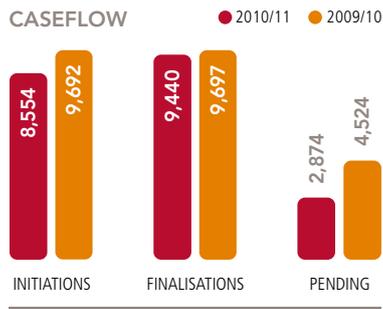
CASE STUDY: CLAIM FOR LOST DOGS

The applicant, a dog breeder, sold a pedigree dog to the respondent. The parties agreed that the applicant would show the dog in shows on behalf of the respondent. The respondent would choose the dog shows and pay the entry fees, and the applicant would pay for food, travel and grooming. The applicant alleged a contract under which it would receive a future litter of pups in return for these services.

Over two years the applicant took the dog to 34 dog shows across Victoria. When the parties had a falling out, the respondent tried to arrange receipt of the next litter. The respondent had the dog neutered. The applicant sued for \$3,400.00.

The Tribunal found there was no contract entitling the applicant to a future litter, so the respondent had not breached the parties' contract by having the dog neutered. The Tribunal found, however, that the respondent knew the extent of the applicant's efforts and had obtained a substantial benefit from them, and that the respondent had not believed that the applicant was doing the work for free.

The Tribunal found that the applicant was entitled to fair remuneration under the *Fair Trading Act 1999*.



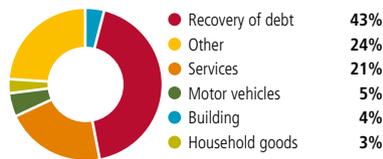
TIMELINESS OF FINALISED CASES (WEEKS)

	2010/11	2009/10	Target
Median	22	18	
80th Percentile	32	32	
Target			14

APPLICATIONS BY TYPE



APPLICATIONS BY CLAIM TYPE



APPLICATIONS BY CLAIM AMOUNT

	2010/11	2009/10	Variance
Small Claim: < \$10,000	7,096	7,710	-8.0%
Standard Claim: \$10,000 - \$100,000	875	889	-1.6%
Complex Claim: \$100,000 - \$1m	67	66	1.5%
Complex Claim: \$1m +	6	8	-25.0%
No value	510	1,019	-50.0%
TOTAL	8,554	9,692	

Note: The variance between the two years in this table is affected by the removal of Owners Corporations claims to a separate List from 1 January 2010.

Access to Justice

VCAT has long conducted civil claims proceedings at many court venues across the State. During the reporting period VCAT also piloted civil claims hearings at some new and non-traditional venues. We conducted weekly hearings at the Berwick Justice Service Centre, and at the Hume Global Learning Centre in Broadmeadows. We also conducted hearings at different times, such as early evenings and Saturday mornings. These changes improve accessibility by locating services close to where people live, and by eliminating some of the impositions of traditional Court and Tribunal settings, such as inflexible hearing times.

We updated our online application form and guide to make it easier for applicants to lodge their claims. The guide helps applicants understand how VCAT can assist them, or how they otherwise may be able to resolve their disputes. We also updated the information guide *Taking it to VCAT*, including more information about mediation and other ADR options. These were distributed widely at information sessions and among our stakeholders.

User Engagement

The civil claims user group met twice in the reporting period. It comprises representatives of Consumer Affairs Victoria, Consumer Action Law Centre, and the Victorian Small Business Commissioner, among others.

During Law Week, Members participated in mock hearings and mediations, and we partnered with Consumer Affairs Victoria in conducting information sessions and 'expos'.

THE FUTURE

Legislative changes under the ACL are likely to have a significant impact as more disputes fall under its jurisdiction and Members are required to interpret and apply the new law. Among other changes, the ACL does not rely on implied conditions of contract to establish that goods and services must be of an acceptable standard. The consumer can claim compensation from people with whom the consumer does not have a contract. The ACL may enhance consumer rights and lead to an increase in claims against sellers and manufacturers.

Future initiatives include:

- building on the outcomes of the 'short mediation and hearing' pilot to further develop and refine our ADR methods;
- continuing to review and refine our case management processes to save parties time and money while delivering fair and consistent outcomes; and
- improving VCAT's online information to explain our consumer dispute processes, and what parties can do to expedite their claims.

RESIDENTIAL TENANCIES LIST

The List determines disputes under the *Residential Tenancies Act 1997*. These include disputes between residential landlords and tenants, and disputes between rooming house and caravan park residents, and the owners of these premises. The List also hears some applications under the *Disability Act 2006* and the *Fair Trading Act 1999*.

Each year we receive around 60,000 applications, representing 15 per cent of Victoria’s residential tenancies. Applications typically relate to non-payment of rent, damage to premises, bond refunds, and the obligations of landlords or owners to provide and maintain premises fit for occupation.

YEAR IN REVIEW

Cases

There was a slight increase in applications during the reporting period and we continued to resolve most cases within three weeks. There was no notable change to the types of applications received.

Flexibility

During the reporting year, we assessed our dispute resolution approaches, including considering whether ADR methods might lead to improved outcomes. We consulted our stakeholders and surveyed our Members, finding that the ‘settlement talks’ Members often gave before residential tenancy hearings helped many parties to quickly reach mutually acceptable solutions.

Settlement talks cover the advantages of compromise, such as maintaining control over outcomes, preserving relationships and working out solutions the Tribunal could not order. Talks can be followed by an opportunity for parties to discuss settlement, and Members can participate in ‘reality testing’ proposed solutions. If parties fail to settle, they proceed directly to hearing for a determination. Feedback has shown that parties in residential tenancies disputes usually prefer this approach over referral to a separate mediation, as it saves time and money and expedites decision-making about the future of the tenancy.

We will continue to monitor and refine our hearing approaches to help parties achieve prompt, sustainable outcomes.

Efficiency

Delay can lead to tenancies failing that might otherwise have continued. We therefore have strong systems in place to ensure timeliness. Adjournments are granted only when necessary and Members provide decisions in most cases on the hearing day. Our SMS hearing reminders help minimise adjournments and re-hearing applications.

List efficiency is achieved through a strong working relationship between Members and Registry. As part of their induction, new Registry staff observe a variety of Members conducting hearings. We recently introduced a ‘buddy system’ whereby experienced Registry staff sit with Members to observe proceedings from the Member’s perspective, following which they engage in a two-way debrief on relevant file and registry issues. This results in improved case management processes.

In conjunction with this, Deputy President Lambrick meets monthly with Registry staff to discuss file management and customer support issues. This increased level of communication has created efficiencies and promoted consistent customer service.

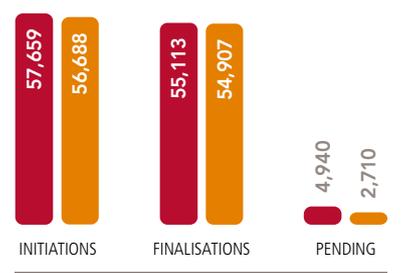
Access to Justice

We continued to send SMS hearing reminders, resulting in more tenants attending hearings. SMS’s are now sent five days before a hearing, rather than two, to provide a fairer notice period.

Our applicant support worker assisted parties suffering hardship by, among other things, helping them to access support services through the Community Referral Directory.

We continued to widely distribute the *Taking it to VCAT* DVD and updated guide. These resources assist people in tenancy disputes to better understand how we conduct hearings. The stakeholder groups that use and distribute them give consistent positive feedback about their effectiveness.

CASEFLOW



TIMELINESS OF FINALISED CASES (WEEKS)

	2010/11	2009/10	Target
Median	2	2	
80th Percentile	3	3	
Target			6

APPLICATIONS BY APPLICANT TYPE



APPLICATIONS BY TYPE %

	2010/11	2009/10	Variance
Possession orders	38.7%	52%	-25.6%
Payment of bond	28.5%	16%	78.1%
Compensation or compliance orders alleging breach of duty	8.0%	8%	-4.3%
Other	25.0%	24%	4.2%

We increased our range and number of hearing venues. We now sit in Robinvale to assist residents who cannot commute to Mildura hearings. We also conduct hearings at the Hume Global Learning Centre and the Berwick Justice Service Centre. These non-Court venues suit tenancy disputes because they offer parties a less formal dispute resolution setting.

User Engagement

Our user group met several times during the reporting period. It comprises representatives from the Office of Housing, Real Estate Institute of Victoria, Tenants Union of Victoria, Community Housing Federation and Victoria Legal Aid.

In addition to providing valuable feedback about our hearing processes, the user group helped test our new plain language forms and guides, developed under the State Government's 'standard for forms' project.

We held five of our popular, open-to-the-public user forums; three in Melbourne, and one each in Moe and Bendigo. Attendances were lower in flood-affected Bendigo. We are planning a follow-up forum there in the coming year.

During Law Week, Members and staff gave presentations at courts in Dandenong, Sunshine, Ballarat and Ringwood. Audience participation featured in our Courts Open Day moot residential tenancies hearing. This led into an owners corporations hearing, to highlight commonalities between the two.

In partnership with the Justice for Refugees program, we delivered information sessions to the West Heidelberg Somali community, and the Association of Chinese Communities. These were designed to reduce anxiety about attending VCAT.

THE FUTURE

Certain provisions of the *Residential Tenancies Amendment Act 2010* will be proclaimed to commence on 1 September 2011. A new Part 4A in the *Residential Tenancies Act 1997* will regulate site agreements between residents who own their own dwelling but rent the underlying land (site tenants) and park operators who let such sites (site owners). A new Part 10A will regulate commercial tenancy databases, setting out who, when and why a person can be listed.

Initiatives proposed for 2011–12 include:

- a potential telephone hearing pilot (if needed) to expedite the determination of matters in areas difficult to access;
- continuing to support Members to conduct settlement talks;
- launching our new forms and guides; and
- exploring online lodgement capabilities for non-regular users of our current 'VCAT Online' system.

CASE STUDY: SUSTAINING TENANCIES

Two tenants who lived in adjoining premises argued constantly, interfering with the peace, comfort and privacy of their neighbours. The landlord served 'warning' breach of duty notices on the tenants, but they breached the notices almost immediately. The landlord served applications seeking their eviction.

The landlord told the Tribunal that, until the recent events, the tenants had occupied their premises for several years without problems. The landlord knew the tenants would have difficulty finding suitable alternative accommodation (one was suffering a terminal illness) and that eviction would disadvantage their children.

All parties consented to a mediation to enable the root causes of the problem to be canvassed, and to try to find a solution other than eviction.

The mediation was a success. The conflicting tenants had previously been friends, but through a series of misunderstandings had fallen out, culminating in the reported situation. The Tribunal hearing and mediation was their first opportunity to speak and listen to each other in a calm, non-intimidating environment. They apologized to each other and developed their own solutions for a peaceful future.

DOMESTIC BUILDING LIST

The List has unlimited jurisdiction to hear and determine disputes relating to domestic buildings, ranging from small projects, such as bathroom and kitchen renovations, to disputes concerning high-rise apartment blocks. The List also hears applications for review of decisions by warranty insurers in relation to domestic building contracts.

YEAR IN REVIEW

Cases

There was a five per cent overall increase in applications, following on from increases in previous years. While the number of small and standard claims remained consistent, claims against warranty insurers slightly decreased. The number of complex claims increased, which impacted on our overall workload. These required more case management time and often resulted in satellite litigation as a result of interlocutory disputes.

A small number of pending cases remained static either because they required further investigation to determine the cause of defects, or because they raised points of law that were the subject of judicial review.

Flexibility

We continued to tailor proceedings to suit each case. Claims for less than \$15,000 (Small Claims) were listed for immediate hearing and generally resolved within one day. Claims between \$15,000 and \$100,000 (Standard Claims) were referred to mediation, while claims exceeding \$100,000 (Complex Claims) were listed for directions hearings to decide the best approach.

ADR again helped us achieve high settlement rates and, together with our technical expertise in building and construction, it encouraged parties to find workable solutions. A large proportion of matters were resolved at mediation without parties incurring significant costs.

For complex matters, we adopted strategies to narrow issues in dispute, such as requiring experts to confer and prepare joint reports that identified areas of agreement and disagreement. Areas of disagreement were then specifically targeted for ADR. This frequently resulted in successful settlement negotiations.

Even if settlement was not achieved, the joint reports provided the basis for hearing expert evidence concurrently. This reduced hearing times and promoted greater understanding of the technical issues.

Efficiency

Despite the increase in complex claims, our timeliness improved and we are now close to meeting our targets. We also finalised significantly more cases than in the previous reporting period.

Initiatives that improved efficiency included:

- undertaking a review of older cases. Many remained open either because they could not progress any further, or they had settled but required some final step for closure. We actively managed these cases to hasten their finalisation;
- using ADR processes, such as mediations, expert conclaves and compulsory conference, to either settle disputes or narrow issues, saving time and promoting better outcomes through interaction and collaboration;
- where appropriate, encouraging parties to prepare their own Minutes of Consent Orders using a template, thereby avoiding the need for directions hearings and reducing waiting times for final hearings; and
- preparing draft orders specifically targeted to assist self represented litigants in particularising their claims, thereby avoiding delay caused by interlocutory disputes over inadequate particulars.

We continued to hold twice weekly 'directions days' to which we allocated the majority of directions hearings. In appropriate cases where all parties were present (and a suitable mediator or Member was available), parties were offered immediate mediations or compulsory conferences.

We are currently developing and testing a 'fast-track' hearing process, which will provide more streamlined pre-hearing options for parties in standard and complex cases. We have drafted the relevant practice note and sought feedback from our Members and external stakeholders. We hope to implement it in the coming year.

Access to Justice

Our flexibility and efficiency measures remove some of the formalities associated with traditional hearings and help reduce the time and money parties spend resolving their disputes. Additionally, when it suits parties and we can secure appropriate venues, we hear smaller matters and conduct mediations in regional areas. We have increased telephone use for directions hearings, allowing parties who live in outer suburban, rural or regional locations to avoid long travelling times for relatively short proceedings.

With Registry, we have developed an online application form and accompanying guide, which, when introduced in the new financial year, will make it easier for parties to provide the information we need to process their claims. This should also reduce Registry's need to request further information from parties, minimising delay in processing their applications.

User Engagement

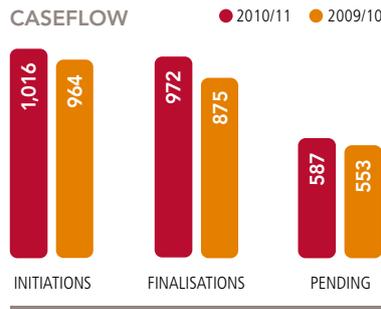
The user group comprises representatives from the Building Disputes Practitioners Society (BDPS), building consultants, barristers and solicitors. The group met once and provided valuable feedback on some of our proposed initiatives.

List Members visited regional centres during Law Week to present talks on domestic building disputes at VCAT, and Senior Member Eric Riegler presented a paper on the List's recent initiatives at a BDPS function.

THE FUTURE

We expect cases will continue to increase in complexity, leading to an increased workload for the List. We will continue to develop innovative and flexible approaches to help expedite proceedings and provide workable outcomes, including:

- developing an early-stage case conferencing process for complex cases, in which presiding Members will help parties refine disputed issues and streamline approaches to resolving them;
- piloting our new ‘fast-track’ directions process;
- introducing a half-day compulsory conference process specifically to prompt settlement of pending cases in which parties are close to agreement but negotiations have stalled;
- launching our new user-friendly forms and guides;
- ensuring that older proceedings are more actively case managed; and
- ordering joint expert reports early in proceedings for disputes primarily related to defects or incomplete work.



TIMELINESS OF FINALISED CASES (WEEKS)

	2010/11	2009/10	Target
Median	15	16	
80th Percentile	37	38	
Target			35

APPLICATIONS BY TYPE



APPLICATIONS BY CLAIM AMOUNT

	2010/11	2009/10	Variance
Small Claim: < \$10,000	359	341	5.0%
Standard Claim: \$10,000 - \$100,000	330	370	-12.1%
Complex Claim: \$100,000 - \$1m	124	102	17.7%
Complex Claim: \$1m - \$5m	3	2	33.3%
Complex Claim: \$5m +	1	0	0.0%
No Value	199	149	25.1%
TOTAL CASES INITIATED	1016	964	

CASE STUDY: HELPING ALL THE EXPERTS TO AGREE

A multi-party dispute concerning defective works claims was referred to a conclave of experts chaired by a Tribunal Member. The conclave was to be conducted under the auspices of a ‘without prejudice’ compulsory conference.

The Tribunal ordered the party alleging the defective works to prepare a spreadsheet in the form of a Scott Schedule. The Scott Schedule was set out in columns listing the defective items, the homeowner’s expert’s comments, and the repair cost estimates.

At the expert’s conclave, the Scott Schedule was loaded onto the Tribunal’s computer and projected onto a screen. Each ‘opposing’ expert was asked to comment on each item of defective work, with the homeowner’s expert providing a response. The purpose of the exercise was to distil areas of agreement and disagreement, with the aim of narrowing the issues in dispute.

The Scott Schedule was marked to reflect areas of agreement. Where there was disagreement, the Tribunal provided a non-binding opinion based on each expert’s comments, following which the parties negotiated further. Ultimately, all disputed items were settled and the proceeding was wholly resolved. It had been listed for a 15-day hearing; however, the expert’s conclave enabled it to be resolved using alternative dispute resolution within one day.

OWNERS CORPORATIONS LIST

The List deals with disputes under the *Owners Corporations Act 2006*. An owners corporation, formerly called a ‘body corporate’, manages the common property in apartment and unit complexes, such as foyers, carparks, lifts, utilities, gardens, and pathways between units. Owners corporations also have rules relating to occupants’ behaviour on common property and in their own properties.

YEAR IN REVIEW

Cases

There was another significant increase in applications. Most again related to non-payment of owners corporation fees. Cases are becoming more complex as a result of larger-scale, upmarket unit developments, including luxury high-rise apartment blocks.

Flexibility

Many disputes involve people who must live together or maintain relationships, so we tailor our processes accordingly. We refer non-fee disputes to mediation (unless assessed as unsuitable, or if parties choose not to participate). Mediation helps parties resolve all their concerns and reach solutions everyone can live with.

Fee disputes are usually straightforward, so are set down for immediate hearing.

Access to Justice

We ensure our procedures are as informal as possible. We commonly conduct directions hearings by telephone, and proceedings in rural and regional areas when it suits parties. In directions hearings, we help parties refine their issues and understand VCAT’s processes. VCAT’s website has resources to help

unrepresented parties. The *Taking it to VCAT* information booklet now also covers owners corporation disputes.

In the interests of fairness, amendments to the VCAT Act mean VCAT can now award costs to owners corporations in fee recovery claims, not limited to legal costs. This can help reimburse lot owners, who meet their obligations to their owners corporations, for the cost of applying to VCAT to recover defaulting members’ fees.

User Engagement

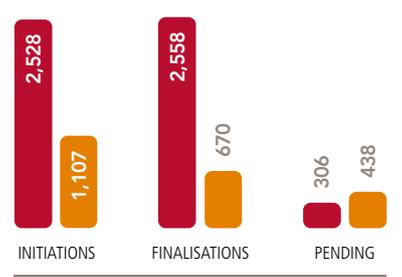
We established a new user group and held one meeting. Attendees included owners corporation managers and lawyers, and representatives from the Law Institute of Victoria, Owners Corporations Victoria and Consumer Affairs Victoria.

We conducted a mock mediation for the Courts Open Day, and held an open forum on VCAT’s role in owners corporations disputes. Attendees also learnt how to resolve disputes using self-help services.

THE FUTURE

We will review and refine our processes to accommodate an expected continued increase in application numbers and complexity.

CASEFLOW

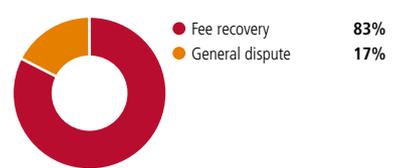


Note: Owners Corporations List was established in January 2010.

TIMELINESS OF FINALISED CASES (WEEKS)

	2010/11	2009/10	Target
Median	5	5	
80th Percentile	8	7	
Target			10

APPLICATIONS BY TYPE



CASE STUDY: MAKING FAIR DECISIONS

A new building, comprising eight apartments and common property, had an owners corporation. The building was defective, which caused damage to the common property. The owners of four lots wanted to sue the builder for damages, to recover the cost of rectifying the defects. Under the Act, an owners corporation must be authorised by special resolution to bring legal proceedings.

The builder owned two lots in the subdivision, and held proxies for two others. At its annual general meeting, a special resolution was put that the owners corporation be authorised to sue the builder. The builder voted against the motion, which was not carried.

The owners who voted for the motion asked VCAT to appoint an administrator to the owners corporation, claiming that the builder’s conduct rendered the owners corporation dysfunctional. The builder claimed that the owners corporation was not dysfunctional, because it could, and had, resolved to raise money for the repairs.

In finding that the builder’s conduct rendered the owners corporation dysfunctional, VCAT highlighted that if the owners corporation paid for the repairs, but could not sue for compensation, the innocent parties would bear the loss. VCAT appointed an administrator for 28 days, finding that this period of time would be sufficient for the administrator to commence proceedings against the builder. The matter was transferred to VCAT’s Domestic Building List.

RETAIL TENANCIES LIST

The List deals with disputes of varying complexity between landlords and tenants of retail premises. The Small Business Commissioner refers disputes that have not been resolved by its dispute resolution processes. Applications for urgent injunctions are made directly to VCAT.

YEAR IN REVIEW

Cases

There was a moderate increase in case numbers, possibly the result of economic issues in the retail sector affecting tenancies and leading to disputes.

Flexibility

We offer a number of ADR options and are conscious of minimising parties' costs in this no-cost jurisdiction. Mediation is our preferred approach, even when, in some cases, parties have already attempted mediations arranged by the Small Business Commissioner. Mediation can assist parties to rebuild relationships, leading to more sustainable tenancies.

Efficiency

Our timeliness improved, despite the increase in application numbers. Our stringent case management processes, together with our use of ADR, helps to expedite matters.

Access to Justice

Wherever possible we refer self-represented parties to mediation. Numerous matters are settled this way, saving parties time and money. Our website contains recently updated and comprehensive information for retail tenants seeking assistance,

and our forms and guides help parties understand our processes.

When it suits parties and appropriate facilities are available, we conduct mediations and hearings regionally. We conduct urgent injunction hearings by telephone when parties are unable to personally attend.

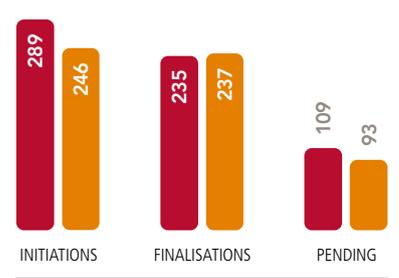
User Engagement

We have ongoing, informal dialogue with members of our user group, which comprises representatives of tenant and landlord organisations, the Small Business Commissioner, the Law Institute of Victoria, and the Victorian Bar. A formal meeting is planned for the new financial year.

THE FUTURE

The uncertain economic outlook, particularly for the retail sector, may create more tenancy disputes and increase the List's caseload.

CASEFLOW



TIMELINESS OF FINALISED CASES (WEEKS)

	2010/11	2009/10	Target
Median	10	14	
80th Percentile	29	33	
Target			18

APPLICATIONS BY TYPE



CASE STUDY: LOOSE BOWLS STOP EVICTION

A series of disputes arose between the tenants of a country town shop and their landlord. In 2009, VCAT determined a dispute as to a proportion of insurance premiums for which the tenants were liable. The Small Business Commissioner's office mediated a further dispute about repairs and maintenance. The landlord and tenant reached an agreement whereby the landlord would undertake the repairs and maintenance, and the tenants would pay the full insurance premium.

The tenants did not pay the insurance premium when requested, and the landlord gave notice under section 146 of the *Property Law Act 1958*, threatening to terminate the lease. The tenants sought an injunction from VCAT.

VCAT determined that the tenants' obligation to pay the full insurance premium arose only when the landlord completed the agreed repairs and maintenance. These were mostly completed, but the landlord had not properly secured toilet bowls that had become loose. The tenant therefore was not liable to pay the full insurance premium and the landlord was not entitled to terminate the lease.

REAL PROPERTY LIST

The List hears a range of disputes relating to real estate, including: liability for damages caused by the taking, use or flow of water between properties; estate agent commissions; the acquisition or removal of easements; and property co-ownership disputes.

YEAR IN REVIEW

Cases

Apart from an increase in applications under water legislation, there were no major changes in application numbers. Co-ownership disputes under the *Property Law Act 1958* again comprised the majority of cases.

Flexibility

We tailor our processes to fit the claim. We refer co-ownership disputes to mediation to help preserve relationships and allow parties to explore alternative outcomes. Engineer Members usually conduct onsite compulsory conferences for water damage claims.

In technically complex cases, we encourage experts to meet and prepare joint reports before hearing their evidence concurrently. This helps identify areas of agreement and disagreement, narrowing the disputed issues and often leading to settlement.

Efficiency

Although still behind timeliness targets, we improved on last year's results. The time taken to finalise co-ownership matters following VCAT orders for the sale of property impacted timeliness, as did the

time involved in testing ordered remedial works for water damage claims.

Our use of ADR has efficiency benefits. Referring matters to mediation provides greater listing flexibility, giving parties earlier access to resolution processes. Using expert conclaves and hearing evidence concurrently shortens the hearing time for complex matters.

Access to Justice

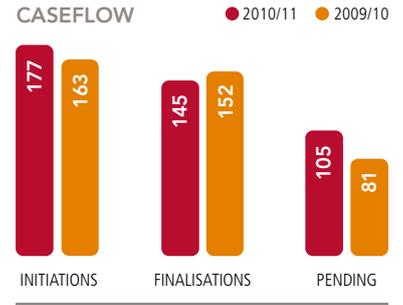
Information on our website helps self-represented parties understand the various kinds of disputes heard in the List. Applications for co-ownership disputes are simplified, with no formal requirements for filing statements of claim.

When it suits parties and appropriate facilities are available, we conduct regional mediations and hearings.

THE FUTURE

Changed weather patterns will test drainage systems constructed during the drought period, which may lead to increased water damage claims.

CASEFLOW



TIMELINESS OF FINALISED CASES (WEEKS)

	2010/11	2009/10	Target
Median	18	16	
80th Percentile	40	41	
Target			35

APPLICATIONS BY TYPE



CASE STUDY: KINDERGARTEN SEWERAGE DISPUTE

One Sunday morning, a volunteer at a council-owned kindergarten noticed sewage flowing from behind the kindergarten, passing under the kindergarten building and out into the gutters and stormwater drains. The sewerage authority came and cleared a blockage in the sewer that ran through an easement behind the kindergarten, removed solids from the ground, and spread disinfectant.

To ensure the kindergarten grounds did not now pose a health risk, the council arranged lawn reinstatement and the replacement of tan bark and similar materials. The council sued the authority for damages and recovery of the remediation costs under the *Water Industry Act 1994*.

The authority, which bore the onus of proving no negligence, would have been liable if its intentional or negligent conduct caused the sewage escape. The authority did not routinely inspect this sewer type, as distinct from sewer mains, unless problems were apparent. This sewer, laid in 1932, had never caused problems before.

The Tribunal found that the authority had reasonably prioritised matters and had not been negligent. However, if it had found negligence, the Tribunal would not have awarded all the damages sought, because the tan bark needed replacing twice due to the council's contractor supplying contaminated bark. The lawn did not need replacing at all because the sewage had not affected it.

ADMINISTRATIVE DIVISION

PLANNING AND ENVIRONMENT LIST

The List reviews decisions made about planning permits, including decisions whether to grant, refuse or amend them, or to impose conditions. Planning permits are issued for land use and development proposals such as subdivisions, dwellings, office buildings, advertising signage, childcare centres and aged care facilities.

The List also makes enforcement orders – for example, to stop a development from proceeding – and hears and determines applications for declarations, and applications to cancel or amend permits the Tribunal has previously granted.

YEAR IN REVIEW

Cases

There was a moderate increase in applications overall, however the most noticeable increase was in cases with a value of \$1 million-plus. This reflects the development surge in and around Melbourne, particularly the construction of larger scale medium density and inner city high-rise developments. It also reflects increased construction costs.

The Tribunal decided a number of important cases in 2010–11. Increasingly, we are giving effect to environmental policies and guidelines in ways that are significantly impacting use and development proposals. Prominent planning and environmental issues the Tribunal considered included:

- bushfire risk, and increased Wildfire Management Overlay requirements following release of the 2009 Victorian Bushfire Royal Commission's Final Report;
- the need to plan for anticipated sea level rises and associated impacts upon coastal communities;
- strategic management and protection of water resources, in particular water catchments and groundwater and;
- the proper application of the 'precautionary principle' in decision-making.

There was also an increase in applications relating to the need for Cultural Heritage Management Plans under the *Aboriginal Heritage Management Act 2006*.

Flexibility

We have become more flexible in applying diverse approaches for different types of cases. Our case management committee reviews cases before they are listed to assess the likely issues, the most appropriate form of proceeding, the required Member expertise, and amount of time needed.

We continued to refer all major cases to mediation, with 33 per cent of non-vacated mediations resulting in settlement. Of those that did not settle, we found that the disputed issues were greatly narrowed, reducing hearing time and expense, and helping preserve relationships. There is no compulsion on parties to settle at mediation, and some of the negotiated outcomes surprised parties in terms of developers' and objectors' willingness to compromise.

Efficiency

Our decision-making impacts the State's economy. Applications involving development worth approximately \$7.32 billion were initiated in 2010–11. It is therefore imperative to resolve cases quickly.

We finalised 80 per cent of cases within 37 weeks, which is behind our target of 26 weeks. However, the following efficiency measures helped reduce our backlog, leading to increased finalisations.

Short Cases List

To expedite shorter, less complex planning matters, we introduced the Short Cases List. In this sub-List, cases are listed within 8–10 weeks of lodgement, site inspections are limited, and oral on-the-spot decisions given whenever possible. In the first three months, we heard and decided more than 85 per cent of cases within the allotted two-hour hearing time. Members gave on-the-spot decisions in 90 per cent of cases.

Major Cases List

The Major Cases List Pilot, funded for 12 months from May 2010 by the Department of Innovation, Industry and Regional Development (now Department of Business and Innovation, or DBI) reduced delays on development proposals worth more than \$5 million. During the Pilot period we received 391 applications, over double the amount of anticipated applications.

The Pilot succeeded in substantially expediting the determination of major development proposals deciding 93 per cent of major cases within the 16-week benchmark. VCAT's Final Report to DBI on the Pilot is available on our website, and we are working with Government to consider ways to fund its continued operation.

Although we are no longer prioritising major cases, we have continued to separately stream applications of \$5 million-plus upon lodgement by setting down practice day, mediation and final hearing dates.

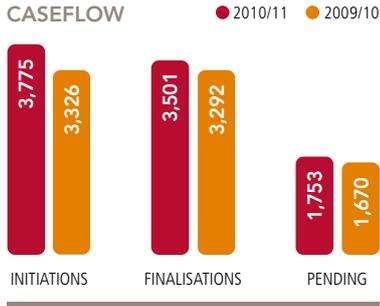
Hearing Room Technology

We installed four interactive Smartboards in hearing rooms to help parties present their cases. The Smartboards are used to display plans, photographs, permits and other relevant information on overhead screens. They also have internet connection, enabling online research and access to tools such as email and Google Maps. Parties can use Smartboards to make real-time changes to documents electronically during a hearing or mediation, saving them time and promoting better outcomes through interaction and collaboration. Smartboards also help to expedite hearings, particularly in the Short Cases List, by minimising the need for site inspections.

Process Reforms

We completed the first phase of our Process Reform Project, which involved

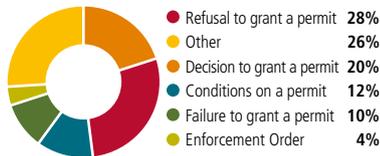
CASEFLOW



TIMELINESS OF FINALISED CASES (WEEKS)

	2010/11	2009/10	Target
Median	23	21	
80th Percentile	37	31	
Target			26

APPLICATIONS BY CLAIM TYPE



APPLICATIONS BY TYPE

	2010/11	2009/10	Variance
Major Cases – Original Jurisdiction	77	9	755.6%
Major Cases – Review of a Decision	319	40	697.5%
Original Jurisdiction	520	750	-30.7%
Review of a Decision	2,765	2,527	9.4%
Short Cases List – Original Jurisdiction	21	0	0.0%
Short Cases List – Review of a Decision	73	0	0.0%
TOTAL	3,775	3,326	

TOP 20 COUNCILS

Number of Applications by Council area	2010/11	2009/10	Variance
Stonnington City Council	194	201	-3.5%
Port Phillip City Council	184	160	15.0%
Yarra City Council	174	189	-7.9%
Boroondara City Council	174	159	9.4%
Mornington Peninsula Shire Council	160	192	-16.7%
Glen Eira City Council	146	120	21.7%
Moreland City Council	145	152	-4.6%
Bayside City Council	130	134	-3.0%
Yarra Ranges Shire Council	123	96	28.1%
Darebin City Council	117	125	-6.4%
Banyule City Council	114	96	18.8%
Monash City Council	106	103	2.9%
Moonee Valley City Council	101	86	17.4%
Hobsons Bay City Council	88	113	-22.1%
Casey City Council	87	67	29.9%
Melbourne City Council	81	106	-23.6%
Greater Geelong City Council	81	73	11.0%
Whitehorse City Council	79	95	-16.8%
Greater Dandenong City Council	79	73	8.2%
Kingston City Council	70	89	-21.3%

TOP 20 SUBURBS

Number of Applications by Suburb	2010/11	2009/10	Variance
Richmond	62	69	-10.1%
South Yarra	54	62	-12.9%
Brunswick	37	33	12.1%
Brighton	37	55	-32.7%
Hawthorn	37	28	32.1%
Malvern East	35	25	40.0%
St Kilda	35	29	20.7%
Williamstown	33	40	-17.5%
Northcote	33	35	-5.7%
Toorak	33	25	32.0%
Albert Park	32	32	0.0%
South Melbourne	30	15	100.0%
Bentleigh East	29	10	190.0%
Reservoir	28	34	-17.6%
Fitzroy	28	29	-3.4%
Kew	28	26	7.7%
Ivanhoe	27	18	50.0%
Prahran	27	36	-25.0%
Coburg	25	20	25.0%
Noble Park	25	16	56.3%

APPLICATIONS BY CLAIM AMOUNT

	2010/11	2009/10	Variance
Small Claim: < \$10,000	438	576	-24.0%
Standard Claim: \$10,000 - \$100,000	95	164	-42.1%
Complex Claim: \$100,000 - \$1m	967	1,032	-6.3%
Complex Claim: \$1m - \$5m	381	283	34.6%
Complex Claim: \$5m - \$20m	155	121	28.1%
Complex Claim: \$20m +	0	32	-100.0%
No Value	1,739	1,118	55.5%
TOTAL CASES INITIATED	3,775	3,326	
APPROXIMATE TOTAL VALUE	7.32 billion	2.79 billion	

redrafting our soon-to-be-released stakeholder correspondences and communications in plain language. The second phase involves reviewing our 'process map' to see where we can create efficiencies, and where Registry staff can undertake more administrative decision-making, so that Members can spend more time in hearing and determining cases.

Access to Justice

In line with VCAT's Fair Hearing Obligation, we amended our General Procedures Practice Note PNPE1 to provide all parties with a reasonable opportunity to respond to the case put by other parties. This is particularly relevant to self-represented objectors who may wish to respond to issues, raised by proponents, which they haven't already addressed. Parties have offered positive feedback about this amendment.

We developed a new practice note, PNPE 9 (Amending Plans & Applications) which outlines the extent of notice applicants must give to amend applications, increasing the required notice before a hearing from 20 business days to 30. PNPE 9 will be effective from July 2011.

User Engagement

Members contributed to the planning and environment community by participating in seminars, conferences and working groups, such as the Department of Sustainability and Environment's PLANET program (in which Members assist council planning officers' professional development); the Swinburne University and RMIT University students programs; and various seminars conducted by organisations such as the Victorian Planning and Environment Law Association (VPELA).

Members also participated in Law Week, conducting a mock Planning and Environment hearing at the Courts Open Day.

Planning and Environment

Professional Development Committee

The Committee comprises Members of the Planning and Environment List and is dedicated to the professional development of List Members.

The Committee conducted twilight seminars on a diverse range of topics, including mediation within the Planning and Environment List; urban design; acoustics; contaminated land; hearing management and procedure; amending plans and writing orders.

THE FUTURE

We will continue to improve our processes, building on the momentum of recent initiatives. Future initiatives include:

- producing a DVD and booklet to assist the parties to proceedings;
- developing information to advise parties of our hearing room technology and how to use it;
- continuing our Process Reform Project to improve administrative efficiency; and
- further work with the Department of Planning and Community Development on the progressive implementation of SPEAR (Streamlined Planning through Electronic Applications and Referrals).

CASE STUDY: WEIGHING UP WILDFIRE RISK

An applicant sought permission to subdivide land that had been burnt in the February 2009 Black Saturday bushfires. VCAT determined the application on review, just before the July 2010 release of the Victorian Bushfire Royal Commission's Final Report.

A Wildfire Management Overlay applied to the land. The Country Fire Authority did not object to the subdivision, basing its assessment of bushfire risk on the site itself and whether the proposal created defensible homes. It did not find it necessary to consider the site's context, including road access, because of its 'Stay and Defend or Leave Early' policy.

The applicant's expert bushfire evidence supported the subdivision subject to conditions that there be no increase in shrub vegetation on the paddock-like site, and any buildings be erected at least 40 metres from any scrub or forest. The applicant's ecological expert, however, recommended indigenous vegetation regeneration covering 40 per cent of the site, including most of the proposed building envelopes.

The Tribunal found a clear conflict between the land's environmental values, the benefits of regeneration, and the risk to life and property created by the increased possibility of bushfire through indigenous vegetation regeneration.

In refusing the subdivision proposal, the Tribunal considered that effective land management was essential to minimise bushfire risk, and that in this case the risk had not been adequately resolved.

LAND VALUATION LIST

The List hears applications by landowners seeking to review the valuation or classification of their land for rating or taxation purposes. The List also hears and determines disputed claims arising from the compulsory acquisition of land for public purposes, or damage to land caused by mining, under a number of different Acts.

YEAR IN REVIEW

Cases

Application numbers remained similar. However, compared to the previous reporting period, a higher percentage related to land compensation claims. This has been a growing trend due to the prevalence of major government infrastructure projects requiring the acquisition of privately owned land.

Flexibility

We refer every matter to ADR in the first instance, achieving high settlement rates. Parties can request prior directions hearings, and often find these useful for obtaining orders for document exchange.

The vast majority of valuation applications are settled in compulsory conferences. Valuer Members assist parties to resolve their differences through informal discussions based on accepted valuation methodology.

Efficiency

The increase in compensation claims affected our timeliness targets. These take longer to hear and resolve than valuation claims due to their complexity, higher dollar value, and the requirement that both a legal and planning Member determine each application. Delays often result from parties and their experts needing extended preparation time.

We have begun using 'conclaves of experts' to hasten the resolution of complex matters. Experts are brought together and questioned with the aim of forming a consensus view. This helps all parties and the Tribunal to understand the technical issues and reach a speedier outcome.

We undertook a survey of long-standing cases to identify those that could be expedited. Many were delayed pending outcomes of cases before the Court of Appeal.

Accessibility

Our valuer-Members are particularly skilled in assisting self-represented homeowners seeking residential valuation reviews. Residential reviews are separately streamed from commercial valuation reviews, further improving timeliness for resolution of simple claims.

Parties in rural and regional areas can attend directions hearings by telephone, and we have allowed parties to appear by telephone for compulsory conferences and mediations. We are open to hearing applications in regional centres where there is a demonstrated need and if it suits both parties.

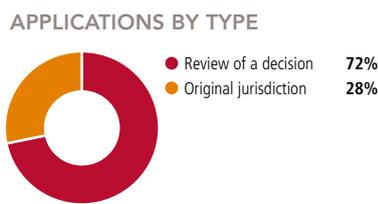
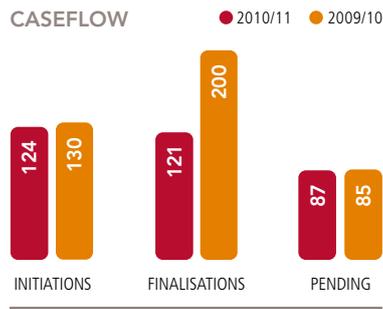
User Engagement

We met with representatives of the Australian Property Institute and the Valuer General to discuss our listings practices and other issues of mutual interest.

THE FUTURE

A new round of valuations in the coming year may trigger an increase in valuation disputes and therefore applications for review of valuations. We will continue to explore ways to improve efficiency without compromising fairness.





TIMELINESS OF FINALISED CASES (WEEKS)

	2010/11	2009/10	Target
Median	29	28	
80th Percentile	71	48	
Target			40

APPLICATIONS BY CLAIM TYPE %

	2010/11	2009/10	Variance
Acquisition	0%	8%	-100.0%
Classification Appeal	2%	5%	-60.0%
Compensation	28%	22%	27.3%
Review a decision of an Authority	0%	0%	0.0%
Valuation	70%	65%	7.7%

CASE STUDY: HERITAGE DILEMMA

Ratepayer Pty Ltd owned a two storey Federation style red brick dwelling in Glenferrie Road, Hawthorn. It was zoned Business 1 and tenanted by a medical clinic and associated consulting rooms. The building was designated 'contributory' under the local council's Heritage Study.

The owner sought review of the site value assessed for rate purposes as at 1 January 2008. In 2010 the owner sold the property on terms for \$4 million. The purchaser sought a demolition permit, but it was blocked by a request from Council for a site specific interim heritage overlay for the property. Council's 2008 valuation assumed that the property could be demolished. The owner's expert rejected that assumption.

As at 2008 according to evidence before the Tribunal, Council would not have opposed a demolition application. The Tribunal accepted that evidence and concluded the 2008 valuation should not be reduced based on heritage issues. The Tribunal preferred the evidence as to comparable sales adduced by Council, to the evidence relied on by Ratepayer Pty Ltd, with Council's sales being in Business 1 Zones and the owner's sales being predominately in Business 2 Zones in precincts materially different from the location of the subject property.

OCCUPATIONAL AND BUSINESS REGULATION LIST

The List has both original and review jurisdiction. Original jurisdiction involves the conduct of disciplinary proceedings relating to a number of occupational groups.

The List's review jurisdiction involves the review of licensing decisions (including those of the Business Licensing Authority), decisions made by registration boards concerning professional registrations, and provisional improvement notices issued by WorkSafe.

The legislation under which the majority of matters are heard include:

- *Education and Training Reform Act 2006*
- *Health Professions Registration Act 2005*
- *Health Practitioner Regulation National Law (Victoria) Act 2009*
- *Liquor Control Reform Act 1998*
- *Occupational Health and Safety Act 2004*
- *Transport (Compliance and Miscellaneous) Act 1983*
- *Working with Children Act 2005*
- *Racing Act 1958*

YEAR IN REVIEW

Cases

The moderate decrease in applications during the reporting period can be partly explained by the transition period

for registrations under the new *Health Practitioner Regulation National Law (Victoria) Act 2009*.

Alternative Dispute Resolution

We actively encouraged the use of compulsory conferences for health practitioner disciplinary matters, while retaining VCAT's ultimate decision-making responsibilities in the public interest. Compulsory conferences help to deliver therapeutic justice by providing an opportunity for practitioners and their respective registration boards to fully engage with the issues and submit a possible range of outcomes for the Tribunal's consideration. This benefits all parties and reduces hearing times.

Most applications for review of WorkSafe's provisional improvement notices ('PINs') are referred to compulsory conference. This allows employers and WorkSafe to explore ways to provide safer working environments by addressing the issues identified in the PINs. Although resolution may seem protracted, the majority of these matters resolve without the need for a formal hearing, often after a trial period to assess the effectiveness of a suggested measure.

Efficiency

We fell behind timeliness targets in finalising some health practitioner cases, largely due to a lack of available, appropriately qualified panel members, which the legislation requires us to draw from the relevant health professions.

To expedite health practitioner matters, we are piloting the use of standard directions and other initiatives to minimise the need for represented parties to attend directions hearings. As detailed in practice note PNOBR1, the pilot will run for 12 months, during which time we will consult with stakeholders regarding its effectiveness.

For all other matters, we regularly list directions hearings on Mondays, grouping applications, wherever possible, according to the legislation under which they are made. This gives practitioners in specialised areas some certainty of having their cases scheduled together, saving time and inconvenience.

Access to Justice

While rationalising our directions hearing processes in health practitioner matters, we have ensured that self-represented parties retain the benefit of attending

CASE STUDY: ADR REDUCES HEARING TIME

The Medical Board of Australia alleged that a practitioner had engaged in unprofessional conduct in over-prescribing drugs of addiction, in some instances without the requisite permit. It also alleged that the practitioner failed to have an appropriate pain management plan and failed to keep adequate clinic records. The matter was listed for a 10-day hearing.

Before the scheduled hearing date, the parties requested a compulsory conference, following which they filed a Statement of Agreed Facts. They also agreed that the practitioner's conduct constituted unprofessional conduct. They were unable to agree on a joint submission as to an appropriate determination, although the compulsory conference allowed them to explore some options.

The Tribunal accepted the Statement of Agreed Facts and the joint submission that the practitioner's conduct constituted unprofessional conduct. The hearing was reduced to two days during which the Tribunal heard from the practitioner, and the practitioner's treating psychiatrist and psychologists. Alternative submissions in regard to the determination were considered before the Tribunal determined to impose a period of suspension and a number of conditions on the practitioner's registration.

at least one directions hearing. This provides Members an opportunity early in proceedings to guide parties through Tribunal processes.

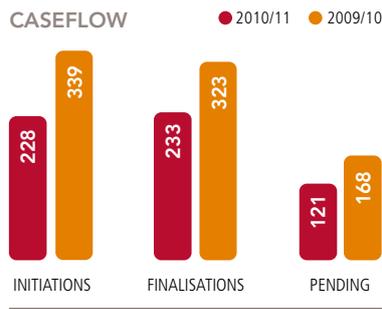
Most applications are heard in Melbourne where the majority of relevant bodies and practitioners are located. However, we hear matters regionally when it suits parties and appropriate venues are available, in particular for Working with Children assessment notice reviews.

User Engagement

We met once with our reconstituted health professions user group. The group has supported our standard directions pilot and increased emphasis on ADR.

THE FUTURE

We want to extend our use of ADR within the List. We will also review the standard directions pilot and explore rationalising directions hearing processes across the List.



TIMELINESS OF FINALISED CASES (WEEKS)

	2010/11	2009/10	Target
Median	22	20	
80th Percentile	42	32	
Target			25

APPLICATIONS BY TYPE



GENERAL LIST

The List hears applications for review of government decisions, including Freedom of Information (FOI) decisions, and decisions made by the Transport Accident Commission (TAC) and the Victims of Crime Assistance Tribunal.

YEAR IN REVIEW

Cases

Applications increased slightly overall, mainly due to increased TAC matters, which comprised the majority of applications. FOI applications decreased, likely due to the change of Government during the reporting period.

Flexibility

We tailored ADR options to suit proceedings wherever possible. We referred all legally represented TAC matters directly to compulsory conference, using mediations for those involving self-represented parties. We also expedited referral of Metropolitan Fire Brigade (False Alarm) appeals to compulsory conference, eliminating the need for directions hearings.

Efficiency

We ran a successful pilot of the VCAT Case Portal, a new online case management tool that saves parties time and money by allowing them to file documents electronically at any time. Two law firms involved in TAC matters assisted with the pilot.

To minimise cost and time for parties attending directions hearings, we explored options to increase the use of consent orders. We also streamlined our file-

handling practices, implementing a new process allowing registry staff to finalise withdrawn cases and grant some adjournments, saving time and double-handling.

Access to Justice

Self-represented litigants were referred to mediation wherever possible to minimise potential disadvantage. To assist regionally based parties, we conducted many directions hearings by telephone and heard applications in regional centres when possible. More recently we piloted the conduct of hearings by video, which we hope to refine and continue.

User Engagement

We split our user group into two areas: TAC matters, and FOI plus all other areas under the List's jurisdiction. Both groups met once in the reporting period. The TAC group provided valuable input regarding rationalising directions hearings. The FOI group helped develop improved standard directions for use across the List next year.

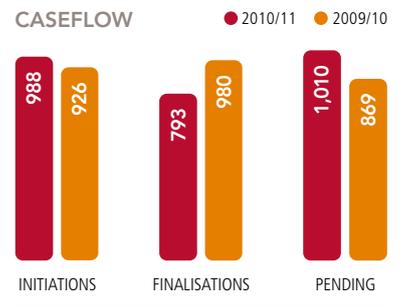
THE FUTURE

We look forward to implementing initiatives including:

- fine-tuning and increasing our use of the VCAT Case Portal;

- finalising documentation to minimise the need for directions hearings; and
- rationalising the conduct of directions hearings and related orders.

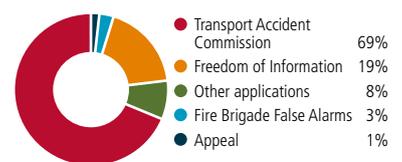
CASEFLOW



TIMELINESS OF FINALISED CASES (WEEKS)

	2010/11	2009/10	Target
Median	34	35	
80th Percentile	68	64	
Target			56

APPLICATIONS BY TYPE



CASE STUDY: SEEKING IDENTITY

A woman born in 1984 after her mother received infertility treatment, wanted information about her biological father, who had donated gametes when the law allowed donor anonymity. The woman asked the Registrar of Births, Deaths and Marriages to ascertain her biological father's identity and inform him of the voluntary register under the *Assisted Reproductive Treatment Act 2008* (ART Act). The register enables donors and offspring to find out about each other. The Registrar refused, and the woman appealed to VCAT. Noting it had only the power given by Parliament, VCAT found that, although it had power to review decisions of the Registrar under the *Births, Deaths and Marriages Registration Act 1996*, it did not have power to review decisions made under the ART Act. The Tribunal considered that if the Registrar made the 'decision' under any legislation, it was under the ART Act, and that a proper reading of the legislation indicated that the Registrar's relevant functions were given by the ART Act and not the BDMR Act. VCAT therefore found it did not have jurisdiction.

TAXATION LIST

The List has jurisdiction to carry out merits reviews of the Commissioner of State Revenue’s taxation assessments. State levies and taxes are paid under a number of Victorian taxing Acts, for example, the *Land Tax Act 2005*, *Payroll Tax Act 1971* and the *First Home Owner Grant Act 2000*.

Applications for merits reviews are referred from the Commissioner upon an applicant’s request. The taxpayer may rely upon any factual or legal ground in his or her notice of objection and, subject to leave, upon further factual or legal grounds.

YEAR IN REVIEW

Cases

We received almost double the number of applications than in the previous reporting period, amounting to two years of significant increases. Application numbers related to the number of reassessments sought, rather than the number of individuals making applications. Additionally, many applications related to a single, underlying dispute. The increase therefore does not reflect any major change in tax laws or taxpayer behaviour.

Flexibility

Because disputes have already been through the Commissioner’s conciliation processes, we don’t routinely refer matters to ADR. We are open, however, to using mediation if parties request it. Most cases are listed for at least one directions

hearing to ensure any procedural issues or applicant concerns are properly addressed. In straightforward matters, the Tribunal allows parties to request by consent that directions hearings be vacated, with directions being made in writing.

Timeliness

Despite the increase in cases, we improved timeliness for finalisations. Most matters related to legal rather than factual issues and could be resolved relatively quickly.

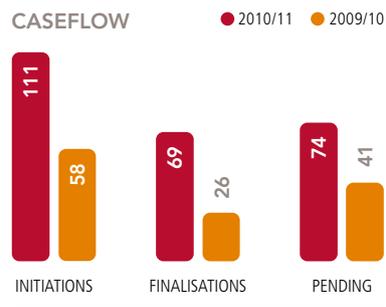
Access to Justice

To assist regionally based parties, we commonly conduct directions hearings by telephone. We hear applications in regional centres when it suits parties and appropriate venues are available.

THE FUTURE

We don’t anticipate any significant change to case numbers or state taxation processes that would require us to modify our practices.

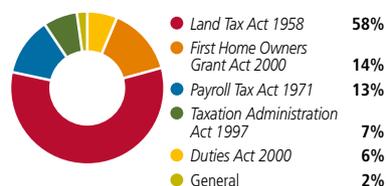
CASEFLOW



TIMELINESS OF FINALISED CASES (WEEKS)

	2010/11	2009/10	Target
Median	15	19	
80th Percentile	27	29	
Target			23

APPLICATIONS BY TYPE



CASE STUDY: STAMP DUTY QUESTIONED FOR OFF-THE-PLAN PURCHASE

Mr and Mrs Taxpayer signed a contract to purchase a residential unit ‘off the plan’ for \$4,600,000. Section 21(3) of the *Duties Act 2000* required the Taxpayers to pay stamp duty based on the price of the unit, excluding any construction costs incurred on or after the contract date. The transfer was stamped in accordance with the developer’s statutory declaration that 83.4 per cent of construction costs should be excluded, representing the percentage of the unit’s construction that occurred after the Taxpayers signed the contract.

When the Taxpayers signed the contract, construction of their unit had not begun, however construction of the common property had, with 25 per cent of the cost of that work allocated to the Taxpayers. The Commissioner reassessed the stamp duty owed on the unit based on a ‘whole of project’ approach. In the Commissioner’s view, 29.4 per cent of the whole project had been constructed when the Taxpayers signed the contract, therefore the maximum amount that could be excluded from stamp duty was 70.6 per cent.

The Tribunal set aside the reassessment. It rejected the Commissioner’s ‘whole of project’ approach where there was specific evidence as to the state of construction of the relevant unit. It accepted the builder’s evidence that the Taxpayers’ construction costs as end purchasers could be reasonably approximated by adding 10 per cent to the developer’s construction costs.

LEGAL PRACTICE LIST

The List hears disciplinary charges brought against lawyers by the Legal Services Commissioner, and appeals by lawyers against Legal Services Board decisions that affect their professional status. The List also deals with some disputes between lawyers and clients about legal costs or unprofessional services.

YEAR IN REVIEW

Cases

There was a moderate increase in applications, possibly due to the Legal Services Commissioner’s drive to finalise a number of its long-standing cases.

Flexibility

Each application is reviewed to determine the best approach to take. We refer non-disciplinary matters to mediation when appropriate to the amount in dispute and when settlement appears likely. Member expertise and flexibility means the Civil Claims List can hear disputes between lawyers and their clients, taking advantage of that List’s efficient ADR processes and leading to speedier outcomes.

Efficiency

Timeliness improved, with more matters finalised within shorter periods. Our active case management helps us identify matters that can be resolved relatively quickly. We list these for hearing as soon as possible.

The number of cases pending for more than 16 weeks has increased. This should improve once the backlog of disciplinary matters has been processed.

Access to Justice

To assist regionally based parties, we commonly conducted directions hearings

by telephone. We heard applications in regional centres when it suited parties and appropriate venues were available.

User Engagement

We met with senior staff of the Legal Services Commissioner to discuss operational issues of mutual interest.

THE FUTURE

Case volumes are largely dependent upon the Commissioner’s decisions about which matters to initiate or refer. Application numbers are likely to increase while the Commissioner’s office continues to expedite long-standing matters.

To increase the range of dispute resolution options available to parties, we will explore ways to efficiently and cost-effectively mediate more small claims.

APPLICATIONS BY CATEGORY %

	2010/11	2009/10	Variance
Civil disputes	23%	18%	27.8%
Costs & pecuniary loss	43%	52%	-17.3%
Costs agreement	14%	6%	133.3%
Discipline matters	19%	20%	-5.0%
Practising Certificates	1%	4%	-75.0%

CASEFLOW



TIMELINESS OF FINALISED CASES (WEEKS)

	2010/11	2009/10	Target
Median	15	15	
80th Percentile	25	28	
Target			40

APPLICATIONS BY TYPE



CASE STUDY: FINE FOR SICK CERTIFICATE

A 27-year-old lawyer pleaded guilty to one charge of professional misconduct arising out of her fraudulent alteration of a doctor’s certificate. The certificate was used to support an application to her employer for sick leave. A psychologist’s report showed that she was suffering depression at the time of the offence, but had since attended counselling.

The Tribunal was told that the lawyer had encountered difficulty in being admitted to practice in 2008 because of plagiarism of a non-assessable project at the College of Law. The Board of Examiners had found her evidence on that subject insufficiently candid, but nevertheless had certified her fit for admission, only by majority.

The Tribunal considered the nature of the offence, the background information bearing on the lawyer’s fitness for admission to practice, testimonials of good character, and support from her new law firm. The Tribunal determined to reprimand the lawyer and fine her \$3,500. It also ordered her to pay the Legal Services Commissioner’s legal costs, to be taxed (unless otherwise agreed between the parties) in accordance with County Court Scale D.

HUMAN RIGHTS DIVISION

GUARDIANSHIP LIST

The List makes protective orders under the *Guardianship and Administration Act 1986* and other legislation. The most common – guardianship and administration orders – involve appointing substitute decision-makers when it is in the best interests of cognitively impaired adults.

The List also makes orders about enduring powers of attorney (including those for medical treatment) and enduring powers of guardianship. VCAT also has jurisdiction under the *Disability Act 2006*, including power to make orders for the compulsory treatment of intellectually disabled persons who pose a significant risk of seriously harming others.

Legislative changes affecting the List are:

- VCAT's new power to make orders relating to the management of a missing person's affairs under Part 5A of the *Guardianship and Administration Act 1986*.
- Under section 11 of the *Severe Substance Dependence Treatment Act 2010*, Detention and Treatment Order applicants must request information from VCAT about any guardianship orders applying to respondents.

Our website contains detailed information about these changes.

YEAR IN REVIEW

Cases

Application numbers remained similar to the previous reporting period. Reassessments of administration orders again comprise the majority of our workload. This is because administration orders must be reassessed every three years.

Flexibility

To facilitate participation by represented persons in hearings, we try to schedule hearings close to where the person resides. This is because in many cases the mobility of represented persons is significantly limited.

We conduct hearings at hospitals, nursing homes and community health care centres, as well as in court and tribunal complexes across Victoria. During the reporting year, we increased the number of venues where we conduct hearings. This initiative has been well received by all concerned.

We referred more matters to mediation or compulsory conference at an early stage, achieving significant success in terms of party satisfaction and reduced hearing times. Although presiding Members must make final orders, in appropriate cases ADR offers families the best opportunity to

resolve their issues amicably. In a significant number of cases, following ADR, parties have withdrawn their applications without VCAT needing to make orders appointing administrators or guardians, or orders about enduring powers of attorney.

Efficiency

We finalised most applications within our time targets. New initiatives that supported timely resolutions included:

- early identification of matters appropriate for referral to ADR; and
- use of 'VCAT in a Box'; an information technology resource that allows Members to access the Order Entry System remotely. They can then print, sign and deliver orders wherever the hearing has occurred.

Access to Justice

VCAT's 2010 community consultations revealed a need for clarity about processes in Guardianship matters. In consultation with our stakeholders, we developed and tested a suite of user-friendly application forms and accompanying guides. These will soon be available on our website.

CASE STUDY: FLEXIBLE APPROACH PROMOTES COOPERATIVE CARE

Peter was 39 when he had a massive stroke. He had only recently started his own business in partnership with his father, Daniel. His wife Mary had always managed the family's daily finances. On an application to VCAT for the appointment of an administrator for Peter while he lacked capacity, the Tribunal appointed Mary and Daniel as his joint administrators.

Mary and Daniel had different views about managing Peter's affairs. Their differences appeared irreconcilable. An application was lodged for a reassessment of the administration order.

VCAT arranged to conduct the hearing at the hospital so that the Member could talk to Peter about his wishes. The Member also used alternative dispute resolution techniques with Mary and Daniel to help them establish a framework for working together to manage Peter's affairs in his best interests.

This case illustrates VCAT's efforts to conduct hearings that not only acknowledge and promote the interests of the represented person, but that use alternative dispute resolution techniques to explore the least restrictive options for the represented person.

We increased the number of venues where we hear applications. In metropolitan Melbourne, we now regularly sit at a number of new hospital sites, including the Kingston Centre in Cheltenham. This adds to our regular sittings at the Royal Melbourne Hospital, Wantirna Health, and Caulfield Hospital. We also sit one day a week at the Hume Global Learning Centre in Broadmeadows. This has increased opportunities for represented persons to participate in hearings and decision-making that affects them. To improve accountability, we used our new digital recording kits to record more hearings at these venues.

We continued to conduct regular local and regional information sessions for newly appointed guardians and administrators. We also began work with the Office of the Public Advocate and other relevant bodies on a series of workshops for parents and carers of children with decision-making disabilities. The workshops will help parents and carers understand available options and resources, particularly once a child turns 18, before which age VCAT has no jurisdiction.

User Engagement

Our user group comprises professional administrators (e.g. State Trustees Limited, FTL Judge & Papaleo Pty Ltd, Equity Trustees Limited etc), legal firms, advice organisations, and representatives from the Office of the Public Advocate.

The user group and many other stakeholders participated in our Guardianship roundtable; an initiative to address Guardianship issues raised during the *Transforming VCAT* consultations. Key stakeholders also participated in VCAT’s information ‘expos’, held for Law Week in Melbourne and regionally. Speaking engagements were frequent. During Law Week we offered seminars in Melbourne and regional centres.

Members also delivered presentations to health professionals in local and country areas, with an emphasis on the human rights implications of guardianship and administration orders.

We partnered with the Office of the Public Advocate and State Trustees Limited to conduct regular metropolitan and regional information sessions for health care and other professionals who work with cognitively impaired people. In addition, we hosted medical and social work students who, as part of their training, observed hearings and discussed with Members the procedures and law relating to the determination of guardianship and administration applications.

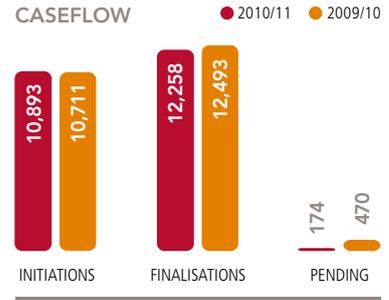
VCAT Members and staff also made a joint submission to the Victorian Law Reform Commission in response to its Guardianship Consultation Paper.

THE FUTURE

We will shortly launch our new forms, guides and hearing information sheets, which will be available on our website.

We also look forward to commencing workshops and developing written resources for parents and carers of children with decision-making disabilities.

From August 2011, we will also commence sittings at Bundoora Extended Care Centre (Northern Health).



TIMELINESS OF FINALISED CASES (WEEKS)

	2010/11	2009/10	Target
Median	5	5	
80th Percentile	11	11	
Target			13

APPLICATIONS BY TYPE



HEALTH AND PRIVACY LIST

The List hears and determines complaints referred to it by the Health Services Commissioner under the *Health Records Act 2001*, and by the Privacy Commissioner under the *Information Privacy Act 2000*.

The List also hears applications for review of public health orders made by the Chief Medical Officer under the *Public Health and Wellbeing Act 2008*, and appeals against certain decisions of the Patient Review Panel under the *Assisted Reproductive Treatment Act 2008* (ART Act).

YEAR IN REVIEW

Cases

Information privacy and health records referrals again comprised the majority of cases.

Most significantly, we heard the first applications for review of decisions made by the Patient Review Panel under the ART Act, which came into effect on 1 January 2010. The applications were complex and raised jurisdictional issues, taking longer to resolve than our more usual privacy matters.

Flexibility

Given the nature of the applications, we aim to resolve cases quickly and with sensitivity. We assessed privacy matters for their suitability for ADR and wherever possible referred them to mediation, where they commonly settled.

We held directions hearings for applicants appealing decisions under the ART Act. This allowed Members to help applicants assess the merits of their applications and narrow any issues at an early stage and with relative informality.

Efficiency

We finalised most cases relatively promptly. As already noted, applications under the ART Act took longer to resolve, affecting overall timeliness.

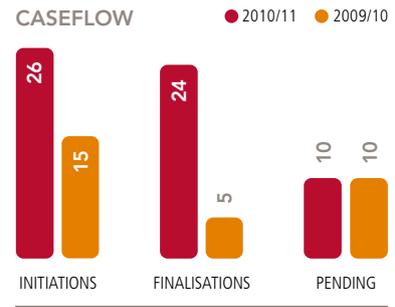
Access to Justice

Applications to the List are free of charge. When it suits parties, we conduct mediations and hearings in regional areas. VCAT's website contains information to help unrepresented parties understand the List's application and hearing processes.

THE FUTURE

We intend to pilot online lodgement capabilities and to update our application forms and guides, making them more accessible and easier to understand.

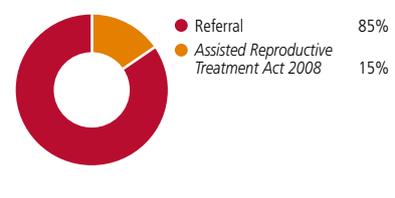
CASEFLOW



TIMELINESS OF FINALISED CASES (WEEKS)

	2010/11	2009/10	Target
Median	18	5	
80th Percentile	28	6	
Target			5

APPLICATIONS BY TYPE



CASE STUDY: COMPETING RIGHTS IN CHOICE OF GENDER

The *Assisted Reproductive Treatment Act 2008* prohibits the use of gametes or an embryo for the purpose of producing a child of a particular sex, unless necessary to avoid the risk of transmission of a genetic abnormality or disease to the child.

A couple wanted a child of a particular sex. They were refused approval by the Patient Review Panel under the Act, and appealed to VCAT.

For the couple, sex selection was not necessary to avoid the risks outlined. They had lost a child at birth, in circumstances that continued to cause them great distress. They had other children, but not of the sex of the child who had died. They believed having a child of the same sex as the deceased child would assist their psychological health and wellbeing, and their recovery from post-traumatic stress disorder.

VCAT found that these reasons related to the couple's own welfare and interests, and were not paramount to the welfare and interests of the child to be born.

VCAT further found that, where there was a conflict between the welfare and interests of a child to be born, and the health and wellbeing of the person undergoing an assisted reproductive procedure, given the paramountcy of the welfare and interests of the child to be born, as expressed in the Act, such conflict must be resolved in favour of the child. For those reasons the application for review was unsuccessful.

ANTI-DISCRIMINATION LIST

The List determines complaints referred from the Victorian Equal Opportunity and Human Rights Commission under the *Equal Opportunity Act 1995* (EO Act) and the *Racial and Religious Tolerance Act 2001*. Complainants can request referral if the Commission declines a complaint, determines that it is not conciliable, or if conciliation is unsuccessful.

The List also hears applications for exemptions from the EO Act, for example, if an applicant needs to discriminate between persons to achieve a just outcome overall.

Occasionally, the List hears applications to strike out frivolous or vexatious complaints, and applications for interim orders to prevent parties from acting prejudicially to complaint outcomes.

YEAR IN REVIEW

Cases

Application numbers remained steady overall. Commission-referred complaints increased moderately, while exemption applications decreased. There were fewer sex discrimination and sexual harassment complaints.

Flexibility

We achieved high settlement rates using mediation. We identify early in proceedings those cases suitable for mediation and encourage parties to attempt to resolve their disputes, frequently standing hearings down to facilitate settlement.

Efficiency

We finalised significantly more cases than in the previous reporting period, with fewer cases pending. Our timeliness targets were partially impacted by the increase in commission-referred complaints. These are usually more complex and time-consuming than exemption applications.

Access to Justice

In April 2010, the Victorian Government passed the *Equal Opportunity Act 2010*, which replaces the *Equal Opportunity Act 1995*. Provisions of the new Act that relate to VCAT take effect from August 2011. Under the new Act, a person can apply directly to VCAT for resolution of their complaint, or they can lodge a dispute with the Commission. Lodging a dispute with the Commission does not preclude a party

from withdrawing that dispute and an application to VCAT can still be made. This increases people's options when they allege the Act has been breached and they are seeking relief or compensation.

We created new online application forms for people who wish to lodge their applications electronically. These, together with updated guides and information about the new Act, will be on VCAT's website from August 2011.

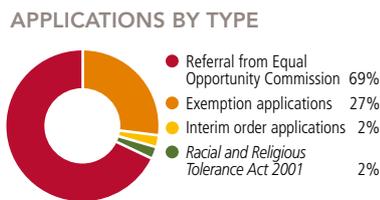
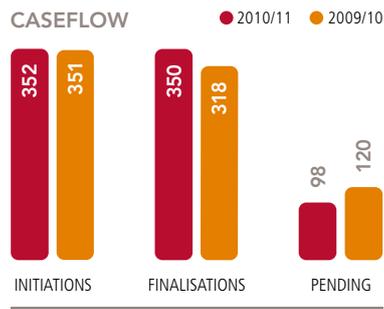
User Engagement

Our user group comprises representatives from the Department of Justice, the Commission, and legal practitioners who work in the area of discrimination law, including Victoria Legal Aid. We met frequently during the reporting year with our user group and other stakeholders to prepare for changes under the new Act.

THE FUTURE

As VCAT adapts to changes under the new Act, we anticipate increased workloads for staff assisting applicants through the new processes, and Members interpreting and applying the new laws. Because a person can now apply directly to VCAT, we also anticipate an increase in applications. We anticipate our case management processes will be subject to ongoing review.





TIMELINESS OF FINALISED CASES (WEEKS)

	2010/11	2009/10	Target
Median	10	10	
80th Percentile	25	23	
Target			23

REFERRALS BY GROUNDS %

	2010/11	2009/10	Variance
Sex discrimination and sexual harrassment	7.39	11.3	-34.6%
Impairment	24.48	26.6	-7.9%
Race	10.16	8.64	17.6%
Victimisation	12.24	12.62	-3.0%
Other*	45.73	40.84	12.0%

*Other grounds include: gender identity, industrial activity, lawful sexual activity, marital status, personal association, physical features, political beliefs, pregnancy, religion, status as a parent or carer, racial vilification, religious vilification.

CASE STUDY: RELIGION AND SEXUALITY IN CONFLICT

Christian Youth Camps Limited (CYCL) operates the Phillip Island Adventure Resort, providing accommodation, conference facilities and other activities.

The Way Out Project, now managed by Cobaw Community Health Services Limited (Cobaw), is a youth suicide prevention project targeting same-sex attracted teenagers in rural Victoria.

The Project wanted to book the Resort. CYCL refused the booking. The Project believed the booking was refused because of the proposed attendees’ sexual orientations. They complained to the Victorian Equal Opportunity and Human Rights Commission, and the unresolved complaint was referred to VCAT.

VCAT considered a range of relevant matters, including the role of the Charter of Human Rights and Responsibilities in such proceedings; whether or not Cobaw had standing to bring the complaint; and whether the Equal Opportunity Act’s prohibitions on discrimination applied to CYCL, in particular whether or not it was a body established for religious purposes and could rely on exceptions under sections 75 and 77 of the Act.

VCAT found the complaint proven and that the exceptions CYCL relied on had not been made out. The matter is currently under appeal in the Supreme Court.

Cobaw Community Health Services v Christian Youth Camps Ltd & Anor (Anti-Discrimination) [2010] VCAT 1613

MENTAL HEALTH LIST

The List hears and determines appeals against decisions of the Mental Health Review Board, made under the *Mental Health Act 1986*, about applicants' involuntary treatment. The List sits within the Human Rights Division to reflect the fact that mental health reviews affect applicants' personal rights and freedoms.

YEAR IN REVIEW

Cases

Consistent with previous years, we received a small number of applications. There was no significant change to case profile.

Flexibility

To protect applicants' rights, we try to accommodate their requests regarding the order of proceedings. Applicants can choose to make their submissions prior to or after the other party's submissions, and they maintain a right of reply throughout.

Because Members must make orders about involuntary treatment, it is often difficult to use ADR to resolve applications. The Tribunal, however, supports parties wherever possible to resolve matters in ways that avoid having decisions imposed on them.

Efficiency

The issues that prompt applications often require urgent attention, and most cases are finalised well within five weeks. Sometimes, however, due to unforeseen circumstances such as an applicant's failure to attend the hearing on the day assigned, they can take considerably longer, especially as we are hesitant to make final orders in such circumstances.

Access to Justice

Applications to the List are free of charge. Many applicants are self-represented and face significant communication barriers. We conduct proceedings with sensitivity to this, assisting applicants to understand their rights and our procedures.

We hear applications in regional locations when it suits applicants, and this usually also suits the area mental health service involved. We have begun to sit in non-traditional hearing venues, such as hospitals, when applicants are unable to attend VCAT. This allows applicants to fully participate in decisions about treatments that affect their fundamental human rights.

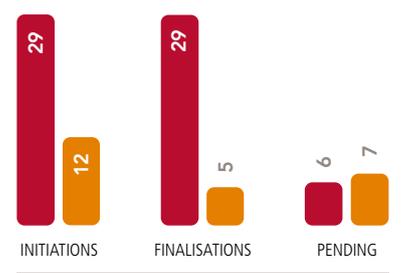
User Engagement

We have regular, informal contact with the Mental Health Review Board, mainly about our registry processes, which helps us to operate more efficiently. The Board and Mental Health Legal Centre undertake community education about rights and legal issues relating to mental health.

THE FUTURE

We intend to pilot the online lodgement of applications so that applicants, if they wish, can lodge them electronically. We will also update our application forms and guides, making them more accessible and easier to understand.

CASEFLOW



TIMELINESS OF FINALISED CASES (WEEKS)

	2010/11	2009/10	Target
Median	8	8	
80th Percentile	21	9	
Target			5

APPLICATIONS BY TYPE



CASE STUDY: MEETING THE NEEDS OF VULNERABLE APPLICANTS

During the reporting year, efforts have been made to ensure that vulnerable applicants can participate in hearings in the same way as any other applicant.

Jeremy was detained as an involuntary patient under the *Mental Health Act 1986* and applied to VCAT for review of the Mental Health Review Board's decision. There was a risk that he might abscond if the hearing was held at VCAT rather than at the hospital, where he was an involuntary patient.

The hearing could have been conducted by video-link, but a decision was made for a Member to go to the hospital to conduct the hearing. This allowed Jeremy to talk directly to the Member and participate in the hearing in the fullest way possible.

ORGANISATIONAL SUPPORT AND DEVELOPMENT

To successfully serve all Victorians, we invested in the ongoing development of our people, facilities, technology, processes and governance.

GOVERNANCE

APPOINTING MEMBERS

Consistent with the VCAT Act, the President of VCAT must be a Supreme Court judge, and Vice-Presidents must be judges of the County Court. The Attorney-General recommends these judicial appointments to the Governor-in-Council, after consulting with the Chief Justice and Chief Judge.

Deputy Presidents, Senior Members, full-time, part-time and sessional Members of VCAT are also appointed by the Governor-in-Council.

Both judicial and non-judicial Members hold five-year terms and are then eligible for re-appointment. They may resign their office by delivering a signed letter of resignation to the Governor.

MEMBER PROFILE

VCAT's membership is comprised of judicial and non-judicial Members, with judicial Members including the President and Vice-Presidents.

Our Members include legal practitioners and other professionals with specialised knowledge or expertise, such as town planners, engineers, architects, medical and allied health practitioners, accountants, land valuers and real estate agents. VCAT functions efficiently and effectively, due to the contributions of these diverse Members, many of whom are qualified to sit on a number of our Lists. In turn, Members gain career flexibility, satisfaction and development, from working in a variety of jurisdictions.

DIRECTING VCAT

The President directs the business of the Tribunal and is responsible for management of its administrative affairs.

The Chief Executive Officer exercises responsibilities under the *Public Administration Act 2004* and the *Financial Management Act 1994* (under delegation from the Secretary).

RULES COMMITTEE

In accordance with Part 6 of the VCAT Act, the Rules Committee is comprised of VCAT's judicial Members, a full-time Member (who is not a legal practitioner), an Australian legal practitioner (within the meaning of the *Legal Profession Act 2004*) and two persons nominated by the Attorney-General.

The Committee undertakes a number of important leadership functions within VCAT, including:

- developing rules of practice and procedure, and practice notes;
- directing the education of VCAT Members in relation to those rules of practice and procedure, and practice notes;
- establishing the Divisions and Lists; and
- allocating functions of the Tribunal under enabling enactments to Divisions and Lists.

RULES COMMITTEE MEMBERSHIP

As at 30 June 2011, members of the Rules Committee were:

**The Hon. Justice Iain Ross, AO
B.Ec, LLB, LLM, MBA, PhD**

Justice Iain Ross AO was appointed a Justice of the Supreme Court of Victoria on 4 November 2009. Prior to his Honour's appointment to the Supreme Court, he was a Judge of the County Court of Victoria and Vice-President of VCAT. Justice Ross was previously a partner of a city law firm, and Vice-President of the Australian Industrial Relations Commission. Justice Ross was appointed President of VCAT on 1 April 2010.

Other Judicial Members

Judge Bowman, Judge Davis and Judge Duggan, are full-time Judges of the County Court of Victoria and Vice-Presidents

of VCAT. They are members of the Rules Committee and can be called upon to sit, if required.

**Louise Jenkins
BA, LLB**

Ms Jenkins is a barrister and solicitor of the Supreme Court of Victoria, and partner at law firm Allens Arthur Robinson. She practices litigation for major Australian companies and international insurers. Ms Jenkins is a Member of the Tribunal and a Trustee of Law Aid, and was appointed to the Committee on 1 July 1998.

**Margaret Baird
BTRP (Hons), Grad Dip Law**

Ms Baird is a member of the Planning and Environment List of VCAT. She was appointed to the Committee on 24 June 2003. Previously she worked as a consultant strategic planner and sessional member of Planning Panels Victoria.

**Michael Macnamara
BA (Hons), LLB (Hons)**

Mr Macnamara is the Deputy President who heads the Real Property, Retail Tenancies, Land Valuation, Legal Practice and Taxation Lists of VCAT, and was previously Deputy President of the Administrative Appeals Tribunal of Victoria. He was appointed to the Committee on 24 July 2007.

**Bill Sibonis
BPD, BTRP**

Mr Sibonis was appointed as a full time Member of the Planning and Environment List of VCAT on 21 July 2009. He formerly worked as a town planner in local government, a sessional Member of Planning Panels Victoria, and associate general editor of Victorian Planning Reports. He was appointed to the Committee on 24 July 2007.

RULES COMMITTEE ACTIVITIES AND MEETINGS

The Rules Committee amends the rules and practice notes of VCAT in response to procedural reform, changes in jurisdiction and as new legislation is allocated to VCAT's Lists. During 2010–11, the Committee met on three occasions: 7 September 2010, 28 September 2010 and 8 June 2011.

The Committee has a four-member quorum. A question arising at a meeting is determined by a majority of votes, with the person presiding having a deliberative vote and, in the case of an equality of votes, a second or casting vote. The Committee must ensure that accurate minutes are kept of its meetings, but otherwise it regulates its own proceedings.

VCAT RULES

At the meeting conducted on 28 September 2010, the Committee proposed the revocation of Rule 5.09 of the VCAT Rules 2008.

Rule 5.09 provided for prompt hearing procedures in the Planning and Environment List. The rule was superseded by the introduction of the Short Cases List Practice Note (PNPE7).

PRACTICE NOTES

Significantly, the Committee introduced the new Fair Hearing Obligation practice note (PNVCAT3) applicable across all Lists from 1 October 2010. The new practice note sets out the obligations to provide a fair hearing, and parties' obligations to act responsibly in the conduct of hearings.

In September 2010, the Committee approved the following additional practice notes:

- Planning and Environment (Short Cases) List – effective from 1 October 2010 (PNPE7).
- Planning and Environment (Amendment) List – effective from 10 September 2010 (PNPE1).
- Occupational and Business Regulation (Health Professions) – effective from 31 March 2011 (PNOBR1).

In June 2011, the Committee approved the new Planning and Environment Practice Note (Amendment of Plans and Applications) List (PNPE9) – effective from 11 July 2011.

NEW JURISDICTIONS

During the reporting year no new jurisdictions were allocated by the Rules Committee.

PROFESSIONAL DEVELOPMENT GROUP

This reporting year we delivered a number of *Transforming VCAT* initiatives directed at improving Members' professional development.

In December 2010 we launched the Member Competency Framework (available on our website), which sets out the full range of abilities and qualities we expect of our Members. It also facilitates a fair and transparent appraisal system, and a competency-based approach to ongoing professional development.

We established a new professional development group, led by Deputy President Heather Lambrick and comprised of Members and staff from across the organisation. This group is primarily responsible for coordinating the induction, mentoring and appraisal of VCAT Members, and overseeing their professional development.

The Professional Development Group delivered initiatives that included the development and implementation of:

- a Member appraisal system
- the professional development program; and
- mentoring and induction programs.

Member Appraisal

Member appraisal aims to enhance public confidence in Member performance. The Member Competency Framework's core competencies and performance indicators guide Member appraisal. Constructive feedback is given on each core competency, with Members' strengths and developmental needs identified and any systemic issues addressed. Evidence-based appraisal, including observing Members in hearings and assessing their decision-making, ensures Members demonstrate the qualities and abilities expected of them.

While respecting Member independence and the breadth of acceptable styles they bring to hearing processes, Members are supported to develop the skills needed to effectively perform their roles. 'Best practice' approaches identified during

appraisals are shared through the professional development program in order to enhance the Tribunal's overall performance.

Professional Development Program

We have taken a strategic and holistic approach to professional development, structuring a program linked to the Member Competency Framework and appraisal system so that training matches identified needs and its benefits can be properly assessed. This also results in an appropriate allocation of professional development resources.

We sought Member input in structuring the professional development program. Members expressed their wish to share knowledge and expertise internally to ensure consistent hearing and decision-making approaches. This had the added benefit of giving experienced Members an opportunity to present professional development sessions.

Internal seminar topics included:

- 'Madam, why aren't you listening to me?' – actors presented some challenging situations to Members, following which they discussed communication issues and how these could be addressed.
- 'What was the name of that case again?' – a presentation on recent significant Tribunal decisions to ensure Members had up-to-date knowledge and technical skills.

Members continued to attend external training courses conducted by the Judicial College of Victoria and other providers, including training in how to deliver Member appraisal.

Induction and Mentoring programs

We developed an induction and orientation program, primarily for new Members, but adaptable for current Members who may have missed out on key induction elements



when they commenced at VCAT. We team new Members with a mentor-Member upon induction, and provide them with a professional development program designed to guide them through their first year.

The Mentoring Program is an important part of the Members' Professional Development Program. It helps recently appointed or existing Members to more fully understand the workings of the Tribunal and their role within it. Mentors are, in effect, coaches and role models, providing encouragement, advice and performance feedback to Members under their mentorship. This benefits all involved and helps to promote the Tribunal's overall objective of providing high quality decision-making, which is fair, just, economical, informal and quick.

VCAT STAFF

VCAT employs approximately 217 staff members across Corporate Services, Registry and Member Support areas.

Staff numbers increased slightly during the reporting period. We created key new positions to help deliver VCAT's strategic priorities and to improve service delivery. These include the litigants-in-person coordinator, records manager, ADR intake assessment coordinator and new regional coordinators. We are also building staff resources in metropolitan and regional locations as part of VCAT's plan to expand operations and become more accessible.

To ensure appropriate staff recruitment, we improved our recruitment procedures, streamlining intake, minimising turnover and ensuring vacancies are promptly filled. We also improved the capture of information relating to staff who leave VCAT's employment.

LEARNING AND DEVELOPMENT

Through the use of new media and supporting technologies, we substantially and cost-effectively increased learning and development opportunities for staff. We actively promoted and trained staff in the use of CLOUD (Courts' Learning Opportunity and User Development), an easy-to-access, online learning environment offering numerous courses matched to users' educational needs and individual learning styles. Courses ranged from continuing professional development linked to the Department of Justice's capability framework, to using court technology such as video conferencing.

CLOUD has been a valuable resource for shared learning across VCAT. We can upload video recordings of seminars or presentations, together with written resources, for future online access. This blended approach preserves some of the benefits of face-to-face learning for staff unable to physically attend due to location or timing, and allows those that did attend to review what they experienced.

Three staff members graduated from the Certificate IV in Government (Court Services) in the reporting period. A further three staff members joined the course, maintaining the current enrolment at 12. Staff undertaking this two-year course gain experience across VCAT and in other jurisdictions.

Staff also attended courses provided through the 'One Justice' training curriculum and CLOUD in areas such as management and leadership, customer service, computer and writing skills, information privacy, and project management.

Further learning and development highlights included:

- increased training in the use of the Courts Portfolio Wiki – a website that helps groups to share, coordinate and organise their input on tasks or projects, promoting efficient, organisation-wide collaboration and innovation;
- a new weekly video bulletin that profiles staff members, features stories from around the organisation, and informs staff of upcoming learning and development opportunities; and
- increased staff mentoring partnerships under the Courts and Tribunals Unit's mentoring program.

STAFF CONFERENCE

Approximately 140 staff members attended VCAT's annual Staff Conference, held in August 2010 at the Melbourne Convention and Exhibition Centre. Under the Conference theme of *Transforming VCAT*, staff worked in teams to contribute ideas to improve VCAT's service and operations.

STAFF AWARDS

Our staff are crucial to our ability to continually deliver a high standard of customer service.

It is therefore vital that we recognise and reward members of staff who demonstrate outstanding performance or contribute significantly to the success of VCAT. This year we streamlined the process by which staff are nominated for awards under a revised Staff Reward and Recognition program, now known as the VCAT Service Excellence Awards. As a result, more staff received formal acknowledgement of their contributions at special events held through the year, such as the Staff Conference. We plan to build on the success of the revised program by scheduling four events each year to accommodate award presentations.

WORK EXPERIENCE AND TRAINEESHIPS

VCAT launched its revamped work experience program and hosted four secondary students in the reporting period. Over the course of a week, students experience all facets of VCAT work, including customer services, corporate services, registry, and hearings. Students recorded their daily experiences in a blog on the VCAT Wiki and we presented them with certificates upon completion of their program.

Five tertiary students undertook practical placements at VCAT relevant to their legal studies. The 35-day placements occurred over a 10–12 week period, during which participants undertook projects in particular areas while gaining a broad overview of the Tribunal. We also hosted a Year 12 VCAL student undertaking a weekly placement over the course of 12 months.

VCAT provided three young Victorians aged 16 to 24 with traineeships through the Youth Employment Scheme, a joint venture between the Victorian Government and employers. One trainee became a permanent employee and another secured employment externally.

EMPLOYEE RELATIONS

VCAT is an equal opportunity employer and adheres to merit and equity principles when recruiting staff. VCAT's diverse workforce contributes to its vibrant culture through staff-initiated events such as a multicultural lunch in celebration of Cultural Diversity Week. We regularly update staff in areas such as bullying, sexual harassment and the Victorian Public Service Code of Conduct. Recently, we adopted the Department of Justice's Social Media policy to help guide VCAT employees in their personal use of social media tools such as Twitter and Facebook.

OCCUPATIONAL HEALTH AND SAFETY

VCAT aims to provide and maintain a safe working environment, which ensures and nurtures the health and wellbeing of all staff, Members and visitors.

This year we strengthened our partnership with Open Minds – a Victorian Public Service peer support group for employees with mental illness, or caring for someone with mental illness – regularly scheduling staff forums on mental health and wellbeing.

VCAT's accredited first aid officers and fire wardens received regular training, and we practised fire, bomb and other emergency evacuations throughout the

year. Ongoing OH&S training was offered, with supervisors and managers encouraged to attend.

During 2010–11, three new WorkCover claims were made, which, together with ongoing claims from the previous reporting period, resulted in 196 lost work days (there were six claims with 97 lost work days in 2009–10).

WAGES AND SUPERANNUATION

Staff are employed under the terms and conditions of the Victorian Public Service Agreement 2006 (2009 Extended and Varied Version), which incorporates performance management and progression plans for all staff. The Agreement recognises and rewards eligible staff who demonstrate sustained improvement against agreed progression criteria, with an average two per cent annual salary increase.

Staff received superannuation benefits through a choice of superannuation funds, including the State Superannuation Funds (new and revised), VicSuper or privately nominated funds.

THE FUTURE

Future initiatives include:

- establishing a staff professional development group, similar to that which has been established for Members;
- reviewing and updating position descriptions to enable staff performance development planning;
- increasing our intake under the Youth Employment Scheme with a view to retaining suitable trainees; and
- training and preparing staff for changes under the *Equal Opportunity Act 2010*, which commences operation in August 2011.

ENVIRONMENT GROUP

The VCAT Environment Group, comprising interested Members and staff, continued to promote and implement initiatives for using resources sustainably in our day-to-day operations.

In 2010–11, the Group implemented the following initiatives:

- Commissioned the conduct of energy and waste audits by the Built Environment and Business Sustainability Unit of the Department of Justice
- Installed bike racks to encourage staff to cycle to work
- Installed water-saving shower heads in showers at VCAT's Melbourne head office
- Established a waste management system, including colour-coded bins for waste and recyclables in staff areas and at workstations
- Presented sustainability information sessions for staff via the Courts Portfolio Wiki
- Provided staff with 'Keep Cups' to minimise paper cup use
- Posted internal signs in staff and visitor areas to guide resource-saving use of light switches, hand dryers and taps
- Arranged for fleet vehicles to be replaced with hybrid vehicles

VCAT REGISTRY

VCAT's Registry coordinates the exchange of information between VCAT and parties, including hearing notices, orders, and the forms required to lodge a claim. Registry also supports VCAT Members to more efficiently carry out their duties.

STAFF AND STRUCTURE

Registry employs 173 staff members, which is three more than in the previous reporting period.

Registry comprises:

- the Civil Division, which supports the Civil Claims, Credit, Domestic Building, Owners Corporations, Real Property, Residential Tenancies and Retail Tenancies Lists;
- the Administrative Division, which supports the General, Land Valuation, Legal Practice, Occupational and Business Regulation, Planning and Environment, and Taxation Lists;
- the Human Rights Division, which supports the Anti-Discrimination, Guardianship, Mental Health, and Health and Privacy Lists; and
- the Listings Directorate, which supports all Lists, allocating cases to Members for hearing, and managing hearing venues.

REGISTRY SERVICES

In line with *Transforming VCAT* we have over the past year improved service delivery by extending Registry resources beyond VCAT's Melbourne headquarters to key suburban and regional locations.

An administrative support officer is now permanently located at the Berwick Justice Service Centre three days a week. VCAT conducts hearings on two of these days. The administrative support officer coordinates hearings, provides customer support and helps to integrate VCAT into the Justice Centre and build VCAT's presence in Berwick and surrounding areas.

Registry staff also provided support for hearings at the Hume Global Learning Centre in Broadmeadows, including Saturday mornings, and twilight hearings at the Neighbourhood Justice Centre in Collingwood.

Dedicated Registry staff were assigned to support the Anti-Discrimination List in preparation for changes under the *Equal Opportunity Act 2010*.

CASE MANAGEMENT

Registry further consolidated its end-to-end case management process, whereby one team manages all processes associated with a case, rather than cases being moved around different sections of Registry. Staff are developing skills in all areas of Registry work, enhancing Registry's flexibility and promoting better, more consistent customer service and Member support.

STAFF MEDIATORS

Accredited Registry staff mediators participated in the ten-week Civil Claims Short Mediation and Hearing (SMAH) pilot, covered elsewhere in this report. During the pilot, staff mediators offered parties a shortened form of mediation just before their scheduled hearings, with the aim of assisting them to reach settlement. Apart from benefits to parties, staff also gained substantially from skill consolidation and strengthened teamwork, particularly through the opportunity to work closely with Members.

Building on the success of the staff mediator initiative, we are planning another intake of Registry staff to undertake mediation training and become accredited mediators.

COMMUNITY ENGAGEMENT

Registry staff are helping integrate VCAT more fully into the community, increasing public knowledge of VCAT processes through their increased presence in metropolitan and regional locations. During Law Week, staff hosted information sessions and 'expos' at numerous Court and non-Court venues across the state, often in partnership with Tribunal Members or stakeholders such as Consumer Affairs Victoria, community legal centres and Victoria Legal Aid. Staff also supported moot hearings and a mock mediation during the Courts Open Day.

In partnership with the Department of Justice's 'Justice for Refugees Program', Registry staff gave presentations at Community Information Days, providing information about VCAT to Chinese, Afghani, Vietnamese, Burmese and Horn of Africa communities. Registry staff also conducted regular information sessions at VCAT for visiting groups of secondary and tertiary students.

FUTURE

In the next 12 months we will focus on delivering full Registry services at key metropolitan and regional hubs, including Berwick, Ballarat, and Warrnambool. This will allow people living in or near those centres to lodge documents locally, and personally interact with VCAT staff if they need assistance or referral to other local service providers. With more accredited staff mediators, we can enhance our capacity to deliver ADR options to regionally based parties, saving them time and money and helping them achieve more tailored solutions.

INFORMATION TECHNOLOGY

We continued to innovate and deliver technological improvements across VCAT this year, making good progress on a number of *Transforming VCAT* initiatives aimed at creating a more accessible, flexible, accountable and efficient Tribunal.

VCAT IN A BOX

'VCAT in a Box' is a wireless remote access kit, primarily used by Members hearing guardianship and administration matters in non-traditional venues such as aged care facilities. Using 'VCAT in a Box', Members can access VCAT's case management and order entry systems remotely, allowing them to produce and deliver orders directly after hearings. The kits also allow greater hearing venue flexibility, assisting Members to quickly adapt if venues are changed.

DIGITAL RECORDING

Complementing 'VCAT in a Box', we developed portable digital recording kits to record hearings in venues such as the Hume Global Learning Centre in Broadmeadows where VCAT now sits three days a week. Members hearing guardianship and administration matters also use the kits in locations such as hospitals and community centres.

We are also piloting the use of recording systems in four Magistrates' Courts in which VCAT sits, with the aim of extending recording capabilities to Court venues VCAT uses across Victoria. Previously only cases heard at 55 King Street, Melbourne have been routinely recorded.

Recordings form the basis of transcripts, which are an important source of information in the event of an appeal. Recordings also protect the interests of parties and Members participating in hearings, with the added benefit of monitoring and improving standards of conduct and accountability. We received 529 requests from parties for transcripts, compared with 524 in 2009–10, and 507 requests from parties and VCAT Members for CD recordings, compared with 295 in 2009–10.

CASE MANAGEMENT

In conjunction with the Department's Courts and Tribunals Unit, we piloted use of the VCAT Case Portal, a new online eServices tool based on Microsoft SharePoint. The Portal saves parties time and money by allowing them to file documents electronically at any time. Key events, including hearing dates, are posted online and all parties can view them, reducing confusion and avoiding delay. Two law firms assisted with the pilot, which VCAT will consider for further development and implementation across the Tribunal.

Members and staff continued to use VCAT's computerised case management systems – Caseworks and the Tribunal Management System (TMS) – to record applications and case outcomes, create correspondence, and schedule statewide hearings. Members of the high-volume Residential Tenancies and Guardianship Lists used the Order Entry System to produce and print orders that can be signed and given to parties immediately after hearings.

Eventually, all VCAT cases will be managed through the Integrated Courts Management System (ICMS) being developed by the Department of Justice across all of Victoria's courts and tribunals. VCAT is represented on the ICMS Technical Project Board, which ensures the system will meet VCAT's needs. We also continued to align our data to integrate smoothly with the ICMS deployment to VCAT.

AUDIO VISUAL UPGRADES

We installed four interactive Smartboards in hearing rooms to assist parties in the presentation of their cases. The Smartboards are used to display plans, permits and other relevant information on overhead screens. They also have internet connection, enabling online research and access to tools such as email and Google Maps. Parties can use Smartboards to make real-time changes to documents electronically during the course of a hearing or mediation, saving them time and promoting better outcomes through interaction and collaboration.

An additional mobile Smartboard complements our range of hearing room facilities, which also includes video conferencing facilities in three hearing rooms, and advanced audiovisual and telecommunications systems in six hearing rooms and the VCAT Learning Centre.

VCAT also extended its CCTV system during the year to increase public users' safety and the Tribunal's security.

COMPUTER UPGRADES AND PUBLIC ACCESS WORKSTATIONS

Under the Department of Justice's 'Information and Communication Technology Refresh' program, we upgraded 285 personal computers, including standard operating systems. Pending introduction of the ICMS, we tested and released an upgraded version of Caseworks, increasing its functionality with respect to scheduling and document generation.

We installed public access computer workstations in VCAT's ground floor visitor area, enabling visitors to access application forms and lodge them online, or to search through government websites and other helpful online resources. We plan to install further workstations in VCAT's Mediation Centre.

VCAT WEBSITE

The VCAT website at www.vcat.vic.gov.au contains useful information such as:

- information about each List, including application forms and guides;
- access to online applications for a number of Lists;
- legislation, practice notes and VCAT Rules;
- the daily law list;
- information about community and stakeholder meetings;
- video guides and helpful links for parties representing themselves at VCAT;
- links to VCAT decisions, and to various government and legal websites; and
- how to access VCAT files, publications and information.

According to Neilson Net Ratings, we received 2,547,714 hits on the website, compared with 2,190,953 in 2009–10.

Throughout the reporting period we regularly posted updates on the latest Tribunal changes. To increase VCAT's accountability, we updated information on making complaints and provided electronic copies of the following new publications:

- *Transforming VCAT* report cards;
- VCAT Customer Service Charter;
- Fair Hearing Obligation;
- Member Code of Conduct; and
- Member Competency Framework.

In line with the President's *Transforming VCAT* strategy, we are substantially upgrading our website and reviewing its content to make it easier for people to find what they want and need to use. We plan to release our new, more user-friendly website in the next 12 months.

EMAIL

From September 2010, the Residential Tenancies List, Administrative, Civil and Human Rights Divisions all have their own direct email addresses. This promotes prompt and suitable responses to inquiries. All emails to the vcat@vcat.vic.gov.au address are forwarded to the most appropriate area in VCAT for attention, according to their subject matter.

VCAT received 16,534 external emails, compared with 14,713 in 2009–10.

THE FUTURE

VCAT will continue work on current and new technology projects that align with its strategic plan. The following additional technology initiatives are planned for 2011–12:

- the development of a new VCAT website;
- extending the digital recording of hearings to all suburban and regional venues;
- piloting and refining a speech-to-text software program to help Members write their decisions more quickly;
- further work with the Department of Planning and Community Development on the progressive implementation of SPEAR (Streamlined Planning through Electronic Applications and Referrals) in the Planning and Environment List; and
- upgrading Caseworks to support file archiving, enhanced reporting and further process improvements.

FURTHER INFORMATION

OPERATING STATEMENT AND FINANCIAL SUMMARY

FUNDING

VCAT received Victorian government appropriations of \$21.07 million either directly from the Department of Justice or by way of other departments making contributions to VCAT. These sources fund the majority of Lists with the exception of Lists funded by other sources as described below. Appropriations include revenue of \$2.3 million generated by those Lists receipting application fees.

- The Residential Tenancies Trust Fund, established under the *Residential Tenancies Act 1997*, wholly funds the Residential Tenancies List (\$10.27 million).
- The Domestic Builders Fund, established under the *Domestic Building Contracts Act 1995*, wholly funds the Domestic Building List (\$2.56 million).
- The Guardianship and Administration Trust Fund established under the *Guardianship and Administration Act 1986*, partially funds the Guardianship List (\$1.4 million).
- The Legal Services Board established under the *Legal Profession Act 2004*, wholly funds the Legal Practice List (\$1.38 million).
- The Owners Corporations (Victorian Property Fund) jurisdiction was established under the *Owners Corporations Act 2006*, and is wholly funded by Consumer Affairs Victoria (\$1.22 million).

- The Department of Innovation, Industry and Regional Development (now the Department of Business and Innovation) and Department of Justice funded the Major Cases List, which operated as a separately funded pilot sub-list of the Planning and Environment List, up until 18 March 2011 (\$0.99 million).

EXPENDITURE

In 2010–11, VCAT's recurrent expenditure of \$37.90 million was 3.02 per cent higher than the \$36.79 million expended by VCAT in 2009–10. This comprised expenditure on salaries to full-time, part-time and sessional Members (\$13.19 million), staff salaries (\$10.29 million), salary related on-costs (\$4.48 million) and operating expenses (\$9.94 million).

VCAT AUDITED ACCOUNTS

VCAT's accounts are audited as part of the accounts of the Department of Justice and published in that Department's annual report.

The figures published in the Department's annual report may vary from the information published in this annual report, due to adjustments made in the period between their respective publications.

OPERATING STATEMENT AND FINANCIAL SUMMARY

FUNDING	2010/11	2009/10
VCAT funding sources	\$m	\$m
Output appropriations	20.72	19.30
Residential Tenancies Fund	10.27	10.74
Domestic Building Fund	2.56	2.70
Guardianship and Administration Trust Fund	1.40	1.45
Retail Tenancies List (DIIRD)	0.35	0.35
Legal Practice List	1.38	1.12
Victorian Property Fund	1.21	1.13
TOTAL	37.90	36.79

EXPENDITURE	2010/11	2009/10
VCAT operational expenditure	\$m	\$m
Salaries to staff	10.29	9.96
Salaries to full-time Members	7.23	7.51
Sessional Members	5.96	5.98
Salary related on-costs	4.48	4.49
Operating costs	9.94	9.02
TOTAL	37.90	36.79

VCAT Expenditure allocation by List*	\$m	\$m
Planning	8.49	8.34
Major Cases	0.99	0
Guardianship	5.23	5.39
General/ OBR/ Taxation	2.72	2.88
Anti-Discrimination	0.55	0.40
Civil Claims	2.78	2.18
Real Property	0.14	0.18
Land Valuation	0.51	0.63
Credit	0.29	0.52
Health Profession	0.36	0.22
Retail Tenancies	0.41	0.36
Legal Practice List	1.38	1.12
Residential Tenancies Fund	10.27	10.74
Domestic Building Fund	2.756	2.70
Owners Corporations	1.22	1.13
TOTAL	37.90	36.79

* Expenditure by List figures shown above are approximate only. They are intended to give an impression of the relative expenditure among Lists. An accurate comparison of these costs between years is not possible due to the extent of the sharing of resources among Lists.

ALLOCATION OF FUNCTIONS

According to the Victorian Civil and Administrative Tribunal Rules 2008 [SR65/2008] as at 30 June 2011

ADMINISTRATIVE DIVISION

General List

The functions of the Tribunal under the enabling enactments set out in the items below are allocated to the General List of the Administrative Division.

<i>Accident Compensation Act 1985</i>
<i>Adoption Act 1984</i> section 129A(1)(a) (decisions regarding fitness to adopt and approval to adopt)
<i>Associations Incorporation Act 1981</i>
<i>Births, Deaths and Marriages Registration Act 1996</i>
<i>Cemeteries and Crematoria Act 2003</i>
<i>Children, Youth and Families Act 2005</i>
<i>Co-operatives Act 1996</i>
<i>Country Fire Authority Act 1958</i>
<i>Dangerous Goods Act 1985</i>
<i>Disability Act 2006</i> section 50 (decision as to disability)
<i>Domestic (Feral and Nuisance) Animals Act 1994</i> section 98(2) (declaration and registration of dangerous dogs)
<i>Drugs, Poisons and Controlled Substances Act 1981</i>
<i>Electoral Act 2002</i>
<i>Electricity Safety Act 1998</i>
<i>Emergency Management Act 1986</i>
<i>Emergency Services Superannuation Act 1986</i>
<i>Equipment (Public Safety) Act 1994</i>
<i>Estate Agents Act 1980</i> section 81(5A) (claims against guarantee fund)
<i>Fisheries Act 1995</i>
<i>Freedom of Information Act 1982</i>
<i>Gas Safety Act 1997</i>
<i>Livestock Disease Control Act 1994</i>
<i>Local Government Act 1989</i> sections 38(2A) and 48 (decisions of Municipal Electoral Tribunal), section 133 (decision of the Minister imposing a surcharge) and clause 8 of Schedule 12 (decisions of returning officer concerning how-to-vote cards)
<i>Major Sporting Events Act 2009</i>
<i>Melbourne and Metropolitan Board of Works Act 1958</i>
<i>Metropolitan Fire Brigades Act 1958</i>
<i>Motor Car Traders Act 1986</i> section 79 (claims against guarantee fund)
<i>Parliamentary Salaries and Superannuation Act 1968</i>
<i>Public Health and Wellbeing Act 2008</i> section 204

Relationships Act 2008 Part 2.4 of Chapter 2

Road Management Act 2004

Road Transport (Dangerous Goods) Act 1995

State Employees Retirement Benefits Act 1979

State Superannuation Act 1988

Superannuation (Portability) Act 1989

Transport Accident Act 1986

Transport Superannuation Act 1988

Travel Agents Act 1986 section 46 (claims against approved compensation schemes)

Unclaimed Money Act 2008 sections 59, 61 and 63

Victims of Crime Assistance Act 1996

Victoria State Emergency Service Act 2005

Victorian Plantations Corporation Act 1993

Victorian Qualifications Authority Act 2000

LAND VALUATION LIST

The functions of the Tribunal under the enabling enactments set out in the items below are allocated to the Land Valuation List of the Administrative Division.

Flora and Fauna Guarantee Act 1988 section 43(12) (claims for compensation)

Health Services Act 1988 section 67 (compulsory acquisition of land)

Land Acquisition and Compensation Act 1986

Local Government Act 1989 section 183 (differential rating)

Mildura College Lands Act 1916 section 2(ec) (decision of Valuer-General on value of land)

Mineral Resources (Sustainable Development) Act 1990 section 88 (compensation for loss caused by work under a licence)

Pipelines Act 2005 section 154

Planning and Environment Act 1987 sections 94(5) (compensation as a result of order to stop development or cancellation or amendment of permit) and 105 (compensation for loss caused by reservation of land, restriction of access or road closure)

Subdivision Act 1988 section 19 (valuation of land for public open space)

Valuation of Land Act 1960 Part III (disputes on the value of land)

Water Act 1989 section 266(6) (setting tariffs, fees under tariffs, valuation equalisation factors and valuations)

OCCUPATIONAL AND BUSINESS REGULATION LIST

The functions of the Tribunal under the enabling enactments set out in the items below are allocated to the Occupational and Business Regulation List of the Administrative Division.

Adoption Act 1984 section 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

Biological Control Act 1986

Building Act 1993 Division 12 of Part 12A

Children's Services Act 1996

Consumer Credit (Victoria) Act 1995 Part 4 (registration of credit providers) and section 37(1) (permission, including conditions, to a disqualified person to engage or be involved in finance broking)

Dairy Act 2000

Dangerous Goods Act 1985

Disability Act 2006 section 45 (registration of a disability service provider)

Domestic (Feral and Nuisance) Animals Act 1994 section 98(1) (registration of premises to conduct a domestic animal business)

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

Estate Agents Act 1980 except sections 56B(1) (see Real Property List) and 81(5A) (see General List)

Firearms Act 1996 section 182 (decisions of Firearms Appeals Committee)

Fundraising Act 1998

Gambling Regulation Act 2003

Health Practitioner Regulation National Law (applied in Victoria by the Health Practitioner Regulation National Law (Victoria) Act 2009), Part 8, Divisions 12 and 13

Health Professions Registration Act 2005 Part 4

Health Services Act 1988 section 110 (decisions of Minister or Chief General Manager under Part 4)

Liquor Control Reform Act 1998

Local Government Act 1989 sections 30, 81D, 81E, 81J(1)(b), 81K, 81L, 81Q and 81R

Marine Act 1988 section 85 (cancellation and suspension of certificates and licences)

Meat Industry Act 1993 section 24 (licences to operate meat processing facilities, alteration of buildings)

Mineral Resources (Sustainable Development) Act 1990

Motor Car Traders Act 1986 except sections 45 (see Civil Claims List) and 79 (see General List)

Occupational Health and Safety Act 2004

Occupational Health and Safety Regulations 2007

Owner Drivers and Forestry Contractors Act 2005 section 41 (dispute between contractor and hirer)

Owners Corporations Act 2006 Part 6 and Part 12

Pipelines Act 2005 sections 64, 83 and 182

Prevention of Cruelty to Animals Act 1986 section 33 (licensing of scientific establishments and breeding establishments)

Private Security Act 2004 Part 7

Professional Boxing and Combat Sports Act 1985 (licences, permits and registration)

Prostitution Control Act 1994

Public Health and Wellbeing Act 2008 section 207

Public Transport Competition Act 1995

Racing Act 1958

Rail Safety Act 2006 Part 7

Second-Hand Dealers and Pawnbrokers Act 1989 sections 9B and 14 (correction of register)

Surveying Act 2004 section 33 (review of decision, finding or determination)

Therapeutic Goods (Victoria) Act 1994 section 71 (licensing of wholesale supply)

Trade Measurement Act 1995 section 59 (licensing and discipline)

Transport Act 1983 except section 56 (see Planning and Environment List)

Travel Agents Act 1986 except section 46 (see General List)

Utility Meters (Metrological Controls) Act 2002

Veterinary Practice Act 1997 section 55 (registration and discipline)

Victoria State Emergency Service Act 2005

Victoria State Emergency Service Regulations 2006

Wildlife Act 1975

Working with Children Act 2005

PLANNING AND ENVIRONMENT LIST

The functions of the Tribunal under the enabling enactments set out in the items below are allocated to the Planning and Environment List of the Administrative Division.

Aboriginal Heritage Act 2006

Catchment and Land Protection Act 1994 section 48 (land use conditions and land management notices)

Conservation, Forests and Lands Act 1987 section 76 (variation and termination of land management co-operative agreements)

Environment Protection Act 1970

Extractive Industries Development Act 1995

Flora and Fauna Guarantee Act 1988 sections 34(3), 41 and 41A (interim conservation orders)

Heritage Act 1995

Local Government Act 1989 sections 185 (imposition of special rate or charge) and 185AA (imposition of special rate or charge)

Mineral Resources (Sustainable Development) Act 1990 except sections 88 (see Land Valuation List), 94 and 95 (see Occupational and Business Regulation List)

Owners Corporations Act 2006 Part 6

Planning and Environment Act 1987 except sections 94(5) and 105 (see Land Valuation List)

Plant Health and Plant Products Act 1995 section 39 (costs and expenses of inspectors)

Subdivision Act 1988 except sections 19 (see Land Valuation List), 36 and 39 (see Real Property List)

Transport Act 1983 section 56 (decisions of the Public Transport Corporation or Roads Corporation)

Water Act 1989 except sections 19 (see Real Property List) and 266(6) (see Land Valuation List)

Water Industry Act 1994 except section 74 (see Real Property List)

TAXATION LIST

The functions of the Tribunal under the enabling enactments set out in the items below are allocated to the Taxation List of the Administrative Division.

Business Franchise Acts

First Home Owner Grant Act 2000

Taxation Administration Act 1997

CIVIL DIVISION

Civil Claims List

The functions of the Tribunal under the enabling enactments set out in the items below are allocated to the Civil Claims List of the Civil Division.

Domestic Building Contracts Act 1995

Fair Trading Act 1999

Motor Car Traders Act 1986 section 45 (rescission of agreement of sale of motor car)

Owner Drivers and Forestry Contractors Act 2005

Owners Corporations Act 2006 Part 6 and Part 11, Divisions 1, 2, 3 and 4

Retirement Villages Act 1986

Credit List

The functions of the Tribunal under the enabling enactments set out in the items below are allocated to the Credit List of the Civil Division.

Chattel Securities Act 1987 section 25 (compensation for extinguishment of security interest)

Credit Act 1984

Credit (Administration) Act 1984

Consumer Credit (Victoria) Act 1995 except Part 4 and section 37(1) (see Occupational And Business Regulation List)

Fair Trading Act 1999

Domestic Building List

The functions of the Tribunal under the enabling enactments set out in the items below are allocated to the Domestic Building List of the Civil Division.

Building Act 1993 except Division 12 of Part 12A

Domestic Building Contracts Act 1995

Fair Trading Act 1999

House Contracts Guarantee Act 1987

Owners Corporations Act 2006 Part 6 and Part 11, Divisions 1, 2, 3 and 4

Legal Practice List

The functions of the Tribunal under the enabling enactments set out in the items below are allocated to the Legal Practice List of the Civil Division.

Fair Trading Act 1999 (dispute between a legal practitioner and a client of a legal practitioner)

Legal Profession Act 2004

Owners Corporations List

The functions of the Tribunal under the enabling enactments set out in the items below are allocated to the Owners Corporations List of the Civil Division.

Owners Corporations Act 2006 Part 6 and Part 11

Subdivision Act 1988 Part 5, and sections 36 and 39 (other disputes)

Fair Trading Act 1999

Real Property List

The functions of the Tribunal under the enabling enactments set out in the items below are allocated to the Real Property List of the Civil Division.

Estate Agents Act 1980 section 56B(1) (disputes about commissions and outgoings)

Fair Trading Act 1999

Owners Corporations Act 2006 Part 6 and Part 11

Property Law Act 1958 Part IV

Sale of Land Act 1962 section 44

Subdivision Act 1988 sections 36 and 39 (other disputes)

Water Act 1989 section 19 (civil liability arising from various causes)

Water Industry Act 1994 section 74 (liability of licensee)

Residential Tenancies List

The functions of the Tribunal under the enabling enactments set out in the items below are allocated to the Residential Tenancies List of the Civil Division.

Disability Act 2006 Part 5 Division 2

Fair Trading Act 1999

Housing Act 1983

Landlord and Tenant Act 1958

Owners Corporations Act 2006 Part 6 and Part 11, Divisions 1, 2, 3 and 4

Residential Tenancies Act 1997

Retirement Villages Act 1986

Retail Tenancies List

The functions of the Tribunal under the enabling enactments set out in the items below are allocated to the Retail Tenancies List of the Civil Division.

Fair Trading Act 1999

Retail Leases Act 2003

HUMAN RIGHTS DIVISION

Anti-Discrimination List

The functions of the Tribunal under the enabling enactment set out in the items below are allocated to the Anti-Discrimination List of the Human Rights Division.

Equal Opportunity Act 1995

Racial and Religious Tolerance Act 2001

Guardianship List

The functions of the Tribunal under the enabling enactments set out in the items below are allocated to the Guardianship List of the Human Rights Division.

Disability Act 2006 Part 5 Division 3, Part 7, Part 8 Divisions 1, 3 and 5

Guardianship and Administration Act 1986

Instruments Act 1958 Division 6 of Part XIA

Medical Treatment Act 1988 section 5C (enduring powers of attorney)

Trustee Companies Act 1984

Health and Privacy List

The functions of the Tribunal under the enabling enactments set out in the items below are allocated to the Health and Privacy List of the Human Rights Division.

Assisted Reproductive Treatment Act 2008

Health Records Act 2001

Information Privacy Act 2000

Public Health and Wellbeing Act 2008 section 122

Mental Health List

The functions of the Tribunal under the enabling enactments set out in the items below are allocated to the Mental Health List of the Human Rights Division.

Mental Health Act 1986 section 79 (decisions of Secretary), section 120 (decisions of Mental Health Review Board).

VCAT MEMBER DIRECTORY

List of abbreviations: **AD** Anti-Discrimination, **CC** Civil Claims, **C** Credit, **DB** Domestic Building, **Gen** General, **G** Guardianship, **HP** Health and Privacy, **LV** Land Valuation, **LP** Legal Practice, **MH** Mental Health, **OBR** Occupational and Business Regulation, **OC** Owners Corporations, **P** Planning, **Real P** Real Property, **Res T** Residential Tenancies, **Ret T** Retail Tenancies, **Tax** Taxation

Judicial Members

President

The Honourable Justice Iain Ross, AO

Vice Presidents

His Honour Judge John Bowman

Her Honour Judge Sandra Davis

His Honour Judge James Duggan

His Honour Judge Timothy Ginnane

Her Honour Judge Felicity Hampel

Her Honour Judge Lisa Hannan

His Honour Judge Anthony Howard

Her Honour Judge Pamela Jenkins

Her Honour Judge Kathryn Kings

His Honour Judge Paul Lacava

His Honour Judge Philip Misso

Her Honour Judge Jeanette Morrish

His Honour Judge Christopher O'Neill

Her Honour Judge Susan Pullen

Deputy Presidents

Aird, Catherine Elizabeth AD, C, CC, DB, Gen, G, HP, LV, LP, MH, OBR, OC, P, Real P, Res T, Ret T, Tax

Coghlan, Anne AD, C, CC, Gen, G, HP, MH, OBR, Res T, Tax

Dwyer, Mark Gen, LV, LP, OBR, P, Real P, R, Ret T, Tax

Gibson, Helen LV, P

Lambrick, Heather Lee AD, C, CC, DB, Gen, G, HP, LV, LP, MH, OBR, OC, P, Real P, Res T, Ret T, Tax

MacNamara, Michael Francis AD, CC, DB, Gen, HP, LV, LP, MH, OBR, OC, P, Real P, Ret T, Tax

Senior Members

Baird, Margaret Louise OBR, P, LP

Billings, John Christopher AD, CC, Gen, G, HP, LP, MH, OBR, Res T

Byard, Russell Ernest LV, OBR, P, Real P

Davis, Robert Wallace AD, CC, DB, Gen, HP, LV, LP, MH, OBR, OC, P, Real P, Ret T, Tax

Fanning, David Kevin* CC, G, HP, MH, Res T

Howell, Malcolm Robert CC, Gen, LP, OBR

Lulham, Ian Bruce CC, DB, OC, Real P, Res T, Ret T

Preuss, Jacqueline Michelle AD, CC, Gen, G, LP, OBR, P

Rickards, Jeanette Gertrude LV, OBR, P

Riegler, Eric Leslie CC, DB, OBR, Real P, Ret T

Scott, Robert Barrington CC, Gen, G, HP, MH, Res T

Vassie, Alan David C, CC, Gen, G, LV, LP, OC, Real P, Res T, Ret T

Walker, Rohan Charles Wilson AD, CC, DB, Gen, G, HP, MH, OC, P, Real P, Res T, Ret T

Senior Sessional Members

Dudycz, Maria AD, G, HP, MH, OBR

Dyett, Francis AD, C, CC, DB, Gen, G, HP, LV, LP, MH, OBR, OC, P, Real P, Res T, Ret T, Tax

Galvin, John Michael CC, Gen, G, OBR, OC, Res T

Hawkins, Annabel Mary CC, G, Res T

Komesaroff, Tonia LV, OBR, P

Levine, Michael C, CC, DB, Gen, G, OBR, OC, LV, LP, Real P, Res T, Ret T

Liston, Anthony Paul OBR, P

Lothian, Margaret Catherine AD, C, CC, DB, G, HP, MH, OBR, OC, P, Real P, Res T, Ret T

McKenzie, Cathryn Rosemary (Cate) AD, C, CC, Gen, G, HP, MH, OBR

Megay, Noreen Claire AD, CC, Gen, G, HP, LP, MH, OBR, OC, Real P, Res T, Ret T, Tax

Nixon, John AD, C, CC, DB, Gen, G, HP, LV, LP, MH, OBR, OC, P, Real P, Res T, Ret T, Tax

Sharkey, Gerard Real P

Steele, Bernadette Marie AD, CC, DB, Gen, G, HP, MH, OBR, OC, Real P, Res T, Ret T

Williams, Roland AD, C, CC, DB, Gen, G, HP, LV, LP, MH, OBR, OC, P, Real P, Res T, Ret T, Tax

Full Time Members

Barker, Heather Majorie CC, G, OC, Res T

Bennett, John Arthur P, OBR

Benz, Elizabeth Ann P

Butcher, Gerard Paul CC, DB, Gen, LP, OBR, OC

Carruthers, Maureen June AD, G, HP

Cimino, Sam Robert OBR, P

Code, Geoffrey LV, OBR, P

Grainger, Julie Maree C, CC, Gen, G, HP, MH, OBR, OC, Res T

Hewet, Laurie Malcolm OBR, P

Holloway, William Raynham CC, DB, Gen, G, OC, Res T

Kefford, Jacquelynn Anne C, CC, G, OC, Res T

Liden, Susanne Jane AD, C, CC, Gen, G, HP, MH, OBR, OC, Res T

Martin, Philip Robert Wilson LV, OBR, P

Moraitis, Stella CC, C, G, Gen, HP, LP, MH, OC, Res T

Naylor, Rachel Amanda OBR, P

Nihill, Genevieve AD, CC, Gen, G, HP, OBR, OC, Res T

Potts, Ian William P, Real P

Proctor, Ian David AD, C, CC, Gen, G, HP, LP, MH, OBR, OC, Res T

Rundell, Geoffrey David P

Sibonis, Bill (Valilios) OBR, P

Tilley, Annemarie AD, CC, Gen, G, HP, MH, OC, Res T

Part Time Members

Cook, Dalia LV, P, OBR, Real P

Dea, Anna Genevieve AD, CC, DB, HP, MH, OBR, OC, Real P, Res T, Ret T

Sessional Members

Alsop, David P

Anderson, Diane Patricia OBR

Anderson, Sandy June OBR

Archibald, Mary OBR

Arnott, Anne OBR

Barr, Lynne Maree Coulson LP

Barrand, Pamela Mary CC, G, OC, Res T

Barry, Pamela OBR

Barton, Terence John G

Batrouney, Roger Laurence John LP

Beasley, Speros Paul LP

Bilston-McGillen, Tracey Lee P

Blachford, Melvin Geoffrey OBR

Bridge, Emma Louise CC, Gen, G, HP, MH, OC, Res T

Brown, Vicki Mae LV

Buchanan, Robert C, CC, DB, Gen, LP, OBR, OC, Real P, Res T, Ret T, Tax

Burdon-Smith, Susan Margaret AD, CC, Gen, G, OBR, OC, Res T

Burge, Dorothy (Barbara) HP, MH, OBR

Bylhower, Marietta OBR

Calabro, Domenico CC, Gen, G, OC, Res T

Cali, Louis OBR

Cameron, Melanie OBR

Campbell, Heather LP, OBR

Carew, Megan P

Chapman, Ysanne OBR

Chase, Gregory Totten P

Cherrie, Deborah Marie LP

FURTHER INFORMATION

Chuck, Alan Kenneth	P, Real P	Harvey, Margaret Lorraine	AD, CC, G, OC, Res T, MH, HP	Richards, Keith Ernest	G, OBR, OC
Clarke, Bernard George	HP, MH, OBR	Homewood, Penelope Jane	P	Riley, Colin Douglas	OBR
Cogley, Vicki Margaret	OBR	Horan, Anthony	LP	Roller, Louise Mary	OBR
Collopy, Brian	HP, MH, OBR	Hughes, Elizabeth Anne	OBR	Rowland, Linda Zaghet	AD, CC, DB, G, Gen, OBR, OC, Real P, Res T, Ret T
Cooke, Jenny Brownwyn	OBR	Hunt, Stephen John	No List assigned	Rundell, John Warwick	P, Real P
Cooney, Elizabeth Lillian	LP	Jacono, Justine Mary	LV	Ryan, Amanda Catherine	OBR
Counsel, Caroline Marita Anne	LP	Jacquiery, Errol Jonathan	LP, OBR	Shanahan, Elizabeth	HP, MH, OBR
Crawford, Gwenneth Jean	OBR	Jenkins, Louise Mary	LP	Sharpley, Gregory Eric	P
Cremean, Bernadette Maria	AD, CC, OC, Res T	Jones, Leslie Maxwell	LV	Shattlock, Peter Arnold	LP
David, Graeme Arthur	P	Jones, Russell Gordon	LP	Slattery, Alison Mary	P
Davies, Dennis James	LP	Jopling, Peter John	LP	Slee, Felicity Anne	OBR
Davies, Hugh Thomas	CC, DB, LP, OC, Res T, Ret T	Keaney, John Matthew	p	Soldani, Angela Assunta	CC, G, Res T
Davies, Vicki Michele	P	Keddie, Ann Hardwicke	p	Southall, Anthony George	LP
Davine, Diarmid	LP	Keith, Benedict Michael Alexander	OBR	Story, Rowan Darroch	OBR
Davis, Julian Peter	G, OBR	King, Ross William	OBR	Tan, Eng-Seong	OBR
Dawson, Frank Richard	P	Kirmos, Kay	CC, Res T	Taranto, Mary-Ann	P
Delany, Clare Maree	OBR	Klingender, Jessica Bridger Ainslie	CC, G, OC, Res T	Treble, Andrea Michelle	AD, CC, G, Gen, HP, OBR, OC, Res T
Dickinson, Anthony	OBR	Kominos, Angela Evangelia	AD, CC, G, HP, MH, OC, Res T	Wajcman, Jack	CC, OC, Res T
Doherty, Kathleen Mary	OBR	Lennie, Owen Stuart	LV	Wajcman, Megay	No List assigned
Drinkwater, John Stuart	OBR	Leshinsky, Judith Rebecca	LV, OBR, OC, P, Real P	Warren, Lindsay Kevin	CC, G, OC, Res T, Ret T
Duffy, Jane Frances	OBR	Levin, David Samuel	LP	Wentworth, Elisabeth	AD, CC, C, Gen, LP, OC, Res T
Duggan, Anne Elizabeth	G	Levy, Leonard	OBR	West, Lynda Mary	AD, CC, G, Gen, OBR, OC, Res T
Eggleston, Peter Ronald	CC, DB, Gen, LP, OBR, OC, Real P, Res T, Ret T	Lightfoot, Brian George	CC, G, Real P, Res T, Ret T	Williams, Charles Robert	AD, G, Gen, OBR
El Moussalli, Michael	OBR	Lipson, Mark Russell	LP	Wilson, Cynthia Lou	P
Fabris, Elaine Antoinetta	HP, OBR	List, David Jacob	OBR	Wilson, Silvana	CC, Res T, G
Farhall, John	OBR	Malbon, Alan Ronald	OBR	Zheng, Samuel Xianbing	OBR
Farkas, Michael	LP	Marshall, Simone Jane	OBR		
Ferres, Beverley June	AD, G, OBR	McCabe, Edmund Jepson	CC, G, OC, Res T		
Fleer, Frank Edward	P	McCann, David Leigh	CC, Res T		
Fong, Christine Po-Kuen	OBR, P	McFarlane, Timothy Patrick	G		
Fraser, Glenys Arlene	No List assigned	McGarvie, Ann Judith	CC, G, HP, MH, OC, Res T		
Fry, Sydney Robert Donald	CC, P, Res T	McKenzie, Susanne Theresa	LP		
Gerber, Paula	CC, DB	McKeown, Patricia Louise	OBR		
Geyer, Carol Mavis	OBR	McMeekan, Joan Merrilyn	OBR		
Gleeson, John	OBR	McNamara, Kenneth John	P		
Glover, John Stephen	Gen, Tax	Molloy, Patricia (Trish)	HP, MH, OBR		
Glynn, Alison Margaret	P	Mulcare, Christine Rosemary	LP		
Good (Keon-Cohen), June Elizabeth	CC, G, OC, Res T	Myers, Paul James	LP		
Graves, Phillip John	G, HP, MH	Nagle, Kathleen Mary	OBR		
Gray, Peter Allan	P	Norman, Kathryn	CC, G, Res T		
Gosvenor, Russell	OBR	Ogloff, James Robert	OBR		
Gu, (Sherman) Xu Ming	OBR	Osborn, Jane Meredith	P		
Gymer, Raymond	OBR	Page, Rodney John	LP, G		
Gysslink, Paul Francis	OBR	Paterson, Katherine Frances	P		
Hadjigeorgiou, Nicholas Spiridon	P	Pearson, Ros	OBR		
Hally, Mary Bernadette	OBR	Phillips, Robert William	CC, G, HP, OC, Res T		
Hancock, Elizabeth Jan	LV	Phillips, Sabine	OBR		
Hannerbery, Elaine	LP	Pinksier, Nathan	OBR		
Harris, Elizabeth May	LP	Power, Marian	OBR		
Harrison, Fiona Lorna	LP	Price, Roland Maxwell Lloyd	CC, OC, Res T		
Harper, Patricia Joan	HP, LP	Prince, Mark William	OBR		
Hartsias, Joanna	P	Rae, David Elliot	P		
Harty, Chistopher John	P	Read, Michael Davis	P		
		Reddy, Aruna	HP, MH, OBR		

TOTALS:

Judicial Members **15**

Deputy Presidents **6**

Senior Members **12**

Senior Sessional Members **14**

Full Time Members **21**

Part Time Members **2**

Sessional Members **159**

* Magistrates **1**

VCAT CONTACT DETAILS

MAIN OFFICE

Victorian Civil and Administrative Tribunal (VCAT)
55 King Street, Melbourne, Victoria 3000
Email: vcat@vcat.vic.gov.au
Website: www.vcat.vic.gov.au

Anti-Discrimination List

Tel: +61 9628 9900
Fax: +61 9628 9932

Civil Claims List

Tel: +61 9628 9830
Fax: +61 9628 9967
1800 133 055 (within Victoria)

Credit List

Tel: +61 9628 9790
Fax: +61 9628 9967

Domestic Building List

Tel: +61 9628 9999
Fax: +61 9628 9988

General List

Tel: +61 9628 9755
Fax: +61 9628 9788

Guardianship List

Tel: +61 9628 9911
Fax: +61 9628 9932
1800 133 055 (within Victoria)

Health and Privacy List

Tel: +61 9628 9900
Fax: +61 9628 9932

Land Valuation List

Tel: +61 9628 9766
Fax: +61 9628 9789

Legal Practice List

Tel: +61 9628 9755
Fax: +61 9628 9788

Mental Health List

Tel: +61 9628 9900
Fax: +61 9628 9932

Occupational and Business Regulation List

Tel: +61 9628 9755
Fax: +61 9628 9788

Owners Corporations List

Tel: +61 9628 9830
Fax: +61 9628 9967

Planning and Environment List

Tel: +61 9628 9777
Fax: +61 9628 9789

Real Property List

Tel: +61 9628 9960
Fax: +61 9628 9988

Residential Tenancies List

Tel: +61 9628 9800
Fax: +61 9628 9822
1800 133 055 (within Victoria)
Registered users can access VCAT online through the website.

Retail Tenancies List

Tel: +61 9628 9960
Fax: +61 9628 9988

Taxation List

Tel: +61 9628 9755
Fax: +61 9628 9788

VCAT HEARING LOCATIONS

VCAT sits at a number of suburban and regional locations throughout Victoria.

SUBURBAN

BERWICK

Berwick Justice Service Centre
Wheeler Street

BROADMEADOWS

Hume Global Learning Centre
1093 Pascoe Vale Road

COLLINGWOOD

Neighbourhood Justice Centre
Wellington Street

DANDENONG*

Cnr Foster and Pultney Streets

FRANKSTON*

Fletcher Road

HEIDELBERG*

Jika Street

MOORABBIN*

Moorabbin Justice Centre
Nepean Highway, Highett

RINGWOOD*

Ringwood Street

SUNSHINE*

10 Foundry Road
(Entry via Harvester Road)

WERRIBEE*

Salisbury Street

REGIONAL

ARARAT*

Cnr Barkly and Ingor Streets

BAIRNSDALE*

Nicholson Street

BALLARAT*

100 Grenville Street South

BENALLA*

Bridge Street

BENDIGO*

71 Pall Mall

CASTLEMAINE*

Lyttleton Street

COBRAM*

Cnr Punt Road and High Street

COLAC*

Queen Street

DROMANA*

Codrington Street

ECHUCA*

Heygarth Street

GEELONG*

Railway Terrace

HAMILTON*

Martin Street

HORSHAM*

Roberts Avenue

KERANG*

Victoria Street

KORUMBURRA*

Bridge Street

MILDURA*

Deakin Avenue

MOE*

Lloyd Street

MORWELL*

134 Commercial Road

PORTLAND*

67 Cliff Street

ROBINVALE*

George Street

SALE*

Foster Street (Princes Highway)

SEYMOUR*

Tallarook Street

SHEPPARTON*

High Street

SWAN HILL*

Curlewis Street

WANGARATTA*

Faithfull Street

WARRNAMBOOL*

218 Koroit Street

WODONGA*

5 Elgin Boulevard

WONTHAGGI*

Watt Street

HOSPITALS

CAULFIELD

260 Kooyong Road

CHELTENHAM

Kingston Centre
Warrigal Road

PARKVILLE

Royal Melbourne, Royal Park Campus
34-54 Poplar Road

WANTIRNA

251 Mountain Highway

* Magistrates' Court locations

www.vcat.vic.gov.au