

VCAT

VICTORIAN CIVIL AND
ADMINISTRATIVE TRIBUNAL



2006-07 Annual Report

timely, low cost,
expert, accessible,
independent.

**Our vision
is to set the
standard
for dispute
resolution
by achieving
a high level
of quality
decision-
making,
timeliness
and service
excellence.**

Letter to the Attorney-General

The Hon Rob Hulls MP
Attorney-General
55 St Andrews Place
Melbourne 3002
Dear Attorney-General

We are pleased to present our Annual Report of the performance and operations of the Victorian Civil and Administrative Tribunal (VCAT) from 1 July 2006 to 30 June 2007 according to the requirements under 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 2007; and
- proposals for improving the operation of VCAT and forecasts of VCAT's workload in the subsequent 12-month period.

Sincerely



John Bowman
Acting President
30 Sept 2007



Samantha Ludolf
Chief Executive Officer
30 Sept 2007

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Purpose, Objectives and Background

Background to the VCAT Act

On 1 July 1998, the Victorian Civil and Administrative Tribunal (VCAT) was established under the *Victorian Civil and Administrative Tribunal Act 1998* (the VCAT Act).

A Supreme Court judge heads VCAT as President and County Court judges serve as Vice-Presidents. Deputy Presidents head the various Lists and a Rules Committee appointed under the VCAT Act develops rules of practice and procedure and Practice Notes for VCAT.

VCAT provides Victorians with accessible justice in administrative review matters, civil disputes and human rights.

Our Purpose

At VCAT, our purpose is to deliver a modern, accessible, informal, efficient and cost-effective tribunal justice service to all Victorians, while making quality decisions.

In our ninth year of operation, this Annual Report communicates our key objectives and strengths in providing a valuable dispute resolution service to the Victorian community.

VCAT's decisions directly impact more than one million Victorians every year. In addition to the approximately 225,000 parties attending VCAT, at least four other people have a direct interest in such matters, including family members, business associates, company employees and local residents. This demonstrates how widely VCAT's services touch the community.

VCAT addresses issues of importance to the community, including decisions having a critical affect on the care of people who are no longer able to manage their personal and financial affairs.

VCAT decisions impact the Victorian environment and its economy through matters involving planning and environment, liquor licensing, occupational and business regulation and credit providers.

Aims and Objectives

Users and the Public

Achieve excellence in our service to users and the public by being:

- Cost-effective
- Accessible and informal
- Timely
- Fair and impartial
- Consistent
- Quality decision-makers

Our Role

Effectively anticipate and meet the demands for dispute resolution by being:

- Independent
- Responsible
- Responsive

Our People

Encourage the development of flexible, satisfied and skilled Members and staff by providing:

- A safe, challenging and team-oriented work environment
- Training and development
- Appropriate use of specialised expertise

The Community

Ensure VCAT continues to raise awareness of its services and to improve its service delivery to the community through:

- User feedback
- Education



During 2006-07, VCAT introduced a new Mediation Centre, comprising dedicated hearing rooms, meeting areas and a suite of mediation breakout rooms. Located on the second floor of 55 King Street, Melbourne, the Mediation Centre provides users with comfortable amenities conducive to achieving settlements at mediation.

About VCAT

Who We Are

The Victorian Civil and Administrative Tribunal (VCAT) began operations on 1 July 1998 as part of an initiative to improve the operation of the tribunal justice system in Victoria by:

- streamlining administrative structures;
- increasing flexibility; and
- improving the operation of tribunals.

VCAT comprises three divisions—Civil, Administrative and Human Rights. Each division has a number of Lists specialising in particular types of cases.

VCAT has a hierarchy of Members:

- the President of VCAT who is a Supreme Court judge;
- Vice-Presidents who are County Court judges;
- Deputy Presidents who are appointed to manage one or more Lists; and
- Senior Members and other Members who serve on the Lists on a full-time or sessional basis.

Its Members have a broad range of specialised skills to hear and determine cases. Experienced Members, including judges, legal practitioners and Members with specialised qualifications, enable VCAT to hear a wide range of complex matters.

The President assigns Members to specific Lists according to their expertise and experience. If a Member has appropriate qualifications, he or she may be assigned to hear cases or mediate in more than one List. In this way, VCAT allows for the most efficient use of Members' time, as well as flexible and appropriate use of Members' expertise. Of the 42 full-time Members, 39 are allocated to more than one List. The remaining full-time Members are specialist planners or planning lawyers who work exclusively in the Planning and Environment List.

What We Do

In our Civil Division, we assist Victorians in resolving a range of civil disputes involving:

- consumer matters;
- credit;
- domestic building works;
- legal practice matters;
- residential tenancies; and
- retail tenancies.

Our Administrative Division deals with disputes between people and Government about:

- land valuation;
- licences to carry on business, involving such business enterprises as travel agencies and motor traders;

- planning and environment;
- state taxation; and
- other administrative decisions such as Transport Accident Commission decisions and freedom of information issues.

Our Human Rights Division deals with matters relating to:

- guardianship and administration;
- discrimination; and
- racial and religious vilification.

In addition, we review decisions made by a number of statutory professional bodies such as the Medical Practitioners Board of Victoria.

Our Cover

In our ninth year of operation, our ongoing themes of timely, low cost, expert, accessible and independent justice service communicate our key objectives and strengths in providing a valuable dispute resolution service to the Victorian community.



From our cover, newly-appointed Deputy President of the Land Valuation List Mark Dwyer (page 28), member of the Case Administration Team Narnie Le (page 24) and independent mediator Frances Falduti (page 52).

Highlights for 2006–07

List Users

- | | Refer to Page |
|--|---------------|
| • Received 90,218 applications, representing a 1% increase. | 4, 5 |
| • Resolved 89,059 cases—a similar result to 2005–06. | 4, 5 |
| • Cases pending totalled 9,785, representing an increase of 13%. | 4, 5 |
| • Received 52,863 applications via VCAT Online, representing 81% of the total applications for the Residential Tenancies List. | 40, 58 |
| • Visits to the VCAT website rose 13%, totalling 566,538. | 4, 6, 72 |
| • Launched the new Mediation Centre located on the second floor of 55 King Street, Melbourne. | 6, 9, 14, 56 |
| • Introduced the volunteer statewide service Court Network in November 2006, offering a valuable new service for VCAT users. | 6, 56 |
| • Launched the Customer Service Delivery Project to improve our service to VCAT users. | 9, 10 |

Our Role

- | | |
|---|-----------|
| • On 6 May 2007, Justice Stuart Morris retired as President of VCAT. | 7 |
| • On 1 January 2007, County Court Judge Marilyn Harbison was appointed as Vice-President, replacing Judge Sandra Davis. | 7, 17, 45 |
| • On 4 December 2006, Samantha Ludolf was appointed as Chief Executive Officer, replacing John Ardlie. | 7, 47 |
| • Achieved a high level of performance on budget, with VCAT operating expenditure totalling \$29.45 million. | 8, 61 |
| • Achieved an overall mediation success rate of 69%. | 4, 14, 15 |
| • Formed a change leadership group to oversee the introduction of ICMS at VCAT. | 48, 59 |

Our People

- | | |
|---|--------|
| • The number of VCAT employees rose 2%, totalling 201. | 53 |
| • A total of 95 training courses offered by the Department of Justice provided 112 days of training for 120 staff members. | 54 |
| • Held a successful staff conference in consultation with the VCAT Staff Focus Group entitled <i>Innovation and Improvement</i> on 7 June 2007. | 54 |
| • VCAT non-judicial membership decreased by 1.6%, totalling 178. | 51 |
| • VCAT Members attended training and development programs offered by the Judicial College of Victoria, Monash University and the Australian Institute of Judicial Administration Tribunals Conference, as well as List-specific training programs, particularly in the Planning and Environment List. | 51, 52 |

The Community

- | | |
|--|-----------|
| • Approximately 225,000 parties appeared at VCAT during 2006–07, coming from all segments of the Victorian community. | 8 |
| • Expanded the venues where VCAT hears cases, including the Neighbourhood Justice Centre in Collingwood. | 5, 56 |
| • Conducted regular user group meetings across Lists aimed at improving service delivery by encouraging feedback from the community using VCAT's services (also refer to individual Lists, starting on page 16). | 57 |
| • Judicial Members, Deputy Presidents, Members and senior staff presented a number of speeches and information sessions to raise awareness of VCAT's services. | 6, 57, 67 |



On 1 January 2007, County Court Judge Marilyn Harbison was appointed Vice-President and Head of the Anti-Discrimination List.

Year at a Glance

Item	2006-07	2005-06	% Change
Overview			
Applications lodged	90,218	88,950	1.0
Cases finalised	89,059	89,475	n/c
Cases pending	9,785	8,627	13.0
Overall mediation success rate (%)	69	70	(1.0)
Visits to VCAT website	566,538	499,709	13.0
Hearing venues used	99	98	1.0

Lists

Applications received per List:	2006-07	2005-06	% Change
• Residential Tenancies List	65,453	66,302	(1.0)
• Planning and Environment List	3,250	3,542	(8.0)
• Guardianship List	10,229	9,346	9.0
• General List and Taxation List	856	870	(2.0)
• Domestic Building List	825	831	(1.0)
• Anti-Discrimination List	361	451	(20.0)
• Civil Claims List	8,043	6,855	17.0
• Real Property List	175	67	161.0
• Retail Tenancies List	226	170	33.0
• Occupational and Business Regulation List	139	109	28.0
• Land Valuation List	70	94	(26.0)
• Credit List	300	215	39.5
• Legal Practice List	291	218	33.5

Our People

VCAT employees	201	197	2.0
Judicial Members	8	8	n/c
Full-Time Members	42	38	10.5
Sessional Members	136	143	4.2

The Community

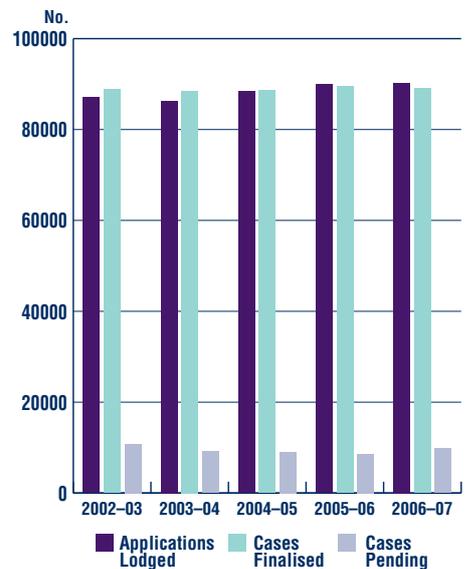
User group meetings conducted	14	17	(17.6)
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Five-Year Financial Summary

Item	2006-07	2005-06	2004-05	2003-04	2002-03
VCAT funding sources:					
	(\$M)	(\$M)	(\$M)	(\$M)	(\$M)
• Appropriations (VCAT)	16.30	15.69	14.99	14.49	13.90
• Residential Tenancies Trust Fund	8.58	8.00	7.32	6.97	6.63
• Domestic Builders Fund	2.06	1.91	1.63	1.45	1.40
• Guardianship and Administration Trust Fund	1.10	1.00	0.70	0.94	0.80
• Public Purpose Fund (Legal Practice List)	1.41	0.78	n/a	n/a	n/a
Total:	29.45	27.38	24.63	23.85	22.73
VCAT operational expenditure:					
• Salaries to staff	7.77	7.22	6.35	6.22	5.77
• Salaries to Full-Time Members	6.68	5.87	5.26	5.31	5.35
• Salaries to Sessional Members	4.06	3.87	3.60	3.30	3.18
• Salary related on-costs	2.93	2.61	2.54	2.42	2.63
• Operating costs	8.01	7.81	6.88	6.60	5.80
Total:	29.45	27.38	24.63	23.85	22.73

n/c=no change

All VCAT Cases—2002-07



A fundamental indicator of VCAT's performance, the number of cases finalised should reflect the number of applications received in a year, while the number of cases pending stays at an acceptable level. This result was achieved during 2006-07.

VCAT Expenditure by List 2006-07 (\$M)

President's Report



Acting President of VCAT Judge Bowman.

The year 2006–07 has been an exciting and challenging one for all at VCAT. As Acting President, I have the privilege to report concerning it.

At the outset, I must pay tribute to VCAT's founding President, Justice Murray Kellam, and his successor, the immediate past President, Stuart Morris. Each has made an outstanding contribution to the people of Victoria and to its legal system. I have had the pleasure of working as Vice-President with each of them. Each devoted long hours and painstaking care to his duties. As a result of their stewardship, VCAT was firmly established and has flourished.

The resignation of Stuart Morris took effect as at 6 May 2007. The Attorney-General, the Honourable Rob Hulls, asked if I would act as President pending the appointment of a replacement for Stuart Morris, and it is a task I have been happy to perform. Stuart Morris left VCAT in excellent condition, and I have viewed my role as endeavouring to maintain that condition and keep VCAT on the same true course on which it had been set.

Overview of Caseload

The year under review has been a record-breaking year for VCAT. For the first time in its history, the number of applications received exceeded 90,000. Happily, the number of applications finalised again exceeded 89,000, a percentage variation of zero, after allowance is made for the increased number received. Detailed reports of VCAT's case load are provided elsewhere in this Annual Report.

Whilst applications to the Guardianship List increased by 9%, cases finalised also rose 17%. In the Civil Claims List, applications received rose a further 17% and cases finalised increased 13%. Since 2004–05, applications received in the Civil Claims List have risen by 25%. Therefore, the pressure on the Civil

Claims List to respond to persistent increases in demand within established timeline targets continued to intensify.

The Legal Practice List that began operations on 12 December 2005, also continued to grow. During 2006–07, 291 applications were received, an increase of 33% on last year. The number of cases finalised was 249 (an increase of 99%) which has led to an increase of 44% in the number of pending cases.

Budgetary Matters

The Tribunal has managed its financial resources effectively in 2006–07, which has required significant discipline. It is essential that the Tribunal is adequately funded and the growth in jurisdictions is taken into account. In this way, we will ensure the Tribunal can continue to offer a low cost service. I would like to thank the Secretary to the Department of Justice and Executive Director of courts, for their continued support in this area.

Legal Practice List Review

The Legal Practice List has been in operation at the Tribunal for just over a year. The transition from the Legal Profession Tribunal to the new system under the VCAT umbrella has been seamless. We have successfully endeavoured to ease that transition for Members, staff and, importantly, for litigants with the result that there has been no major disruption and a smooth and efficient case flow has been maintained. In addition, with the arrival of the 'old' tribunal members and staff, we have gained the benefit of the wisdom and experience of those who have dealt with such matters for many years. It is too early to predict what will happen in relation to the disposal rate of matters arising under the *Legal Profession Act 2004*. To date, major cases pursuant to the 'new' Act have not been plentiful. However, now that the Legal Services Board and Legal Services

President's Report



Vice-President of VCAT Judge Harbison.

Commissioner have had the opportunity to establish the system, which will deal with matters at first instance, doubtless we will be better able to estimate the ongoing case flow and assess our capacity to deal with it—a capacity in which we have complete confidence.

The Tribunal commenced a review of this List to determine if there are further improvements that could be made. It is anticipated the outcomes of the review will be determined and implemented in 2007–08.

Call for Expansion

On 22 May 2007, in her speech on the 'State Of The Judicature', Supreme Court Chief Justice Marilyn Warren called for the expansion of VCAT and for security of tenure for all VCAT Members as part of a strategy to ease the burden on her Court. In her speech, Justice Warren acknowledged the need to cut trial delays in the Supreme Court.

Member Remuneration

The arrangements that have been established under the *Judicial Salaries Act 2004* have resulted in appropriate adjustments of the salaries of VCAT Members at the same rate as other judicial officers.

Accommodation

While conducting the majority of its hearings at 55 King Street, Melbourne, VCAT regularly sits at suburban and rural locations convenient to the user, as well as engaging a select group of magistrates to sit as Sessional Members, maximising our ability to hear urgent applications.

Security continues to remain a challenge at the Tribunal. The Tribunal will continue to work on this issue with the Department of Justice.

Neighbourhood Justice Centre

During 2006–07, we expanded VCAT accommodation to include the Neighbourhood Justice Centre (NJC) in Collingwood. Offering an innovative community justice service, the NJC is the first of its kind in Australia. It houses a court, on-site support services for victims, witnesses, defendants and local residents, mediation, and crime prevention programs. It creates an integrated, accessible and effective local justice system aimed at reducing crime by addressing the underlying causes of criminal behaviour. One magistrate hears a range of matters, both civil and criminal, from the Children's Court, Victims of Crime Assistance Tribunal, Magistrates' Court and the Victorian Civil and Administrative Tribunal. The NJC Court heard its first matters on 20 February 2007 and these were VCAT matters. VCAT Member, Magistrate David Fanning, hears tenancy, guardianship and administration, and some civil matters. As at 30 June 2007, hearings at the NJC are limited to Collingwood matters; however, they will extend to Richmond in the near future. I have had the pleasure of being taken on an inspection tour of the NJC by David Fanning. It is a most impressive complex. It is very user friendly, with a strong emphasis on the disposal of disputes by alternative dispute resolution. I commend it to all who wish to see the modern face of justice in this State.

New Mediation Centre

Spearheaded by former President of VCAT Justice Morris, and launched by the Attorney-General on 8 March 2007, the new Mediation Centre located on the second floor of 55 King Street, Melbourne, provides users with comfortable amenities conducive to achieving settlements at mediation. The Centre comprises dedicated hearing rooms, meeting areas and a suite of mediation breakout rooms.

Court Network

Introduced to VCAT in November 2006, the volunteer state-wide service, Court Network, performs a valuable new service for VCAT users. Two specially-trained volunteers attend VCAT on most days and are based on the fifth floor, offering friendly support, information and referral for people attending VCAT mediations and hearings.

Professional Development of VCAT Members

During 2006–07, VCAT Members participated in a number of programs organised by the Judicial College of Victoria, providing a valuable resource in the professional development of judicial officers and Members at VCAT. In addition, VCAT conducted a wide range of professional development activities for its Members. Please refer to other sections of this Annual Report for detailed information.

Raising Community Awareness

During 2006–07, VCAT continued to raise community awareness about the services it offers by way of vehicles such as the VCAT website, open days, speeches and information sessions, and links with other organisations.

Visits to our website rose by 13%, attracting 566,538 visits, compared with 499,709 visits in 2005–06.

Farewell to Former President of VCAT Justice Morris



On 21 March 2007, Justice Stuart Morris announced his retirement as a judge and as President of VCAT.

“It has been a privilege to serve as a judge and leader of VCAT over the past four years. I trust that I leave VCAT in good shape to continue to serve the people of Victoria.

“In my time, I have emphasised the values of timeliness, low cost to parties, use of expertise, accessibility and independence. I believe VCAT is a world leader in applying these values in the administration of justice.

“After my retirement as a judge, I intend to practice at the Victorian Bar. I also look forward to more travel, spending time in the garden, and family pursuits.”

Everyone at VCAT wishes him a rewarding retirement.

On 19 October 2006, we conducted open days during Planning Week, offering tours and information sessions. During Law Week, the Tribunal conducted a moot mediation set in the Egyptian time.

We participated in the ongoing planning, education and training (PLANET) programme conducted by the Department of Sustainability and Environment offered to councils and members of the planning community.

Judicial Members and VCAT Members and staff played an active role in educating the community about VCAT operations. Prior to his retirement, former President of VCAT Justice Morris delivered a variety of papers and made numerous presentations to Councils, community groups and professional groups. Refer to page 67–68 for a full listing of speeches and information sessions.

Changes in Membership

Her Honour Judge Marilyn Harbison was appointed to VCAT as a Vice-President of the Tribunal on 1 January 2007. Judge Harbison heads the Human Rights Division of the Tribunal, which includes the Anti-Discrimination and Guardianship Lists.

Deputy President Mark Dwyer was appointed to VCAT on 1 April 2007. He is the Deputy President of the Land Valuation List and also sits in the Planning and Environment, Occupational and Business Regulation, Taxation, General, Legal Practice, Real Property and Retail Tenancies Lists.

Magistrate David Fanning was appointed as a Senior Member of VCAT on 23 October 2006. He is the magistrate in charge of the Neighbourhood Justice Centre and is appointed to the Residential Tenancies, Civil Claims and Guardianship Lists.

Julie Grainger was appointed as a Member of VCAT on 23 August 2006. She is appointed to the Residential Tenancies, Civil Claims, Guardianship and Credit Lists.

Donald O'Halloran was appointed as a Member of VCAT on 1 September 2006. He is appointed to the Residential Tenancies, Civil Claims, Guardianship, Occupational and Business Regulation and General Lists.

Senior Management Changes

I wish to note my deep gratitude to our former Chief Executive Officer John Ardlie who provided exemplary leadership. I believe

that many of the successes of the Tribunal can be attributed to his stewardship.

Additionally, I am delighted to welcome our new Chief Executive Officer Samantha Ludolf. The Tribunal has been very fortunate to attract such a dedicated and energetic person.

Acknowledgments

The success of the Tribunal is due to the efforts of the Members and staff working closely together as a team. My thanks and gratitude go to Vice-President Judge Harbison and the Deputy Presidents for their continuing enthusiasm and leadership. I must also acknowledge and thank the Members and Senior Members for their diligent, timely and tireless work. I thank the staff of the Tribunal who deliver an exemplary service to users and Members of the Tribunal.

I thank Chief Executive Officer Samantha Ludolf and her team of senior managers, including Principal Registrar Richard O'Keefe, Listings Director George Adgemis, Senior Registrars Jim Nelms and Tracey Watson and their respective staff for their drive and determination to ensure the Tribunal remains at the forefront of judicial administration. We continue to be at the cutting edge of fair, inexpensive and rapid determination of disputes in this State and in Australia. Finally, I would like to acknowledge my personal staff Bob Draper, Nancy Molloy and Ron Walliker for their loyalty and invaluable support.

On behalf of all at the Tribunal, I anticipate another successful year in providing a timely, low cost, accessible and independent service to Victorians.

A handwritten signature in blue ink, appearing to read 'John Bowman', written in a cursive style.

John Bowman
Acting President

Chief Executive Officer's Message



Chief Executive Officer of VCAT Samantha Ludolf.

I am delighted to have joined the Tribunal in its ninth year of operation. Over those years, VCAT has grown substantially with increases in jurisdictions, while continuing to provide timely services to the Victorian Community.

Since joining VCAT in December 2006, I have reinforced our emphasis on ensuring that users and customers of the Tribunal are at the centre of the administrative services we provide.

We provided services to a large part of the Victorian Community. We span the whole State and provide the largest number of civil hearing and alternative dispute resolution services in Victoria.

During 2006–07, approximately 225,000 parties attended cases at VCAT, comprising individuals, public and private companies and government bodies, including:

- tenants, public and private landlords;
- purchasers of cars, clothes and holidays;
- people who build or renovate homes;
- those in dispute with their solicitor;
- the disabled and their families;
- small traders and public companies;
- local government and rate payers.

Parties appearing most frequently at VCAT include representatives of the Office of the Public Advocate and the Office of State Trustees Limited, appearing in the Guardianship List, the Director of Housing in the Residential Tenancy List and the Transport Accident Commission in the General List. Estate agents make up the largest professional group appearing in the Residential Tenancies List, and town planners, architects, engineers and lawyers appear in the Planning and Environment List. Social workers and health-related case workers appear in large numbers in the Guardianship List.

We aim to ensure anyone interested in the Tribunal can easily access our services, receive clear and understandable information and quick answers to their queries.

Of course, one of the most interested groups in making VCAT successful are our employees and Members. This is an appropriate time to thank all staff and Members for the excellent results we achieved and, in particular, the manner in which they have been achieved. Their diligence, dedication and support are vital to the ongoing provision of quality services to our client-users, and it has been a pleasure to work with all of you.

During the year under review, we have seen a great deal of change take place at the Tribunal. On a personal note, I thank the then President Justice Morris and previous Chief Executive Officer John Ardlie for supporting the smooth transition of management. Additionally, I acknowledge and thank Judge John Bowman and Vice-President Judge Marilyn Harbison for their leadership and counsel during the period. Their enthusiastic approach to the business of the Tribunal is a source of encouragement for all of us. I thank the Deputy Presidents and Members who work 'at the coalface' for their ongoing cooperation and assistance.

I am extremely grateful for the contributions of the broader management group, including Principal Registrar Richard O'Keefe, Senior Registrars Jim Nelms and Tracey Watson, Listings Manager George Adgemis, Finance Manager Alan Karfut, Human Resources Manager Lorraine Renouf, Business Analyst Andrew Tenni, the library and media support provided by Clare O'Dwyer, and the IT support provided by David Freeman and Phil Monk.

I recognise and thank the entire administrative team who are enthusiastic and proud to provide exemplary service to the Victorian community. They deliver administrative systems and procedures to support the work of the Members in resolving disputes to the users of the Tribunal.

Ongoing thanks are due to the Protective Security Officers of the Victoria Police and the Building Security Officer who competently manage the good order at VCAT.

Financial Snapshot

In 2006–07, VCAT's recurrent expenditure of \$29.45 million was 7.6% higher than the \$27.38 million expended in the previous financial year. This expenditure comprised salaries to Members (\$10.74 million), staff (\$7.77 million), salary on-costs (\$2.93 million) and operating costs (\$8.01 million).

VCAT Operational Expenditure

	06-07 \$M	05-06 \$M	% Rise
Salaries to Members	10.74	9.74	10.3
Salaries to staff	7.77	7.22	7.6
Salary related on-costs	2.93	2.61	12.3
Operating costs	8.01	7.81	2.6
Total	29.45	27.38	7.6

Farewell to Former Chief Executive Officer John Ardlie



During 2006–07, John Ardlie retired as Chief Executive Officer of VCAT. John was in the role since VCAT opened its doors on 1 July 1998. He played a leading role in the development and evolution of such a dynamic and valuable community-focused organisation. Everyone at VCAT wishes John a rewarding retirement.

Within the system of justice, we enjoy the cooperation and support of our partners, particularly Consumer Affairs Victoria, Department of Human Services, Law Institute of Victoria, Victorian Bar Council, Building Advice, Conciliation Victoria and the Dispute Settlement Centre.

The Tribunal experiences a high level of cooperation from the courts, their Chief Executive Officers and colleagues. I recognise the strong support provided to the Tribunal by the Secretary of the Department of Justice (DOJ) Penny Armytage and her colleagues.

I am most grateful for the ongoing support and timely assistance of Executive Director John Griffin and his entire team at Court Services.

I recognise the high level of service provided to VCAT users by the Office of the Public Advocate, State Trustees Limited and Legal Aid Victoria.

A big thank you to my administrative team, including Karen McNamara and Nancy Molloy, who so competently manage the day-to-day affairs of my office and all of those who assist VCAT Members and staff throughout the year.

We are delighted to report that in the employee attitude survey, Tribunal staff expressed their pride in delivering such high quality services to the Victorian Community.

At the cornerstone of this renewed emphasis on our client-users is the Customer Service Delivery Project, which commenced in April 2007. Examples of how we are changing our interaction with client-users are as follows:

- We have reviewed services provided for customers coming into the Tribunal at our Melbourne office. Previously, people were directed between the various floors at VCAT to gain the information they needed. We are creating a ‘one shop stop’ for users.
- We opened our mediation centre in Melbourne to accommodate the growth in this area. We conducted 1,795 media-

tions and 404 compulsory conferences, which resulted in many people being able to resolve their matters more quickly and, in many instances, without having to attend a formal hearing.

- We have provided customer service training to staff to ensure we continue to serve our users promptly and courteously and provide an accurate explanation of the Tribunal’s procedures.
- We are working with the DOJ on the development of a case management system that we hope will enable users of the Tribunal to lodge documents in any court.

We will continue this focus into our exciting 10th anniversary year with specific initiatives designed to further develop our ability to listen and be efficient, independent, accessible, expert and timely.

For example:

- expanding our alternative dispute resolution services;
- providing users with regular updates on timeliness of disputes being resolved;
- establishing mechanisms for users of the Tribunal to give us the feedback we need to help us to continually improve the services we provide;
- improving information on the Tribunal’s processes and procedures;
- conducting statewide roadshows to increase the awareness and knowledge of the Tribunal; and
- embedding our service charter through the provision of prompt, friendly and understandable services to the community.

Once again, I thank all of the interested parties, internal and external, who have contributed to a successful year. I look forward to continuing our work together.

A handwritten signature in blue ink, appearing to read 'Samantha Ludolf'.

Samantha Ludolf
Chief Executive Officer

Customer Service Delivery Model Project

VCAT is considered to be at the leading edge of delivering low cost and accessible justice. In part, we achieve this aim by enabling the low cost of filing an application with VCAT, restricting orders for costs and, in some Lists, involving professional advocates or legal representation in hearings.

To support the aims of VCAT and the requirements of the legislation, the Tribunal places a great deal of responsibility on its front line customer service staff, particularly those dealing with unrepresented persons.

To effectively maintain, improve and measure VCAT's level of service delivery, VCAT initiated the Customer Service Delivery Model Project in April 2007. The project seeks to formally define work processes and identifies best practice customer service.

Major Benefits

The major benefits gained from the project are as follows:

- Support VCAT's aim to provide accessible justice.
- Improve service delivery to VCAT users.
- Conform to DOJ finance management protocols (Cash Office).
- Reduce user follow-up enquiries impacting on other registries within the organisation.
- Provide structure, leadership and accountability for customer service staff performance.

- Provide ongoing data collection to measure workflow.

Progress to Date

In April 2007, team members surveyed the number and types of enquiries received at the ground and seventh floor counters over a period of three weeks.

The survey results were as follows:

- On average, the number of visitors assisted at VCAT counters totalled 95 per day (this figure excludes visitors proceeding directly to hearings).
 - On average, most enquiries related to the Residential Tenancies List (32%), Civil Claims List (20%), Guardianship List (12%) and the Planning and Environment List (9%).
 - The majority of visitors to VCAT receive assistance with their enquiry in the first instance (78%).
 - Peak time occurred in the morning hours, with the quietest time occurring during the lunch period, with demand increasing towards the end of the day.
- This information has assisted the project team to identify the number of staff, type of expertise and training required to provide timely and accurate service to visitors to the Melbourne office of VCAT. By identifying peaks in workflow, the Tribunal can improve the management of its resources to deliver courteous and accurate services.

Examples of planned improvements are as follows:

- Improve facilities, including building works to provide for file inspections, space to complete forms and documentation, and establishing an information board.
- Relocate the various services to create one customer service centre.
- Define the administrative support functions to be managed by customer service staff.
- Develop induction and training programs for customer service staff.
- Identify possible improvements to security to ensure the safety of VCAT staff and visitors.
- Identify and install technology to collect data on the workload and workflow of the customer service centre.
- Develop key performance indicators.

The project is due for completion by December 2007 and, as at 30 June 2007, the project is on target.

Acknowledgments

The project team would like to thank the assistance of the CEO, senior management and VCAT staff for their support and positive contribution to the project. Additionally, the team extends a special mention to VCAT visitors who kindly donated their time to assist with the completion of the customer satisfaction surveys.



The Customer Service Delivery Team, from left—Nick Tsirakidis, Julie Savvides, Jessica Adams, Rex DeSilva and Jackie Woodlock. Not present—Johan Weerawardane.

Future Outlook

The Tribunal will be celebrating its 10th Anniversary. To mark this occasion, we will be assessing how successful we have been in providing Victorians with an accessible, independent, low cost, informal and timely civil justice service.

To underpin this aim we will be:

- holding a number of forums across Victoria with the users of the Tribunal to listen to their views;
- strengthening our customer focus and embedding the service charter in the delivery of our services at our main premises at 55 King Street, Melbourne and other locations through the State.
- simplifying processes and procedures, such as introducing one point of contact for disputes falling over a number of areas.
- ensuring we continue to improve the accessibility of our of service by monitoring and managing the timeliness of disputes being heard and resolved, and reducing delays.
- expanding our Customer Service Delivery Project to our regional and rural services and to include written information.
- continuing to develop our alternative dispute resolution services.
- supporting the growth in demand for the Tribunal's services by increasing staff, training and the number and diversity of our Members.

One major area of growth is the Civil Claims List. This List provides an example of where the community can resolve a dispute under \$10,000 for a fee of \$34.20 and within 10 weeks. We are aware that many of these disputes may go to Consumer Affairs Victoria (CAV) in the first instance. Therefore, we will be working very closely with referring

bodies such as CAV so that users of both services have a seamless referral of their dispute at no additional application cost.

VCAT's lengthy track record in efficiently processing large volumes of disputes has resulted in further jurisdictions being conferred on VCAT for us to manage. On 1 July 2007, the Tribunal implemented a series of new jurisdictions, bringing them under our umbrella as follows.

Health Professions Registration Act 2005

The *Health Professions Registration Act 2005*, which will confer new or extended jurisdiction on VCAT concerning the hearing of serious allegations of professional misconduct in the professions of medicine, nursing, dental care, chiropractic, osteopathy, optometry, podiatry, physiotherapy, pharmacy, psychology, medical radiation technology and Chinese medicine. The jurisdiction will be added to VCAT's Occupational and Business Regulation List with an anticipated case load of 85 cases in 2007–08.

Appointments of Sessional Members will be made to enable those with appropriate qualifications and experience in the relevant health profession discipline to sit on the panels conducting the hearings.

Disability Act 2006

The *Disability Act 2006* brings a jurisdiction that is exercised across a number of VCAT's Lists. We are introducing one point of contact for members of the community who may be seeking to lodge a dispute under this Act. The Act's main purpose is to establish a new legislative scheme for persons with a disability and the supports and services available for them.

In the Guardianship List, VCAT will have the power to:

- review decisions of the Department of Human Services to admit a person with an intellectual disability to a residential institution;
- review decisions about 'restrictive interventions' (that is, the restraint or seclusion of a person with a disability);
- make orders about residential treatment facilities, including a resident's treatment plans and leave of absence;
- make orders about 'security residents' (persons with an intellectual disability transferred from prison to another facility) including a security resident's treatment plans and leave of absence; and
- make and review supervised treatment orders for persons with an intellectual disability.

In the Residential Tenancies List, VCAT will have the power to:

- determine disputes about the amount payable by a resident in a community residential unit run by a disability service provider; and
- review notices to vacate given by disability service providers to residents of community residential units and to make orders requiring residents to vacate a community residential unit for non-payment of rent or other problems.

In the General List, VCAT will be able to deal with applications under the Disability Act relating to whether or not a person has a disability and can therefore access services under the Act.

In the Occupational and Business Regulation List, VCAT will be able to deal with matters relating to the registration of a person (or an unincorporated body) as a disability service provider.

The Tribunal—a one stop shop

The Tribunal has the flexibility to provide a comprehensive range of civil justice services. For the community, we hope to provide a one stop shop for such matters. We can integrate new jurisdictions at a relatively low cost to Government and VCAT users. We anticipate there will be a number of new jurisdictions conferred upon VCAT in addition to those noted previously.

On 14 September 2006, Parliament passed the Owners Corporations Bill, introducing new laws to protect owners in multi-lot developments. The Bill will become the new *Owners Corporations Act 2006*, which is expected to commence in December 2007, replacing the outdated body corporate laws under the *Subdivision Act 1988*. We anticipate VCAT will deal with applications under the Act in a similar way to civil claims matters under the *Fair Trading Act 1999*. The Owners Corporation Bill sets up a new regime for bodies corporate, renaming them 'owners corporations'. We have commenced discussions and work in preparation for the introduction of this new jurisdiction.

Specific areas of note are as follows:

- Bodies corporate are created pursuant to Part 5 of the *Subdivision Act 1988*, with the general function of owning and looking after the common property in a strata title sub-division.
- Parts 10 and 11 give VCAT new jurisdiction over disputes and Parts 7 and 8 will affect the Residential Tenancies List jurisdiction.
- Part 12 provides for appeals to VCAT from decisions about licensing body corporate managers.

- Part 14 replaces the provisions of the Subdivision Act, which are currently allocated to the Planning and Environment List, moving jurisdiction from the Magistrates' Court to VCAT.

It is difficult to anticipate the likely workload from the broad changes being introduced under the Owners Corporations Act; however, we are preparing and budgeting for about 500 cases per annum.

The Charter of Human Rights and Responsibilities commenced operation on 1 January 2007. However, the provisions affecting interpretation of legislation and obligations of public authorities will not operate until 1 January 2008. In particular, these provisions will affect residential tenancies matters dealing with protection of property rights and families and children with regard to eviction notices. In preparation for the new legislation, VCAT members will continue to attend programs run by the Judicial College of Victoria on human rights.

The new legislation is unlikely to have a significant impact on case load; however, it will expand the types of cases handled by the Residential Tenancies List.

We believe these initiatives will assist Victorians to resolve their disputes in a timely, low costs and informal manner.

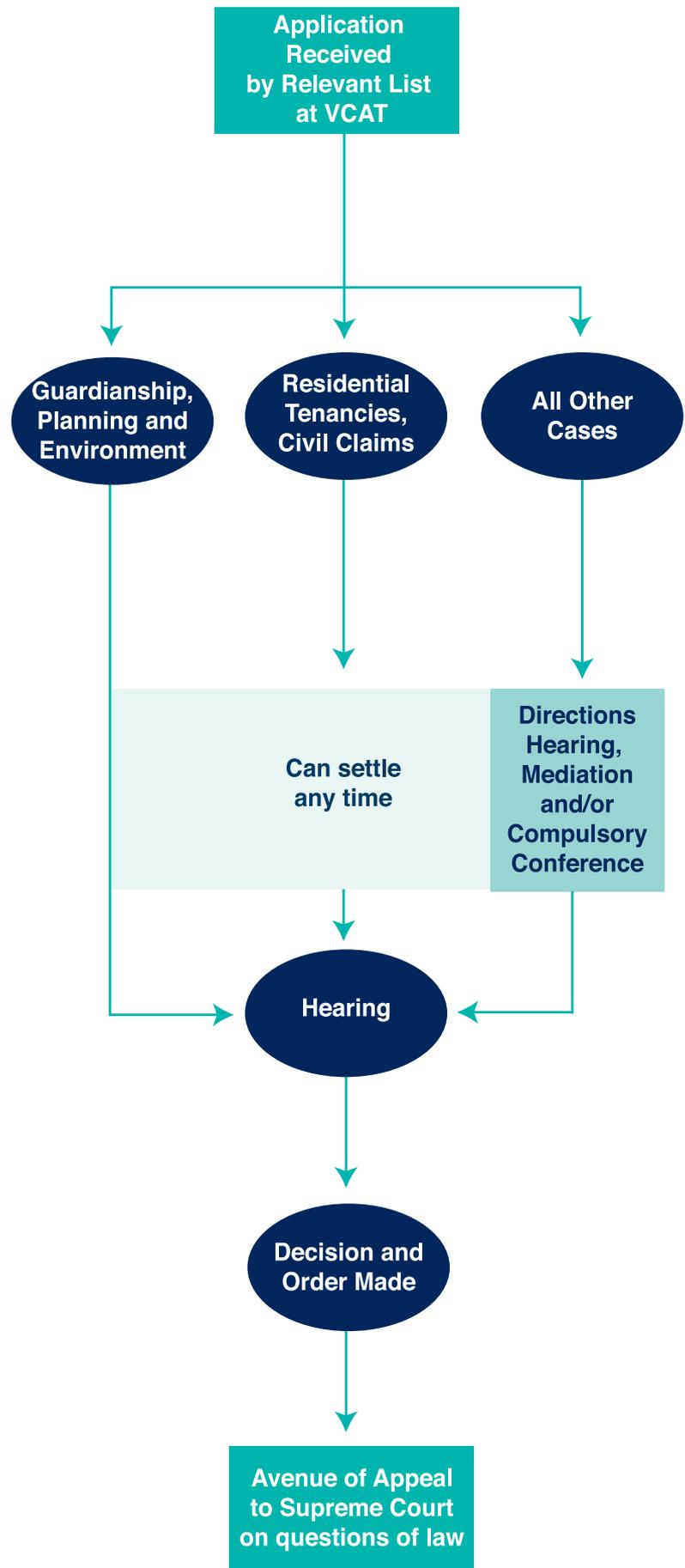
Resolving Cases—A Simplified Approach

As a general guide, the flow chart shows a simplified approach to the mechanisms established to resolve cases. Variations in resolving cases occur due to the nature of the cases brought to each List. Cases may take from 15 minutes to as much as a day or more to resolve. Some may take several weeks due to the complex nature of the issues involved.

The process begins when a person files an application with a List. To help settle a dispute, a mediation, directions hearing or compulsory conference may take place depending on the case. However, many cases proceed directly to a hearing. Hearings give parties the opportunity to call or give evidence, ask questions of witnesses and make submissions. At the end of the hearing, a Member of VCAT either gives a decision on-the-spot, or writes a decision after the hearing and delivers the decision as soon as possible.

The people involved in a civil dispute may, at any time, agree to resolve their differences without the need for a mediation, directions hearing, compulsory conference or a hearing. If the case proceeds to a hearing, there is still an opportunity to settle prior to delivery of the decision.

Decisions of VCAT can be appealed to the Supreme Court of Victoria but only on questions of law.



Mediation plays an essential role in resolving a wide range of disputes.

Mediation at VCAT

Mediation gives parties to a dispute the best opportunity to settle their differences as early as possible to avoid high litigation costs and achieve more tailored solutions.

Mediation Services Group

The Mediation Services Group manages mediations at VCAT conducted by members of the VCAT Mediation Panel. The group includes Principal Mediator Margaret Lothian, Listings Manager George Adgemis and Cathy Wright of Listings. On 30 June 2007, panel members totalled 67 mediators (75 in 2005–06).

Mediation in the Lists

During 2006–07, the Lists in which mediation was used extensively were Anti-Discrimination, Credit, Domestic Building, Legal Practice, Planning, Retail Tenancies and General Lists. Additionally, we conducted mediations in the Real Property List for proceedings under the *Water Act 1989* and the *Property (Co-ownership) Act 2005*.

In the Anti-Discrimination, Retail Tenancies and Real Property Lists, proceedings were first referred to a directions hearing. Most anti-discrimination matters proceeded to mediation, affording the parties opportunities to reach the heart of their concerns and achieve more amicable negotiations. In the Legal Practice List, dispute matters were con-

sidered for mediation. The Planning and Environment List referred approximately 16% of its cases to mediation (14% in 2005–06). In the Domestic Building List, small claims matters went directly to a hearing and were mediated only occasionally. The first stage of standard matters was mediation. Most complex matters went to mediation or compulsory conference—sometimes both. An expanded form of alternative dispute resolution, the compulsory conference involves negotiation between the parties and member advice regarding the likely outcome of each party's case in the event the matter proceeds to hearing.

Statistical Profile

VCAT Mediation Services collects statistics of mediation use at VCAT. During 2006–07, 1,896 cases were initially listed for mediation (1,866 in 2005–06) of which 60% proceeded to mediation (63% in 2005–06) and 34% were adjourned or cancelled (31% in 2005–06). The mediation success rate by List ranged from 59% to 72% and the overall success rate fell from 70% in 2005–06 to 69%. This result included cases finalising before or at mediation as a proportion of the cases listed for mediation.

New Mediation Centre

Spearheaded by former VCAT President Stuart Morris, we established the Mediation Centre on the second floor of 55 King Street, Melbourne. Comprising hearing rooms, meeting areas and a suite of mediation breakout rooms, the new state-of-the-art facilities provide a supportive and less formal atmosphere for VCAT users, a dedicated area for mediators and listing staff, and additional computer services for legal practitioners.

Mediation Snapshot

Objectives

- Provide an efficient and effective mediation service to the Lists.
- Maximise the opportunity for parties to a dispute to reach their own outcomes.
- Enhance the expertise and wellbeing of VCAT mediators.

Key Results

- Established a state-of-the-art Mediation Centre on the second floor of 55 King Street, Melbourne.
- The Mediation Services Group allocated expert mediators to conduct mediations in the Lists as required.
- Conducted professional training and post-mediation debriefing for mediators.

Future

- Provide an efficient and effective mediation service to the Lists.
- Maximise the opportunity for parties to a dispute to reach their own outcomes.
- Enhance the expertise and wellbeing of VCAT mediators.

Statistical Profile

- Mediations listed: 1,896
- Cases finalised prior to mediation: 78
- Cases finalised at mediation: 669
- Mediation success rate: 69%
- Number of panel members: 67



Acting President of VCAT Judge Bowman awards a winning student. VCAT ran a competition for school students in conjunction with the moot mediation, receiving more than 60 entries for the best objections in each school year level. The competition attracted numerous Honourable Mentions and Winners.

Professional Development

Under the chairmanship of the Principal Mediator, the VCAT Mediation Committee supports the professional development of VCAT mediators. During 2006–07, we held twilight seminars and quarterly lunchtime sessions covering a range of topics of interest to mediators. Refer to page 49 for more information.

Community Awareness

On 15 May 2007 as part of Law Week, the Mediation Committee conducted the moot mediation *The Egyptian Objection* (see below) aimed at raising community awareness about how mediations are conducted at VCAT. The presentation posed the question, *What would VCAT do about a Planning dispute in ancient Egypt?* It included a competition for

school students to come up with the best objection to the mythical development featured as part of the moot mediation.

Available online at www.vcat.vic.gov.au, the video *Working It Out Through Mediation* continued to serve as an effective resource for parties preparing to attend their first mediation at VCAT.

Case Study: The Egyptian Objection (A Moot Mediation)

As part of Law Week 2007, VCAT hosted a moot mediation entitled *The Egyptian Objection*. The presentation concerned an application by a developer (Iridis Ltd) to expand an existing hospital from 50 beds to 500. The local planning authority (the City of Mamon) rejected the application and Iridis appealed to PCAT (the ancient forerunner of VCAT). Grounds for objection included excessive numbers of donkeys expected to be parked nearby, and the risk of escape by medicinal leeches!

According to Marg Lothian, Principal Mediator and a Senior Member of VCAT:

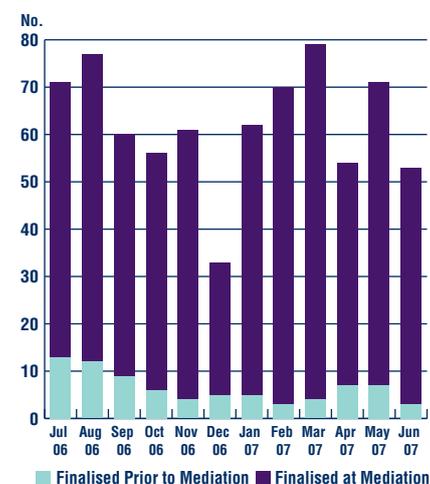
“We’ve set the moot in ancient Egypt because what happens in our own city or neighbourhood, or in an area we love, is not a laughing matter. Our aim is to demonstrate how mediation works, even in the face of collective misbehaviour, which is rather worse than usually seen in a single mediation. Saving time in hearings helps to make VCAT efficient. Far more importantly, mediation saves time, uncertainty and cost (both financial and emotional) for the parties.”

Peter O’Leary served as mediator of the moot mediation. A VCAT Member and mediator, he sits and mediates in the Planning and Environment List and Occupational and Business Regulation List. The other ‘mooters’ included VCAT mediators Ian de Lacy, Frances Falduti, Nick Hadjigeorgiou, Julian Ireland and Marg Lothian. In real life, Nick serves as a VCAT Member and mediator in the Planning and Environment List and the Domestic Building List. Ian, Frances and Julian are lawyer-Members of the VCAT Mediation Panel. Among them, they mediate in the Anti-discrimination, Credit, Domestic Building, Legal Practice, Real Property and Retail Tenancies Lists.

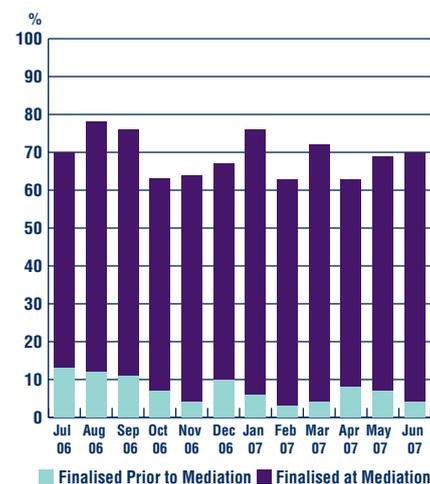
VCAT ran a competition for school students in conjunction with the moot mediation, receiving more than 60 entries for the best objections in each school year level. The competition attracted numerous Honourable Mentions and Winners.

Best of all, the real winner at the event was an outbreak of common sense. In the words of Peter O’Leary in his role as the mediator, “Mediation is the chance we give you to reach a solution that might not be perfect, but is one you can live with.”

Successful Mediations—2006–07



Mediation Success Rate—2006–07



VCAT Mediation Statistics—2004–07

List	Cases Finalised Prior to Mediation (No)			Cases Finalised at Mediation (No)			Mediation Success Rate (%)		
	2006–07	2005–06	2004–05	2006–07	2005–06	2004–05	2006–07	2005–06	2004–05
Anti-Discrimination List	6	17	11	90	93	125	65	59	76
Domestic Building List	33	41	40	260	276	282	72	66	64
Planning and Environment List	36	44	51	240	239	334	69	75	70
Retail Tenancies List	-	-	6	32	14	38	59	58	66
Legal Practice List	3	2	-	47	38	-	78	86	-
Total (No)/Overall (%)	78	104	108	669	660	779	69	70	68

We determine applications for exemption and complaints of discrimination.

Anti-Discrimination

Overview

Members of the Anti-Discrimination List determine complaints regarding breaches of the *Equal Opportunity Act 1995* (EO Act) and exemptions from the provisions of the EO Act. Initially, complainants lodge their complaints with the Equal Opportunity and Human Rights Commission (EOHRC). If the EOHRC declines a complaint, or determines that the complaint is not conciliable, or if its attempts to conciliate are unsuccessful, complainants may require the EOHRC to refer their complaints to VCAT.

In addition, List Members hear applications:

- made to strike out complaints on the basis that they are frivolous, vexatious, misconceived, lacking in substance or an abuse of process; and
- for interim orders to prevent a party to a complaint from acting prejudicially to conciliation or negotiation, or to VCAT's ultimate decision.

Additionally, List Members hear complaints relating to religious or racial vilification under the *Racial and Religious Tolerance Act 2001*. In a number of cases, the complainants invoked both Acts.

Case Profile

In 2006–07, the number of complaints referred to VCAT totalled 231, compared with 341 complaints in 2005–06, representing a 32% decrease. The number of exemption

applications received during 2006–07 increased by 18%, totalling 130, compared with 110 applications in 2005–06. The rise in exemptions can be attributed to increased community awareness as a result of several high profile exemption cases (see case study on page 17). Additionally, a significant proportion of applications involved new exemptions in areas not previously considered. The number of cases resolved increased by 21%, totalling 477, compared with 369 in 2005–06. Cases pending decreased significantly by 54%, totalling 100 on 30 June 2007, compared with 216 on 30 June 2006.

Application Types

Complaints referred to the List claimed discrimination on the basis of race, sex, age, industrial activity, parental status or status as a carer in areas such as employment, education and the supply of goods and services. The List dealt with more matters involving restricted access to education by disabled children. The percentage of employment-related complaints comprised 76% (75% in 2005–06), complaint referrals relating to the provision of goods and services made up 12% (14% in 2005–06) and education 6% (9% in 2005–06).

In 2006–07, the attribute profile of complaints referred to the List comprised:

- 22% sex discrimination and sexual harassment (23% in 2005–06);
- 23% impairment (38% in 2005–06);
- 15% race (9% in 2005–06);
- 7% victimisation (4% in 2005–06); and
- 33% other (26% in 2005–06).

How We Dealt with Cases

Many routine exemptions were granted 'on the papers' without a hearing. These exemptions concerned the recruitment of persons of a particular gender or particular background (usually Aboriginal or Torres Strait Islander) to positions in government-funded organisations. The List notifies the EOHRC in relation to all exemption applications being listed for hearing.

List Snapshot

Objectives

- Resolve 60% of cases within 14 weeks of application and 80% within 23 weeks.
- Achieve a 70% settlement rate for mediations.

Key Results

- Resolved 53% of cases within 14 weeks of application and 66% within 23 weeks.
- Achieved a 65% mediation success rate.
- Introduced quarterly meetings between List Members and Registry staff.
- Revitalised the List's user group, inviting increased membership and changing the frequency of meetings to bi-monthly.

Future

- Resolve 60% of cases within 14 weeks of application and 80% within 23 weeks.
- Achieve a 70% settlement rate for mediations.

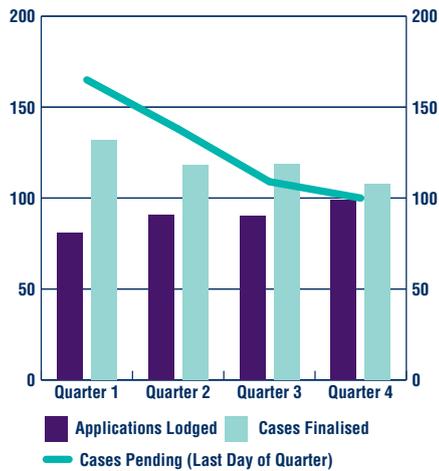
Statistical Profile

- Applications received: 361
- Cases resolved: 477
- Cases pending: 100
- Application fee: nil
- Number of Members: 32



Robin Bloxwich is an experienced bench clerk who provides training and guidance to other registry staff and support to Members in hearings. Robin is the lead bench clerk in relation to typed directions, ensuring orders are provided to parties at the conclusion of the hearing.

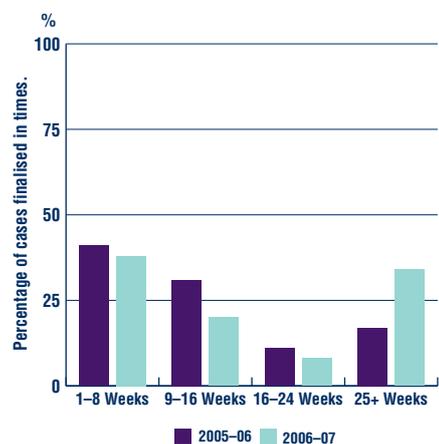
Case Flow 2006–07



Complaints by Type 2006–07



Age of Matters Finalised (Median 13 Weeks) 2006–07



List Members continued to use mediation as a successful means of resolving disputes at an early stage. The List achieved a 65% success rate in resolving complaints at mediation (59% in 2005–06). Mediation significantly reduced the number of cases requiring a full hearing by enabling disputes to be settled prior to hearing.

Timeliness

In 2006–07, we resolved 53% of cases within 14 weeks of application and 66% of cases within 23 weeks. This result compares with 64% of cases being resolved within 14 weeks of application and 82% of cases within 23 weeks in 2005–06.

Changes and Initiatives

On 1 January 2007, Her Honour Judge Marilyn Harbison joined VCAT as Vice-President—Human Rights Division. She replaced Judge Sandra Davis as Head of the Anti-Discrimination List.

We introduced quarterly meetings between List Members and registry and listing staff to further improve service delivery to List users by streamlining listing procedures and identifying any potential delays.

In February 2007, we met with representatives of the EOHR to discuss a new procedure for a grant of leave under the *Racial and Religious Tolerance Act 2001*. The meeting resulted in changes to the VCAT website and List procedures, followed by regular contact with Commission representatives.

On 27 February 2007, we invited Sir Nigel Rodley, a special envoy to the United Nations on human rights, to speak with List Members, who offered his valuable insights on the subject of global human rights.

User Group Activities

We revitalised the List’s user group by inviting nominations for additional Members and increasing the number of meetings to bi-monthly. The user group comprised legal practitioners who regularly represented complainants and respondents.

The user group met on 7 May 2007 to discuss matters of relevance to List users, including a presentation by Emma Turner of the EOHR describing the new procedure for a grant of leave, circulating relevant statistical information for discussion and analysis and considering ways to improve the timely processing of orders in the List.

Case Study: Exemption Granted for a Hotel Catering to Gay Men

The *Equal Opportunity Act 1995* prohibits certain forms of discrimination, including discrimination in the provision of goods and services. Under the Act, individuals or businesses may apply to VCAT for an exemption regarding certain conduct. Applicants must state the grounds for the exemption, and how it would serve the purposes of the Act. VCAT may grant an exemption ‘on the papers’ but often a hearing will be held. The applicant is required to inform the public of the application.

The proprietor of a Melbourne hotel catering mainly to gay men sought an exemption to permit him to exclude people other than homosexual males. A hearing was held, at which the Tribunal heard gay men had been subjected to insults, ridicule and even physical violence from heterosexual men and women at the hotel. The Tribunal also heard there were many venues nearby providing the same services for people of any sexual orientation. The Tribunal found the exemption would promote equality of opportunity for gay men and granted the exemption on the condition entry would be restricted only where it would adversely affect the safety or comfort of homosexual male patrons.

We resolve disputes relating to civil claims.

Civil Claims

List Snapshot

Objectives

- Resolve 60% of cases within 10 weeks of application and 80% within 14 weeks.
- Resolve higher value and complex cases by compulsory conference.

Key Results

- Resolved 61% of cases within 10 weeks of application and 81% within 14 weeks.
- Settled more than 93% of the claims exceeding \$10,000 by compulsory conference.

Future

- Resolve 60% of cases within 10 weeks of application and 80% within 14 weeks.
- Continue to resolve higher value and complex cases by compulsory conference.

Statistical Profile

- Applications received: 8,043
- Cases resolved: 7,414
- Cases pending: 2,495
- Application fee: \$32.50 (claims less than \$10,000); \$269.60 (claims \$10,000 to \$100,000); \$540.20 (claims above \$100,000)
- Number of Members: 78

Case Profile

During 2006–07, the Civil Claims List received a significantly higher number of applications, totalling 8,043, compared with 6,855 in 2005–06—a 17% increase. The List experienced a distinct spike in applications received after the show *A Current Affair* televised ‘The Peoples Court’ segment featuring actual proceedings being conducted in the List. The number of cases resolved rose by 13%, totalling 7,414, compared with 6,554 in 2005–06. On 30 June 2007, cases pending totalled 2,495, increasing by 34%, compared with 1,866 on 30 June 2006.

We continued to meet timeliness targets, but the increased number of matters pending showed some pressures created by the increased demand, despite our increased number of cases resolved. Additionally, the higher value of disputes may indicate greater complexity so that the cases are taking longer to reach determination than they did when claims were smaller and simpler.

Cases brought to the List related to disputes between the purchasers and suppliers of goods and services of any value covering the gamut of relationships between buyers and sellers in Victoria. The proportion of business applicants rose from 43% in 2005–06 to 47% in 2006–07. The number of respondents who were private individuals rose from 28% in

2005–06 to 32% in 2006–07. In the majority of matters, the parties represented themselves, thereby significantly reducing their legal costs.

Claims less than \$10,000 represented 88% of total applications received (90% in 2005–06), while claims between \$10,000 and \$50,000 constituted 9% (8% in 2005–06) and claims exceeding \$50,000 represented 4% (2% in 2005–06). The total value of amounts claimed by applicants increased by 14%, totalling \$73.9 million, compared with \$64.9 million in 2005–06.

Application Types

The types of applications lodged comprised:

- 12% building (14% in 2005–06);
- 40% recovery of debts 35% in 2005–06);
- 11% services (8% in 2005–06);
- 8% motor vehicles (8% in 2005–06);
- 7% household goods (7% in 2005–06); and
- 22% other (27% in 2005–06).

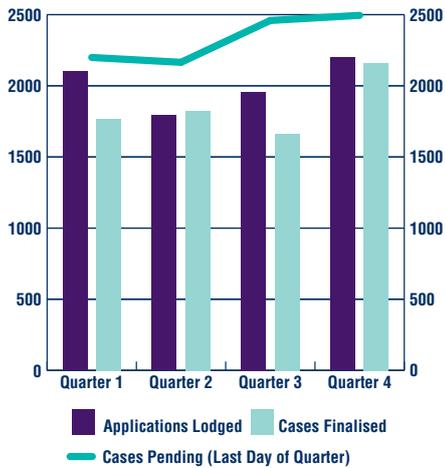
How We Dealt with Cases

Almost all claims amounting to less than \$10,000 were listed for hearing within two working days and the parties were notified nine weeks in advance of the hearing date. VCAT simultaneously served the application on the respondents. Claims exceeding \$10,000 were assessed and different processes, including compulsory conferences and directions hearings, were held in some cases. We continued to achieve an outstanding rate of settlement for compulsory conferences with regard to claims exceeding \$10,000, settling more than 93% of such cases. Compulsory conferences brought together the parties to a dispute at an early stage in the proceedings, thereby avoiding considerable amounts in legal costs.

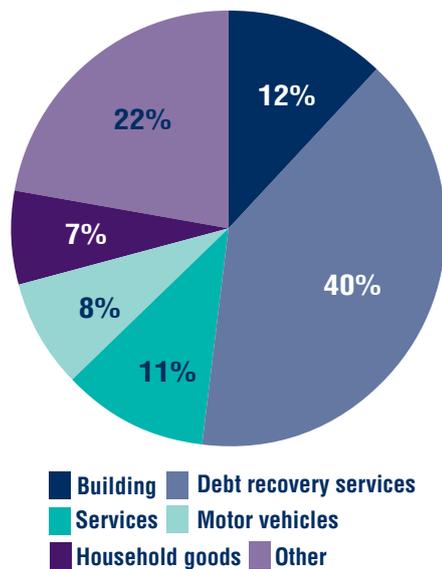


Appointed as a Sessional Member of the Tribunal in 2003, Ann McGarvie has found her previous experience as solicitor and barrister very useful in her work at VCAT. She sits in the Residential Tenancies, Civil Claims and Guardianship Lists, mostly in Melbourne and at suburban venues. Ann enjoys the variety of cases she hears in the Civil Claims List and says this year she has heard about everything from concrete pavers and car repairs to wedding dresses and secondhand motor boats.

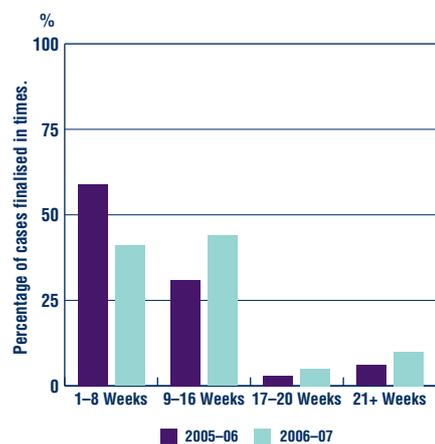
Case Flow 2006–07



Applications by Type 2006–07



Age of Matters Finalised (Median Nine Weeks) 2006–07



Timeliness

We resolved 61% of cases within 10 weeks of application and 81% within 14 weeks. This result compares with 75% of cases being resolved within 10 weeks of application and 87% within 14 weeks in 2005–06. The substantial increase in the number of applications received placed considerable pressure on List Members in meeting timeliness targets.

Activities and Initiatives

With feedback from List Members, we produced a Hearing Room Information Sheet to assist unrepresented parties. Copies of the sheet were handed to the parties at the fifth floor counter at 55 King Street and laminated copies were fixed to the walls in front of hearing rooms.

A copy of the *2007 Guide to Standards and Tolerances* was distributed to List Members. In May 2007, the VCAT New Members and Seminars Committee organised a presentation about the Guide given by Ed Samo of the Building Commission of Victoria. The guide provided List Members with useful information in resolving disputes about cases involv-

ing defects as defined by relevant standards under the Building Code of Australia. The guide applies to contracts entered into after 1 January 2007 and provides general guidelines in reading and testing evidence, particularly expert reports, assisting the List Member to form a view about whether there is a defect, in the absence of better evidence.

User Group Activities

The user group of the Civil Claims List included representatives from Office of the Victorian Small Business Commissioner, Financial and Consumer Rights Council, Consumer and Tenant Resource Centre, Consumer Law Centre of Victoria Ltd, Consumer Affairs Victoria, Victorian Automobile Chamber of Commerce, Victorian Employers' Chamber of Commerce and Industry, Australian Retailers Association Victoria, and Victoria Legal Aid.

During 2006–07, we did not conduct a user group meeting. Instead, interested parties met as needed with the Deputy President of the List. In the next financial year, a new group will be set up to involve users in discussions about civil claims.

Case Study: Director of Consumer Affairs Applies to VCAT regarding Unfair Mobile Phone Contracts

The Fair Trading Act allows the Director of Consumer Affairs to apply to VCAT in relation to unfair terms in consumer contracts. The Tribunal has power under the Act to grant injunctions and other remedies. In December 2004, the Director applied to VCAT in relation to AAPT, claiming its mobile phone contracts contained unfair terms. At a hearing in September 2005, the Tribunal found that several terms in the consumer contracts were unfair, specifically terms permitting AAPT to vary any term of the agreement at any time, to impose a reconnection fee 'for any reason', to charge for services during a period of service suspension, to terminate the agreement immediately in the case of a breach by the customer, or an unnotified change of address, and to change its supplier without notice to the customer. These terms gave AAPT wide unilateral powers over charges, fees, services, and the terms of the contract. Although these terms were unfair, the Tribunal found AAPT had since removed the offending terms from its consumer contracts. The Tribunal declined to grant an injunction or other remedies, as doing so would therefore serve no practical purpose.

We resolve disputes relating to credit claims.

Credit

List Snapshot

Objectives

- Resolve 60% of cases within six weeks of application and 80% within eight weeks.
- Maintain settlement rate at 70% of all disputes.
- Monitor effectiveness of streamlined procedures and user guidelines for List users.

Key Results

- Resolved 81% of cases within six weeks of the application being received and 91% within eight weeks.
- Resolved repossession cases, on average, within 14 days of proof that the application had been served on the debtor.

Future

- Resolve 60% of cases within six weeks of application and 80% within eight weeks.
- Maintain settlement rate at 70% of all disputes.
- Monitor effectiveness of streamlined procedures and user guidelines for List users.

Statistical Profile

- Applications received: 300
- Cases resolved: 278
- Cases pending: 46
- Application fee: \$32.50–\$1,080.50
- Number of Members: 8

Case Profile

In 2006–07, the Credit List experienced a significant 40% rise in applications received, totalling 300, compared with 215 in 2005–06. The substantial rise in applications received reflects greater awareness of the List by both credit providers and debtors. Likewise, cases finalised rose dramatically in 2006–07, compared with the previous financial year, totalling 278 cases (225 in 2005–06)—a 24% increase. The number of cases pending on 30 June 2007 totalled 46, compared with 24 on 30 June 2006. The List finalised approximately as many applications as it received and the number of pending cases carried over from year to year continued to be relatively small.

Application Types

Of the 300 applications received in 2006–07, 228 comprised repossession applications. A credit provider must not enter residential premises to recover mortgaged goods without an order from VCAT or a court. Although such applications continued to constitute the majority of cases coming to the List, the number of repossession applications continued to decrease. The proportion of repossession applications to total applications was 76% in 2006–07, compared with 79% in 2005–06—a decrease of 3%. Consequently, the List experienced an increase in the number of other applications. In particular, appli-

cations relating to debtor hardship increased substantially. Such cases concerned applications by debtors who, because they were suffering hardship, wanted to change their obligations under a credit contract or have enforcement proceedings against them postponed, or who claimed the transaction leading to their loan contract was unjust and should be reopened and their contract set aside. During 2006–07, the rising statutory ceiling for hardship applications, amounting to more than \$300,000, has enabled a number of applications to be made concerning home mortgages. As awareness of the higher ceiling grows, the List anticipates a continued rise in such applications.

How We Dealt with Cases

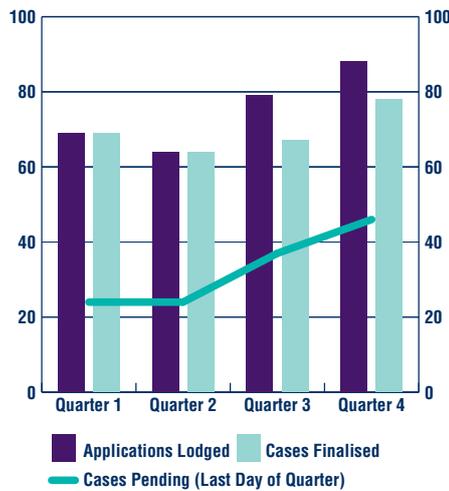
Since many people who applied to the List were experiencing financial difficulty and hardship, we aimed to resolve these applications as quickly as possible. For the less complex applications, we continued the procedure of immediately referring the application to mediation, as soon as the Registry served the application on the credit provider. If mediation did not resolve the matter, we listed it for a hearing. This procedure continued to be successful and provided an efficient, fair and timely way of resolving matters.

At all stages in the process, List Members encouraged parties to settle cases by agreement between themselves, without the need for parties to provide extensive written material or to go to a hearing. Approximately 47% of cases were resolved in this way, compared with 46% in 2005–06. The slight increase in the percentage of cases settled reflects an increase in the number of repossession applications settled at hearing by an arrangement being made between the lender and the debtor. Normally, the debtor does not appear at the majority of repossession hearings. In 2006–07, the List experienced a major shift relating to this trend, with a significant

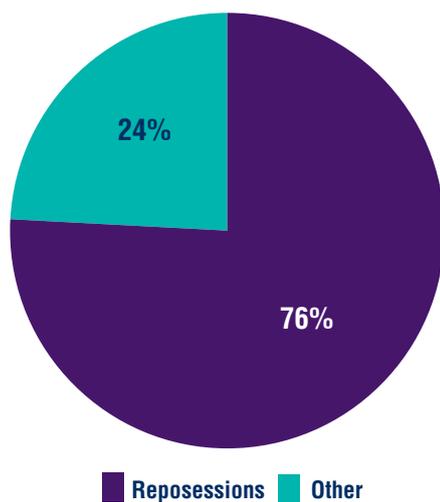


Michelle Barthelot is the case manager for the Credit List. She is responsible for ensuring cases proceed through the List in an efficient and timely way, and for monitoring compliance with the Tribunal's directions. She is the point of contact between the List and parties to cases or members of the public with consumer credit-related enquiries.

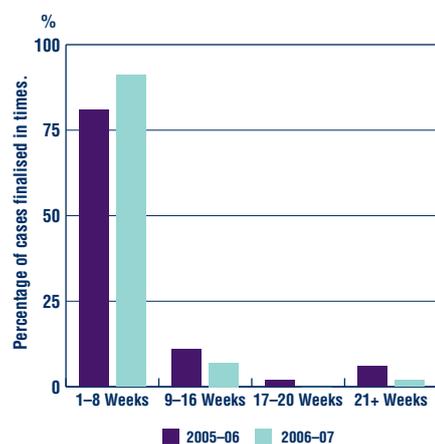
Case Flow 2006–07



Applications by Type 2006–07



Age of Matters Finalised (Median Three Weeks) 2006–07



increase in the number of debtors appearing at both mediations and hearings via telephone.

In 2006–07, we continued our use of mediation, referring 102 cases (67 in 2005–06) and settling 60% of cases referred to mediation (68% in 2005–06). The rise in the number of matters referred to mediation reflects the increase in applications received, particularly the growing number of debtor hardship applications. The decrease in the percentage of cases settling at mediation reflects an increasing number of repossession applications settling at hearing. Additionally, mediations often resulted in the parties agreeing to a trial arrangement prior to settling. In such instances, the mediator reports the matter as unresolved, even though such agreements, which normally work out favourably for both parties, were successfully reached at mediation. The increasing number of cases resolved by an agreement between the parties not only enabled the List to handle cases more promptly and efficiently, but also constituted a benefit for debtors and credit providers by giving them a basis by which either their relationship can continue or be finalised.

Timeliness

In 2006–07, we resolved 81% of cases within six weeks of the application being received (75% in 2005–06) and 91% within eight weeks (81% in 2005–06). This result represents a substantial increase in the speed

with which we resolve our cases.

Repossession applications comprised the majority of cases, which were finalised within 14 days of the application being served on the debtor, on average.

We continued to monitor compliance with VCAT directions so the List could receive documents in a timely way. The procedure by which the Registry served an application on the respondent assisted in further reducing the time required to list cases for a mediation or hearing.

User Group Activities

In 2006–07, the Credit List user group comprised 20 people (16 in 2005–06) representing consumers, credit providers, government and the legal profession. The group met on two occasions to discuss List procedures and potential refinements. We have found the group’s feedback most helpful.

Community Awareness

To raise community awareness about the List, Deputy President Cate McKenzie gave a number of seminars to relevant groups, including the Financial and Consumer Rights Council, Leo Cussen Institute and Consumer Affairs, and attended the 16th Annual Consumer Credit Conference in September 2006. Additionally, she conducted an internal seminar for VCAT ground floor counter staff and customer service staff as the first point of contact between VCAT and the public in May 2007.

Case Study: Business Purpose Declaration Found Ineffective

A lender applied to dismiss a debtor’s claim under the Consumer Credit (Victoria) Code because it said that the claim was not covered by the Code. The Code covers loans for personal, domestic or household purposes, but the lender said this loan was for business purposes. The debtor had signed a declaration to this effect. The Tribunal found the declaration was ineffective and that the Code still applied, because the car dealer who obtained the declaration from the debtor knew the purpose of the loan was to buy a car from that dealer, which would be used solely to take the debtor’s wife to medical appointments and for other personal purposes. The Tribunal refused to dismiss the debtor’s claim.

**We resolve
disputes relating to
domestic
building.**

Domestic Building

List Snapshot

Objectives

- Resolve 60% of cases within 20 weeks of application and 80% within 35 weeks.
- Maintain settlement ratio by way of mediations and compulsory conferences.

Key Results

- Resolved 62% of cases within 20 weeks of application and 78% of cases within 35 weeks.
- Resolved approximately 72% of cases through mediation.

Future

- Resolve 60% of cases within 20 weeks of application and 80% within 35 weeks.
- Maintain settlement ratio by way of mediations and compulsory conferences.

Statistical Profile

- Applications received: 825
- Cases resolved: 892
- Cases pending: 385
- Application fee: \$269.60–\$540.20
- Number of Members: 19

Case Profile

Applications lodged with the List decreased by 1% from 831 in 2005–06 to 825 in 2006–07. Cases finalised decreased by 1% from 900 in 2005–06 to 892 in 2006–07.

Cases pending on 30 June 2007 totalled 385, compared with 452 at the end of 2005–06, representing a decrease of 15%.

We achieved a notable reduction in pending cases due to resolving a number of claims regarding defective building work, following a period of monitoring to determine the appropriate method of rectification.

Application Types

The types of applications lodged involved:

- 74% disputes between owners and builders (68% in 2005–06); and
- 26% appeals against decisions of insurers (32% in 2005–06).

Most cases involved claims about defective and incomplete works, delays in the progress of the works, and the reasonable cost of rectification and completion works. In many cases there were complex factual, technical and legal questions to be determined, often involving multiple parties and requiring an apportionment of liability.

There has been a marked decrease in the number of appeals against decisions of insurers, which can be attributed to the 'last resort' policies of warranty insurance coming into

effect on 1 July 2002. For contracts entered into after this date, claims may be made under a policy of warranty insurance only in cases where the builder dies, disappears or becomes insolvent.

How We Dealt with Cases

Many cases were expensive and time-consuming for the parties. In keeping with our objective to resolve cases efficiently, timely and cost effectively, we continued our policy of proactive case management, offering parties access to alternative dispute resolution, whether mediation or compulsory conference.

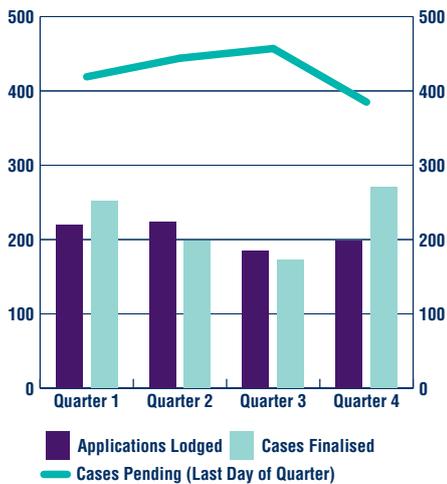
Methods used to resolve cases included:

- making effective use of building consultant mediators to conduct mediations on site involving complex technical issues;
- referring appropriate cases to further mediation or compulsory conference during directions hearings and hearings;
- hearing expert evidence concurrently to provide opportunities for expert witnesses to clarify issues;
- making appropriate directions, including setting realistic timetables, appointing experts under section 94 and special referees under section 95 of the VCAT Act;
- conducting chaired expert conclaves to assist in achieving resolution in cases involving highly technical matters.

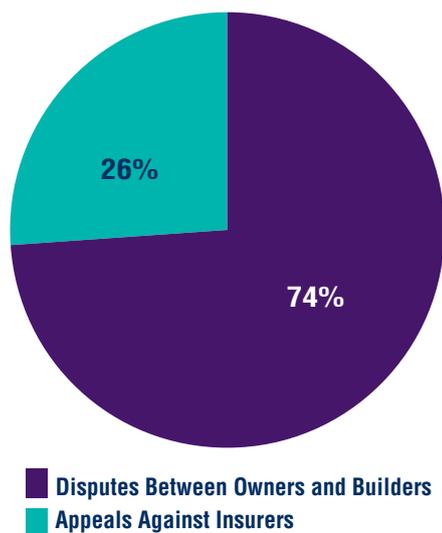


From left, Barbara Lewis, secretary of the Domestic Building List with Senior Member and Principal Mediator Margaret Lothian. Barbara provides secretarial support to List Members. Alternative dispute resolution such as mediation assisted parties in resolving their cases in a more timely and cost-effective manner.

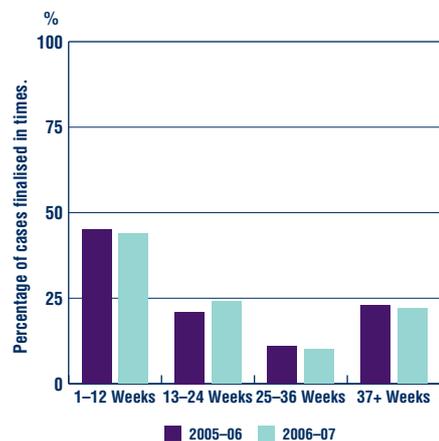
Case Flow 2006–07



Applications by Type 2006–07



Age of Matters Finalised (Median 20 Weeks) 2006–07



Approximately 72% of cases were resolved through mediation, compared with 66% in 2005–06.

Timeliness

In 2006–07, 62% of cases were resolved within 20 weeks of application and 78% of cases within 35 weeks. This result compares with 60% of cases being resolved within 20 weeks of application and 77% of cases within 35 weeks in 2005–06.

Amended Practice Note

We amended Practice Note DB1 (PNDB1), effective from 13 June 2007, taking into account feedback from the List’s user group and practitioners who regularly appear in the List. The amended Practice Note further clarifies processes aimed at achieving improved service delivery to List users, including the following changes:

- Increased the value of small claims from \$10,000 to \$15,000.
- Clarified procedures for the parties in preparing for hearings, involving such issues as preparation and content of witness statements, expert reports, tribunal books and transcripts.

User Group Activities

During 2006–07, the List’s user group met on three occasions and included representatives from the Building Disputes Practitioners’ Society, building consultants, barristers and solicitors representing diverse interests. The Deputy President met with the user group to gain industry and practitioner views on aspects of directions and case management issues and other general issues of interest to List users. In particular, the meetings elicited valuable feedback regarding the amended PNDB1.

Professional Development

In January 2007, we held a conference for List Members to discuss issues of interest, with the primary focus on:

- concurrent expert evidence, using the video *Concurrent Evidence—New Methods and Experts* as a discussion tool prompting Members to share their experiences;
- expert evidence in general; and
- proportionate liability, Part IVAA of the *Wrongs Act 1958*.

List Members attended an internal seminar about the *Guide to Standards and Tolerances 2007* presented by Ed Samo from the Building Commission.

Case Study: Builder Applying to VCAT for Payment of an Outstanding Certified Progress Payment Granted Early Referral to Compulsory Conference

A builder made application seeking payment of an outstanding certified progress payment in excess of \$200,000. Leave was granted to make application for a summary determination of the claim. The owner had a substantial claim for alleged defective and incomplete works. The Tribunal dispensed with the requirement for formal interlocutory steps and referred the matter to a compulsory conference within two weeks of the directions hearing. The owner provided a copy of a preliminary expert report so all matters in dispute between the parties could be discussed. Settlement was achieved and the parties avoided the cost and time of what would have been a complex, time-consuming piece of litigation.

We resolve disputes relating to general matters.

General

List Snapshot

Objectives

- Resolve 60% of Transport Accident cases within 35 weeks and 80% within 55 weeks.
- Resolve 60% of FOI matters within 16 weeks and 80% within 29 weeks.

Key Results

- Resolved 62% of transport accident cases within 35 weeks of application and 84% within 55 weeks.
- Resolved 36% of FOI cases within 16 weeks and 73% within 29 weeks.

Future

- Resolve 60% of Transport Accident cases within 35 weeks and 80% within 55 weeks.
- Resolve 60% of FOI matters within 16 weeks and 80% within 28 weeks.

Statistical Profile

- Applications received: 833
- Cases resolved: 774
- Cases pending: 586
- Application fee: \$0-\$269.60
- Number of Members: 39

Overview

The General List hears and determines a large variety of cases, including those relating to transport accidents, freedom of information (FOI), State superannuation and criminal injuries compensation.

Case Profile

The General List received 833 applications in 2006–07, compared with 838 in 2005–06, representing a slight decrease. This result includes 569 transport accident cases, compared with 529 cases in 2005–06, representing a 8% increase. Cases finalised totalled 774, compared with 962 in 2005–06, representing a 20% decrease. On 30 June 2007, cases pending totalled 586, representing an increase of 11%, compared with 527 on 30 June 2006.

Application Types

Transport accident cases made up the majority of applications lodged with the List. Application types comprised:

- 70% transport accidents (63% in 2005–06);
- 15% freedom of information (18% in 2005–06);
- 15% other, including mental health, superannuation, false fire alarm fees and criminal injuries compensation (16% in 2005–06).

How We Dealt with Cases

Before a hearing took place, we conducted a compulsory conference for most cases. This procedure enabled List Members to discuss the issues with the aim of seeking resolution or partial resolution of the matter, or identify the issues more precisely. This process continued to reduce the time required to hear matters and, in many instances, avoided the need for a hearing and reduced the number of applications to adjourn hearings. In addition, we have continued to reduce the number of directions hearings in Transport Accident Commission (TAC) matters, since parties more frequently applied for standard orders by consent, resulting in a far more efficient use of our resources and costs savings for parties.

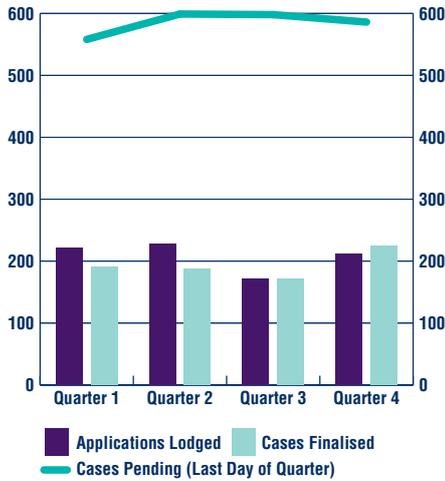
Timeliness

During 2006–07, we achieved a clearance rate of 93%, compared with 115% in 2005–06. We resolved 62% of transport accident cases within 35 weeks of application and 84% within 55 weeks. This result compares with 60% of cases resolved within 35 weeks and 79% within 55 weeks in 2005–06. We have achieved our performance target of 60% within 35 weeks and 80% within 55 weeks. We resolved 36% of FOI cases within 16 weeks and 73% within 29 weeks. This result compares with 59% within 16 weeks and 80% within 29 weeks in 2005–06.

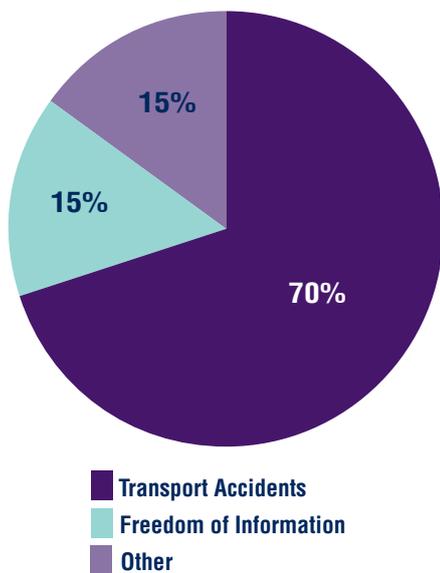


As a member of the Case Administration Team on Level 7, Narnie Le provides valuable support to List Members and ensures the List runs smoothly. Team members respond in a timely manner to requests for adjournments and general queries related to the progress of applications for review.

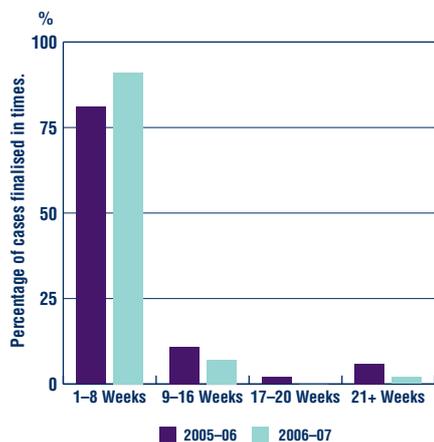
Case Flow 2006–07



Applications by Type 2006–07



Age of Matters Finalised—Transport Accidents (Median 32 Weeks) 2006–07



We anticipate changes to the target dates for completion of TAC applications for review. The impact of the TAC’s protocols for resolving matters before VCAT hears them is such that the target dates for completion of these applications are no longer realistic. The dates will be reviewed in the forthcoming financial year.

New Legislation

On 1 July 2007, the *Disability Act 2006* will come into operation, providing review jurisdiction under section 50 involving decisions relating to the registration of disability service providers.

Community Awareness

In December 2006, Deputy President Anne Coghlan addressed FOI managers and practitioners from government departments and statutory bodies regarding the List’s procedures at the Freedom of Information Seminar, which addressed legal aspects of FOI applications made to VCAT.

User Group Activities

During 2006–07, the List conducted two user group meetings, one for transport accident matters and one for all other General List matters. The user groups comprised representatives from the Victorian Bar, Office of the Victorian Government Solicitor, TAC, Privacy Commissioner, Health Services Commissioner, Victoria Police, Department of Human Services, Mental Health Review Board and solicitor firms practising in relevant areas. The meetings provided the opportunity to discuss new procedures, including those relating to handling applications where requests had been made for documents to be released from agencies, which involve privacy issues around the person for whom the information applies.

Case Study: Family Members Apply for Victim’s Assistance

A pedestrian was killed by a driver who suffered an epileptic seizure. Her husband and son were not present when she was killed and later applied for assistance under the *Victims of Crime Assistance Act 1996*. Their entitlement to assistance depended upon whether the deceased was a ‘primary victim’, meaning she must have died as a direct result of an ‘act of violence’ defined as a ‘criminal act’. The central issue was whether the case involved a ‘criminal act’.

Initially, it seemed unlikely a tragic accident could give rise to any entitlement under the Act. However, the definition of ‘criminal act’ includes an act constituting a ‘relevant offence’ or one that would constitute such an offence if the person had not been capable of being criminally responsible for it on account of age, mental impairment or other legal incapacity, preventing them from having a required fault element. VCAT was not satisfied the epileptic seizure was a mental impairment, but then considered whether there was a ‘legal incapacity’ preventing the person from having the required fault element, where that term is not defined in the Act.

After VCAT had examined the history of the legislation, it found the term was wide enough to cover the circumstances of this case. It was satisfied the seizure prevented the person from being criminally liable, where in the absence of the epileptic seizure, it was satisfied there would have been a relevant criminal act. VCAT’s decision meant the applicants could pursue their application for assistance. *Ergun Gulcan and Ismail Gulcan v. Victims of Crime Assistance Tribunal* [2007] VCAT 642.

We hear applications for guardianship and administration.

Guardianship

List Snapshot

Objectives

- Provide an effective and efficient service.

Key Results

- Implemented a restructure of the Registry.
- Continued to develop and implement VOGL.
- Resolved most cases within 26 days of application.

Future

- Continue to provide an effective and efficient service.
- Begin hearing cases under the new *Disability Act 2006*.
- Continue to promote community awareness of the legislation and VCAT's role.

Statistical Profile

- Originating applications received: 3,022
- Reassessments initiated: 7,207
- Cases resolved: 9,835
- Cases pending: 1,012
- Fee for Administration Orders: \$0–\$100 per year
- Number of Members: 69

Case Profile

The List received 3,022 originating applications, compared with 3,242 in 2005–06, representing a 7% decrease. Reassessments initiated increased by 18% from 6,104 in 2005–06 to 7,207 in 2006–07. Cases resolved increased by 1% from 9,746 in 2005–06 to 9,835 in 2006–07. On 30 June 2007, cases pending rose by 64%, totalling 1,012, compared with 618 on 30 June 2006.

Application Types

The types of cases handled included:

- 17% guardianship orders (17% in 2005–06);
- 8% guardianship reassessments (8% in 2005–06);
- 24% administration orders (26% in 2005–06);
- 45% administration reassessments (40% in 2005–06);
- 1% advice to administrators (1% in 2005–06);
- 3% revocation of enduring powers of attorney (1% in 2005–06); and
- 2% other (7% in 2005–06).

How We Dealt with Cases

Based on the number of sitting days at a venue, we held 44% of hearings in Melbourne (43% in 2005–06), 23% in suburban Melbourne (24% in 2005–06) and 33% at country venues throughout Victoria (33% in 2005–06). Where possible, we held hearings at venues such as hospitals, nursing homes or

community health centres located as close as possible to the place where the person with a disability resided. Whenever necessary, we responded immediately to urgent or out-of-hours applications by conducting telephone hearings. Generally, we reassessed guardianship orders within one year and administration orders within three years, but we conducted early reassessments when required. In the meantime, we oversaw decisions and actions by guardians and administrators. With regard to administrators, we considered examiners' reports about accounts lodged by administrators and took further action where necessary. Considering the represented person's best interests, we gave advice to guardians and administrators, approving or disapproving their proposed actions.

Timeliness

The List performed in a timely manner, resolving most cases within 26 days of application, compared with the same number of days in 2005–06.

Restructure of Registry

Following extensive consultation with staff, we substantially restructured the Guardianship List Registry during 2006–07. The restructure involved creating new work teams and increasing the number of managers supporting the Registrar from one to three. In addition, we appointed VCAT's first Deputy Registrar who assists the Registrar and gives special attention to complex cases. The overall result of the restructure enabled continuing improvement in the quality of service provided by the Registry.

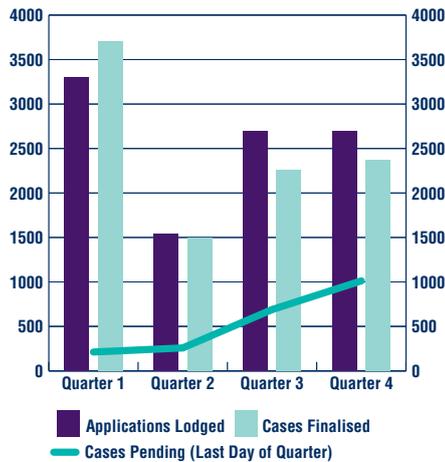
IT Developments

We continued developing and implementing VOGL (VCAT Online—Guardianship List) to transmit accounts and supporting documents lodged by administrators to examiners via the Internet. We expected VOGL to 'go live' in September 2006; however, this date has been extended to 25 July 2007.

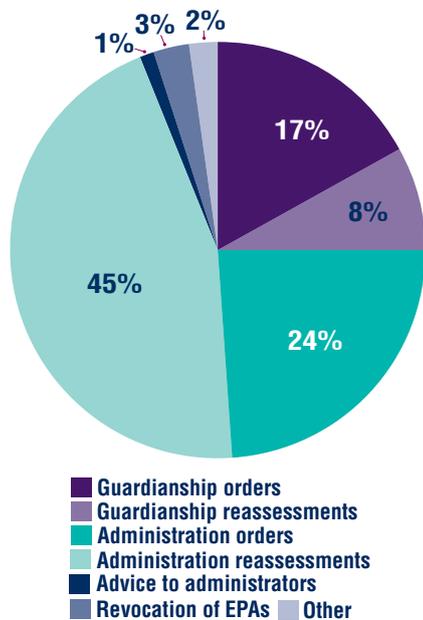


As part of a major restructure of the Guardianship List Registry, we appointed VCAT's first Deputy Registrar Anne O'Neil who assists the Registrar and gives special attention to complex cases.

Case Flow 2006–07



Applications by Type 2006–07



Case Study: Woman Taken from Nursing Home to Withdraw Her Money

A bank manager in Central Victoria alerted VCAT to the need to consider urgent action for a woman in her seventies with dementia. The woman’s husband, who had been appointed her guardian and administrator, had recently died. VCAT scheduled a hearing to consider appointing a new guardian and administrator. However, before the hearing date, the bank manager contacted VCAT to advise the woman’s ‘adoptive children’ had taken her out of her nursing home to the bank to help her withdraw her money. The bank manager refused to comply and the woman was returned to her nursing home. VCAT conducted an urgent hearing by telephone and determined that, as a matter of law, death revoked the appointment of the guardian and administrator but not the guardianship and administration orders themselves. The orders continued to protect the woman, in particular by making her unable to withdraw money from the bank without an order of the Tribunal. VCAT made a temporary order appointing the Public Advocate as guardian and STL as administrator. Although appointment of a guardian was more urgent, it was convenient at the same time to appoint an administrator, giving clarity to the bank and other persons and enabling the new administrator to begin managing the woman’s affairs.

Order Entry System

The Order Entry System (OES) enables List Members to produce orders using personal computers installed in hearing rooms. OES allows orders to be produced, printed, signed and given to the parties immediately after hearings. During 2006–07, List Members used OES to make 11,704 orders (75%) of the 15,556 orders made in the Guardianship List. The rollout OES continued, enabling orders to be produced by List Members hearing cases in Bendigo, Bairnsdale, Dromana, Horsham, Moe, Morwell and Shepparton.

New Legislation

We made preparations in anticipation of the *Disability Act 2006* coming into operation on 1 July 2007. Activities included revising existing and developing new application forms and guides, updating the VCAT website, conducting Member and staff training, and implementing changes to OES.

Professional Development

In October 2006, a Members’ conference provided a forum for training in areas including the new *Disability Act 2006*. In early 2007 we revived the practice of holding regular informal Members’ meetings to help promote quality and consistency in decisions.

User Group Activities

The List’s user group met once during 2006–07, comprising representatives from OPA, professional administrators, and legal aid and advice organisations. From time-to-time throughout the period, user group members put forward suggestions for improvements in the List’s operations. Representatives of some member organisations accepted an invitation to address List Members at a Members’ conference in late 2006.

Community Awareness

We continued to publish issues of *Guardianship List News* to inform private administrators about their powers and duties.

In conjunction with OPA and Office of State Trustees Limited (STL), we held regional information sessions in Sale, Traralgon and Wonthaggi during August 2006. The sessions were well received by the social workers, health care professionals and others who attended. Plans are underway for sessions to be held in other regional centres.

Medical and Social Work Students

We continued the education series for social work and final year medical students to enable them to learn about substitute decision making for persons with a disability, including consent to medical treatment.

National Conference

Together with OPA, STL and other member organisations of the Australian Guardianship and Administration Committee, we held a national guardianship and administration conference in March 2007. The event attracted around 350 people from across Australia, including social workers, health care professionals, trustees, advocates, guardians and Tribunal Members.

We resolve disputes relating to land valuation.

Land Valuation

List Snapshot

Objectives

- Resolve 60% of cases within 18 weeks and 80% within 40 weeks.
- Continue to achieve early settlement by maximising the use of compulsory conferences.

Key Results

- Resolved 20% of cases within 18 weeks of application and 35% within 40 weeks.

Future

- Resolve 60% of cases within 18 weeks and 80% within 40 weeks.
- Continue to maximise the use of compulsory conferences.

Statistical Profile

- Applications received: 70
- Cases resolved: 190
- Cases pending: 41
- Application fee: \$135.30
- Number of Members: 19

Case Profile

The number of applications received totalled 70 in 2006–07, compared with 94 in 2005–06, representing a decrease of 26%. Cases finalised increased by 61%, totalling 190 cases, compared with 118 in 2005–06. Cases pending on 30 June 2007 totalled 41 cases, compared with 161 at the end of 2005–06, representing a 75% decrease.

The significant variance in the case profile from the previous period is a consequence of the way in which pending ‘test case’ matters have been dealt with, and does not reflect any major change in the general profile of the List. Approximately 100 cases (or more than 60% of the cases that otherwise would have been pending in the List) have been adjourned *sine die* and taken out of the List until final resolution of the ISPT *Pty Ltd v. Melbourne City Council and Valuer-General of Victoria* test case, as discussed below.

Application Types

In 2006–07, 85% of applications lodged involved the review of land valuations made for rating and taxation purposes and 15% involved land acquisition and compensation matters. This result compares with 99% of applications involving reviews of land valuations and 1% relating to other applications in 2005–06.

How We Dealt with Cases

Most cases brought to the List were settled rather than contested. To encourage early

settlement without the need for a full hearing, initial directions were given for the exchange of valuer and valuation information in VCAT’s initial acknowledgement letters. We automatically notified the Valuer General of all applications under section 22 of the *Valuation of Land Act 1960* to ascertain at an early date if he wished to become a party. All new applications were listed for a directions hearing on a monthly practice day soon after lodging to make initial case management orders. Most cases were listed for a compulsory conference. A robust form of mediation, the compulsory conference identifies key issues and seeks to achieve an agreed outcome. In this way, parties may achieve significant savings in time and costs by avoiding lengthy hearings. Cases were settled either by compulsory conference or direct negotiation, with only a small number proceeding to a final hearing.

Timeliness

During 2006–07, 20% of cases were resolved within 18 weeks of application and 35% within 40 weeks. This result compares with 17% of cases being resolved within 18 weeks of application and 80% within 40 weeks in 2005–06. Our timeliness results continued to be adversely skewed by the impact of the ISPT test case on other cases in the List (see below).

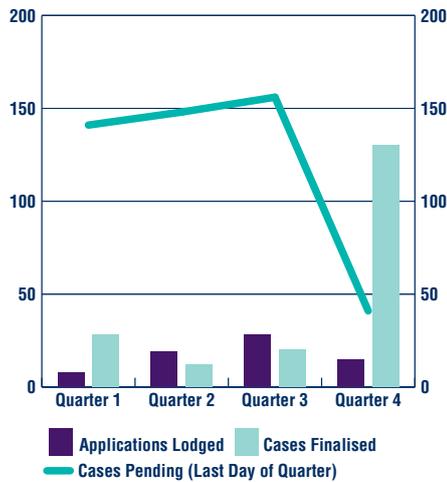
Test Case on Appeal

On 3 May 2007, then President Justice Morris delivered his long-awaited decision in *ISPT Pty Ltd v. Melbourne City Council and Valuer-General of Victoria* [2007] VCAT 652. The decision dealt with issues of considerable significance to the level of land tax levied on major commercial property. Justice Morris determined the excavation of land below natural surface level as part of the process of erecting a building was an ‘improvement’ to be taken into account in the valuation, and did not fall within the exemption relating to the removal of rocks, stone or earth, given

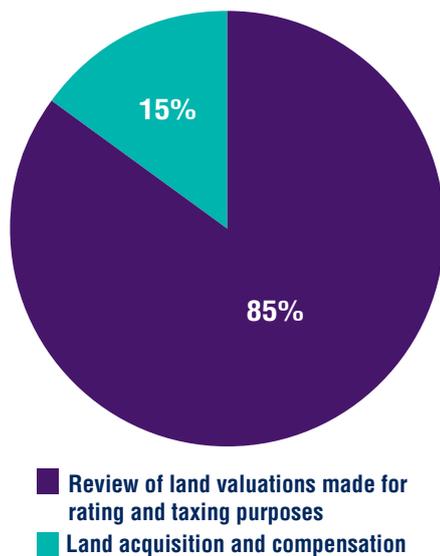
On 1 April 2007, Mark Dwyer was appointed Deputy President of the Land Valuation List and sits in a number of other Lists, primarily the Planning and Environment List.



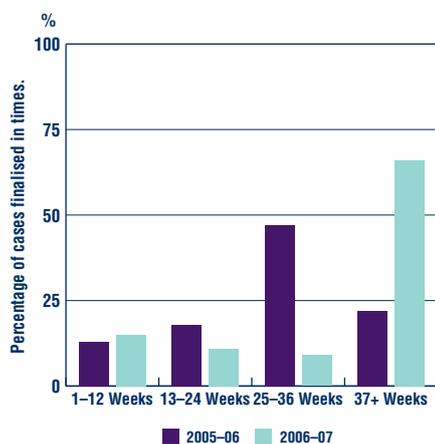
Case Flow 2006–07



Applications by Type 2006–07



Age of Matters Finalised 2006–07



the purpose and context of that exemption. In addition, Justice Morris held that the sale of vacant property for residential development could be relevant to the value of land in the Melbourne CBD. His Honour did not accept there were two separate and distinct markets (office and residential) operating in the CBD. In a broader developer’s market, both office and residential uses (or a combination of both) may be in contemplation by different prospective vendors and developers. As at 30 June 2007, the test case was the subject of an appeal to the Court of Appeal, so the many cases adjourned pending the outcome of the test case may not be finally determined for some time.

Changes to Legislation

The *Valuation of Land Act 1960* was amended from 1 July 2006 to allow an objector to lodge an application for review in a rating matter directly with VCAT rather than by referral via a council. The new provisions provide flexibility in the order of costs by

VCAT. Further amendments to the Act in 2006–07 did not affect the jurisdiction of VCAT.

New Deputy President

On 1 April 2007, Mark Dwyer was appointed Deputy President of the Land Valuation List and sits in a number of other Lists, primarily the Planning and Environment List. Following his appointment, Deputy President Dwyer has met with a number of people from organisations within the valuation industry to assess a range of views on the current operation of the List. Industry feedback has been generally positive, although there is likely to be some minor changes to the List’s correspondence, forms and procedures in the forthcoming year resulting from the consultation, and as part of the Tribunal’s continuous improvement program. In addition, this program will include training for Sessional Members in the List, with the first meeting of List Members having been held on 24 May 2007.

Case Study: Owner of Real Estate Business Contests Valuation

An owner contested the valuation of his commercial property in Fitzroy, from which he operated a real estate business. The matter was not resolved at a compulsory conference and proceeded to a hearing. At the hearing, the owner did not produce any evidence to support his application, and the Tribunal upheld the council valuation. As a consequence, the council sought costs.

The Tribunal considered the general rule, then applicable in valuation matters, that a citizen should recover costs against a taxing authority if successful in having the tax reduced. However, it observed that the rule should not always operate in reverse, given the comparative power of the parties still favoured the taxing authority—in this case the council as rating authority. In addition, the Tribunal was mindful of the public role of the council, as well as the Tribunal’s function to provide for a lower cost and accessible means of justice—particularly through the use of compulsory conferences to resolve rating disputes at an early stage.

The Tribunal nonetheless awarded a portion of the costs against the owner and in favour of the council for the period beyond the compulsory conference stage, on the basis the owner was experienced in real estate and valuation matters and had been extremely unwise to take the matter beyond the compulsory conference to a contested hearing without any real evidence to support his application. (See *Barnol Nominees v. Yarra City Council* [2007] VCAT 752.

We resolve disputes with regard to legal practitioners.

Legal Practice

List Snapshot

Objectives

- Resolve 60% of cases within 17 weeks and 80% within 33 weeks.

Key Results

- Resolved 63% of cases within four weeks and 84% within 14 weeks.

Future

- Resolve 60% of cases within four weeks and 80% within 14 weeks.

Statistical Profile

- Applications received: 291
- Cases resolved: 249
- Cases pending: 135
- Application fee: nil
- Number of Members: 36

Overview

Members of the Legal Practice List hear cases involving:

- disciplinary charges brought against lawyers;
- disputes between clients and lawyers;
- applications concerning lawyers' practising certificates;
- applications concerning costs agreements; and
- applications concerning prohibition of employment of certain persons by lawyers.

As at 30 June 2007, the majority of the cases heard and determined by the List continued to comprise 'run off' matters taken over from the Legal Profession Tribunal pursuant to the transitional provisions of the *Legal Profession Act 2004*.

Case Profile

In 2006–07, the number of applications received totalled 291, compared with 218 applications in 2005–06, representing an increase of 33%. Cases finalised totalled 249 cases, compared with 125 in 2005–06—a 99% increase. Cases pending on 30 June 2007 totalled 135 cases, compared with 94 cases on 30 June 2006, representing a 44% increase.

In 2006–07, the List dealt with a number of complex cases involving 'run off' provisions and continued to receive a modest number of 'new Act' cases, particularly with

regard to disciplinary matters. However, we anticipate a substantial increase in these cases as community awareness increases and as processes and procedures continue to be developed in this specialised jurisdiction.

Application Types

Applications in the List fall under two categories—complaints and disciplinary matters. In 2006–07, the types of applications received by the List comprised:

- 48% civil disputes;
- 45% costs and pecuniary loss;
- 4% disciplinary matters; and
- 3% other.

How We Dealt With Cases

Before hearing any dispute between a client and a lawyer, mediation is conducted. Matters not settled at mediation were listed for hearing.

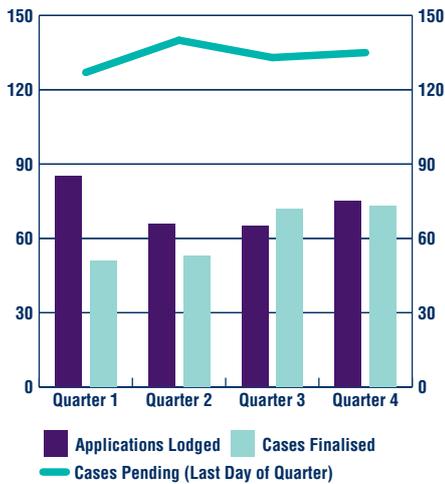
The Legal Practice List continued to retain the procedure conducted by the Legal Profession Tribunal of engaging Counsel to assist at the hearing of disputes between clients and lawyers. This procedure is not done in relation to disciplinary matters or other applications brought before the List.

We hold compulsory conferences in relation to applications to cancel costs agreements. This procedure enables discussion of the issues involved in the case, while moving towards resolution. Matters not settled at compulsory conference were listed for hearing.

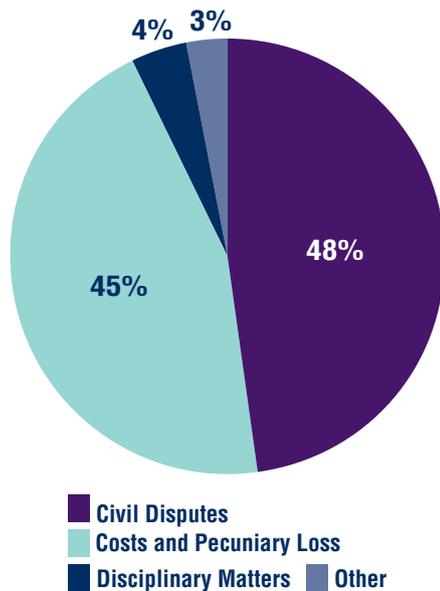


After more than 20 years' practice as a solicitor and barrister, Gerry Butcher joined the Legal Profession Tribunal in 1999 as Full-Time Deputy Registrar. Upon the Tribunal becoming part of VCAT in December 2005, Gerry became a Full-Time Member, principally in the Legal Practice List. He joins Senior Member Malcolm Howell as Members in the List.

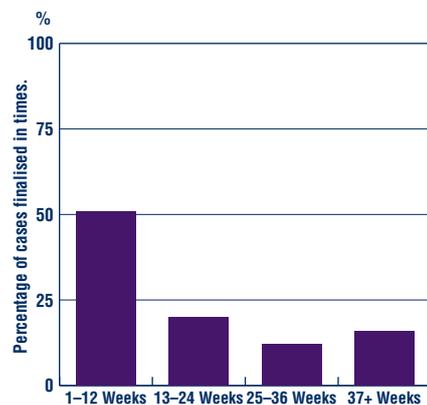
Case Flow 2006–07



Applications by Type 2006–07



Age of Matters Finalised (Median 12 Weeks) 2006–07



Several complex disciplinary matters have been heard under the *Legal Practice Act 1996*. During 2006–07, only one charge under the Legal Profession Act was presented to VCAT for hearing.

Timeliness

During 2006–07, 63% of cases were resolved after 17 weeks and 84% after 33 weeks. Refer to the graph below for statistics regarding the age of matters pending. The List greatly reduced the number of complex cases involving ‘run off’ provisions.

A Successful Transition

The Legal Practice List has been in operation at the Tribunal for just over a year. The transition from the old Legal Profession Tribunal to the new system under the VCAT umbrella has been seamless. We have successfully endeavoured to ease that transition for Members, staff and, importantly, for litigants with the result that there has been no major disruption and a smooth and efficient case flow has been maintained. In addition, with the arrival of the ‘old’ tribunal members and staff, we have gained the benefit of the wisdom and experience of those who have dealt with such matters for many years. In taking over the functions of the Legal Profession

Tribunal, which was abolished by reason of the *Legal Profession Act 2004*, a total of 13 personnel from the former tribunal were transferred to VCAT. This successful transition included the appointment of Malcolm Howel as a Senior Member and Gerry Butcher as a Full-Time Member (see profile on page 30). The transition of administrative duties and member expertise was virtually seamless, enabling their invaluable experience and specialised knowledge to blend well at VCAT.

Legal Practice List Review

In April 2007, the List initiated a review of the first 12 months of operation. The purpose of the review was to give an in-depth perspective of how well the List has been operating and if any further measures will be needed to ensure the List’s case load continues to be handled efficiently. It is anticipated the outcomes of the review will be determined and implemented in 2007–08.

Community Awareness

To raise community awareness about the List, Head of List Judge Bowman conducted several speeches and information sessions. For more information, refer to page 67 of this Annual Report.

Case Study: The Importance of Dealing Properly with Trust Money

The Tribunal found that a legal practitioner had been receiving money in anticipation of work to be done. Under the relevant Act, such money is deemed to be trust money. As such, it must be paid into a trust account or other authorised account. The Tribunal found that the money had been paid into the practitioner’s personal bank account. Although there was no suggestion that the practitioner had misappropriated the money or otherwise used it for an improper purpose, the Tribunal found the practitioner guilty of misconduct in that there had been reckless contravention of the Act. The practitioner had a good record over many years of practice. However, the Tribunal took the view that the unauthorised receipt of trust money had the potential to place the public at risk, and while no specific damage was done in the particular case, such action should not be tolerated. It stated that the mishandling of trust money should be vigorously discouraged. Under the circumstances and bearing in mind the seriousness of the offence, the practitioner’s practising certificate was suspended for a period of six months. The legal practitioner is appealing the determination concerning both the conviction and the penalty imposed.

We resolve cases relating to occupational and business regulation.

Occupational and Business Regulation

Overview

The Occupational and Business Regulation List conducts reviews of decisions made by occupational and licensing bodies, including the Director of Liquor Licensing, the various health profession boards, Medical Practitioners Board, Victorian Institute of Teaching and Firearms Appeals Committee. The List has both original and review jurisdiction. Original jurisdiction involves the conduct of disciplinary proceedings relating to a number of occupational groups. Review jurisdiction involves reviews of licensing decisions of the Business Licensing Authority, as well as decisions made by various registration boards concerning professional registrations.

Case Profile

The number of applications received increased by 29% in 2006–07, totalling 139, compared with 109 in 2005–06. Cases finalised totalled 133, compared with 119 in 2005–06, increasing by 13%. The number of cases pending on 30 June 2007 totalled 65, compared with 59 on 30 June 2006—a 10% increase.

Application Types

The types of applications comprised:

- 43% liquor licensing (30% in 2005–06);
- 2% private agents (9% in 2005–06);
- 5% doctors (8% in 2005–06);
- 6% Victorian Taxi Directorate (5% in 2005–06);
- 1% real estate agents (3% in 2005–06); and
- 43% other (45% in 2005–06).

Most applications involved the review of licensing decisions and disciplinary proceedings relating to a range of occupations and professions. The List dealt with cases under the *Working with Children Act 2005*, allocated to the List in 2005–06. The legislation protects children by ensuring individuals who work with, or care for children, are suitable to do so. VCAT's jurisdiction provides a process for reviewing decisions of government agencies regarding the suitability of an individual to work with children.

How We Dealt with Cases

List Members conducted directions hearings prior to listing cases for hearing. This procedure enabled early exchange between the parties and filing of documents, together with statements of witnesses to be called at the hearing, thereby streamlining the hearing process. We were able to accommodate cases requiring an urgent hearing within a very short time frame.

Timeliness

In 2006–07, we resolved 43% of cases within 18 weeks of application and 70% of cases within 25 weeks. This result compares with 2005–06, when we resolved 56% of cases within 20 weeks of application and 74% of cases within 25 weeks.

Membership Changes

On 31 December 2006, Her Honour Judge Sandra Davis left her role as Head of the Occupational Business Regulation List, returning to the County Court on a full-time basis and on 1 January 2007 Anne Coghlan was appointed Deputy President of the List.

New Jurisdiction

On 1 July 2007, the provisions of the *Health Professions Registration Act 2005* conferring original and review jurisdiction on the List will come into operation. The Act provides a single regime for the regulation by responsible boards of health practitioners in Victoria, including doctors, dentists, nurses, psychologists, chinese medical practitioners,

List Snapshot

Objectives

- Resolve 60% of cases within 18 weeks of application and 80% within 25 weeks.

Key Results

- Resolved 43% of cases within 18 weeks of application and 70% of cases within 25 weeks.

Future

- Resolve 60% of cases within 18 weeks of application and 80% within 25 weeks.

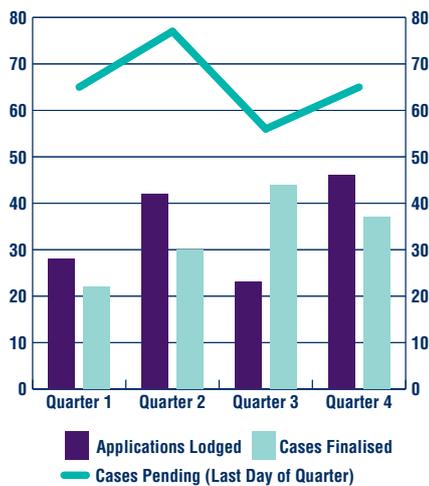
Statistical Profile

- Applications received: 139
- Cases resolved: 133
- Cases pending: 65
- Review application fee: \$269.60
- Number of Members: 40

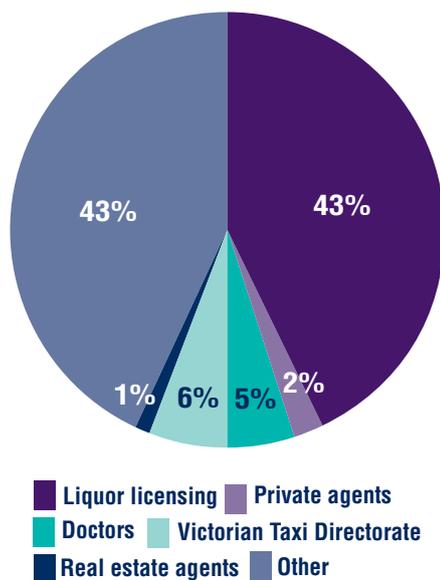


As a Senior Member of VCAT, Robert Davis has made a valuable contribution to the List over many years. He brings a wealth of experience in chairing hearings with regard to disciplinary and liquor licensing matters.

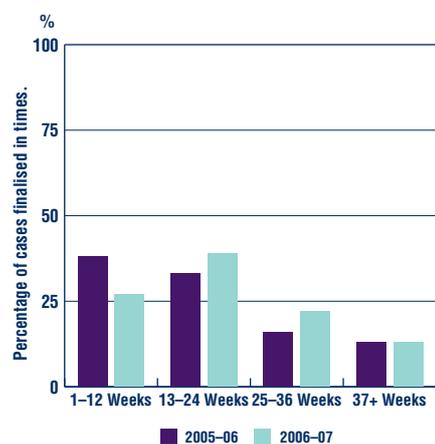
Case Flow 2006–07



Applications by Type 2006–07



Age of Matters Finalised (Median 20 Weeks) 2006–07



optometrists, medical radiation practitioners, physiotherapists, podiatrists, chiropractors and osteopaths. Under the new Act, VCAT has original jurisdiction to hold hearings into the professional conduct of health practitioners, particularly where it is likely that cancellation of registration will be at stake. Additionally, VCAT has review jurisdiction in relation to findings or determinations made by panel hearings held by the responsible boards. We expect the new jurisdiction to have a substantial impact on case load. To prepare for handling cases under the new jurisdiction, we undertook a comprehensive interview process to recruit a new pool of Sessional Members to the List in the range of disciplines covered by the legislation. Additionally, we met with representatives of the various health profession registration boards to introduce them to VCAT and familiarise them with List operations and procedures, held extensive consultation and meetings with Department of Health officers, and met with members of the Department of Human Services to discuss practical considerations, such as how cases are to be presented and the documentation required to lodge applications to the List.

On 1 July 2007, the *Transport Legislation Further Amendment Act 2006* will come into effect conferring new jurisdiction to the List involving licensing decisions with regard to taxi and bus drivers. Formerly a jurisdiction dealt with in the Magistrates Court, we expect to deal with around 70 matters a year.

On 1 July 2007, the *Disability Act 2006* will come into operation, providing review jurisdiction under section 45 involving decisions relating to the registration of disability service providers. We expect few such applications to have an impact on the List.

User Group Activities

The List's user group met on 8 May 2007. Barristers, solicitors and representatives of various stakeholders involved in the List's jurisdictions attended the meetings, including the Director of Liquor Licensing, Greyhound Racing Victoria, Victorian Institute of Teaching and Consumer Affairs Victoria. Given the diverse interests of the jurisdiction under the *Health Professions Registration Act 2005*, we plan to introduce a new user group comprising representatives of the wide range of health profession registration boards.

Case Study: VCAT Directs Assessment Notice Be Given

The *Working with Children Act 2005* includes a process for determining whether a person is suitable to work in 'child-related work' and for the issuing of 'assessment notices'. Without a notice, a person who knows they do not have one, or is reckless in that regard, is guilty of an offence, if they engage in such work. The applicant was a 51-year-old man who cared for foster children and was an integration aide. The Secretary to the Department of Justice issued him with a 'negative notice', meaning he was no longer able to work as an aide for foster children, because as a 19 year old, the applicant had been convicted of offences of carnal knowledge involving consensual sex with a girl then aged 15 years. VCAT needed to decide whether or not to grant the application and direct that an assessment notice be given. In making its decision, VCAT had to be satisfied that giving an assessment notice would not pose an unjustifiable risk to the safety of children. VCAT decided to direct the Secretary to give an assessment notice to the applicant. In doing so, VCAT considered the nature of the offences committed, the period of time that had elapsed since the applicant committed the offences, the applicant's behaviour since then and, in particular, since caring for foster children and being an integration aide. VCAT also considered the public interest issue. It formed a view that the notion of 'the public interest' was broad and that it was not appropriate to seek to define the boundaries of what is in the public interest. *PJR v. Secretary to the Department of Justice* [2006] VCAT 2455.

We decide planning disputes and give leadership in applying planning policy.

Planning and Environment

List Snapshot

Objectives

- Resolve 60% of cases within 18 weeks of application and 80% within 26 weeks.
- Maintain in-house development program and participation in PLANET program.
- Continue to use mediation.

Key Results

- Resolved 61% of cases within 18 weeks of application and 83% within 26 weeks.
- Achieved a 69% mediation success rate.
- Conducted in-house development program and participated in PLANET program.

Future

- Resolve 60% of cases within 18 weeks of application and 80% within 26 weeks.
- Maintain in-house development program and participation in PLANET program.
- Continue to use mediation.

Statistical Profile

- Applications received: 3,250
- Cases resolved: 3,233
- Cases pending: 1,322
- Application fee: \$32.50–\$1,080.50
- Number of Members: 50

Case Profile

During 2006–07, the number of applications received totalled 3,250, compared with 3,542 in 2005–06, representing a decrease of 8%. Cases finalised totalled 3,233, compared with 3,602 in 2005–06, representing an decrease of 11%. Cases pending on 30 June 2007 rose slightly, totalling 1,322, compared with 1,305 at the end of 2005–06.

Application Types

The types of applications lodged comprised:

- 18% by objectors to council decisions to grant planning permits (20% in 2005–06);
- 31% by permit applicants about council decisions to refuse permits (32% in 2005–06);
- 15% by permit applicants about council decisions to impose conditions on a planning permit application (15% in 2005–06);
- 14% by permit applicants about failure of councils to decide about a planning permit application (14% in 2005–06);
- 5% enforcement orders (4% in 2005–06); and
- 17% other (15% in 2005–06).

Residential development proposals continued to dominate the type of applications dealt with by the List, ranging in size from one or two dwellings to several hundreds of units. However, cases covered a wide variety of other matters, including retail, commercial and industrial use, development and subdivi-

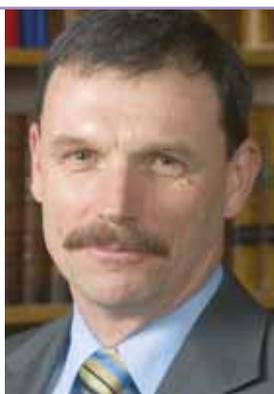
sion. The List continued to experience a reduction in the number of applications for review involving new planning permits, but an increase in applications to amend planning permits previously granted by VCAT. This result follows amendments to the *Planning and Environment Act 1987* introducing new procedures for amending permits. The new procedures do not apply to permits issued at the direction of VCAT. In those cases, an application must be made directly to the Tribunal. VCAT has adopted a liberal approach as to what constitutes a material change in circumstances that would justify an amendment to a permit in light of these changes to the Act and to avoid inequities to permit holders where permits have been granted by VCAT. Where the amendments are minor and are consented to by the responsible authority, they are dealt with ‘on the papers’ without the need for a hearing.

How We Dealt with Cases

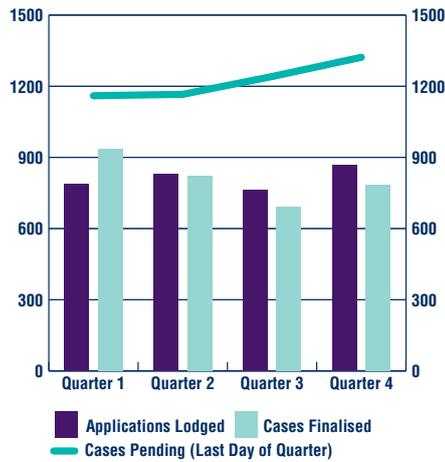
Most cases dealt with in the List proceeded to a hearing without preliminary directions hearings. The practice days held each Friday enabled cases requiring a directions hearing to be handled quickly. Typically, cases required a directions hearing due to the complexity of the matter or the number of parties involved, or to resolve procedural and technical problems and preliminary legal points. All enforcement order applications and applications to amend permits, which cannot be dealt with ‘on the papers’, were initially referred to a practice day hearing.

Mediation continued to be an important means of resolving planning disputes. During 2006–07, we referred 510 applications to mediation (506 in 2005–06), representing about 16% of all applications (14% in 2005–06). The success rate for mediations during the period was 69% (75% in 2005–06). Even where mediation did not result in an agreement, it proved to be useful in narrowing the points of difference between parties and lead to a quicker hearing.

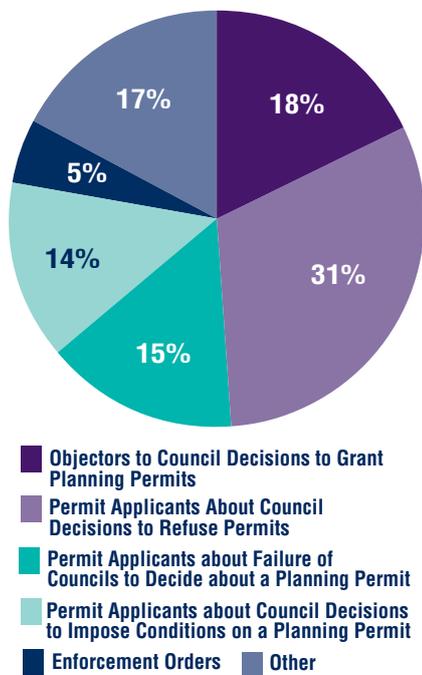
In August 2006, Ian Potts was appointed as a Full-Time Member, bringing to the List extensive experience in hydrology, soil, sciences, environmental planning and land management.



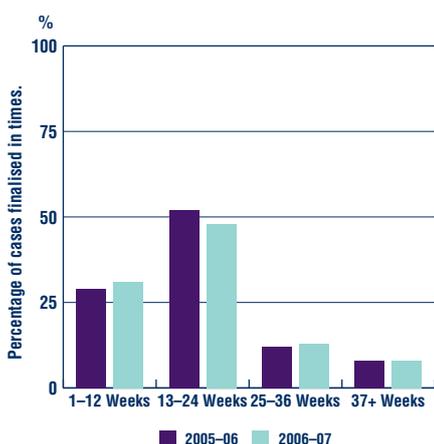
Case Flow 2006–07



Applications by Type 2006–07



Age of Matters Finalised (Median 17 Weeks) 2006–07



The Planning and Environment List maintained a close watch over the progress of cases through the hands-on involvement of List Members in case management. This approach facilitated timely and informed responses to correspondence and issues that would arise before a case proceeds to hearing. The case management committee played an important role in identifying key issues likely to arise at hearings and the listing requirements for each case.

Timeliness

We resolved 61% of cases within 18 weeks of application and 83% of applications within 26 weeks. This result compares with 61% of cases being resolved within 18 weeks of application and 84% within 26 weeks in 2005–06. The median time from lodgement of an application for review to decision was 17 weeks during 2006–07.

Membership Changes

In August 2006, Ian Potts was appointed a Full-Time Member, bringing to the List extensive experience in hydrology, soil, sciences, environmental planning and land management.

On 1 April 2007, Mark Dwyer was appointed as a Deputy President. He is head of the Land Valuation List and a Member of a variety of other Lists, frequently sitting in the Planning and Environment List. He contributes a wealth of experience in the fields of local government, planning and environmental law.

In September 2006, Rowland Ball retired as a Senior Sessional Member. Mr Ball was a former Deputy President of the Administrative Appeals Tribunal from 1989 to 1998 and head of the Planning Division. He served as a Senior Member of VCAT until his retirement as a Full-Time Member

Case Study: A Council's Notice of Decision Prompts a Broad Range of Issues and Strong Emotions

This case highlights the very broad range of issues (and strength of emotions) which Tribunal Members are required to deal with on a day-to-day basis. Although the case appeared to be relatively straightforward, submissions included claims of potential financial ruin to an existing fine wool business, bullying and intimidatory behaviour by a large company towards a small family-run farm, opportunistic obstructionist behaviour, possible destruction of Striped Legless Lizard and Brolga habitat, uninformed and ignorant experts, and dire environmental impacts. In November 2005, a council issued a Notice of Decision for two accommodation units very close to the common boundary with the site proposed for a wind energy facility in South Western Victoria. The wind farm claimed the application had been lodged in an effort to stymie approval of the wind energy facility because the units would be seriously affected by noise from the wind turbines. The Tribunal found the original permit application was quite inadequate—although not literally written on the back of an envelope—it was of that standard and presentation. Council officers did not favour the proposed location of the units and framed conditions on the Notice of Decision to provide options as to where the two accommodation units could be located. The Tribunal commented that if the council was dissatisfied with the proposed location of the two units, then the application should have been refused. The Tribunal discussed whether the wind energy facility was a seriously entertained planning proposal with reference to *Lyndale and Black v. MMBW* and found it was a seriously entertained proposal (it has since been approved). In addition, the Tribunal discussed environmental and noise impacts on Merino sheep producing ultra fine wool and determined to set aside the council's decision and direct that no permit be issued.

Planning and Environment

in 2001. In addition, Dr Renate Howe retired from the List as Sessional Member in May 2007.

Our complement of Full-Time and Sessional Members includes those with general planning skills, as well as design, environmental management and civil engineering expertise.

Continual Improvement

The List aims to improve the level of communication with participants in the planning system and information available to parties and VCAT. To achieve this aim, the List continued to introduce modifications to correspondence, forms and procedures, and modified its case management arrangements to improve performance. As an important way to achieve continual improvement in the operation of the List and the delivery of quality decision making, professional development of Members continued (for more information, refer to 'Training and Development' on this page).

Community Awareness

List Members contributed to the improvement of industry practices and procedures by participating in industry conferences, seminars and working groups. List Members continued to participate in the Department of Sustainability and Environment's PLANET program, which offers professional development for council planners. They presented a total of six sessions on subjects such as:

- Introduction to VCAT;
 - Mediation in Planning;
 - Enforcement; and
 - Cross Examination Techniques—
Preparing for cross-examination at VCAT.
- Additionally, List Members made a number of presentations to different groups and organisations as follows:
- At seminars organised by the Victorian Planning and Environmental Law Association (VPELA), Deputy President Gibson gave presentations on expert

evidence conducted in Melbourne and regional centres. She spoke at a Heritage Council training session on Natural Justice, Witnesses and Cross Examination, at a VPELA seminar entitled *When is a shop a shop—and when is it not?* and at the VCAT Open Day as part of Planning Week.

- Member Sam Cimino spoke to University of Melbourne architecture and planning masters students on urban design and neighbourhood character.
- Laurie Hewet spoke to RMIT post graduate students on considering social and economic effects under the *Planning and Environment Act 1987*.
- List Members Russell Byard, Jeanette Rickards, Richard Horsfall and Sam Cimino presented *Introduction to Planning* sessions for new councillors sponsored by the Municipal Association of Victoria (MAV).

As part of Planning Week in October 2006, List Members conducted a VCAT open day and participated in a moot mediation during Law Week in May 2007.

Former President Justice Morris addressed many professional, civic and local government organisations about the work of VCAT, especially this List. He visited numerous councils in metropolitan and regional Victoria to explain what VCAT does, the role it plays in the planning process and the nature of its decision-making process, often with reference to cases of specific interest to the relevant municipality. These visits provided an opportunity for dialogue with councillors and officers and were instrumental in countering adverse perceptions of VCAT.

Training and Development

We conducted an in-house professional development program for List Members arranged by the Professional Development Committee, which was convened by Ian Potts and Rachel Naylor.

Top 20 Councils—2005–06 to 2006–07

Number of Council Applications

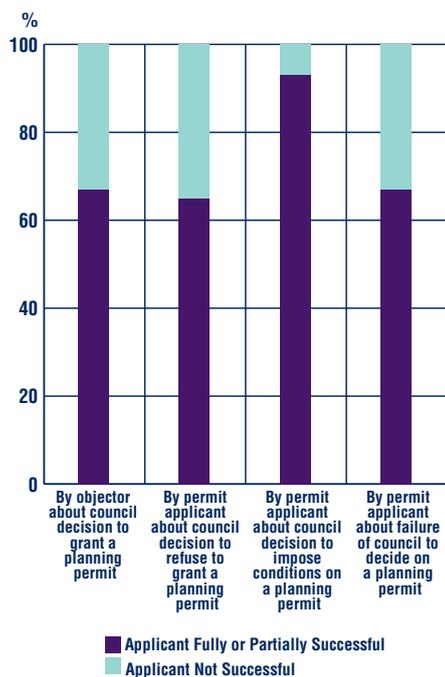
	2006–07	2005–06
Boroondara City Council	172	216
Port Phillip City Council	168	155
Morn. Pen. Shire Council	165	170
Yarra City Council	152	119
Stonnington City Council	144	198
Melbourne City Council	133	149
Hobsons Bay City Council	121	114
Bayside City Council	118	110
Monash City Council	114	127
Greater Geelong City Council	93	91
Glen Eira City Council	91	94
Yarra Ranges Shire Council	83	73
Banyule City Council	76	100
Cardinia Shire Council	72	72
Darebin City Council	71	89
Moreland City Council	71	101
Kingston City Council	69	74
Maroondah City Council	68	77
Whitehorse City Council	61	92
Moonee Valley City Council	59	111

Top 20 Suburbs—2005–06 to 2006–07

Number of Suburb Applications

	2006–07	2005–06
Melbourne	64	85
South Yarra	48	48
Brighton	44	39
Williamstown	43	42
Richmond	40	50
Camberwell	31	31
Albert Park	30	22
Kew	30	37
St Kilda	30	29
Hawthorn	25	40
Malvern East	25	26
Newport	25	19
Clayton	24	20
Elwood	24	18
Fitzroy North	24	23
South Melbourne	24	18
Carlton	22	14
Mount Eliza	22	17
Mount Waverley	22	30
Toorak	22	29

Outcome Analysis of Applications to VCAT Finalised in 2006–07



The graph displays outcomes only for the major application types and for applications received and resolved during 2006–07.

The professional development program focuses on three areas:

- Members’ skills and professional improvement;
- current topics of planning interest; and
- monitoring and review of decisions.

The Committee organises a mix of activities, including ‘twilight seminars’ featuring both internal and external speakers and bus tours where Members visit developments to assess the outcomes of permits granted by the Tribunal and see whether permit conditions or amendments to plans have been effective, including a bus tour organised by Peter O’Leary and Ann Keddie looking at height-related issues.

A broader part of the Committee’s role involves publicising professional development opportunities run by other relevant professional associations—we continued our External Conference Register initiative, which we updated and circulated as new events arose. VCAT continued to provide funding for each Full-Time Member to attend one conference each year.

Additionally, many Members attended other external professional development functions at their own cost from time to time.

Refer to page 49 for a more detailed

report provided by the Planning and Environment List Professional Development Committee.

Outcome Analysis

The graph featured on this page shows an outcome analysis relating to applications made to the List in 2006–07. In addition, two tables on page 36 list the total number of applications received relating to the top 20 councils and top 20 suburbs where the planning site in question was located.

The graph describes the outcome of applications to the Planning and Environment List. The ‘Plain English’ classifications identify whether individuals making the applications were successful or were not successful. Outcomes are shown only for the major application types and for finalised applications received in 2006–07.

Applications that were withdrawn are not shown. (VCAT does not record the reasons why applications were withdrawn. They may have been withdrawn for many reasons, including if a compromise was reached before VCAT heard the application.)

The outcome classifications are a simplified version of more technical classifications of types of final orders made by VCAT. The percentages shown should be taken as a broad guide to the outcomes.

Case Study: Human Health and Financial Loss Competing Interests in Granting of Interim Enforcement Order

An application for an interim enforcement order was granted to stop the operation of a gas fired power station on the subject land during office hours Mondays to Fridays. The applicant claimed that excessive noise and vibration from the power station were causing its staff headaches, earaches, nausea and other adverse health effects. It alleged the power station was being operated in breach of its planning permit in a way that adversely affected the amenity of the locality. In considering interim relief, the Tribunal held as a fundamental principle that the court or Tribunal should take whichever course appeared to carry the lower risk of injustice, if it should turn out to have been ‘wrong’. In this case, the Tribunal considered the most important competing interests to be those of financial loss, compared with human health. Essentially, the Tribunal considered that it was more important to protect the human health of the applicant’s employees, even though doing so may result in some financial loss for the operator of the power station.

We resolve cases relating to real property, retail tenancies and taxation.

Retail Tenancies, Real Property and Taxation

List Snapshot

Objectives

- Maintain acceptable waiting times from application to resolution for retail tenancies cases, real property cases and taxation cases.

Key Results

- Resolved 65% of retail tenancies cases within 12 weeks of application and 74% within 18 weeks.
- Resolved 73% of real property cases within 25 weeks of application and 83% within 35 weeks.
- Achieved a clearance rate of 113% in the Taxation List.

Future

- Maintain acceptable waiting times from application to resolution for retail tenancies cases, real property cases and taxation cases.

Statistical Profile

Retail Tenancies List:

- Applications received: 226
- Cases resolved: 212
- Cases pending: 92
- Application fee \$269.60–\$540.20
- Number of Members: 15

Real Property List:

- Applications received: 175
- Cases resolved: 145
- Cases pending: 87
- Application fee \$269.60–\$540.20
- Number of Members: 17

Taxation List:

- Applications received: 23
- Cases resolved: 26
- Cases pending: 11
- Application fee \$269.60
- Number of Members: 10

Case Profile

Applications in the Retail Tenancies List increased by 33%, totalling 226 applications received, compared with 170 in 2005–06. Cases resolved rose by 24%, totalling 212, compared with 171 in 2005–06. Cases pending rose by 18%, totalling 92 on 30 June 2007, compared with 78 on 30 June 2006.

The Real Property List received 175 applications in 2006–07, compared with 67 in 2005–06, representing a substantial increase of 161%. Cases resolved increased by 154%, totalling 145 in 2006–07, compared with 57 in 2005–06. Cases pending totalled 87 on 30 June 2007, compared with 57 on 30 June 2006.

The Taxation List received 23 applications in 2006–07, compared with 32 in 2005–06, representing a 28% decrease. Cases resolved decreased by 19%, totalling 26 in 2006–07, compared with 32 in 2005–06. Cases pending fell, totalling 11 on 30 June 2007, compared with 14 on 30 June 2006.

Application Types

The types of applications lodged in the Retail Tenancies List involved disputes arising between landlord and tenant relating to leases of retail premises. Disputes involved alleged misrepresentation, validity of rent reviews and repair issues.

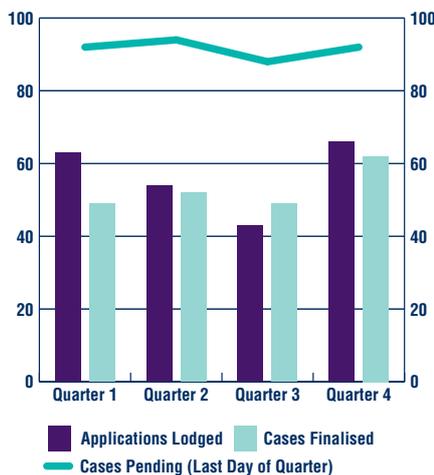
Application types in the Real Property List principally consisted of a mix of co-ownership applications under Part IV of the *Property Law Act 1958* and damages claims under Part I of the *Water Act 1989* and certain provisions of the *Water Industry Act 1994*. Water Act proceedings primarily related to urban or sub-urban flooding involving burst water mains. Other applications involved acquiring easements to facilitate subdivisions under the *Subdivision Act 1998*. The Real Property List's co-ownership jurisdiction under Part IV of the Property Law Act enabled it to determine disputes between co-owners of land and goods commencing 1 January 2006.

In the Taxation List, applications related to State levies and taxes, including a number of matters concerning the First Home Owner's Grant scheme.

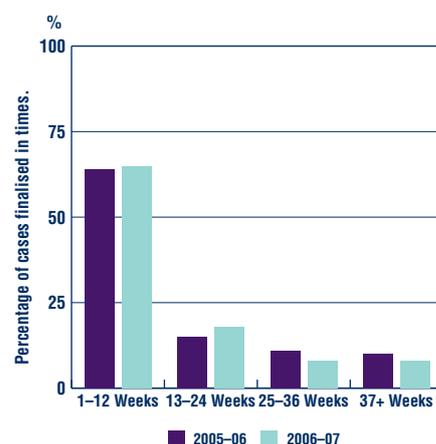
How We Dealt with Cases

Most retail tenancy matters had been subject to the Alternate Dispute Resolution (ADR) processes of the Small Business Commissioner; therefore, we did not order mediation as a matter of course. Occasionally, circumstances arose where the parties indicated their desire for a second mediation to take place. Proceedings, which sought injunctive relief, came directly to the List without previous processing by the Small Business

Retail Tenancies Case Flow 2006–07



Age of Matters Finalised—Retail Tenancies (Median Six Weeks) 2006–07



Case Study: Five Sisters Seek Order against Sixth Sister for Sale of Family Home

Six sisters owned a rural property in equal shares. Five of the sisters wished to sell but the sixth sister did not want to sell due to her emotional bond with the land. The five sisters brought an application under the new Part IV of the Property Law Act, seeking an order from the Tribunal for the sale of the property. The sixth sister was the respondent. The Tribunal directed the case to mediation. The proceeding settled at mediation on terms that the respondent sister be paid a sum of money in consideration for transferring her share of the property to the applicant sisters. The terms of settlement required the respondent sister to attend a law office to receive a bank cheque for the price for her share against signature as a necessary transfer and associated documents. When the respondent sister attended at the appointed time, cleared funds were not available at the law office to enable her to receive the necessary bank cheque due to an administrative error. She concluded that her sisters' failure to have funds available on the day, as stipulated in the settlement agreement, made that agreement null and void hence the matter reached an impasse. The proceeding was struck out with a right of reinstatement. The applicant sisters sought a reinstatement of the proceeding for the purposes of enforcing the settlement, which they had reached with their sister. The Tribunal considered that since there was no provision in the settlement agreement making time of the essence and no notice making time of the essence had been served, time was not of the essence of the obligation to pay. Hence a failure to make payment on the due date did not render the agreement null and void. The Tribunal referred to section 41 of the Property Law Act and ordered the Tribunal's Principal Registrar to execute the necessary transfer document in the name of, and on behalf of, the respondent sister.

Commissioner. Where urgent injunctive relief was sought, the application for a temporary injunction was heard immediately, often on the same day as the application was filed.

In co-ownership disputes under the Property Law Act, mediations were set early to avoid, if possible, the cost to the parties of undertaking traditional interlocutory steps. In resolving Water Act and Water Industry matters in the Real Property List, we undertook the full set of interlocutory steps. The parties exchanged their expert reports and attended a compulsory conference held by an engineering member. If the case remained unresolved, a legal and sometimes an engineering member conducted a hearing. We referred claims for modest sums under the Water Act and the Property Law Act directly to mediation.

With regard to taxation matters, we were able to accommodate special arrangements where needed by offering the parties an increased number of directions hearings. In addition, we arranged for the Commissioner of State Revenue to provide the same folder of relevant documents he must file with VCAT to each applicant for review to provide a common documentary record upon which each proceeding may be based.

Timeliness

In the Retail Tenancies List, we resolved 65% of cases within 12 weeks of application (64% in 2005–06) and 74% of applications within 18 weeks (73% in 2005–06). In managing retail tenancies cases, we are able to provide the resources necessary to hear cases efficiently. However, delays are often encountered as a result of the parties failing to prepare their cases for hearing.

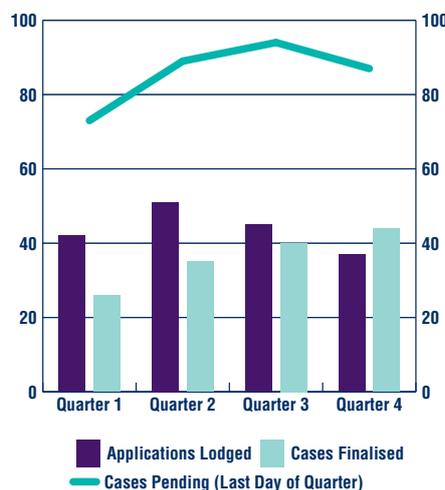
In the Real Property List, we resolved 73% of cases within 25 weeks of application (55% in 2005–06) and 83% within 35 weeks (66% in 2005–06).

In the Taxation List, we achieved a clearance rate of 113% (100% in 2005–06), which reduced the number of cases pending. The case load of the Taxation List is very small and a small number of lengthy cases can greatly affect the result.

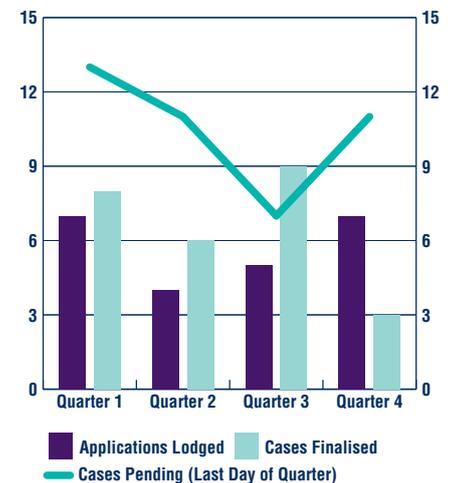
User Group Activities

The Retail Tenancies user group met in June 2007 to discuss the continued relevance of mediation for disputes already mediated by the Small Business Commissioner. No user group exists for the Real Property List or the Taxation List in light of the relatively small numbers in both Lists and the absence of 'repeat users' acting for applicants.

Real Property Case Flow 2006–07



Taxation Case Flow 2006–07



We resolve disputes relating to residential tenancies.

Residential Tenancies

List Snapshot

Objectives

- Further improve and promote VCAT Online.
- Continue to produce at least 70% of orders via the Order Entry System (OES).

Key Results

- A total of 52,863 applications were lodged using VCAT Online, representing 81% of all applications.
- The average waiting time from application to resolution for all cases was 18 days.
- Approximately 55,154 orders (80% of all orders) made in the List (68,508 orders) were processed via OES.
- Held a successful Users' Conference on 18 April 2007, attracting nearly 700 attendees.

Future

- Further improve and promote VCAT Online.
- Continue to produce at least 70% of orders via OES.

Statistical Profile

- Applications received: 65,453
- Cases resolved: 65,201
- Cases pending: 3,409
- Application fee: \$33.30
- Typical number of cases resolved per day, per Member: 22
- Number of Members: 59
- Number of venues visited: 31

Case Profile

The total number of applications received decreased by 1% in 2006–07, totalling 65,453, compared with 66,302 in 2005–06. Cases finalised decreased by 2%, totalling 65,201, compared with 66,495 in 2005–06. Cases pending totalled 3,409 on 30 June 2007, compared with 3,157 on 30 June 2006, representing an increase of 8%.

Application Types

The people who made applications were:

- 65% landlords represented by estate agents or property managers (68% in 2005–06);
- 24% the Director of Housing (21% in 2005–06);
- 6% private landlords (6% in 2005–06); and
- 5% tenants or residents (5% in 2005–06).

Of all applications received:

- 50% related to possession orders (54% in 2005–06);
- 27% payment of bond (28% in 2005–06);
- 9% compensation or compliance orders alleging breach of duty (10% in 2005–06); and
- 14% other (8% in 2005–06).

How We Dealt with Cases

List Members resolved most applications by hearing. Many cases were settled between the parties before the hearing or at the hearing following informal mediation. In some cases, parties used the alternative procedure for possession. As a result of these procedures, the Principal Registrar was able to make orders without the need for parties to attend a hearing.

Timeliness

The average waiting time from application to resolution dropped slightly from 19 days in 2005–06 to 18 days in 2006–07. Based on the number of sitting days at a venue, we held 31% of hearings in Melbourne, 40% in suburban Melbourne and 29% at country venues throughout Victoria. Our ability to maintain timeliness was largely due to the efficient management of the List's resources across the State.

Order Entry System

The Order Entry System (OES) enables List Members to produce orders using computers installed in hearing rooms. OES allows orders to be produced, printed, signed and given to the parties immediately after hearings. During 2006–07, we extended OES to seven regional locations, comprising Bendigo, Bairnsdale, Dromana, Horsham, Moe, Morwell and Shepparton. OES use increased with 55,154 orders (80% of all orders) made in the Residential Tenancies List (68,508 orders) being produced by List Members using OES. This result compares with 2005–06 when List Members used OES to produce 50,455 orders (74% of all orders) made in the List (68,070 orders). Through VCAT Online, an alternative procedure module allows landlords to apply for possession and rent and disposal of bond where the address of the tenant is unknown. In this case, the Principal Registrar makes an order without the parties having to attend a hearing.

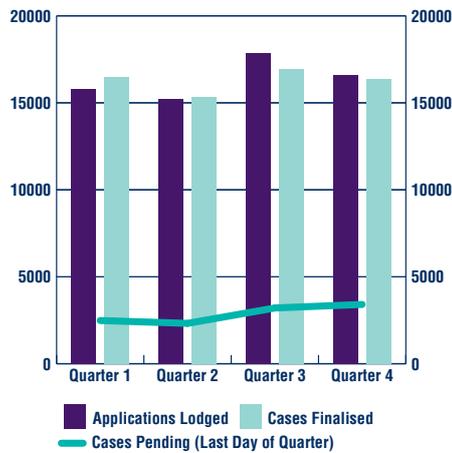
VCAT Online

VCAT Online enables the List's registered users to complete application forms, and generate and print notices of dispute under the RT Act via the Internet, followed by immediate confirmation of lodgment and, in most cases, a hearing date. In 2006–07, 173,477 notices were created (112,378 in 2005–06) and 52,863 applications were lodged (51,776 in 2005–06) via VCAT Online, representing a substantial 81% of all applications lodged. A total of 1,338 users were registered with VCAT Online as at 30 June 2007, compared

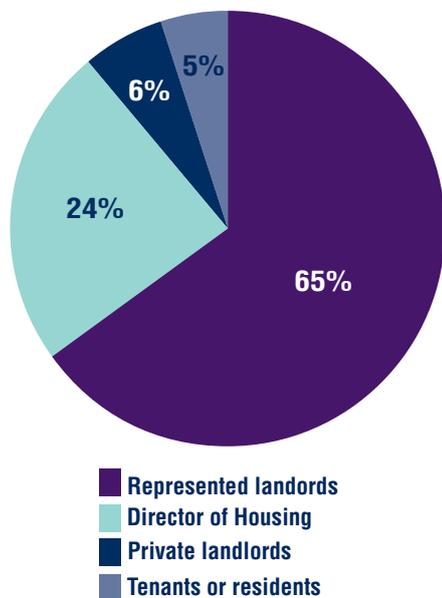


Don O'Halloran joined VCAT as a Full-Time Member in September 2006. He sits in the Residential Tenancies, Guardianship and Civil Claims Lists. In 2006–07, Don travelled Victoria extensively, hearing cases in rural areas, including Cobram, Colac, Warnambool, Korrumburra, Shepparton and Wodonga to name a few. Don has found his previous experience as a specialist in administrative law and his familiarity with VCAT has helped in his current role enormously. He has valued the Tribunal's Order Entry System for its systematic approach to data management. Additionally, Don has resolved many cases prior to the hearing to the mutual satisfaction of concerned parties.

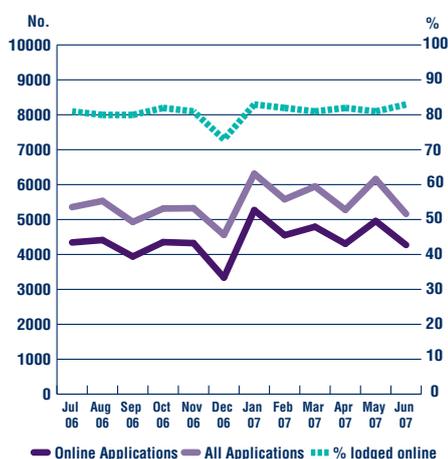
Case Flow 2006–07



Applications by Type 2006–07



VCAT Online Use 2006–07—Residential Tenancies List



with 1,213 users as at 30 June 2006. Refer to page 58 for more information about VCAT Online.

User Group Activities

The List’s user group comprised representatives from the Office of Housing, Real Estate Institute of Victoria, Tenants Union of Victoria, Community Housing Federation of Victoria and Legal Aid Victoria. The user group met on three occasions during 2006–07 (four in 2005–06) and provided a forum for discussing issues of concern to List users, including preparing for changes to legislation, strategies for ensuring unrepresented litigants have adequate information, strategies for ensuring all parties attend hearings, and improving scheduling of hearings in regional locations.

Applications for Possession

On 2 April 2007, the Supreme Court decided in *Bundy v. Alberts* [2007] VSC 90 that applications for possession under *Residential Tenancies Act 1997* section 322(1) are invalid if they were lodged at the Tribunal before the tenant was served with a notice to vacate. In such instances, List Members were required to strike out the application and advise landlords to wait until after the notice to vacate was deemed to have been served before making and serving an application

based on that notice. Landlords were given the opportunity to make a new application based on the same notice to vacate, but the application served with the notice to vacate would not be valid. VCAT Online was updated to prevent notices to vacate and applications being lodged together.

Users’ Conferences

To improve service delivery to our users, List Members held a successful Users’ Conference for frequent users of the List on 18 April 2007. Supported by VCAT staff, including Tony Jacobs, Mirella Franceschini and Adam Trevethan, the conference attracted almost 700 attendees. About half of those who attended completed an evaluation form, resulting in a very high percentage of positive evaluations. The conference featured a question and answer session and we posted answers to the most commonly asked questions on the VCAT website. In June 2007, we held users’ conferences in three regional centres, including Geelong on 13 June, Latrobe Valley on 20 June and Shepparton on 27 June, covering such topics as possession, bonds and compensation, and preparing a case. The conferences gave attendees opportunities to ask that particular topics be covered. List Members encouraged frequent users of the List to attend the conferences in relevant regions.

Case Study: Landlord Serves Notice to Vacate for No Reason

A landlord served a tenant with a 120-day notice to vacate for no specified reason under section 263 of the *Residential Tenancies Act 1997*. The tenant challenged the validity of the notice to vacate, claiming the notice was given in response to the tenant exercising a right under the Act. In addition, the tenant sought an order that the landlord carry out repairs to the rented premises. The evidence disclosed the tenant had requested the landlord to carry out repairs to the rented premises in the days and weeks preceding the notice to vacate. The landlord refused to carry out the repairs against the advice given by his real estate agent and refused to speak with the investigator from Consumer Affairs Victoria. In his evidence before the Tribunal, the landlord stated he did not wish to carry out repairs and that he would be able to easily get another more reasonable tenant to live in the property ‘as is’. Orders were made declaring the notice to vacate to be of no effect. Further orders were made for the landlord to carry out the repairs and the application was amended to include claims for compensation and orders for rent to be paid into the Rent Special Account if the landlord failed to comply with the orders. The landlord complied with the repair orders such that no further orders were necessary.

Important Cases 2006–07

Islamic Council of Victoria v. Catch the Fire Ministries Inc

The best settlements bring to bear the intelligence, wisdom and generosity of the parties and their legal teams. The following excerpt from a media release constituted part of the settlement of a dispute, which had been heard and determined at VCAT in 2002, then appealed to the Court of Appeal. It was sent back to VCAT. Mediation at VCAT enabled the parties to reach their own solution.

In a joint statement issued on 22 June 2007, the Islamic Council of Victoria (ICV) reached an agreement with Catch the Fire Ministries, Pastor Daniel Scot and Pastor Daniel Nalliah about the complaint the ICV brought to VCAT concerning what it alleged were acts of religious vilification in contravention of section 8 of the *Racial and Religious Tolerance Act 2001*. Notwithstanding their differing views about the merits of the complaint made by the ICV, each of the ICV, Catch The Fire Ministries, Pastor Scot and Pastor Nalliah affirmed and recognised:

- 1) the dignity and worth of every human being, irrespective of their religious faith, or the absence of religious faith;
- 2) the rights of each other, their communities, and all persons, to adhere to and express their own religious beliefs and to conduct their lives consistently with those beliefs;
- 3) the rights of each other, their communities and all persons, within the limits provided for by law, to robustly debate religion, including the right to criticise the religious belief of another, in a free, open and democratic society;
- 4) the value of friendship, respect and co-operation between Christians, Muslims and all people of other faiths; and
- 5) the Racial and Religious Tolerance Act forms part of the law of Victoria to which the rights referred to in paragraph 3 above are subject.

XYZ (Guardianship) [2007] VCAT 1196

'XYZ' is a retired police officer who had a major stroke. The Tribunal appointed an administrator to manage his financial affairs. He appealed. Remitting the case for rehearing the Supreme Court made detailed and important observations about the jurisdiction under the *Guardianship and Administration Act 1986*, including the wishes of a person with a disability and tests for, and evidence of, incapacity. The Tribunal considered new evidence and revoked the order, finding that even if XYZ was still incapable, administration was no longer in his best interests. The Tribunal carefully considered the issues identified by the Court. (Deputy President John Billings)

Turner v. State of Victoria (Department of Education and Training) [2007] VCAT 873

This case concerned a period when the complainant had been a student at two State secondary schools and two State primary schools. She claimed the State had indirectly discriminated against her on the basis of disability in respect of various aspects of her education. The Tribunal found that her primary disability was a language disorder which, for much of the period of the claim, was a severe receptive language disorder and, since 2005, was a severe expressive language disorder. It found a part or feature of these disorders was that, to access education, the complainant needed additional assistance, such as one-on-one help and repetition or clarification of tasks or class content. The Tribunal found she did not get sufficient assistance of this kind in 2000 and 2002 to March 2006, in some subjects. In that period and for those subjects, it found the State indirectly discriminated against her in breach of the Equal Opportunity Act. The State had imposed a requirement or condition that she access her education in those subjects without a full-time teacher's aide and, with the assistance actually given to her, she could not comply with the requirement or condition to the same extent as her student peers who did not have her language disorders. The require-

ment or condition was found to be unreasonable. (Deputy President Cate McKenzie) As at 30 June 2007, the decision was under appeal.

Zador v. Hocking (Residential Tenancies) [2006] VCAT 2212

A tenant brought an application claiming compensation from the landlord and the body corporate in respect of property stolen from his car while it was parked in a common area. The Tribunal found the landlord had not breached its duty to the tenant, since the maintenance of the common area was the body corporate's responsibility, and the landlord had promptly informed the body corporate of the security issues regarding the common area. The Tribunal had no jurisdiction under the Residential Tenancies Act or the Fair Trading Act to make orders against the body corporate. (Member Julie Grainger)

When the new *Owners Corporation Act 2006* comes into operation, the Tribunal will have jurisdiction to deal with disputes involving an owners' corporation (currently called a body corporate).

Romsey Hotel Pty Ltd v. Victorian Commissioner for Gambling Regulation (Occupational and Business Regulation) [2007] VCAT 1

A hotel owner applied to the Tribunal for review of the Commissioner's refusal to approve the hotel as suitable for gaming. The local shire council opposed the application. The hotel was located in a rural town where there were no gaming machines. The Tribunal allowed the application, finding that revenue from the gaming machines would enable the hotel to improve its facilities and services to the local community. The machines would provide additional employment and other economic and social benefits to residents of the district. In relation to problem gambling, the Tribunal noted that gaming is lawful in Victoria, residents in the district were comparably well off, and even with approval, the area would have a comparatively low number of gaming machines. (Justice Morris)

Governance Policies

Appointment of Members

Members of VCAT are appointed in accordance with the VCAT Act and include Judicial Members in the roles of President and Vice-President, and Non-Judicial Members acting as Deputy Presidents, Senior Members and ordinary Members.

Judicial Members

The VCAT Act provides that the President must be a Supreme Court judge and a Vice-President must be a judge of the County Court. The Attorney-General recommends Judicial Members for appointment to the Governor in Council, after consultation with the Chief Justice and Chief Judge.

Subject to the VCAT Act, they are usually appointed for five-year terms, after which they are eligible for re-appointment. They may resign their office by delivering a signed letter of resignation to the Governor.

Non-Judicial Members

The Governor in Council appoints Deputy Presidents, Senior Members and Members of VCAT. Subject to the VCAT Act, they hold five-year terms and are eligible for re-appointment. They may resign their office by delivering a signed letter of resignation to the Governor.

All deputy presidents are full-time appointments. Senior Members and Members may be appointed as Full-Time or Sessional Members.

Directing VCAT

The President and Vice-Presidents of VCAT are:

- to direct the business of VCAT;
- responsible for the management of the administrative affairs of VCAT;
- responsible for directing the professional development and training of Members of VCAT; and
- to determine the places and times of sittings of VCAT hearings.

In carrying out these functions, the Vice-Presidents are subject to the direction of the President, who is also responsible for advising the Minister about any action that the President considers would lead to the:

- more convenient, economic and efficient disposal of the business of VCAT;
- avoidance of delays in the hearing of proceedings; and
- VCAT Act or any enabling Acts being rendered more effective.

In carrying out these functions, the President and Vice-Presidents consult with VCAT's deputy presidents, the Chief Executive Officer and Principal Registrar through Heads of Lists meetings, meetings of other committees and, on a daily basis, with individuals as required.

Rules Committee Members

VCAT's primary objective is to ensure access to justice for all Victorians. The Rules Committee is responsible for making VCAT's rules and Practice Notes readily accessible to VCAT users.

Members of the Rules Committee are:

- the President;
- each Vice-President;
- a Full-Time Member of VCAT who is not a Judicial Member or legal practitioner, and is nominated by the Attorney-General after consultation with the President;
- an Australian legal practitioner (within the meaning of the *Legal Profession Act 2004*), nominated by the Attorney-General after consultation with the Legal Practice Board; and
- two persons nominated by the Attorney-General.

Functions

Members of the Rules Committee are appointed pursuant to section 153 of the VCAT Act and carry out a number of important functions with regard to the leadership of VCAT.

These functions include:

- developing rules of practice and procedure and Practice Notes for VCAT;
- directing the education of VCAT Members in relation to those rules of practice and procedure and Practice Notes; and
- establishing the divisions of VCAT.

Quorum and Meeting Procedure

The quorum of the Rules Committee is four members. A question arising at a meeting is determined by a majority of votes and the person presiding has a deliberative vote and, in the case of an equality of votes, has a second or casting vote. The Rules Committee must ensure that accurate minutes are kept of its meetings. In all other respects the Rules Committee may regulate its own proceedings.

Rules Committee Meetings

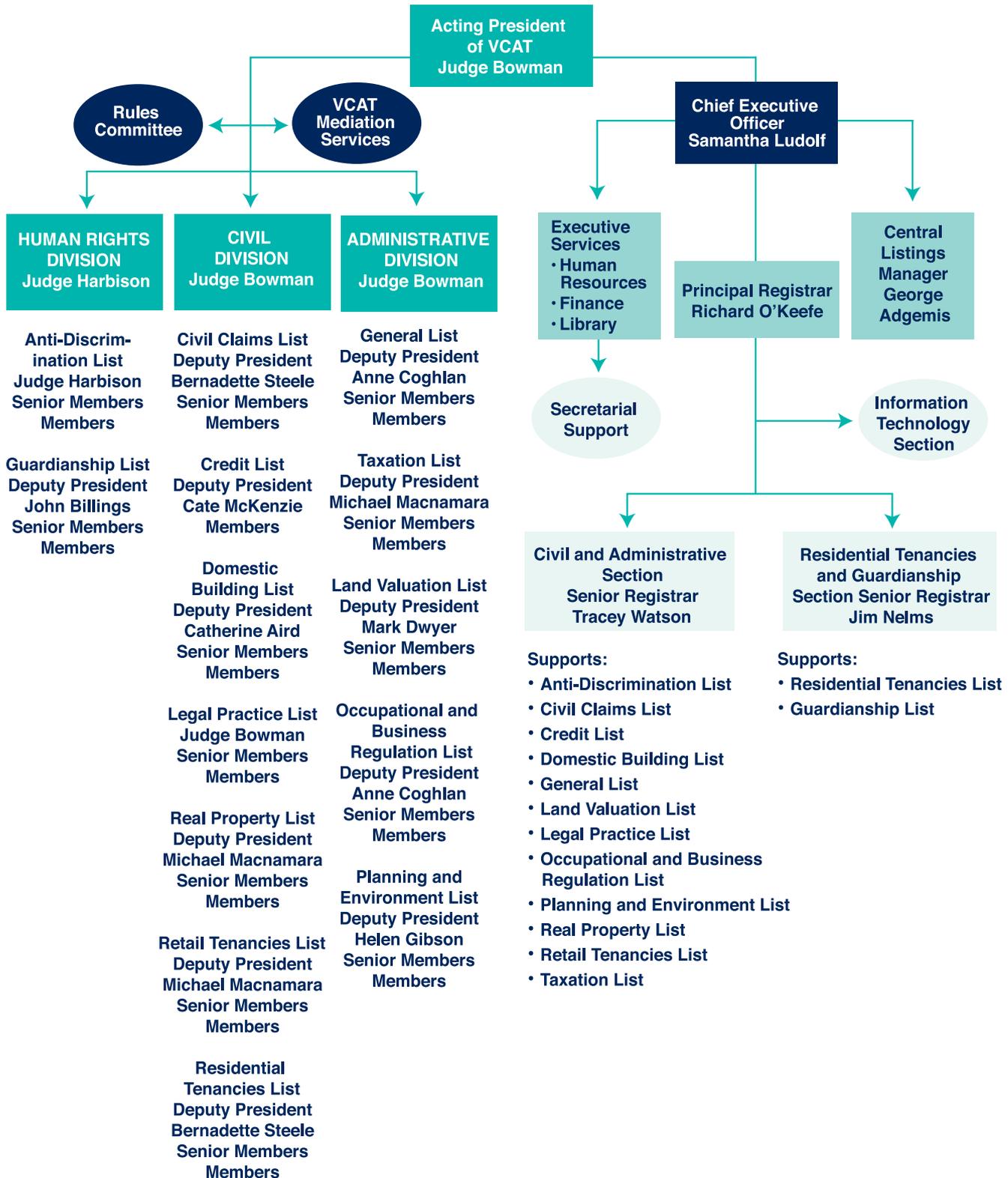
<i>Member</i>	<i>Held</i>	<i>Attended</i>
Justice Morris*	6	5
Judge Bowman	6	6
Judge Harbison*	6	3
Judge Davis*	6	3
Judge Strong*	6	3
Margaret Baird	6	5
Louise Jenkins	6	5
Prof Sallmann	6	1

***Justice Morris retired from VCAT on 6 May 2007 and Judge Harbison replaced Judge Davis on 1 January 2007 upon her return to the County Court. Judge Strong attended meetings, although he was not allocated to VCAT.**

Ethical Standards

The Presidential Members have taken steps to increase the knowledge and understanding of Members and staff as to their ethical responsibilities. The VCAT Mediation Code of Conduct provides a guide for mediators and a way of informing parties of their rights at mediation. Refer to the VCAT web site at www.vcat.vic.gov.au for the Mediation Code of Conduct.

Organisational Structure as at 30 June 2007



Rules Committee Report

The Rules Committee comprises 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. Refer to page 43 of this Annual Report for additional information and meeting attendance during 2006–07.

Membership

As at 30 June 2007, the Rules Committee comprised the following Members:

Judge John Bowman

LLB (Hons). Worked as a Solicitor until signing the Bar Roll in 1970. Appointed Judge of the Accident Compensation Tribunal 1987. Returned to the Bar following abolition of that Tribunal in 1992. Appointed Judge of the County Court in 2001. Appointed Vice-President of VCAT, Civil and Human Rights Division in 2002. Acted as President during absence of Justice Murray Kellam for a limited period. Acting President since resignation of Stuart Morris, effective May 2007.

Judge Marilyn Harbison

BA (Hons) LLB, LLM. Appointed Vice-President of VCAT, Human Rights Division, in January 2007. Appointed Judge of the County Court in 1996. Prior to her appointment to VCAT, was judge in charge of the

business and damages lists of the County Court. Previously, specialised in commercial litigation as a partner in a city law firm, a council member of the Law Institute of Victoria and member of many Law Institute committees, Chairman of the Housing Guarantee Fund, and President of the Public Interest Law Clearing House.

Other Judicial Members

Judge Davis, Judge Duggan, Judge Higgins, Judge Davey and Judge Cullity are full-time judges of the County Court who remain as Vice-Presidents of VCAT and members of the Rules Committee and are called upon to sit, if required.

Louise Jenkins

BA LLB. Appointed on 1 July 1998. Barrister and Solicitor of the Supreme Court of Victoria. Partner, Allens Arthur Robinson. Practises extensively in the litigation area for major Australian companies as well as a range of international insurers. She is a member of the Tribunal and a Trustee of Law Aid.

Margaret Baird

Bachelor of Town and Regional Planning. Member Planning and Environment List. Appointed to the Rules Committee on 24 June 2003. Previously, consultant, strategic planner and sessional independent panel member.

Activities

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 2006–07, the committee met on six occasions.

VCAT Rules

As an example of its work, the committee approved Amendment No 17 and 18 to the VCAT Rules. The amendments dealt with matters such as:

- prescribing classes of persons that are disqualified from being professional advocates in the Tribunal;
- amending the Rules consequent to the enactment of the *Charter of Human Rights and Responsibilities Act 2006*;
- updating the enabling enactments contained in Schedule 1 of the Rules.

Practice Notes

In June 2007, the Rules Committee approved a new Practice Note for the Domestic Building List. PNDB1 (2007) was drafted in close consultation with Members, the List's user group and practitioners. As a result, procedures in the List were streamlined and changes were made in relation to:

- joinder applications;
- tribunal books;



Members of the VCAT Rules Committee, from left—Margaret Baird, Judge Bowman, Judge Harbison, Secretary Bill Swannie, Judge Strong and Louise Jenkins.

Rules Committee Report

- expert reports;
- meetings of experts;
- witness statements; and
- adjournments.

New clauses were added for matters such as particulars of loss and damage and concurrent expert evidence.

In addition, the committee approved amendments to the:

- Planning and Environment List Practice Note PNPE1 regarding the circulation of expert reports; and
- General List Practice Note PNG5 regarding procedures for respondents to notify persons whose information is the subject of a request for access under the *Freedom of Information Act 1982* (FOI Act).

New Jurisdictions

In July 2006, the *Aboriginal Heritage Act 2006* was allocated to the Planning and Environment List. This Act provides for the protection of Aboriginal cultural heritage in Victoria. VCAT has jurisdiction under the Act to hear and determine disputes regarding cultural heritage management plans, cultural heritage permits and protection declaration decisions.

In April 2007, the *Surveying Act 2004* and the *Owner Drivers and Forestry Contractors Act 2005* were allocated to the Occupational and Business Regulation List. Under the Surveying Act, VCAT has jurisdiction to review decisions of the Surveyors Registration Board of Victoria to refuse to register a person, and to review a finding or determination made at a formal hearing. Under the Owner Drivers and Forestry Contractors Act, the Tribunal has jurisdiction to hear and determine disputes between a contractor and a hirer, and any other application made to it under the Act.

In May 2007, the committee allocated the *Disability Act 2006* to various Lists of VCAT. The Act provides a simplified legislative scheme for persons with a disability. VCAT has jurisdiction to review decisions regarding the registration of disability service providers, various powers in relation to community residential units, residential institutions, restrictive interventions and compulsory treatment of persons with a disability.

In June 2007, the *Private Security Act 2004* and *Electricity Safety Act 2006* were allocated to the Occupational and Business Regulation List. The Electricity Safety Act relates to the safety of electricity supply and use, and the efficiency of electrical equipment. VCAT has jurisdiction to review decisions of Energy Safe Victoria in relation to the licensing of registered electrical contractors and electrical inspectors. The Private Security Act provides for the licensing and registration of certain participants in the private security industry, and regulates that industry for the purposes of ensuring public safety and peace. VCAT has jurisdiction to review decisions made by the Chief Commissioner of Police regarding licensing and registration of private security guards.

The Future

During 2007–08, the Rules Committee will continue to amend the Rules of VCAT and produce consistent and easily understood Practice Notes and explanatory guides.

Registry Management

The VCAT Registry comprises a team of about 130 people who work with Members and other staff to serve the needs of VCAT's users. The majority of staff work at 55 King Street, Melbourne, and others work at the Magistrates' Courts where VCAT holds hearings.

The Registry comprises:

- Residential Tenancies and Guardianship Section, supporting these two high-volume Lists;
- Civil and Administrative Section, supporting the 12 other smaller volume Lists; and
- Listing Directorate charged with the complex task of allocating cases for hearing before Members and managing hearing venues.

In the VCAT Registry, we aim to provide an efficient and streamlined service by:

- providing advice to our users by telephone and at the counter about how VCAT operates;
- helping users to lodge applications to VCAT;
- sending correspondence to users, such as letters about cases, hearing notices and VCAT orders;
- allocating Members to deal with the extensive daily case load;
- arranging and servicing hearing venues across Victoria; and
- working to improve VCAT's administrative processes.

Registry Management

Registry management comprised the following senior managers as at 30 June 2007.

Samantha Ludolf

BA (Hons). Appointed Chief Executive Officer in December 2006. Formerly Acting Chief Executive Officer, Supreme Court of Victoria. Prior to joining the Department of Justice (DOJ), held senior management roles in the health industry in Victoria and Europe.

George Adgemis

Appointed Listings Manager in July 1999. Previously held roles as Principal Registrar of the State Coroner's Office and Director of Criminal Trial Listings. Qualified as a Clerk of Courts in 1983 and worked in a number of suburban Magistrates' Courts.

Jim Nelms

Appointed Senior Registrar, Residential Tenancies and Guardianship Section of the Registry in April 1999. Joined the former Ministry of Consumer Affairs in 1989. Appointed Registrar of the Small Claims Tribunal and Residential Tenancies Tribunal in 1991.

Richard O'Keefe

LLB. Appointed Acting Principal Registrar in June 2006 then appointed to the position on a permanent basis in October 2006. Appointed Senior Registrar, Administrative Section of the Registry in April 1999. Previously a public servant with the DOJ since 1973. Qualified as a Clerk of

Courts in 1975. Worked in a variety of suburban Magistrates' Courts over a 25-year period. Appointed to the Registry of the Administrative Appeals Tribunal in 1996.

Tracey Watson

Appointed as Acting Senior Registrar in June 2006 and appointed Senior Registrar in December 2006. Joined the DOJ in 1988. Worked in a variety of courts, such as the Supreme Court, Melbourne Magistrates' Court and other Magistrates' Courts. Qualified as a Clerk of Courts in 1990. Commenced at the Administrative Appeals Tribunal of Victoria in 1990, which became part of VCAT in 1998.

Changes to Registry Management

During 2006–07, the following changes to Registry management occurred:

- On 4 December 2006, Samantha Ludolf commenced as VCAT's Chief Executive Officer, replacing John Ardlie who retired from his inaugural role at VCAT on 1 December 2006.
- On 2 April 2007, Damian James was appointed Listing Registrar.
- On 30 April 2007, Sophie Gill was appointed Registrar, Case Administration, Civil and Administrative Section. The acting positions of the following registry managers became permanent:
 - On 3 October 2006, Richard O'Keefe was appointed Principal Registrar.



Senior Registry Managers, from left—Senior Registrar Jim Nelms, Senior Registrar Tracey Watson, Listings Manager George Adgemis, Chief Executive Officer Samantha Ludolf and Principal Registrar Richard O'Keefe.

Registry Management

- On 13 December 2006, Tracey Watson was appointed Senior Registrar.
- On 9 March 2007, Jenny Phillips was appointed Acting Registrar, Customer Service, Civil and Administrative Section.

Major Activities

The Registry played an important role in many of the achievements described in this Annual Report. We implemented several important initiatives, as follows:

Guardianship List Registry Restructure

We restructured the Guardianship List Registry, giving the new teams additional support and resources, resulting in greater efficiency and improved service delivery to the Victorian community in this very important area of our Human Rights Division.

Integrated Courts Management System (ICMS)

VCAT continued its work with the ICMS program, established by the DOJ to implement CourtView, the single case management program for all Victorian courts and tribunals. To assist the program, VCAT provided full-time secondment of staff, while facilitating and participating in a series of member and registry project reference groups, courts change management and communications initiatives.

In participating in this process, we aim to ensure the best interests of VCAT are being considered and addressed during the design, testing and ultimate transition to this single case management system. Our work commenced in early October 2006 and deployment is scheduled for VCAT during late 2009.

The project team, with representatives from all Victorian jurisdictions, is defining at a detailed level how CourtView will be configured, installed and rolled out to meet the various needs of the courts and VCAT. In addition, active consultation with representatives of key stakeholders and legal practitioners will ensure the needs of VCAT's users are met.

Information Sessions

Registrars attended and addressed the following groups:

- Law Institute of Victoria Administrative Law Committee
- Magistrates' Court of Victoria Conference
- Eastern Property Management Group
- Consumer Affairs Victoria Tenants' Workshop
- Mornington Peninsula Property Management Group
- Victoria University Court Registrars
- Visit to VCAT by the Deportation Review Tribunal, New Zealand

Employee Attitude Survey

The DOJ conducts an annual employee attitude survey. The Registry scored well in the 2007 survey. On an 'agreement scale' (where above 3.5 is positive and above 3.8 is very positive) we scored 3.69. The DOJ as a whole scored 3.62. On an 'agreement score' (where above 50% is satisfactory and 75% and above can be considered 'best practice') VCAT scored 76.2%.

The survey indicated the following areas rated by staff:

- Staff rated the following areas 'high':
 - My immediate work team
 - Our attention to quality
 - My supervisor/manager
 - My essential work requirements
- Staff indicated we need to improve in the following areas:
 - Performance management
 - Career path
 - Learning and development

Action has commenced to address these areas of improvement.

Linking Performance

For the fourth year, staff members have worked within the Victorian Government's Performance Management and Progression System. We link the individual performance agreements to Registry targets, enabling staff to plan their career, work role, level of performance and how they can improve and increase their remuneration.



Registry Managers, from left—Sophie Gill, Tony Jacobs, Jenny Phillips, Anne O'Neil, Damian James and Sue Lalji.

Committee Profile

Heads of Lists Committee

The Heads of Lists Committee comprised Acting President of VCAT Judge Bowman, Vice-President Judge Harbison, the Deputy President of each List and the Chief Executive Officer. The Heads of Lists Committee met monthly to discuss key issues regarding the day-to-day work of List Members, such as case load, finance, training and changes in legislation affecting VCAT.

Planning and Environment List Professional Development Committee

During 2006–07, the Planning and Environment List Professional Development Committee conducted the following internal professional development seminars:

- In August 2006, a round table discussion, chaired by Deputy President Helen Gibson, considered the practice of giving interim decisions—when they should be given and processes to deal with subsequent amended plans.
- In August 2006, Planning consultant John Henshall was a guest speaker, giving an update on the seminal study on Victorian Small Towns he was involved with 20 years previously.
- Lester Townsend and Henry Turnbull, members of the Advisory Committee conducting the Review of Car Parking Provisions, met with List Members to discuss VCAT experience in the application of car parking provisions in planning schemes.
- In November 2006, Craig Wilson from the Department of Sustainability and Development (DSE) gave a presentation about the new Victorian Planning Provisions (VPP) about sustainable communities in clause 56 of all planning schemes.

- In November 2006, an internal meeting of List Members and members of Planning Panels Victoria was held to discuss the activities of each organisation and key planning cases of the preceding 12 months.
- In February 2007, List Members were given a tour of Council House Two, which provided an example of an office building showcasing sustainability features.
- In March 2007, Tonia Komesaroff led an internal workshop for List Members discussing consents, withdrawals and permit conditions.
- Neil Barr from the Department of Primary Industries (DPI) gave a most valuable presentation of a study he has co-authored entitled *Understanding Rural Victoria*. It gave an insightful perspective on trends influencing rural Victoria.
- In May 2007, guest speaker Professor Dimity Reed addressed Members about urban design and the challenge of height. This presentation was linked to our bus tour of developments involving height-related issues.
- In June 2007, we held an internal workshop on legal research and online resources.
Planning and Environment List Members attended the following external professional development seminars and events:
- In September 2006, List Members attended the Victorian Planning and Environmental Law Association and Planning Institute of Victoria Joint State Planning Conference.
- In May 2007, List Members attended the PIA 2007 National Congress.
- In September 2006, a large contingent of List Members, led by former President of VCAT Justice Morris, attended the Australasian Conference of Planning and Environmental Courts and Tribunals at

Fraser Island in Queensland. The conference focused on the theme of *ecotourism*. Fraser Island was chosen as the venue because of its environmentally sensitive location, which was at the centre of a bitter battle about the establishment of a resort. Subsequently, Fraser Island has won many awards and is considered to be a model ecotourism resort.

- In June 2007, Helen Gibson and Russell Byard attended the annual conference of the Australian Institute of Judicial Administration (AIJA).
Emphasis continued to be placed on improving the quality of decision writing. Once again, several Members of the List attended the annual decision writing course run by the National Judicial College of Australia.

Professional Development Coordinating Committee

Members of the Professional Development Coordinating Committee (PDCC) review and guide activities concerning:

- Mediation;
- the VCAT Library; and
- New Members and Seminars.

Prior to a meeting of the PDCC, committee members submit reports of their activities since the previous meeting. These reports are incorporated into the minutes of the PDCC. At each PDCC meeting, Members discuss the work in progress of each committee.

Mediation Committee

The Mediation Committee makes recommendations to enhance mediation and undertakes the development of VCAT mediation and mediators. Committee members met on six occasions during 2006–07 and included:

- Margaret Lothian, Chair, Principal Mediator and Senior Member;

Committee Profile

- Catherine Aird, Deputy President of the Domestic Building List;
- Laurie Hewet, Jackie Kefford, Susanne Liden and Peter O'Leary, full-time VCAT Members;
- Gerard Sharkey, engineer and Sessional Member;
- Struan Gilfillan, architect and Sessional Member;
- Jim Cyngler and Julian Ireland, barristers and mediators in private practice; and
- Marcel Alter, Ian De Lacy, Frances Falduti and Jeffrey Kiddle, solicitors and mediators in private practice.

Gerard Sharkey replaced Peter O'Leary who resigned as a member of the committee. Members were most grateful for his thoughtful and tireless contributions.

During 2006–07, committee members undertook the following initiatives and activities:

- Published two editions of *Mediation News*, including various case studies of interest to mediators.
- Hosted lunchtime presentations and twilight seminars for VCAT mediators, covering such topics as a survival guide for mediators, positive reasons to settle, cultural diversity and the virtues of perseverance, as well as a discussion on conducting mediations in the Legal Practice List.
- Introduced a new monthly publication entitled *Mediation Gnu*s aimed at providing a 'quick sheet' of information for mediators.
- Offered mentoring and debriefing sessions for VCAT mediators.
- Enabled novice mediators to sit in on certain VCAT mediations as a service to the mediation community.
- Performed the moot mediation *The Egyptian Objection* as its contribution to Law Week 2007, including a competition for school students to come up with the best objection to the mythical development featured as part of the moot mediation.

Library Committee

In association with VCAT Librarian Clare O'Dwyer, members of the Library Committee ensure the VCAT library offers an efficient service to VCAT Members. The library provides books and electronic access to resources, current awareness bulletins, legal research training, as well as opportunities to enrich relationships among VCAT Members. The Library Committee comprised 13 members who held six meetings during 2006–07.

The main library is located on the fourth floor and branch libraries containing selected resource materials occupy the common areas on the first and sixth floors.

As one of its main responsibilities, the VCAT Library publishes more than 2,500 VCAT decisions to AustLII every year. As at 30 June 2007, more than 21,000 VCAT decisions were available to the public via the AustLII website. VCAT is ninth on the list of frequency of hits for all jurisdictions, exceeded in Victoria only by the Supreme Court.

During 2006–07, VCAT contributed \$10,000 to AustLII for goodwill and support, and AustLII upgraded the VCAT search engine facility on the website. In addition, the VCAT library reviewed and retrospectively published the Legal Professional Tribunal decisions from 1997 to 2005 onto a new AustLII database.

New Members and Seminars

New Members and Seminars Committee members organise and hold seminars designed specifically for VCAT Members on matters of interest to VCAT.

The committee comprised Deputy Presidents Anne Coghlan and Cate McKenzie and the committee co-opts other Members as required. The Judicial College of Victoria greatly assisted the committee during the financial year by arranging speakers for seminars. The committee aims to coordinate its program to take account of other seminars,

such as those held by the Judicial College and the VCAT Mediation Committee.

During 2006–07, the committee held three seminars. Jason Pizer, a barrister and author of a comprehensive annotated legal textbook about the VCAT Act, held the first seminar. His seminar featured the subject of natural justice at VCAT, in particular relating to the results of appeals to the courts of VCAT decisions. The second seminar featured Maria Dimopoulos as speaker—an expert with regard to mediations and hearings involving multi-cultural issues. Ed Samo, manager of dispute resolution with the Building Commission, gave the third seminar about the *Guide to Standards and Tolerances 2007*, primarily to Members of the Domestic Building and Civil Claims Lists.

Member Profile

Spotlight on VCAT Expertise



Rod Lawrence—builder turned wedding dress expert!

One of the advantages of mediation at VCAT is that we can provide horses for courses—the right person for the dispute. One of our building experts, Rod serves as mediator at least one day a week. We often send him to on-site mediations where his skills as both mediator and builder are very useful in cutting through the dispute to the essential elements, so that they can be resolved and the dispute settled. For example, he might ask a builder if he or she is certain that a large stepped crack in brickwork is just cosmetic. He might ask owners why they think a hair-line crack in concrete is evidence of structural failure.

In addition, Rod mediates at 55 King Street. On the day in question, his building dispute mediation had ended early. There was a backlog of hearings in the Civil Claims on the fifth floor, and Rod volunteered to help out. Sometimes a brief chat from someone who is experienced in negotiation can be enough to get the parties talking, so that they do not need to have the result imposed on them by a Member. On this day, Rod's experience as a mediator was enough to assist the parties in finding their own solution, even though the item in dispute was a wedding dress rather than a building fault!

The Judicial Members of VCAT comprise the President and seven Vice-Presidents. Two of the Vice-Presidents are located at VCAT at all times. The Non-Judicial Members comprise Deputy Presidents, Senior Members and Members.

As at 30 June 2007, VCAT non-judicial membership decreased slightly from 180 in 2005–06 to 179 in 2006–07, comprising 42 Full-Time Members (38 as at 30 June 2006) and 135 Sessional Members (143 as at 30 June 2006). VCAT Members include legal practitioners and members of other professions, such as planners, engineers, architects, medical practitioners, land valuers and real estate agents who have specialised knowledge or expertise to assist VCAT in exercising its wide range of jurisdictions.

Cross-Membership

VCAT functions efficiently due to the contributions of many Members who are qualified to sit in a number of jurisdictions previously managed by separate boards and tribunals. This flexibility of cross-membership enables Members to serve on a range of Lists where needed, increasing VCAT's overall effectiveness. Concurrently, Members acquire broader experience, as well as accumulate knowledge from exposure to a variety of jurisdictions. In turn, this approach offers greater career flexibility and career satisfaction.

Member Remuneration

Members are entitled to receive remuneration and allowances that are fixed by the Governor in Council. Remuneration and allowances in 2006–07 totalled \$10.74 million, compared with \$9.74 million in 2005–06.

Training and Development

VCAT Members attended a wide range of training and development programs during 2006–07. We continued an in-house professional development program for List Members, including presentations by outside professionals, and promoted discussion on topics such as hearing procedure.

Members attended a variety of industry and external conferences and seminars, as follows:

- The 10th Annual AIJA Tribunals Conference held in Melbourne on 7–8 June 2007, attended by Judge Bowman, Judge Harbison, Anne Coghlan, Russell Byard, Maureen Carruthers, Helen Gibson, Margaret Lothian and Catherine Aird.
- VCAT Members participated in seminars conducted by the Judicial College of Victoria (JCV) including *Reasons for Decision and Judgment Writing*, *Introduction to Human Rights*, *Islamic Awareness*, and *Communication in the Courtroom*.
- Working closely with the JCV, VCAT continued its ongoing induction program for new Members. During the financial year, the program was available online through the JCV initiative Judicial Officers Information Network (JOIN).

Member Profile

Spotlight on VCAT Expertise



Francis Falduti is an independent mediator who mediates at VCAT in anti-discrimination, domestic building, legal practice, property co-ownership and retail tenancies matters. In the words of a solicitor who appeared in a mediation conducted by Francis, "I was particularly impressed with her energy and commitment to achieving a fair result for all".

- With the assistance of VCAT, one Tribunal Member attended the Canadian Council of Administrative Tribunals 4th International Conference in Vancouver, in May 2007. This event provided an opportunity to discuss and compare current practices and developments with other Tribunal Members on an international level. In addition, the Member attended a one-day *Advanced Hearing Skills* workshop, following the conference.

List-Specific Training

Many of the Lists at VCAT conducted individual List-specific training for Members to strengthen the specialised expertise of its Members.

In January 2007, Members of the Domestic Building List attended a conference to discuss issues, such as concurrent expert evidence, expert evidence in general and proportionate liability, particularly with regard to Part IVAA of the *Wrongs Act 1958*.

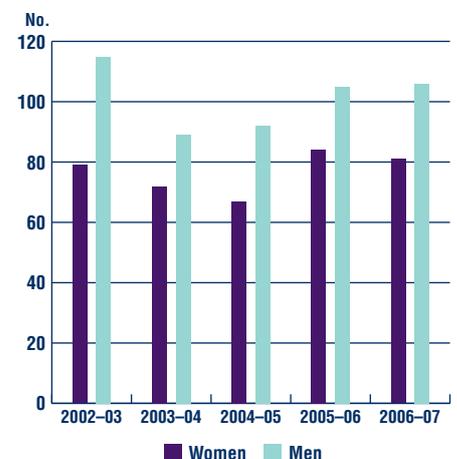
In October 2006, Members of the Guardianship List attended a conference, covering the new *Disability Act 2006* and attended regular informal Members' meetings to help promote quality and consistency in decisions.

Members of the Planning and Environment List attended numerous in-house professional development programs and an extensive variety of industry and external conferences and seminars organised by the Planning and Environment List Professional Development Committee. Refer to page 49 for a comprehensive listing.

In October 2006, Maria Dimopoulos conducted a seminar on multicultural issues for Members and mediators. Maria discussed how to recognise and deal positively with multicultural issues in hearings and mediations.

For more information regarding List-specific training, refer to the reports on individual Lists, starting on page 16 of this Annual Report.

Members by Gender—2002–03 to 2006–07



Type of Member

Type of Member	2006–07		2005–06		2004–05	
	Women	Men	Women	Men	Women	Men
Judicial Member (Full-Time)	1	1	1	2	1	2
Judicial Member (Sessional)	-	1	-	1	-	-
Judicial Member (On Call)	1	4	-	4	-	5
Deputy President	5	3	5	2	4	3
Senior Member	5	8	5	8	5	7
Sessional Senior Member	1	7	1	8	-	6
Full-Time Member	10	11	9	9	8	9
Sessional Member	56	71	63	71	49	60
Total	79	106	84	105	67	92

Spotlight on VCAT People



Jon is an integral member of the listings team. His ability to prioritise his workload, grasp issues and deal with them while assisting others makes him a valuable member of any team. Jon is highly regarded by the Members of the Tribunal and his peers. For his exemplary performance, Jonathan received a 2007 VCAT Staff Award.

As at 30 June 2007, the number of employees increased from 197 in 2005–06 to 201 in 2006–07. This total comprised 10 senior managers, 19 managers and supervisors and 172 administration staff. Staff numbers included 18 people on maternity leave, nine people on leave without pay or secondments and 31 part-time and three casual staff.

Wages and Superannuation

Employee wages totalled \$7.77 million in 2006–07, compared with \$7.22 million in 2005–06. The Victorian Public Service (VPS) Agreement will remain in place until 1 March 2009. The agreement specifies terms and conditions of employment, incorporating performance management and progression plans for all staff. This program recognises and rewards eligible staff who demonstrate sustained improvement in accordance with agreed progression criteria with an average 2% salary increase. Additionally, we provide staff with a 3% salary increase, which will be effective from 1 October 2007. This Agreement is common to all non-executive employees in all Public Service Departments and agencies. The structure provides staff with an opportunity for career progression through clearly defined criteria. Additionally, the agreement increases pay equity and emphasises staff development and job growth.

Staff members are eligible for superannuation benefits provided through a choice of superannuation funds, including the State Superannuation Funds (revised and new) and VicSuper fund.

Employee Relations

VCAT is an equal employment opportunity employer. Through our recruitment process, we are committed to selecting the best applicants, consistent with merit and equity principles. We update staff on current issues and developments with regard to sexual harassment and broader harassment and discrimination issues within the workplace by conducting in-house seminars, access to J-NET, workshops and circulating relevant literature. We support the balance between domestic and work commitments and employ 31 officers who work on a permanent part-time basis.

Occupational Health and Safety

We aim to provide and maintain a safe working environment that nurtures the health and wellbeing of all staff, Members and visitors to VCAT. During 2006–07, we engaged a contractor to conduct trial emergency procedures and to provide regular instruction to Tribunal fire wardens. Regular reviews and testing of emergency and evacuation procedures are carried out and Victoria Police Protective Service Officers provide building security. All staff using screen-based equipment are provided with the appropriate ergonomic and protective equipment, including eyesight testing every two years. All eye examinations are carried out in accordance with the procedures set out in the VCAT (Department of Justice) policy guidelines by a qualified person.

Spotlight on VCAT People



Mirella Franceshini works as a secretary for some of the Members of the Planning List. Recently, she played an instrumental role in performing all of the administrative functions involved with organising the highly successful Residential Tenancies List Users' Conference 2007 attended by 700 people (refer to page 41 for more details).

Her administrative duties included registering participants, supporting the presenters and performing all of the organisational work involved with coordinating this major event. At the same time, Mirella performed her extensive duties as Members' Coordinator of the Residential Tenancies and Civil Claims Lists.

For her exemplary performance, Mirella received the 2007 VCAT Staff Award.

VCAT accepted two new WorkCover claims during 2006–07, resulting in seven lost work days. This result compares with 53 work days lost from two claims in 2005–06. A total of 97 members and staff took advantage of the flu vaccination program conducted at VCAT. We organised an independent, qualified OH&S professional to conduct a walk-through risk assessment of VCAT and a follow-up inspection in May 2007.

Training and Development

The Department of Justice Corporate Training Program is accessible to all VCAT employees. These programs provide opportunities for personal and career development within VCAT and the Department of Justice. The courses offer competency-based training in courses such as self-management, writing skills, cultural awareness, manager as a coach, recruiting people into justice, work effectively with diversity, occupational health and safety and computer training. Additionally, workplace and leadership training was held at VCAT for all managers.

A total of 95 training courses provided 112 days of training for 120 staff members. This result compares with 60 training courses providing 75 days of training for 73 staff members in 2006–07. These figures include 15 staff who attended a program for managing angry clients, specifically developed for courts and tribunals staff, to enhance the ongoing issue of court and Tribunal security for staff, Members and users.

Youth Employment Scheme

VCAT actively participates in the Youth Employment Scheme, a joint venture between the Victorian Government and employers, designed to provide job opportunities for young Victorians aged between 16 and 24 years. In addition to employing seven

new trainees during 2006–07, three trainees who were employed under this program have obtained either ongoing or fixed-term employment at VCAT.

Staff Conference

On 7 June 2007, a successful staff conference was held in consultation with the VCAT Staff Focus Group entitled *Innovation and Improvement*. In preparation for the conference, staff forums were held to gather feedback and staff ideas were incorporated into the theme and agenda. The forum enabled staff to offer their ideas, explore possibilities and work together toward creating a better service for the community.

Staff Survey

The Department of Justice conducted a staff survey in January 2007 to determine staff satisfaction within the workplace, identify any areas of concern and opportunities for improvement.

Since the last survey in January 2006, performance increased significantly in staff understanding the process for resolving workplace issues, encouraging work/life balances, that bullying and sexual harassment is not tolerated, and staff are to treat each other with respect.

Staff highly rated the following areas:

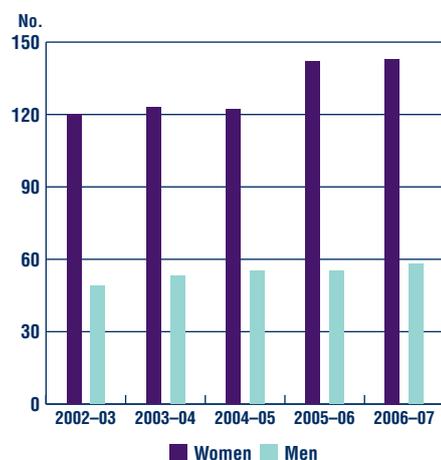
- My immediate work team
- Our attention to quality
- My supervisor/manager
- My essential work requirements

Staff suggested the following areas for improvement:

- Performance management
- Career path
- Learning and development

Results of the survey were discussed and feedback provided to staff via the 2007 VCAT Staff Conference.

Staff Numbers by Gender—2002–07



Staff Numbers by Gender includes staff on maternity leave, leave without pay, secondments and casual roles (18 as at 30 June 2007) including 31 part-time staff. This number fluctuates from time-to-time.

Staff Numbers and Composition by Victorian Public Service (VPS) Grade—2004–07

VPS Grade	2006–07		2005–06		2004–05	
	Women	Men	Women	Men	Women	Men
VPS Grade 6	1	5	1	6	-	5
VPS Grade 5	5	5	5	2	3	3
VPS Grade 4	5	1	3	2	2	2
VPS Grade 3	29	6	30	7	27	8
VPS Grade 2	100	38	97	35	82	34
VPS Grade 1	3	3	6	3	8	3
Total	143	58	142	55	122	55

Staff Focus Group

To respond to the issues raised in the staff survey, the Staff Focus Group developed strategies to address the areas where we could make improvements. The group met on 10 occasions and contributed to the implementation of a number of programs, including:

- commencing a staff community library;
- selecting the recipients of the VCAT Star Awards;
- installing new carpet on the seventh floor; and
- raising important staff issues brought to the attention of the Chief Executive Officer and Principal Registrar.

Court Registrars

The Department of Justice provides a standardised qualification for Court Registrars to address inconsistencies in recruitment standards, training approaches and competency levels of registry staff within and across Victorian jurisdictions.

To develop the skills and competencies essential to fulfilling the functions of a court or tribunal registrar, the Department of Justice, Magistrates Court, County Court, Supreme Court and VCAT, in conjunction with Victoria University and the Clerk of Courts Group, conduct a nationally accredited Certificate IV traineeship in Government (Court Services).

During 2006–07, three Trainee Court Registrars from VCAT enrolled in this program. The course involves on-the-job training, classroom-based learning and private study. Trainees study 15 subjects during the two-year duration of the course and are subject to assessment during, and at the conclusion of, the course. One staff member at VCAT has successfully completed the Court Registrar Course.

The Future

The 2007 Employee Attitude Survey identified the need to continue to address important staff issues, including:

- occupational health and safety; and
- learning and development.

These and other issues raised in the Staff Survey will be addressed by VCAT's senior management team and incorporated into VCAT's Business Plan over the next 12 months to three years.

User Services

Central Listings

The staff of Central Listings manage and control the listing process. This important function involves the efficient use of hearing rooms and VCAT Members and allocation of cases throughout Victoria.

Hearing Locations

During 2006–07, VCAT Members conducted hearings at 55 King Street, Melbourne, and 99 suburban and rural locations throughout Victoria, including the Neighbourhood Justice Centre in Collingwood. Wherever possible, VCAT Members heard cases at locations convenient to the user. Such venues included hospitals, private nursing homes and special accommodation homes. Refer to the map of Victoria featured on the inside back cover of this Annual Report for hearing locations.

Magistrates as Sessional Members

VCAT uses a select group of magistrates to sit as Sessional Members. This process effectively increases our presence in rural Victoria and maximises our ability to hear urgent applications. During 2006–07, Magistrate Sessional Members included two Deputy Chief Magistrates in Melbourne and magistrates located in Horsham, Shepparton, Bendigo, Moe, Morwell and Geelong.

Video and Telephone Hearings

If VCAT users are unable to attend established hearing locations, they may attend hearings conducted by video or telephone.

For a small fee, we can arrange video links to locations around Australia and overseas. In addition to providing added convenience for users, such hearings help to manage Members' time more efficiently, especially when hearing urgent matters in rural areas. During 2006–07, VCAT Members conducted approximately 51 video conferences (46 in 2005–06), linking locations throughout Australia, as well as overseas. Members conducted telephone conferences on a regular basis at VCAT, averaging four to six telephone hearings each week.

Access for the Hearing Impaired

We offer hearing loop access in all hearing rooms at 55 King Street for hearing impaired users attending VCAT hearings. In addition to this service, we make a DVD player available for use by the parties upon request, allowing users to present their cases in a format designed to assist users and VCAT Members. Four hearing rooms at VCAT contain audio visual equipment.

Ground Floor Service

The ground floor service staff at 55 King Street provide general advice to users about VCAT operations and hearing procedures. In addition, they assist users in filling out application forms and arriving for hearings, as well as help users of the Residential Tenancies List in requesting that warrants of possession be issued. During 2006–07, waiting times for the high volume task of preparing warrants continued to be minimal, taking an average

of 15 minutes to process. Staff prepared between six to eight warrants per day and operated a facsimile service benefiting users with timely processing of warrants directly to real estate agents, landlords and police stations.

Second Floor Mediation Centre

The Mediation Centre located on the second floor of 55 King Street, Melbourne provides users with comfortable amenities conducive to achieving settlements at mediation. The centre comprises dedicated hearing rooms, meeting areas and a suite of mediation breakout rooms.

Fifth Floor Service

Staff members of the fifth floor service at 55 King Street welcome parties arriving for hearings. VCAT staff assist the public and VCAT Members with as many as 100 hearings accommodating up to 300 people each day. They record the arrival of parties for hearings and direct them to hearing rooms.

Victoria Legal Aid Duty Lawyer

The Victoria Legal Aid duty lawyer resides on the ground floor of 55 King Street. The duty lawyer assists unrepresented parties with confidential, on-the-spot legal advice, free of charge. Additionally, the duty lawyer provides a valuable legal resource for VCAT staff in their day-to-day dealings with users, particularly with regard to complex matters. During 2006–07, the duty lawyer mainly benefited users of the Residential Tenancies List, Civil Claims List and Guardianship List.

Court Network

Introduced to VCAT in November 2006, the volunteer statewide service Court Network performs a valuable new service for VCAT users. Two specially-trained volunteers attend VCAT on most days and are based on the fifth floor, offering friendly support, information and referral for people attending VCAT mediations and hearings.



On 6 March 2007, Attorney-General Rob Hulls officially opened VCAT's new Mediation Centre on the second floor of 55 King Street, Melbourne. Comprising hearing rooms, meeting areas and a suite of mediation breakout rooms, the new state-of-the-art facilities provide a supportive and less formal atmosphere for VCAT users, a dedicated area for mediators and listing staff and additional computer services for legal practitioners.

Community Relationships

User Groups

User groups play a vital role in our ongoing improvement process, offering a forum where representatives of VCAT users may discuss important issues. Members of most Lists conduct regular user group meetings, usually on a quarterly basis (refer to individual Lists for more information). The user groups make up a broad spectrum of representatives from community and industry groups and the legal profession. User group meetings give representatives the opportunity to provide valuable feedback, with the aim of improving the services VCAT offers.

Information Sessions

Information sessions provide an essential link to the community and help to raise awareness about the many services VCAT provides. VCAT Members, Judicial Members, and key staff regularly conduct information sessions covering topics important to users.

The following information describes some of our major activities in this area. For more details of major speeches and information sessions conducted, please refer to pages 67–68 of this Annual Report.

Guardianship List Seminars

We hold Guardianship List seminars at regional centres across the State for the benefit of health industry professionals. During 2006–07, we held regional information sessions in Sale, Traralgon and Wonthaggi. Deputy President of the Guardianship List

Mr John Billings conducted the seminars, accompanied by representatives of the Office of the Public Advocate and Office of State Trustees Limited (STL). The sessions aimed to inform health-related professionals about the operation of the Guardianship and Administration Act, the Tribunal, Office of the Public Advocate and STL.

Visitors to VCAT

Legal groups, international groups, and tertiary and high school students visit VCAT frequently to observe how we operate. We accommodate such visits with an introductory seminar and access to our hearings. Students from various schools visited VCAT, as well as delegations from the Refugee Authority in New Zealand.

Planning Week

The Planning and Environment List held an open day during Planning Week to raise awareness about the work of the List. The sessions covered such topics as the role of the List within VCAT, how to lodge an application for review, and how hearings and mediations are conducted.

Law Week

VCAT held an open day during Law Week to raise awareness about how VCAT operates. The sessions covered such topics as the role of Lists within VCAT, how to lodge applications and how mediations are conducted.

Sessions Held by VCAT Members and Staff

During 2006–07, VCAT staff conducted presentations to the community, including professional groups, schools and service clubs. Deputy presidents and Senior Members of the Guardianship List, Credit List, Residential Tenancies List, Occupational and Business Regulation List and Planning and Environment List conducted List-specific sessions. Examples of information sessions included presentations to representatives of:

- the Real Estate Institute of Victoria and tenants groups;
- various health profession boards;
- consumer credit and banking and finance industries; and
- the medical profession and other related professions.

Media Liaison

VCAT Librarian Clare O'Dwyer is the Media Manager for VCAT. During 2006–07, VCAT appeared in the metro and regional media more than 2,000 times (1,500 in 2005–06) and received more than 2,500 enquires (1,200 in 2005–06). National television media requested coverage as follows:

- 14 August 2006—Botanic Gardens application for extended liquor permit and RMIT post graduate students filming a segment for Channel 31.
- 6/8 September 2006—Channel 9 *Current Affair* filming civil claim matters on location at Geelong and Ballarat.
- 11 September 2006—Media conference with Justice Morris, announcing Planning and Environment List statistics for 2005–06. This event attracted a strong media attendance, covering print, radio and ABC TV.
- 22 March 2007—ABC TV interview with Justice Morris at VCAT regarding his retirement. Clare managed media activities, including:
 - press conferences, and radio and print interviews;
 - VCAT Planning Open Day;
 - VCAT media releases; and
 - serving as an ongoing contact point for all metropolitan and regional media.



The Weekly Times—a rural community publication—featured a cartoon raising awareness about how the community may benefit from VCAT's services.

Information Technology

IT Snapshot

Objectives

- Focus on the development of ICMS.
- Implement VCAT Online Guardianship List (VOGL) Stage 1.
- Develop and implement VCAT Online—Case Information (VOCI).

Key Results

- Established the VCAT ICMS Project Team.
- Incorporated numerous telecommunications and computer upgrades.
- Implemented VCAT Online Guardianship List (VOGL) Stage 1.
- VCAT Online—Case Information (VOCI) postponed awaiting deployment of ICMS.

Future

- Continue to incorporate information technology developments to enable the consolidation of ICMS at VCAT.

Case Management

To manage VCAT's significant workload, we operate a computerised case management system comprising Caseworks and the Tribunal Management System (TM). Caseworks and TM are efficient, reliable systems and are critical to our operations.

VCAT Members and staff use Caseworks and TM to:

- record applications received;
- create correspondence and notices;
- schedule hearings across Victoria;
- quickly find information with which to answer telephone enquires;
- record case outcomes; and
- generate performance statistics.

During 2006–07, we implemented a major upgrade of Caseworks, updating the application to a more modern version. In addition, we implemented basic maintenance and changes to the TM system in both the Guardianship List and Residential Tenancies List, including further improvements to VCAT Online and development, testing and release of VOGL (VCAT Online Guardianship List).

VCAT Online

VCAT Online enables registered users of the high volume Residential Tenancies List to:

- complete application forms;
- generate and print notices of dispute under the *Residential Tenancies Act 1997*;
- view notices of hearings and VCAT orders;
- request warrants of possession; and
- withdraw applications.

In 49% of cases, users receive advice of a hearing date within seconds of lodging an application. During 2006–07, VCAT Online attracted an increasing number of users who lodged 52,863 applications online (51,776 in 2005–06), representing 81% of all applications made to the Residential Tenancies List, compared with 78% in 2005–06.

VOGL

VOGL provides an online interface between the Victorian State Trustees and VCAT for the purpose of examining Annual Accounts by Administrators, enabling State Trustees examiners to:

- view Annual Accounts online;
- generate letters requesting further information from Administrators; and
- submit the outcomes of their examinations back to VCAT.

In completing VOGL Stage One, we incorporated substantial developments and user acceptance testing of the VOGL web application, including the follow-up functions required to drive the new system. As at the end of the financial year, the new system had been released into production.

VOCI

As reported in the 2005–06 Annual Report, VCAT Online Case Information (VOCI) is designed to allow users of all VCAT Lists (other than Residential Tenancies and Guardianship Lists) Internet access to limited case information. Subsequent to a request for an Integrated Courts Management System (ICMS) assessment and authorisation for the project to proceed, this project was postponed in 2006–07 awaiting deployment of the ICMS Program.

Order Entry System (OES)

OES enables Members of the Residential Tenancies List and Guardianship List to produce and print orders that can be signed and given to the parties immediately after hearings.

During 2006–07, OES use in the Residential Tenancies List increased, with 55,154 orders (80% of all orders) being produced by VCAT Members using OES (50,445 or 74% of orders in 2005–06). In the Guardianship List, Members produced 11,704 orders (75% of all orders) using OES (8,906 or 65% of orders in 2005–06). VCAT staff produced the remaining orders generated by these Lists as directed by the Members.

We deployed OES to the Neighbourhood Justice Centre in Collingwood, as well as additional rural court venues in Bendigo, Bairnsdale, Dromana, Horsham, Morwell, Moe and Shepparton. In addition, we expanded OES to extra hearing rooms in existing venues, including Werribee, Sunshine, Frankston and Heidelberg.

System Upgrades

We incorporated telecommunications and computer upgrades, including:

- replacement and installation of 90 desktop computers for Members in December 2006;
- fitting out the Mediation Centre on the second floor with PCs for Members and legal representatives in March 2007;
- allocating digital dictating devices to Full-Time Members to facilitate more efficient transcription of VCAT orders;
- replacing and upgrading the building security PCs and paging systems, including security access passes;
- upgrading the hearing room video conferencing facility located on the ground floor, as part of the ICMS project;
- deploying new software operating systems to more than 300 PCs in May 2007 in consultation with the Department of Justice (DOJ);
- completing the final stages of a PABX and call centre software management system upgrade in June 2007.

Telecommunications

During 2006–07, VCAT received approximately 218,040 telephone enquires (210,000 in 2005–06). The following Lists attracted the majority of calls:

- 29% Residential Tenancies List (29% in 2005–06);
- 18% Planning and Environment List (20% in 2005–06);
- 19% Guardianship List (20% in 2005–06); and
- 17% Civil Claims List (16% in 2005–06).

VCAT Website

Our website is a vital source of information for our users and for Members and staff at VCAT. During 2006–07, we continued to improve the website, including initiating a refresh of the content management software due to be released in the next financial year. Refer to page 72 of this Annual Report for more information about the VCAT website.

Digital Recording

The digital recording system records proceedings taking place throughout all of VCAT's hearing rooms and stores those recordings onto a central server computer. The system allows VCAT users to order printed transcripts of hearings (at their cost) and presiding VCAT Members to access voice recordings. Transcripts may be an important source of information in the event of an appeal. The recordings protect the interests of both users and Members participating in hearings, with the added benefit

of monitoring and improving standards of conduct by all participants during proceedings.

In 2006–07, we received 436 requests for transcripts from VCAT users (427 in 2005–06) and 229 requests for copies of voice recordings from VCAT Members (241 in 2005–06). We expanded the digital recording system to the new Mediation Centre on the second floor of 55 King Street, including four mediation breakout rooms and two hearing rooms, for a total of 48 hearing rooms across the entire system.

The Future

VCAT will continue to incorporate information technology developments to enable the consolidation of ICMS at VCAT. The system aims to establish a single, integrated technology platform and set of applications for the courts and tribunals, with deployment scheduled for VCAT during mid-2009.

In the next financial year, we plan to incorporate the following initiatives:

- Replace and install 155 desktop computers for VCAT staff in November 2007.
- Upgrade the content management software system for the VCAT website, as part of a DOJ-wide initiative.
- Replace and install new network server infrastructure.
- Implement version upgrades to VCAT's email and calendar software, and critical case management systems.



The VCAT ICMS Project Team, from left—Phil Monk, Karen Collins, David Freeman, Marilyn Lambert and Tina Horewood. VCAT will continue to incorporate information technology developments to enable the consolidation of ICMS at VCAT. The system aims to establish a single, integrated technology platform and set of applications for the courts and tribunals, with deployment scheduled for VCAT during mid-2009.

Appendices

Operating Statement and Financial Commentary

The following information summarises VCAT funding sources and expenditure for 2006–07, compared with 2005–06.

Funding	2006–07 (\$M)	2005–06 (\$M)
Funding		
<i>VCAT funding sources:</i>		
Appropriations	16.30	15.69
Residential Tenancies Trust Fund	8.58	8.00
Domestic Builders Fund	2.06	1.91
Guardianship and Administration Trust Fund	1.10	1.00
Legal Practice List	1.41	0.78
Total:	29.45	27.38
Expenditure		
<i>VCAT operational expenditure:</i>		
Salaries to staff	7.77	7.22
Salaries to Full-Time Members	6.68	5.87
Salaries to Sessional Members	4.06	3.87
Salary related on-costs	2.93	2.61
Operating costs	8.01	7.81
Total:	29.45	27.38

VCAT Expenditure Allocated by List*

Residential Tenancies List	8.58	8.00
Planning and Environment List	7.32	6.60
Guardianship List	4.10	3.68
General List, Occupational and Business Regulation List, and Taxation List	2.19	2.40
Civil Claims List	2.14	2.38
Domestic Building List	2.06	1.91
Legal Practice List	1.41	0.78
Real Property List and Retail Tenancies List	0.56	0.43
Credit List	0.41	0.47
Anti-Discrimination List	0.37	0.50
Land Valuation List	0.31	0.23
Total:	29.45	27.38

*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.

Expenditure

In 2006–07, VCAT's recurrent expenditure of \$29.45 million was 7.6% higher than the \$27.38 million expended by VCAT in 2005–06, divided among expenditure on salaries to Full-Time and Sessional Members (\$10.74 million), staff salaries (\$7.77 million), salary related on-costs (\$2.93 million) and operating expenses (\$8.01 million).

Funding

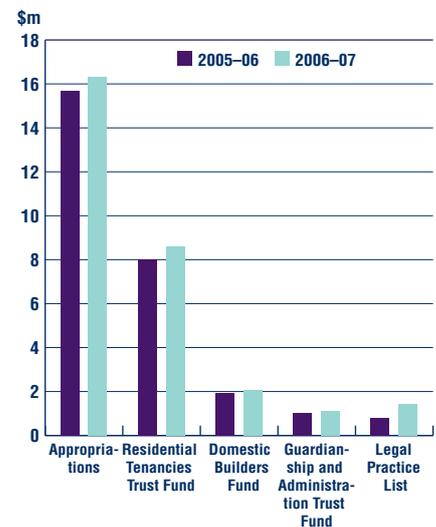
VCAT received Victorian Government appropriations (\$16.30 million) either directly from the Department of Justice or by way of other departments making contributions to VCAT. These sources fund all but those Lists

funded by trust funds, as described below.

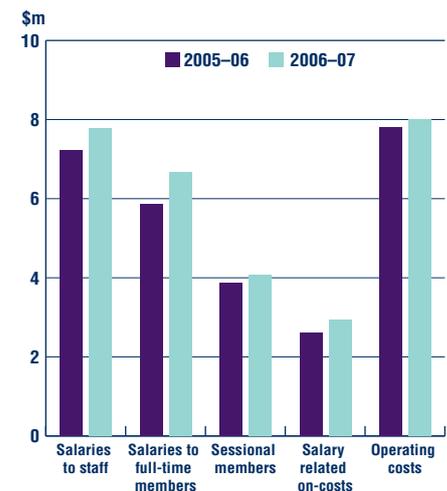
Appropriations include revenue of \$1.54 million generated by those Lists receiving application fees.

- The Residential Tenancies Trust Fund, established under the *Residential Tenancies Act 1997*, wholly funds the Residential Tenancies List (\$8.58 million).
- The Domestic Builders Fund, established under the *Domestic Building Contracts Act 1995*, wholly funds the Domestic Building List (\$2.06 million).
- The Guardianship and Administration Trust Fund established under the *Guardianship and Administration Act 1986*,

VCAT Funding Sources—2005–07



VCAT Operational Expenditure—2005–07



partially funds the Guardianship List (\$1.10 million).

- The Legal Services Board established under the *Legal Profession Act 2004*, wholly funds the Legal Practice List (\$1.41 million).

VCAT Audited Accounts

VCAT's accounts are audited and published as part of the accounts of the Department of Justice, which are published in the Annual Report of the Department of Justice. These figures may vary from the information published in VCAT's Annual Report due to adjustments made after the publication of this Annual Report.

Legislation Defining VCAT Jurisdiction

As at 30 June 2007, the following legislation gave jurisdiction to VCAT:

Administrative Division

1. General List

The functions of VCAT under the following enabling Acts are allocated to the General List of the Administrative Division:

- *Accident Compensation Act 1985*.
- *Adoption Act 1984* section 129A(1)(a) (decisions regarding fitness to adopt and approval to adopt).
- *Associations Incorporation Act 1981*.
- *Births, Deaths and Marriages Registration Act 1996*.
- *Cemeteries and Crematoria Act 2003*.
- *Children and Young Persons Act 1989*.
- *Community Services Act 1970*.
- *Co-operatives Act 1996*.
- *Country Fire Authority Act 1958*.
- *Dangerous Goods Act 1985*.
- *Domestic (Feral and Nuisance) Animals Act 1994* section 98(2) (declaration and registration of dangerous dogs).
- *Drugs, Poisons and Controlled Substances Act 1981*.
- *Electoral Act 2002*.
- *Electricity Safety Act 1998*.
- *Emergency Management Act 1986*.
- *Emergency Services Superannuation Act 1986*.
- *Equipment (Public Safety) Act 1994*.
- *Estate Agents Act 1980* section 81(5A) (claims against guarantee fund).
- *Fisheries Act 1995*.
- *Freedom of Information Act 1982*.
- *Fundraising Appeals Act 1998*.
- *Gambling Regulation Act 2003*.
- *Gas Safety Act 1997*.
- *Health Act 1958* section 125 (compensation for seizure of property).
- *Health Records Act 2001*.
- *Infertility Treatment Act 1995*.
- *Information Privacy Act 2000*.
- *Livestock Disease Control Act 1994*.

- *Local Government Act 1989* sections 38(2A) and 48 (decisions of the Municipal Electoral Tribunal), section 133 (decision of the Minister imposing a surcharge) and clause 8 of Schedule 12 (decisions of returning officers concerning how-to-vote cards).
- *Melbourne and Metropolitan Board of Works Act 1958*.
- *Mental Health Act 1986* sections 79 (decision of the Chief General Manager), 120 (decisions of the Mental Health Review Board).
- *Metropolitan Fire Brigades Act 1958*.
- *Motor Car Traders Act 1986* section 79 (claims against the guarantee fund).
- *Occupational Health and Safety Act 2004*.
- *Parliamentary Salaries and Superannuation Act 1968*.
- *Road Management Act 2004*.
- *Road Transport (Dangerous Goods) Act 1995*.
- *Sports Event Ticketing (Fair Access) Act 2002*.
- *State Employees Retirement Benefits Act 1979*.
- *State Superannuation Act 1988*.
- *Superannuation (Portability) Act 1989*.
- *Tertiary Education Act 1993*.
- *Transport Accident Act 1986*.
- *Transport Superannuation Act 1988*.
- *Travel Agents Act 1986* section 46 (claims against approved compensation schemes).
- *Victims of Crime Assistance Act 1996*.
- *Victoria State Emergency Service Act 2005*.
- *Victorian Plantations Corporation Act 1993*.
- *Victorian Qualifications Authority Act 2000*.

2. Land Valuation List

The functions of VCAT under the following enabling Acts 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*.
- *Land Tax Act 1958* section 25(1)(a) (so much of decision of the Commissioner as relates to the value of land).
- *Local Government Act 1989* section 183 (differential rating).
- *Mildura College Lands Act 1916* section 2(ec) (decision of the Valuer-General on value of land).
- *Mineral Resources Development Act 1990* section 88 (compensation for loss caused by work under a licence).
- *Pipelines Act 1967* section 22B (objections to compulsory acquisition of native title rights and interests).
- *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).

3. Occupational and Business Regulation List

The functions of VCAT under the following enabling Acts 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*; Sch. 1, Part 1 cl. 2(ha)
- *Biological Control Act 1986*.
- *Children's Services Act 1996*.
- *Chinese Medicine Registration Act 2000*.
- *Chiropractors Registration Act 1996*.
- *Consumer Credit (Victoria) Act 1995* Part 4 (registration of credit providers) and section 37I(1) (permission, including conditions, to a disqualified person to engage or be involved in finance broking).
- *Dangerous Goods Act 1985*.
- *Dental Practice Act 1999*.
- *Domestic (Feral and Nuisance) Animals Act 1994* section 98(1) (registration of premises to conduct a domestic animal business).
- *Education Act 1958* section 55 (endorsement of a school to accept overseas students).
- *Estate Agents Act 1980* except sections 56B(1) (see Real Property List) and 81(5A) (see General List).
- *Extractive Industries Development Act 1995* sections 39 (quarry manager's certificates) and 40 (panel inquiry into quarry manager's fitness).
- *Firearms Act 1996* section 182 (decisions of the Firearms Appeals Committee).
- *Gambling Regulation Act 2003*.
- *Health Services Act 1988* section 110 (decisions of the Minister or Chief General Manager under Part 4).
- *Liquor Control Reform Act 1998*.
- *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).
- *Medical Practice Act 1994* section 60 (registration and discipline of medical practitioners).
- *Mineral Resources Development Act 1990* sections 94 (mine manager's certificates) and 95 (panel inquiries into fitness of mine managers).
- *Motor Car Traders Act 1986* except sections 45 (see Civil Claims List) and 79 (see General List).
- *Nurses Act 1993* section 58 (registration and discipline of nurses).
- *Occupational Health and Safety Act 2004*.
- *Occupational Health and Safety (Certification of Plant Users and Operators) Regulations 1994* regulation 28 (certificates of competency, authorisation of certificate assessors).
- *Optometrists Registration Act 1996* section 58 (registration and discipline of optometrists).
- *Osteopaths Registration Act 1996* section 56 (registration and discipline of osteopaths).
- *Physiotherapists Registration Act 1998*.
- *Podiatrists Registration Act 1997* section 56 (registration and discipline of podiatrists).
- *Prevention of Cruelty to Animals Act 1986* section 33 (licensing of scientific establishments and breeding establishments).
- *Professional Boxing and Combat Sports Act 1985* (licences, permits and registration).
- *Prostitution Control Act 1994*.
- *Psychologists Registration Act 2000*.
- *Public Transport Competition Act 1995*.
- *Racing Act 1958*.
- *Second-Hand Dealers and Pawnbrokers Act 1989* sections 9B and 14 (correction of register).
- *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 Land Valuation 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*.
- *Victorian Institute of Teaching Act 2001*.
- *Wildlife Act 1975*.
- *Working with Children Act 2005*.

4. Planning and Environment List

The functions of VCAT under the following enabling Acts are allocated to the Planning and Environment List of the Administrative Division:

- *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 cooperative agreements).
- *Environment Protection Act 1970*.
- *Extractive Industries Development Act 1995* except sections 39 and 40 (see Occupational and Business Licensing List).
- *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 a special rate or charge) and 185AA (imposition of a special rate or charge).
- *Mineral Resources Development Act 1990* except sections 88 (see Land Valuation List), 94 and 95 (see Occupational and Business Regulation List).
- *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).

Legislation Defining VCAT Jurisdiction

- *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): Transport (Roads and Property) Regulations 1993 regulation 18.
- *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).

5. Taxation List

The functions of VCAT under the following enabling Acts are allocated to the Taxation List of the Administrative Division:

- *Business Franchise (Petroleum Products) Act 1979*.
- *Business Franchise (Tobacco) Act 1974*.
- *First Home Owner Grant Act 2000*.
- *Land Tax Act 1958* with the exception of section 25(1)(a) to the extent that the decision of the Commissioner relates to the value of land.
- *Taxation Administration Act 1997*.

Civil Division

1. Civil Claims List

The functions of VCAT under the following enabling Acts 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).
- *Retirement Villages Act 1986*.

2. Credit List

The functions of VCAT under the following enabling Acts are allocated to the Credit List of the Civil Division:

- *Chattel Securities Act 1987* sections 25 (compensation for extinguishment of security interest).
- *Consumer Credit (Victoria) Act 1995* except Part 4 and section 37I(1) (see Occupational and Business Regulation List).
- *Credit Act 1984*.
- *Credit (Administration) Act 1984*.

3. Domestic Building List

The functions of VCAT under the following enabling Acts are allocated to the Domestic Building List of the Civil Division:

- *Building Act 1993*.
- *Domestic Building Contracts Act 1995*.
- *Fair Trading Act 1999*.
- *House Contracts Guarantee Act 1987*.

4. Legal Practice List

The functions of VCAT under the following enabling Acts 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*.

5. Real Property List

The functions of VCAT under the following enabling Acts are allocated to the Real Property List of the Civil Division:

- *Estate Agents Act 1980* section 56B(1) (disputes about commission and outgoings).
- *Fair Trading Act 1999*.
- *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).

6. Residential Tenancies List

The functions of VCAT under the following enabling Acts are allocated to the Residential Tenancies List of the Civil Division:

- *Fair Trading Act 1999*.
- *Housing Act 1983*.
- *Housing (Housing Agencies) Act 2004*.
- *Landlord and Tenant Act 1958*.
- *Residential Tenancies Act 1997*.
- *Retirement Villages Act 1986*.
- *Housing (Housing Agencies) Act 2004*.

6. Retail Tenancies List

The functions of VCAT under the following enabling Acts are allocated to the Retail Tenancies List of the Civil Division:

- *Fair Trading Act 1999*.
- *Retail Leases Act 2003*.

Human Rights Division

1. Anti-Discrimination List

The functions of VCAT under the following enabling Acts are allocated to the Anti-Discrimination List of the Human Rights Division:

- *Equal Opportunity Act 1995*.
- *Racial and Religious Tolerance Act 2001*.

2. Guardianship List

The functions of VCAT under the following enabling Acts are allocated to the Guardianship List of the Human Rights Division:

- *Guardianship and Administration Act 1986*.
- *Instruments Act 1958* Division 6 of Part XIA.
- *Medical Treatment Act 1988* section 5C (enduring powers of attorney).
- *Mental Health Act 1986* section 86 (decisions for major medical procedures).
- *Trustee Companies Act 1984*.

VCAT Member Directory as at 30 June 2007

List(s) Assigned

List(s) Assigned

Judicial Members

President

His Honour Judge John Bowman (Acting)

Vice-Presidents (Full-Time)

His Honour Judge John Bowman

Her Honour Judge Marilyn Haribson

Vice-President (Sessional)

His Honour Judge Eugene Cullity

Vice-Presidents (On Call)

Her Honour Judge Sandra Davis

His Honour Judge James Duggan

His Honour Judge Michael Higgins

His Honour Judge Michael Strong

His Honour Judge Frederick Davey

Total Judicial Members: 8

Deputy Presidents *(Primary List Highlighted in Bold)*

Aird, Catherine **DB, CC, Ret T, G, P, Res T, Real P**

Billings, John **Res T, G, CC**

Coghlan, Anne **C, Gen, Res T, CC, G, T, OBR, AD**

Dwyer, Mark **LV, P, OBR, G, Tax, LP, Real P, Ret T**

Gibson, Helen **P, LV**

Macnamara, Michael **Ret T, C, DB, OBR, Gen, Real P, P, AD, CC, LV, T**

McKenzie, Cate **AD, Gen, C, G, CC, OBR**

Steele, Bernadette **Res T, CC, G, Real P, AD, Gen, OBR, DB, Ret T**

Total Deputy Presidents: 8

Senior Members

Baird, Margaret **P, LP, OBR**

Byard, Russell **P, Real P, LV**

Davis, Robert **Gen, Ret T, Real P, DB, OBR, P, CC, Tax, AD, LP**

Fanning, David Kevin **RT, G, CC**

Howell, Malcolm **LP, CC, OBR, Gen**

Lambrick, Heather **Res T, CC, G, OBR**

Liston, Anthony **P, OBR**

Lothian, Margaret **DB, Ret T, CC, Res T, G, P, Real P**

Monk, Jane **P**

Preuss, Jacqueline **Gen, AD, P, OBR, G, CC**

Scott, Robert **Res T, CC, Gen, G**

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

Walker, Rohan **Gen, Res T, CC, AD, P, DB, G, Ret T, Real**

Total Senior Members: 13

Senior Sessional Members

Cremean, Dr Damien **DB, CC, OBR, Ret T, Real P, G, Gen, Res T, Tax**

Galvin, John **Gen, OBR, Tax, G, Res T**

Horsfall, Richard **P, LV, OBR, DB**

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

Marsden, Ian **P**

Megay, Noreen **Gen, G, OBR, CC, Tax, AD, LP, Res T, Real P, Ret T**

Sharkey, Gerard **P, Real P, Ret T**

Young, Roger **DB, Real P, Ret T, CC, Res T, P, LV**

Total Senior Sessional Members: 8

Full-Time Members

Barker, Heather **Res T, CC, G**

Bennett, John **P, OBR**

Butcher, Gerard **LP, CC, OBR, Gen**

Carruthers, Maureen **G, AD**

Cimino, Sam **P, OBR**

Grainger, Julie **Res T, CC, G, C**

Hadjigeorgiou, Nicholas **P**

Hewet, Laurie **P, OBR**

Holloway, William **Res T, CC, DB, G, Gen**

Kefford, Jacquelyn **Res T, CC, C, G**

Komesaroff, Tonina **P, LV**

Liden, Susanne **Res T, CC, G, AD, C**

Martin, Philip **P, LV, OBR**

Moraitis, Stella **Gen, CC, G, Res T, C**

Naylor, Rachel **P**

O'Halloran, Donald **RT, G, Gen, CC, OBR**

O'Leary, Peter **P, OBR**

Potts, Ian William **P, Real P**

Proctor, Ian David **RT, G, Gen, CC, C**

Rickards, Jeanette **P, LV, OBR**

Tilley, Annemarie **Res T, CC, AD, C, Gen, G**

Total Full-Time Members: 21

Sessional Members

Alsop, David **P**

Barrand, Pamela **Res T, CC, G**

Barton, Terence **G**

Batrouney, Roger **LP**

Bilston-McGillen, Tracey **P**

Bolster, John **G, CC, Res T, Gen, OBR**

Borg, Susan **Res T, CC, AD, G**

Bourke, Gavan **LV**

Bridge, Emma **Res T, CC, G, Gen**

Brophy, Maurice **LP**

Brown, Vicki **LV**

Burdon-Smith, Susan **Res T, CC, G**

Burgess, Zena **AD, G**

Calabro, Domenico **Res T, CC**

Campbell, Heather **LP, OBR**

Caputo, Joseph (CR JP) **LP**

Carew, Megan **P**

Chase, Gregory **P**

Cherrie, Debra **LP**

Cleary, Peter **LV**

Coldbeck, Peter **Gen, G, CC, OBR, Res T**

Cooney, Lillian **LP**

Coulson Barr, Lynne **LP**

Counsel, Caroline **LP**

Cremean, Bernadette **AD, CC, Res T**

Croft, Dr Clyde **Tax, OBR, LP**

David, Graeme **P**

Davies, Hugh **CC, Res T**

Davies, Vicki **P**

VCAT Member Directory as at 30 June 2007

<i>List(s) Assigned</i>		<i>List(s) Assigned</i>	
Davine, Diarmid	LP	McDonald, Timothy*	G, CC, Res T, Gen, OBR
Davis, Dr Julian	G, OBR	McFarlane, Timothy	G
Dawson, Julie	AD, G	McGarvie, Ann	Res T, CC, G
Dillon, John	OBR, Civil, Res T	McGregor, Irene	CC, G
Doherty, John*	Res T, CC, G	McKenzie, Susanne	LP
Dudakov, Brian	LV	McNamara, Kenneth	P
Dudycz, Dr Maria	AD, G, OBR	Mulcare, Rosemary	LP
Duggan, Anne	G	Myers, Dr Paul	LP
Dunlop, John	OBR	Nihill, Genevieve	Res T, CC, G
Eccles, Desmond (Assoc Prof)	P, OBR	Norman, Kathryn	Res T, CC, G
Eggleston, Peter	Res T, CC	Osborn, Jane	P
Evans, Robert	P	Ozanne-Smith, Eleanor (Prof)	OBR
Ferres, Dr Beverley	AD, G, OBR	Page, Rodney	LP
Fong, Christina	P	Perlman, Janine	Res T, CC, AD
Farkas, Michael	LP	Phillips, Robert	CC, Res T, G
Garantziotis, Aristomenis, SC	LP	Pitt, Margaret	LP
Gerber, Paula	DB, AD, CC	Pizzey, Geoffrey	P
Gibson, Geoffrey	Tax	Popovic, Jelena*	G, CC, Res T, Gen, OBR
Gilfillan, Struan	P	Price, Roland	Res T, CC
Glover, Dr John	Gen, Tax	Quirk, Anthony	P, Real P
Good, June	Res T, CC, G	Rae, David	P
Gorman, Lois	G, OBR	Raleigh, Steven*	G, CC, Res T, Gen, OBR
Graves, Phillip	G	Rapke, Jeremy	LP
Grayling, Jennifer	LP	Read, Michael	P
Hancock, Elisabeth	LV	Richards, Keith	Gen, CC, DB, G, Real P, Ret T, Res T
Hannebery, Elaine	LP	Robinson, Ian	LV
Harper, Patricia	LP	Ryan, Christopher	LP
Harrison, Fiona	LP	Rowland, Linda	Gen, Res T, CC, G, AD
Harty, Christopher	P	Shattock, Peter	LP
Harvey, Margaret	G, AD, CC, Res T	Soldani, Angela	Res T, CC, G
Hawkins, Annabel	Res T, CC, G	Southall, Anthony, QC	LP
Hendtlass, Jane	Res T, CC, G, AD	Taranto, Mary-Ann	P
Horan, Anthony	LP	Tyers, Judith	LP
Ireland, Damian	OBR	Von Einem, Ian*	G, CC, Res T, Gen, OBR
Jenkins, Louise	LP	Wajcman, Jack	Res T, CC
Jopling, Peter, QC	LP	Walsh, Michael	DB, CC, Res T, Real P, Ret T
Keaney, John	P	Walter, Richard	P
Keddie, Ann	P	Warren, Lindsay	CC, Res T, Ret T, G
Kirmos, Kay	Res T, CC	Wentworth, Elizabeth	AD, CC, C, Gen, Res T, LP
Kominos, Angela	Res T, CC, AD, G	West, Lynda	Gen, CC, G, Res T, AD
Laidler, Terrence	OBR, AD	Williams, Charles	Gen, OBR, AD, G
Lambden, Elizabeth*	G, CC, Res T, Gen, OBR	Wilson, Cynthia	P
Langton, Robert	CC, Res T, DB	Zala, Peter	LV
Lasry, Lex, QC	LP	Zemljak, Francis	AD
Lee, Christopher	LV	Total Sessional Members: 127	
Levin, David, QC	LP	Total Members: 185 (79 Females, 106 Males)	
Lightfoot, Brian	CC, Res T, Ret T, Real P, G	List of Abbreviations:	
Lindsay, Fiona	LP	AD (Anti-Discrimination) C (Credit) CC (Civil Claims) DB (Domestic Building)	
Lipson, Mark	LP	G (Guardianship) Gen (General) LP (Legal Practice) LV (Land Valuation) OBR	
Louden, David	OBR	(Occupational and Business Regulations) P (Planning) Real P (Real Property)	
Lulham, Ian	DB, Res T, CC	Res T (Residential Tenancies) Ret T (Retail Tenancies) T (Taxation)	
Mainwaring, Dr Sylvia	P, AD, Real P	*(Magistrate)	
McCabe, Edmund	Res T, CC, G		
MacDonald, Dr David	OBR, G		

Speeches and Information Sessions

Acting President of VCAT John Bowman

- Guest Speaker at:
 - Clerk of Courts Group Annual Dinner
 - Newman College Old Collegian Dinner
 - Monash University Final Year Law Students Dinner
 - AIJA Tribunals Conference Dinner.
- Speaker at farewell dinner for inaugural VCAT Chief Executive Officer John Ardlie.
- Speaker at Law Institute of Victoria, Young Lawyers' Section, Annual Legal Comedy Debate, as part of Melbourne International Comedy Festival.
- Presenter at Australian Lawyers Alliance Conference regarding the *Legal Profession Act 2004* and the Legal Practice List.
- Presenter at Law Institute of Victoria Costs Lawyers' Conference regarding the Legal Profession Act and costs implications.
- Launched the third edition of *Pizer's Annotated VCAT Act*, a text written by Jason Pizer, and presented a paper on new jurisdictions and recent developments at VCAT following that launch.

Former President of VCAT Stuart Morris

- 16 November 2006—*Getting Real on Expert Evidence* at a seminar hosted by the Victorian Planning and Environment Law Association, in conjunction with Maddocks, solicitors, at Federation Hall, Victorian College of the Arts.
- 25 October 2006—*Ideas to Improve our Planning Appeals System* at the Municipal Association of Victoria and VicUrban Quarterly Breakfast at Melbourne.

- 14 September 2006—*Apprehension of Bias* at the Australasian Conference of Planning and Environment Courts and Tribunals.
- 19 April 2007—*Farewell speech—Justice Stuart Morris* at a hearing of VCAT.
- 4 May 2007—*Inherent Conflicts in the Planning System* at a luncheon held by the Urban Development Institute of Australia (Victoria).
- *Fairness in Advocacy* at a seminar held by the Residential Tenancies List entitled *The Residential Tenancies Act 1997—Ten Years On*.

Deputy President Cate McKenzie

- August 2006—Financial and Consumer Rights Council, the peak body for financial counsellors in Victoria, in particular those providing free, government funded financial counselling.
- September 2006—The 16th National Consumer Credit Conference to discuss major issues and initiatives concerning credit, such as the application of electronic transactions legislation to consumer credit products, the regulation of finance brokers, and measures to respond to financial over-commitment by consumers. A summary of conference proceedings was circulated to Members and mediators of the Credit List.
- March 2007—Leo Cussen Institute, attended by various consumer affairs representatives and lawyers who assist debtors and credit providers.
- April 2007—Complaints handling officers of Consumer Affairs about the List so they may advice debtors who contact them.

Senior Member Margaret Lothian

- 7 July 2006—*Mediation at VCAT and 22 Deadly Sins of Lawyers* for law students at Monash University.
- 13 December 2006—*The Use of Technical Reports in the Domestic Building List* to Technical Inspectors of the Building Commission.
- 8 May 2007—*Mediate or Litigate?* at the Legal Studies Forum, Caulfield Grammar School.
- 10 May 2007—*An Outbreak of Common Sense* at the Civics Roadshow for Victoria Law Foundation.
- 8 June 2007—*Alternative Dispute Resolution and Tribunals* at the AIJA Tribunal Conference.

Deputy President Catherine Aird

- 15 November 2006—*Update for Experts* at an experts' seminar presented by Rigby Cook Solicitors.
- 19 May 2007—Back by popular demand, attended the Master Builders Association Tasmania Conference in Launceston as a keynote speaker.

Presentations by Deputy President John Billings

- 28 July 2006—*VCAT's role in determining financial competence and protecting the vulnerable* to Psychology Services, CDAMS and Aged Care Services, Caulfield General Medical Centre.
- 7 August 2006—*The role of VCAT Guardianship List* (Forum with OPA and STL) in Sale.
- 8 August 2006—*The role of VCAT Guardianship List* (Forum with OPA and STL) in Morwell.

Speeches and Information Sessions

- 8 August 2006—*The role of VCAT Guardianship List* (Forum with OPA and STL) in Wonthaggi.
- 16 August 2006—*The Guardianship List and medical issues* at the Medical Treatment Law Intensive, Leo Cussen Institute.
- 23 August 2006—*Protective orders and the operation of the Guardianship List* (with Members Liden and Nihill) to the Law Institute of Victoria Continuing Professional Development Seminar.
- 4 October 2006—*Guardianship List: capacity and access to information* to the Department of Human Services Health Agencies FOI Network Practice Issues Forum.
- 14 November 2006—*Applications for guardianship and administration: when and when not required* to Villa Maria.
- 23 November 2006—*VCAT: Guardianship and Administration Act 2006* to the Community Care Case Managers Conference.
- 11 December 2006—*Guardianship and Administration Act 2006* to Grampians Region Quality Forum, Department of Human Services.
- 7 March 2007—*Redressing financial abuse by an attorney under an EPA (Enduring Power Of Attorney)* at the 5th Annual Wills, Succession and Estate Planning Conference, LexisNexis, Melbourne.
- 22 March 2007—*Best practice in guardianship decision making* (with Member Liden) to the National Guardianship and Administration Conference.
- 23 March 2007—*Victoria's protective agencies: services and programs for Victorians living with a disability* (with Members Nihill and Proctor) to the National Guardianship and Administration Conference.

- 13 June 2007—*EPAs and the operation of the Guardianship List* to the Elder Law Committee of the Law Institute of Victoria.

Other VCAT Members and Staff

- 19 June 2007—Members of the Occupational and Business Regulation List and relevant Registry staff conducted an information session for members of various health profession boards in anticipation of the *Health Professions Registration Act 2005* transferring to VCAT.

Access to Files, Publications and Information

Access to Files and Your Privacy at VCAT

VCAT stores information about people who have been involved in cases at VCAT in its register (including file numbers, names of parties and orders of VCAT) and in its proceeding files about individual cases.

Those involved in the case give information to VCAT, which can include names, addresses and telephone numbers. Generally, VCAT orders that decide a proceeding (final orders) are kept permanently and other information will be kept for five years.

The VCAT Act governs what information is available. It balances the principle that justice should be administered in public with principles of privacy. The following summary explains who can obtain such information from VCAT.

Who Can Read VCAT Orders?

All VCAT orders are generally available to the public. Usually, orders name the people concerned but do not record such details as addresses and telephone numbers. The decisions may summarise evidence given to VCAT.

Some orders may allow a reader to discover a party's home address because some orders record the address of a rental property (Residential Tenancies List) or home renovation or building (Domestic Building List and Planning and Environment List), or the address for local government rates (Land Valuation List) because the address is part of the dispute. Since the orders usually record names of parties, a reader may be able to discover a party's home address. If parties are concerned, they should make application to VCAT asking that orders not allow for a home address to be discovered. This action must be taken before any orders are made.

Except in the Guardianship List, if a decision includes written reasons for the decision, VCAT publishes the decision via www.austlii.edu.au/au/cases/vic/vcat/.

If an individual searches the Internet using a person's name recorded in the decision, he or she may find that decision. Additionally, VCAT publishes a small number of significant decisions from any List on its home page at www.vcat.vic.gov.au.

In individual cases, VCAT may restrict or deny access to orders under section 144 of the VCAT Act (orders on the register) and section 146 of the VCAT Act (orders on the files).

Who Can Read VCAT Proceeding Files?

VCAT proceeding files can hold the original application to VCAT, VCAT's orders, correspondence between the parties and VCAT, plus documents provided to VCAT by the parties. This information held at VCAT is generally available to any person who identifies a particular case and asks to inspect the file. The exception created by law are files concerning the *Freedom of Information Act 1982*, which are not open for inspection or copying by any person (VCAT Act—Schedule 1, Clause 30).

In individual cases, VCAT may restrict or deny access to files under section 146 of the VCAT Act. The parties to cases may apply to VCAT to have access to the proceeding file.

Generally, requests from a party for access to a file will be immediately granted in all Lists but the Guardianship List. Files about proceedings finalised more than one year prior may not be available for a day while the file is retrieved from the off-site archive. Requests for Guardianship List files will be referred to a VCAT Member to decide whether or not to grant access.

Any request from a non-party for access to a file in the following VCAT Lists—Civil Claims, Domestic Building, General (excluding FOI), Land Valuation, Planning and Environment, Real Property, Residential and Retail Tenancies—will be subject to retrieval from archiving. These requests may be referred to a VCAT Member.

Access to Files

Any request from a non-party for access to a file in Lists where parties regularly raise concerns about protection of their privacy—Anti-Discrimination, Credit, General (health records and privacy), Guardianship, Occupational and Business Regulation and Taxation—will be referred to a VCAT Member who will consider whether a direction should be made under section 146(4)(b) of the VCAT Act.

The Court of Appeal has issued guidelines setting out the process VCAT might follow when considering applications by a non-party for access to a proceeding file.

Natural justice must be afforded to a non-party seeking access to a VCAT file. VCAT should give written notice to a person seeking access if it proposes to give a direction that would deny them access to the file and to invite the person to put forward an argument in writing as to why access should not be denied. At this stage, VCAT should advise the person of any adverse matter relating to that person, which VCAT proposed to take into account. This process enables the person to address any such adverse matter. There would be no need to involve the parties to the proceeding in this process unless, after considering the arguments put forward by the person seeking access, VCAT allowed the person access to the file. At that point, the parties would be given the opportunity to

Access to Files, Publications and Information

express their views on whether access should be permitted. VCAT has adopted this practice when considering file access requests from a non-party.

Will VCAT Tell Others About The Information It Holds?

In most situations, apart from publishing decisions, repeating anything said or done at a public hearing of VCAT or allowing the public to search the register and files, VCAT is prohibited by law from disclosing information about you to the public.

Am I Allowed to Publish Information Discovered from VCAT Orders or Files?

The only restriction that applies by law is that unless VCAT orders otherwise, a person must not publish or broadcast or cause to be published or broadcast any report of a proceeding under the *Guardianship and Administration Act 1986* that identifies, or could reasonably lead to the identification of, a party to the proceeding.

Publications and Information

The following publications and information about VCAT are available to the public:

- Annual Report
- VCAT Act
- VCAT Information Booklet

In conjunction with ANSTAT Pty Ltd, other VCAT related publications include:

- VCAT Freedom of Information
- VCAT Domestic Building
- VCAT Residential Tenancies
- VCAT Laws and Procedure

Other relevant publications include:

- Kyrou and Pizer Victorian Administrative Law
- Victorian Planning Reports
- Victorian Administrative Reports
- Pizer's Annotated VCAT Act

In addition, the VCAT website contains links to VCAT legislation, Practice Notes and Rules, as well as guides to each List and application forms that may be downloaded. Many VCAT decisions can be found on the Australasian Legal Information Institute (AustLII) database at www.austlii.edu.au/au/cases/vic/VCAT/.

Publication of Determinations and Orders

For the guidance of those who may wish to bring proceedings, VCAT publishes many decisions that relate to important issues. These decisions are available on request by contacting the individual Lists, using the telephone numbers provided on the back cover of this Annual Report, or by visiting the VCAT website at www.vcat.vic.gov.au or the AustLII database referred to previously.

User Service Charter

This User Service Charter tells you about VCAT and the service that you can expect from us.

Our Purpose

To provide Victorians with a tribunal that delivers a modern, accessible, informal, efficient and cost-effective civil justice service.

What We do

We assist Victorians in resolving a range of private disputes that involve:

- consumer purchases (whether private or business);
- credit;
- discrimination;
- domestic building;
- guardianship and administration;
- residential tenancies; and
- retail tenancies.

In addition, VCAT deals with disputes between people and government or bodies created by government about:

- freedom of information;
- licences to work in professions, including working as doctors, travel agents and motor car traders;
- planning;
- transport accident injury compensation; and
- a large variety of other administrative decisions, such as rates charged by councils, state taxation issues and fire brigade charges for false alarms.

Many disputes brought to us are resolved after a legal hearing. However, in many cases the people agree to a solution either among themselves or through mediation held by us.

We provide services throughout Victoria, including holding mediations and hearings at our main premises at 55 King Street Melbourne, in many Magistrates' Courts and at other locations, as required.

We deal with a wide range of people including litigants, witnesses, lawyers, government and other tribunals and courts.

Who We Are

VCAT is made up of a judge of the Supreme Court of Victoria (its President), judges of the County Court of Victoria (its Vice-Presidents) and Members of VCAT.

VCAT has a Registry at 55 King Street, Melbourne. The Registry has an information counter on the ground floor and provides advice by telephone. Registry staff attend hearings conducted by VCAT at suburban Magistrates' Courts. Information about VCAT is available through Magistrates' Courts.

Our User Service Standards

We aim to abide by the following user service standards:

- Assist people in disputes to resolve their differences within published times.
 - Serve you promptly and courteously, whether at VCAT's main offices or at other venues such as Magistrates' Courts.
 - Answer your telephone calls promptly and aim to answer your questions during that call.
 - Provide you with an accurate explanation of VCAT procedures.
 - Make information on VCAT processes and procedures available by means of explanatory brochures, through the VCAT web site and advice from staff.
 - Ensure that all VCAT facilities are safe, accessible and convenient to use.
 - Ensure that all VCAT staff wear name badges when in public areas of VCAT.
- You have a right to:
- fair and helpful assistance, including appropriate arrangements to cater for special access or cultural requirements;
 - be provided with an interpreter where necessary;
 - have your privacy respected and keep your information confidential, unless disclosure is authorised by the law;
 - a fair and just mediation and/or hearing in a safe environment; and

- receive timely decisions by VCAT.
- You have a responsibility to:
- give us complete and accurate information as is appropriate in your situation;
 - comply with any directions or orders of VCAT; and
 - behave courteously and peaceably in and around VCAT venues.

If You are Satisfied

Our aim is to ensure all VCAT users are greeted by courteous staff who will provide clear and accurate information about VCAT. If we have pleased you with our level of service, then please let us know. We value your feedback, either in person, by mail, telephone, fax or email. (Refer to the contact details provided on the back cover of this Annual Report.)

If You are not Satisfied

We take your complaints seriously and will respond quickly. If necessary, we will also use the information that you provide to improve our service to all of VCAT's users by changing the way we work. To make a complaint, please contact us either in person, by mail, telephone, fax or email.

If You Need More Information

Further information about our services is contained in a series of informative brochures that are available free from VCAT.

Information is also available on our Internet site at www.vcat.vic.gov.au.

Written feedback about:

- Members of VCAT (the people who hear and decide disputes) may be addressed to the President of VCAT; and
- the administrative services provided by VCAT may be addressed to the Principal Registrar of VCAT.

VCAT Website

Visit the VCAT website at www.vcat.vic.gov.au where you can find everything you need to know about VCAT.

The website features information about:

- VCAT legislation, Practice Notes and Rules;
- the daily law list; and
- a selection of key decisions.

In addition, the streaming video *Working It Out Through Mediation* provides details about each List, including information about how to apply and enables users to download and print application forms. It also offers links to a variety of government, judicial and legal websites.

VCAT Online

VCAT Online, our interactive service for the high-volume Residential Tenancies List, enables registered users to lodge their applications electronically, as well as to create and print notices of dispute. Simply visit the VCAT web site at www.vcat.vic.gov.au for more details about this service.

We plan to introduce this new technology progressively to other Lists within VCAT to enable Victorians to complete application forms via the Internet.

Visits

During 2006–07, the number of visits to the VCAT website rose by 13%, totalling 566,538, compared with 499,709 visits in 2005–06 and 22% since 2004–05 when the number of visits totalled 411,237.

During the financial year, the site received approximately 47,212 visits per month, compared with 41,642 in 2005–06. The most popular web pages included:

- VCAT Online;
- the daily law list;
- VCAT decisions; and
- Residential Tenancies.

Other popular web pages included Planning and Environment, Civil Claims and application forms and brochures.

VCAT Online | Decisions | FAQ's | Media | Links | Site Map | Contact Us

VCAT

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

Home

- About VCAT
- Fees-Forms-Brochures
- Daily Law List
- Legislation-Practice Notes
- Mediation
- Anti-Discrimination
- Civil Disputes-Small Claims
- Domestic Building
- FOI-TAC and Other Claims
- Guardianship and Admin
- Planning and Environment
- Residential Tenancies
- Other Disputes at VCAT

Welcome to the **Victorian Civil and Administrative Tribunal (VCAT)**.

VCAT deals with disputes about:

- purchase and supply of goods and services
- discrimination
- domestic building works
- guardianship and administration
- legal profession services
- residential and retail tenancies
- consumer credit.

VCAT also deals with disputes between people and government (State/Local) in areas such as:

- planning and land valuation
- licences to carry on businesses (including travel agents, motor car traders and others)
- State taxation
- many other government decisions (such as Transport Accident Commission decisions and Freedom of Information issues).

What's New

Occupational and Business Regulation List decisions
A.B. Oxford Cold Storage Company Pty Ltd v Victorian WorkCover Authority and Esso Australia Pty Ltd and another v Victorian WorkCover Authority

Civil Claims List decision
Director of Consumer Affairs v AAPT Limited

New forms and guides
Planning and Environment List

Legal Profession Tribunal now a part of VCAT
Updated details now available

VCAT fees rise
New fees from 1 July 2006

VCAT
Copyright | Disclaimer | Privacy
Last Updated: 17/8/2006

How to Apply and Map of Hearing Locations

How to Apply

Applying to VCAT is easy. You may request an application in a variety of ways:

- simply call or write to VCAT and ask for an application form;
- visit us at 55 King Street, Melbourne, Victoria to pick up an application form;
- download and print an application form via the VCAT web site at www.vcat.vic.gov.au; or
- lodge your application to the Residential Tenancies List via VCAT Online at www.vcat.vic.gov.au.

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

Refer to the back cover of this Annual Report for the contact numbers of individual Lists.

Hearing Locations

We conduct hearings at 55 King Street, Melbourne, as well as at Cheltenham, Collingwood, Dandenong, Frankston, Heidelberg, Kew, Ringwood, Sunshine and Werribee. In addition, we visit the rural locations listed on the map below.

Details concerning country sittings are contained in the Law Calendar, which is produced by the Court Services section of the Department of Justice.



A quick, easy and low-cost way to have your case heard.

How to Contact Us

Visit our website (see below) or contact the individual Lists:

VCAT

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

Anti-Discrimination List

Tel: 9628 9900
Fax: 9628 9988

Civil Claims List

Tel: 9628 9830
Fax: 9628 9988
1800 133 055 (within Victoria)

Credit List

Tel: 9628 9790
Fax: 9628 9988

Domestic Building List

Tel: 9628 9999
Fax: 9628 9988

General List

Tel: 9628 9755
Fax: 9628 9788

Guardianship List

Tel: 9628 9911
Fax: 9628 9822
1800 133 055 (within Victoria)

Land Valuation List

Tel: 9628 9766
Fax: 9628 9788

Legal Practice List

Tel: 9628 9081
Fax: 96289988

Occupational and Business Regulation List

Tel: 9628 9755
Fax: 9628 9788

Planning and Environment List

Tel: 9628 9777
Fax: 9628 9788

Real Property List

Tel: 9628 9960
Fax: 9628 9988

Residential Tenancies List

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

Retail Tenancies List

Tel: 9628 9960
Fax: 9628 9988

Taxation List

Tel: 9628 9770
Fax: 9628 9788



www.vcat.vic.gov.au



Residential Tenancies List